

Food Assistance Certification Handbook Table of Contents

Mike DeWine, Governor

Kimberly Hall, Director

Ohio Department of Job and Family Services

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eManual Contents

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Food Assistance Change Transmittals

FACT 70 (Approved Waivers Extended: Interview procedures; Good Cause Extension for lack of Social Security Number; and Delaying Collection on Newly Established Claims)

Food Assistance Change Transmittal No. 70

June 3, 2020

TO: All Food Assistance Manual Holders

FROM: Kimberly Hall, Director Ohio Department of Job and Family Services

SUBJECT: Approved Waivers Extended: Interview procedures; Good Cause Extension for lack of Social Security Number; and Delaying Collection on Newly Established Claims

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. Additionally, on March 13, 2020, President Trump declared a national state of emergency due to the COVID-19 pandemic.

The Families First Coronavirus Response Act (Public Law 116-127) became law on March 18, 2020 and provided states the ability to seek waivers to expand flexibility of programs to ease administrative burden of issuing Supplemental Nutrition Assistance Program (SNAP) benefits while under a state of emergency.

As part of this effort, the Ohio Department of Job and Family Services (ODJFS) received various waiver approvals from the United States Department of Agriculture, Food and Nutrition Services (FNS). The waivers, described in Food Assistance Change Transmittal Letters No. 68 & 69, include: the option to waive the interview in specific circumstances; extending the time frame for good cause if an individual is not able to provide a social security number (SSN) due to closure of the local Social Security offices; and delaying collection on newly established overpayments. These waivers were due to expire on May 31, 2020.

Update:

FNS has approved ODJFS to extend the following waivers through June 30, 2020: the option to waive the interview in specific circumstances; extending the time frame for good cause if an individual is not able to provide a social security number (SSN) due to closure of the local Social Security offices; and delaying collection on newly established overpayments.

Interview

Through June 30, 2020, a county agency is not required to conduct an interview at application prior to approving SNAP benefits, provided the following are met:

- The applicant's identity has been verified; and
- All other mandatory verifications in paragraphs (D) and (E) of rule 5101:4-2-09 of the Ohio Administrative Code (OAC) have been completed.
 - Verification shall be attempted through data matches, documents currently in the case record or provided with the application, and if unavailable, through client statement.
- A county agency is required to contact the applicant if any information on the application is questionable or cannot be verified.
- When a county agency is unable to contact the applicant, it shall schedule a telephone interview and send notice of the appointment to the applicant. The scheduled interview establishes a means of contact with the applicant to gather missing information not included in the application and to obtain client statement where electronic documentation is unavailable. If there is no contact with the applicant at the scheduled appointment time, the county agency must send a notice of missed interview (NOMI). If the applicant does not request to reschedule, the application shall be denied.

Applications processed under expedited procedures, which only require identity and social security number to be verified, still require a telephone interview to be completed in order to authorize benefits for a one or two-month certification period.

Additionally, if a county agency does have to complete an interview (i.e. unable to contact clients or process applications under expedited procedures) it is not required to offer a face-to-face interview, even if an applicant requests this interview method. If a face-to-face interview is requested, the county agency can schedule an interview to be conducted by telephone.

SSN Good Cause

All local Social Security offices were closed to the public for in-person services starting March 17, 2020. Closure of the offices created a hardship for individuals needing to apply for a social security number (SSN) or request a copy of a social security card for themselves or a family member. Supplemental Nutrition Assistance Program (SNAP) regulations require that households participating or applying for SNAP benefits to provide the SSN for each household member or apply for one before certification.

When a SNAP applicant or recipient fails or refuses to provide an SSN, Ohio Administrative Code rule 5101:4-3-22 (C) states, in part, that the county agency shall explain to the individual that failure or refusal without good cause will result in a disqualification for the individual. Paragraph (C)(2) goes on to state, in part, "... when the applicant can show good cause for why a SSN has not been completed in a timely manner, that person shall be eligible to receive SNAP for one month in addition to the month of application."

As a result of the waiver extension the good cause timeframe for failure to provide SSN will be extended for three additional months, for a total of 5 months starting with the month of application. The additional three months can be added to assistance groups who are already in receipt with good cause and to new applicants through June 30, 2020.

The change in good cause timeframes will need to be tracked outside of the system and the change must be documented in journal notes that a good cause extension was granted under a COVID-19 waiver.

Claims Processing

Rule 5101:4-8-15 (L)(2) of the Ohio Administrative Code states that "when a potential claim exists, within five months of the 'discovery or referral date', the county agency shall investigate, obtain verification, calculate the claim and mail the initial demand notice which is the 'established date' unless a potential intentional program violation exists." As a result of the waiver, any claim established after the date this FACT is published shall not have an initial demand notice mailed to the individual until after June 30, 2020.

ODJFS must report to FNS the number of cases whom had initial demand notices that were delayed. County agencies shall track the number of cases and then send an email to their Fraud Control Specialist or the BPI_FCS mailbox (BPI_FCS@jfs.ohio.gov) during the second week of July 2020, but no later than Friday July 10, 2020.

FACT 69 (Interview Procedures during COVID-19 Pandemic)

Food Assistance Change Transmittal No. 69

April 28, 2020

TO: All Food Assistance Manual Holders
FROM: Kimberly Hall, Director Ohio Department of Job and Family Services
SUBJECT: Approved Waivers in Response to COVID-19: Providing a Social Security Number Good Cause Timeline Extension; Claims Processing; and Extending Certification Periods and Interim Report Requirements

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio's citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings. In addition to the state-declared state of emergency, on March 13, 2020, President Trump declared a national state of emergency due to the COVID-19 pandemic.

The Families First Coronavirus Response Act (Public Law 116-127) became law on March 18, 2020 and provided states the ability to seek waivers to expand flexibility of programs to ease administrative burden of issuing Supplemental Nutrition Assistance Program (SNAP) benefits while under a state of emergency.

As part of this effort, the Ohio Department of Job and Family Services (ODJFS) received a waiver approval from the United States Department of Agriculture, Food and Nutrition Services (FNS) to extend the time frame for good cause if an individual is not able to provide a social security number (SSN) due to closure of the local Social Security offices.

Additionally, Ohio has accepted part of a blanket waiver from FNS that allows a delay in collecting on newly established overpayments. Furthermore, FNS has authorized Ohio to extend the waiver for recertification extensions and interim reports. Specifically, certification periods scheduled to expire in June 2020 can be extended six months to December 2020, and interim reports due in June 2020 are no longer required.

New Procedure: Effective immediately, the following changes apply:

SSN Good Cause

All local Social Security offices were closed to the public for in-person services starting March 17, 2020. Closure of the offices creates a hardship for individuals needing to apply for a social security number (SSN) or request a copy of a social security card for themselves or a family member. Supplemental Nutrition Assistance Program (SNAP) regulations require that households participating or applying for SNAP benefits provide the SSN for each household member or apply for one before certification.

When a SNAP applicant or recipient fails or refuses to provide an SSN, Ohio Administrative Code rule 5101:4-3-22 (C) states, in part, that the county agency shall explain to the individual that failure or refusal without good cause will result in a disqualification for the individual. Paragraph (C)(2) goes on to state, in part, "... when the applicant can show good cause for why a SSN has not been completed in a timely manner, that person shall be eligible to receive SNAP for one month in addition to the month of application."

As a result of the waiver approval, the good cause timeframe for failure to provide SSN will be extended for three additional months, for a total of 5 months starting with the month of application. The additional three months can be added to assistance groups who are already in receipt with good cause and to new applicants through May 31, 2020.

The change in good cause timeframes will need to be tracked outside of the system and the change must be documented in journal notes as to that a good cause extension was granted under a COVID-19 waiver.

Claims Processing

Rule 5101:4-8-15 (L)(2) of the Ohio Administrative Code states that “when a potential claim exists, within five months of the ‘discovery or referral date’, the county agency shall investigate, obtain verification, calculate the claim and mail the initial demand notice which is the ‘established date’ unless a potential intentional program violation exists.” As a result of the waiver, any claim established after the date this FACT is published shall not have an initial demand notice mailed to the individual until after May 31, 2020.

ODJFS must report to FNS the number of cases for which we delay sending the initial demand notice. County agencies shall track the number of cases and then send an email to their Fraud Control Specialist or the BPI_FCS mailbox (BPI_FCS@jfs.ohio.gov) during the first week of June 2020, but no later than Friday June 5, 2020.

Extending Certification Periods:

All assistance groups whose certification periods are scheduled to expire in June 2020 will be extended through December 2020. Assistance groups will be notified that their certification date will be extended, and they do not have to reapply and participate in the interview until December 2020.

Interim Reports

Assistance groups with interim reports due in June 2020 are not required. As a result, interim reports will not be sent to assistance groups in June. Assistance groups remain subject to all other reporting requirements until their recertification.

FACT 68 (Interview Procedures during COVID-19 Pandemic)

Food Assistance Change Transmittal No. 68

March 31, 2020

TO: All Food Assistance Manual Holders
FROM: Kimberly Hall, Director Ohio Department of Job and Family Services
SUBJECT: Interview Procedures during COVID-19 Pandemic

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio's citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings.

On March 26, 2020 the United States Department of Agriculture, Food and Nutrition Services (FNS) issued guidance allowing states to accept a blanket adjustment for interview requirements due to COVID-19. Ohio has accepted terms of the blanket adjustment.

New Procedures: Effective immediately through May 31, 2020, a county agency is not required to conduct an interview at application prior to approving SNAP benefits, provided the following are met:

- The applicant's identity has been verified; and
- All other mandatory verifications in paragraphs (D) and (E) of rule 5101:4-2-09 of the Ohio Administrative Code (OAC) have been completed.
 - Verification shall be attempted through data matches, documents currently in the case record or provided with the application, and if unavailable, through client statement.
- A county agency is required to contact the applicant if any information on the application is questionable or cannot be verified.
- When a county agency is unable to contact the applicant, it shall schedule a telephone interview and send notice of the appointment to the applicant. The scheduled interview establishes a means of contact with the applicant to gather missing information not included in the application and to obtain client statement where electronic documentation is unavailable. If there is no contact with the applicant at the scheduled appointment time, the county agency must send a notice of missed interview (NOMI). If the applicant does not request to reschedule, the application shall be denied.

Applications processed under expedited procedures, which only require identity and social security number to be verified, still require a telephone interview to be completed in order to authorize benefits for a one or two-month certification period.

Additionally, if a county agency does have to complete an interview (i.e. unable to contact client or processes the application under expedited procedures) it is not required to offer a face-to-face interview, even if an applicant requests this interview method. If a face-to-face interview is requested, the county agency can schedule an interview to be conducted by telephone.

FACT 67 (Signing Employability Plans and Compliance Form during COVID-19 Pandemic)

Food Assistance Change Transmittal No. 67

March 25, 2020

TO: All Food Assistance Manual Holders
FROM: Kimberly Hall, Director Ohio Department of Job and Family Services
SUBJECT: Signing Employability Plans and Compliance Form during COVID-19 Pandemic

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio's citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings.

As part of this effort and continued compliance with Ohio Administrative Code rules 5101:4-3-29 and 5101:4-3-11.2, which require the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) program employability plan to be signed as well as the JFS 03804 "Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement", the Ohio Department of Job and Family Services (ODJFS) has established the following procedure for accepting verbal signatures over the telephone for a SNAP E&T employability plan and/or the JFS 03804 compliance form.

New Procedure: While under the state of emergency declared through executive order 2020-01D, a county agency may opt to accept a verbal signature over the telephone for a SNAP E&T employability plan and/or the JFS 03804 compliance form. During the telephone appraisal the county agency must read to the client the contents of the E&T employability plan, including the rights, responsibilities and assigned activities. Following the appraisal and verbal signature, a copy of the SNAP E&T employability plan must be mailed to the individual. The JFS 03804 compliance form must also be mailed to the individual after obtaining a verbal signature.

The county agency must record the following information in the case journal notes to document the verbal signature: "On [insert date] [Insert client name] provided a verbal signature to the [SNAP E&T employability plan or JFS 03804 compliance form]. This verbal signature is in accordance with Food Assistance Change Transmittal Letter No. 67. A copy of the [SNAP E&T employability plan or JFS 03804 compliance form] has been mailed to the individual."

FACT 66 (Approved Waivers in Response to COVID-19- Extending Certification Periods and Adjusting Interim Report Requirements)

Food Assistance Change Transmittal No. 66

March 24, 2020

TO: All Food Assistance Manual Holders

FROM: Kimberly Hall, Director Ohio Department of Job and Family Services

SUBJECT: Approved Waivers in Response to COVID-19- Extending Certification Periods and Adjusting Interim Report Requirements

Background: On March 9, 2020 Governor Mike DeWine declared a state of emergency for the entire state of Ohio (Executive Order 2020-01D) to protect the well-being of the citizens of Ohio from COVID-19. In order to protect the lives, safety and health of Ohio's citizens, various orders have been issued from the Governor and the Ohio Department of Health to limit social interaction. These orders include: prohibiting mass gatherings (100 or more people in a single room); closing schools; prohibiting visitors in hospitals and jails; closing restaurants and bars; encouraging businesses to allow employees to work from home as well as asking parents to keep children out of day care settings. In addition to the state-declared state of emergency, on March 13, 2020, President Trump declared a national state of emergency due to the COVID-19 pandemic.

The Families First Coronavirus Response Act (Public Law 116-127) became law on March 18, 2020 and provided states the ability to seek waivers to expand flexibility of programs to ease administrative burden of issuing Supplemental Nutrition Assistance Program (SNAP) benefits while under a state of emergency.

As part of this effort, the Ohio Department of Job and Family Services (ODJFS) submitted waiver requests to the United States Department of Agriculture, Food and Nutrition Services (FNS), including extending certification periods and suspending the interim reporting requirements. FNS approved these waivers with prescribed alternative procedures.

New Procedure: Effective immediately, the following changes apply:

Extending Certification Periods:

All assistance groups scheduled to expire in March 2020, who have not already been recertified for April 1, 2020, will have their certification periods extended through September 2020.

- If the recertification process has not been completed in Ohio Benefits as of the date ODJFS runs the batch process, and benefits are set to expire, the proposed expiration of benefits will be rescinded and the assistance group will be notified that their certification date will be extended. No further recertification actions will be required by the household or county agency until September 2020.
- If an assistance group has completed the recertification process in March 2020 and benefits have been approved beginning in April, the certification period will remain and will not be extended to September 2020.

All assistance groups scheduled to expire in April 2020 will have their certification periods extended through October 2020.

- Assistance groups will be notified that their certification date will be extended and they do not have to reapply and participate in the interview until October 2020.

All assistance groups scheduled to expire in May 2020 will have their certification periods extended through November 2020.

- ODJFS will notice assistance groups that their certification date will be extended.

Extending Interim Report Due Date:

For assistance groups that have an interim report due in March 2020 but fail to return it or it is returned but is not processed in Ohio Benefit as of the date ODJFS runs the batch process, their cases will remain open and a new interim report due date will be established after May 2020.

- Assistance groups who returned their interim report in March (and it was processed in Ohio Benefits) will not be required to complete a second interim report after May; their interim report requirement has been met.

Assistance groups with interim reports due in April or May 2020 will have their due dates extended after May 2020.

- Interim reports will not be sent to assistance groups during these months.

ODJFS will notify the affected assistance groups of the new interim reporting due date.

FACT 65 (October 1, 2019 Mass Change)

Food Assistance Change Transmittal No. 65

September 3, 2019

TO: Food Assistance Certification Handbook Holders

FROM: Kimberly Hall, Director

SUBJECT: October 1, 2019 Mass Change

Previous Policy: Pursuant to provisions of the Food and Nutrition Act of 2008, the United States Department of Agriculture, Food and Nutrition Service (FNS) provides States with annual cost-of-living adjustments (COLA) for the Supplemental Nutrition Assistance Program (SNAP). The standard utility allowance, limited utility allowance, single standard utility allowance, single standard telephone allowance, excess shelter deduction, resource standards, maximum monthly SNAP allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are all subject to change based on the annual adjustments the State receives from FNS.

New policy: For federal fiscal year 2020, which begins on October 1, 2019, FNS has determined that the maximum monthly allotments will increase. Additionally, the deduction amounts and income guidelines have been adjusted and are listed below. Except for the telephone allowance, which has decreased, all of the utility allowances have increased. The following amounts are increasing effective October 1, 2019: (a) the standard deduction; (b) excess shelter deduction; (c) maximum homeless shelter deduction; (d) resource limit for households where at least one person is age 60 or older or is disabled; and (e) the gross income standard, net income standard, and separate assistance group standards for elderly and disabled assistance groups eligibility standards.

Standard Utility Allowance

\$548

Limited Utility Allowance

\$355

Single Standard Utility Allowance

\$79

Single Telephone Allowance

\$38

Standard Deduction

\$167 for an AG size of 1 - 3 persons;

\$178 for an AG size of 4 persons;

\$209 for an AG size of 5 persons; and

\$240 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$569

Maximum Homeless Shelter Deduction

\$152

Maximum Resource Limit

\$2,250

Maximum Resource Limit for Households with at Least

One Aged or Disabled Member

\$3,500

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$194
2	\$355
3	\$509
4	\$646
5	\$768
6	\$921
7	\$1,018
8	\$1,164
each additional	+\$146
Minimum Allotment	\$16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$1,041
2	\$1,410
3	\$1,778
4	\$2,146
5	\$2,515
6	\$2,883
7	\$3,251
8	\$3,620
each additional	+\$369

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1,354
2	\$1,832
3	\$2,311
4	\$2,790
5	\$3,269
6	\$3,748
7	\$4,227
8	\$4,705
each additional	+\$479

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1,718
2	\$2,326
3	\$2,933
4	\$3,541
5	\$4,149
6	\$4,757
7	\$5,364
8	\$5,972
each additional	+\$608

Implementation: The changes for the deductions and income guidelines will be implemented in Ohio Benefits via a mass change beginning August 30th and will run through September 2nd. An exception report will be created for all cases which Ohio Benefits cannot update automatically. The eligibility worker will be required to run the Eligibility Determination/Benefit Calculation (ED/BC), then save and accept the results for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.

FACT 64 (Homeless Shelter Deduction)

Food Assistance Change Transmittal No. 64

June 24, 2019

TO: Food Assistance Certification Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Homeless Shelter Deduction

Previous Policy: Pursuant to provisions of the Food and Nutrition Act of 2008, the United States Department of Agriculture, Food and Nutrition Service (FNS) provides States with values for homeless shelter deductions for the Supplemental Nutrition Assistance Program (SNAP). Households considered to be homeless can choose the homeless shelter deduction if the household does not claim actual shelter cost for the month. The current homeless shelter deduction is \$143.00.

New policy: The Agriculture Improvement Act of 2018 amends section 5(e)(6)(D) of the Food and Nutrition Act of 2008 to state this amount will be adjusted beginning in Fiscal Year (FY) 2019 and each subsequent fiscal year to reflect changes for the preceding 12-month period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor. States received notice on February 8, 2019, from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) of the increase from \$143.00 to \$147.55 for FY 2019. FNS issued a subsequent memo on March 12, 2019 addressing that cents would be treated according to 7 CFR 273.10(e)(1)(ii); therefore, cents are dropped prior to the deduction being applied.

Implementation: A reference table will be updated in the Ohio Benefits Worker Portal to increase the standard homeless deduction to \$147.00 effective July 1, 2019. This change will impact a household eligible to receive and choosing the homeless shelter deduction that is certified on or after July 1, 2019 or saved and accepted case changes after July 1, 2019.

FACT 63 (Exclusion of Census Income)

Food Assistance Change Transmittal No. 63

May 13, 2019

TO: Food Assistance Certification Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Exclusion of Census Income

Background: On March 8, 2019, the United States Department of Agriculture Food and Nutrition Service issued a memorandum offering states the opportunity to participate in a demonstration project to exclude earned income from temporary employment in the 2020 Census. For States that choose to participate, earned income from temporary Census employment will be excluded for Supplemental Nutrition Assistance Program (SNAP) benefits through September 30, 2020.

Current Policy: The census income is currently considered countable income in the SNAP budget.

New Policy: On April 1, 2019, Ohio applied for and was approved to participate in the 2020 Census Income Demonstration Project. Effective immediately, any income received from temporary employment in the 2020 Census is excluded from the SNAP budget. Participation in this demonstration project helps to further align policy among the SNAP, cash assistance and Medicaid programs.

Implementation: Ohio Benefits (OB) functionality excludes Census income from both cash and SNAP budgets. Workers should enter Census income in OB by completing the following steps:

1. From the Eligibility tab, select Customer Information and access the Employment Screen.
2. Create a Census employment record for the customer.
3. Once the screen is complete, select "Save and Return" to save the employment record.
4. From the Eligibility tab, select Customer Information and access the Income Screen.
5. Enter "Earnings" as the Income Category and select "Add" to add the income record on the Income Detail Screen.
6. On the Income Detail Screen, enter the Type as "Census Earnings – Decennial, Temporary."
7. For Employment, select and link the Census employment record.
8. Once the Income Detail Screen is complete, select "Save and Return" to save the income record.

FACT 62 (Telephonic Applications and Signatures)

Food Assistance Change Transmittal No. 62

October 10, 2018

TO: Food Assistance Certification Manual Holders
FROM: Cynthia C. Dungey, Director Ohio Department of Job and Family Services
SUBJECT: Telephonic Applications and Signatures

Background: The Food and Nutrition Act of 2008 provides a State option for Supplemental Nutrition Assistance Program (SNAP) applicants to submit and sign their applications over the telephone. In order to implement this process, the State must ensure that certain requirements and protections are in place. The Ohio Department of Job and Family Services (ODJFS) has established the following procedure for accepting applications and signatures over the phone to ensure compliance with the Act.

New Procedure: A county agency may opt to accept a telephonic signature as part of an initial application or reapplication made over the phone. Telephonic signatures cannot be required by a county agency; thereby an applicant's right to apply in writing or online must always remain available. Only counties that have the permission of ODJFS may adopt the procedure to accept telephonic signatures for cash and SNAP applications and reapplications described below.

Use of Standardized Scripts

ODJFS has developed standardized scripts for county agencies to accept initial applications and reapplications by phone. The scripts ensure that the application process includes:

- Required information (including information about application processing timeframes) is provided to the applicant;
- The uniform collection of the minimum application requirements (i.e., name, address, and signature); and
- Safeguards against identity theft.

The scripts specifically indicate what information has to be recorded during the application process, and concludes by leading the applicant into the interview to capture the remaining information necessary to determine eligibility. The phone interview immediately proceeding the submission of the application should be conducted in the same manner as a scheduled phone interview would otherwise be conducted had a paper application been received.

Retrievable Audio Recording

The county agency must ensure there is ready access to the audio file containing the verbal assent of the applicant and that the audio file is retrievable and complies with federal records retention requirements in 7 CFR 272.1(f). The county agency must also ensure that there is a direct link between the audio and case files. For example, the county agency could meet this requirement by using a filename with a unique identifier (such as case name, case number, time, and date) or by adding a hyperlink to the audio file in the electronic case file.

Safeguarding

In order to meet the requirements of the Act, steps must be taken to prevent impersonation, identity theft, and invasions of privacy by individuals attempting to apply or reapply over the phone. The county agency must take steps to ensure an individual applying over the phone is who they claim to be. For current or former public assistance recipients, this information could be verified based on details in their current or former case; but for individuals never known to have received public assistance, the county agency must review information from a reliable third party source to confirm the identity of the caller. The inability to confirm the identity of the caller would not necessarily lead to termination of the interview, but the county agency would be unable to provide (but could receive and document) confidential information during the call and would need to verify information independent of the phone call.

Procedures for Correcting Application Information

All approval and denial notices contain language explaining how an individual can make corrections to the information listed in the notice (i.e. name, address, and SNAP budget information if applicable). This language will give all applicants - regardless of whether they apply in writing, online or by telephone - ten days to contact the county agency to correct any information contained in the notice. If an individual contacts the county agency to correct an error or omission in the notice, the county agency must act upon the information in accordance with the rules of the Ohio Administrative Code.

Implementation: At this time, only those county agencies working with Shared Services may implement the procedure for accepting applications over the phone. County agencies not currently working with Shared Services should email css@das.ohio.gov for more information about adopting this procedure.

Intake- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this application and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

Once I obtain your name, address and signature over the phone, this application for assistance will be dated XX/XX/XXXX. You will get an answer about your application within 30 days for cash or food assistance.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your application for benefits. Once you've signed your application, we will stop the recording, submit your application and begin the interview. During the interview you will be asked a series of questions to help determine your eligibility for assistance as well as questions to see if you are eligible to receive food assistance benefits within 7 days. You always have the right to submit an application in writing, however, once your telephone application is submitted over the phone, it will be treated exactly the same as a written application.

We will now begin recording...

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received."]

By signing this application over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this application, during the interview, or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

Please listen to the brief description of our programs. After each description of the program you will be asked if you would like to apply for this program. Only programs that you say "yes" to will be reviewed for eligibility;

- Cash assistance programs include the Ohio Works First and Refugee Cash Assistance programs. To qualify you must either have a minor child(ren), be at least 6 months pregnant or be a refugee who is within 8 months of arrival. Would you like to apply for Cash assistance? [YES/NO]. [AFTER ANSWERING PROCEED TO NEXT PARAGRAPH].
- Food Assistance, also known as the Supplemental Nutrition Assistance Program, helps people afford healthy food. To qualify, you must meet certain financial and non-financial requirements. Would you like to apply for Food Assistance? [YES/NO].

By completing this application over the phone, you are confirming that you understand the following:

- Your right to:
 - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
 - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your application.

- Your responsibility:
 - Provide proof that you are eligible,
 - Report changes in household circumstances as instructed,
 - Not sell, trade, or give away your food assistance benefits.
 - Use your food assistance benefits to only buy eligible items.
 - Understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
 - Understand that the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
 - Understand that by signing this application and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
 - Provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
 - Understand that if you are only applying for food assistance, you do not have to respond to questions about gender.
 - Understand that Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
 - Understand that a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?

What is your address?

Do you agree and understand your rights and responsibilities and the information I've just provided?
[YES/NO]

Do you want to submit this application for assistance over the phone?
[YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed an application for [REPEAT PROGRAM(S) CLIENT REQUESTED] that will be dated for today [TODAY'S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and determine eligibility.

[Confirm identity of person on the phone]

Recertification- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this reapplication and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

[Confirm identity of person on the phone]

Once I obtain your name, address and signature over the phone, this reapplication for assistance will be dated XX/XX/XXXX. You will get an answer about your reapplication by the end of your current certification period.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your reapplication for assistance. Once you've signed your reapplication, we will stop the recording, submit your reapplication and begin the interview. During the interview you will be asked a series of questions to help re-determine your eligibility for assistance. You always have the right to submit a reapplication in writing, however, once your telephone reapplication is submitted over the phone, it will be treated exactly the same as a written reapplication.

We will now begin recording...

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received."]

By signing this reapplication over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this reapplication, during the interview, or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

By completing this reapplication over the phone, you are confirming that you understand the following:

- Your right to:
 - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
 - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your reapplication.
- Your responsibility:
 - Provide proof that you are eligible,
 - Report changes in household circumstances as instructed,
 - Not sell, trade, or give away your food assistance benefits.
 - Use your food assistance benefits to only buy eligible items.
 - Understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
 - Understand that the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
 - Understand that by signing this reapplication and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
 - Provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
 - Understand that if you are only reapplying for food assistance, you do not have to respond to questions about gender.

- Understand that Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
- Understand that a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?

What is your address?

Do you agree and understand your rights and responsibilities and the information I've just provided?
[YES/NO]

Do you want to submit this reapplication for assistance over the phone?

[YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed a reapplication for assistance that will be dated for today [TODAY'S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and re-determine eligibility.

FACT 61 (October 1, 2018 Mass Change)

Food Assistance Change Transmittal No. 61

September 5, 2018

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: October 1, 2018 Mass Change

Previous Policy: Pursuant to provisions of the Food and Nutrition Act of 2008, the United States Department of Agriculture, Food and Nutrition Service (FNS) provides States with annual cost-of-living adjustments (COLA) for the Supplemental Nutrition Assistance Program (SNAP). The standard utility allowance, limited utility allowance, single standard utility allowance, single standard telephone allowance, excess shelter deduction, maximum monthly SNAP allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are all subject to change based on the annual adjustments the State receives from FNS.

New policy: For federal fiscal year 2019, which begins on October 1, 2018, FNS has determined that the maximum monthly allotments will increase. Additionally, the deduction amounts and income guidelines have been adjusted and are listed below. Except for the telephone allowance, which has stayed the same, all of the utility allowances have increased. The following deductions are increasing effective October 1, 2018: (a) the standard deduction; (b) excess shelter deduction; and (c) the gross income standard, net income standard, and separate assistance group standards for elderly and disabled assistance groups eligibility standards. The homeless shelter deduction is unchanged.

Standard Utility Allowance

\$544

Limited Utility Allowance

\$351

Single Standard Utility Allowance

\$78

Single Telephone Allowance

\$39

Standard Deduction

\$164 for an AG size of 1 - 3 persons;

\$174 for an AG size of 4 persons; and

\$204 for an AG size of 5 persons; and

\$234 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$552

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$192
2	\$353
3	\$505
4	\$642
5	\$762
6	\$914
7	\$1011
8	\$1155
each additional	+\$144
Minimum Allotment	\$15

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$1012
2	\$1372
3	\$1732
4	\$2092
5	\$2452
6	\$2812
7	\$3172
8	\$3532
each additional	+\$360

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1316
2	\$1784
3	\$2252
4	\$2720

5	\$3188
6	\$3656
7	\$4124
8	\$4592
each additional	+\$468

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1670
2	\$2264
3	\$2858
4	\$3452
5	\$4046
6	\$4640
7	\$5234
8	\$5828
each additional	+\$594

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change in Ohio Benefits. An exception report will be created for all cases which Ohio Benefits cannot update automatically. The eligibility worker will be required to run the Eligibility Determination/Benefit Calculation (ED/BC), then save and accept the results for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.

FACT 60 (October 1, 2017 Mass Change)

Food Assistance Change Transmittal No. 60

August 28, 2017

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: October 1, 2017 Mass Change

Previous Policy: Pursuant to provisions of the Food and Nutrition Act of 2008, the US Department of Agriculture, Food and Nutrition Service (FNS) provides States with annual cost-of-living adjustments (COLA) for the Supplemental Nutrition Assistance Program (SNAP). The standard utility allowance, limited utility allowance, single standard utility allowance, single standard telephone allowance, excess shelter deduction, maximum monthly SNAP allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are all subject to change based on the annual adjustments the State receives from FNS.

New policy: For federal fiscal year 2018, which begins on October 1, 2017, FNS has determined that both the maximum and minimum monthly allotments will decrease. Additionally, the deduction amounts and income guidelines have been adjusted and are listed below. Except for the telephone allowance, all of the utility allowances have increased. The following deductions are increasing effective October 1, 2017: (a) the standard deduction; (b) excess shelter deduction; and (c) the gross income standard, net income standard, and separate assistance group standards for elderly and disabled assistance groups eligibility standards. The homeless shelter deduction is unchanged.

Standard Utility Allowance

\$530

Limited Utility Allowance

\$342

Single Standard Utility Allowance

\$76

Single Telephone Allowance

\$39

Standard Deduction

\$160 for an AG size of 1 - 3 persons;

\$170 for an AG size of 4 persons; and

\$199 for an AG size of 5 persons; and

\$228 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$535

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$192
2	\$352
3	\$504
4	\$640
5	\$760
6	\$913
7	\$1009
8	\$1153
each additional	+\$144
Minimum Allotment	\$15

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$1005
2	\$1354
3	\$1702
4	\$2050
5	\$2399
6	\$2747
7	\$3095
8	\$3444
each additional	+\$349

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1307
2	\$1760
3	\$2213
4	\$2665

5	\$3118
6	\$3571
7	\$4024
8	\$4477
each additional	+\$453

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1659
2	\$2233
3	\$2808
4	\$3383
5	\$3958
6	\$4532
7	\$5107
8	\$5682
each additional	+\$575

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically. The eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.

FACT 59A (Telephonic Applications and Signatures)

Food Assistance Change Transmittal No. 59A

February 9, 2017

TO: Food Assistance Certification Manual Holders
FROM: Cynthia C. Dungey, Director
Ohio Department of Job and Family Services
SUBJECT: Telephonic Applications and Signatures

Background

The Food and Nutrition Act of 2008 provides a State option for Supplemental Nutrition Assistance Program (SNAP) applicants to submit and sign their applications over the telephone. In order to implement this process, the State must ensure that certain requirements and protections are in place. The Ohio Department of Job and Family Services (ODJFS) has established the following procedure for accepting applications and signatures over the phone that ensure compliance with the Act.

New Procedure

Effective February 1, 2017, a county agency may opt to accept a telephonic signature as part of an initial application and or reapplication made over the phone. Telephonic signatures cannot be required by a county agency; thus, an applicant's right to apply in writing or online must always remain available. Only counties that have the express permission of ODJFS may adopt the procedure to accept telephonic signatures for cash and food applications and reapplications described below.

Use of Standardized Scripts

ODJFS has developed standardized scripts for county agencies to accept initial applications and reapplications by phone. The scripts ensure that the application process includes:

- Federally required information (including information about application processing timeframes) is provided to the applicant;
- The uniform collection of the minimum application requirements (i.e., name, address, and signature); and
- Safeguards against identity theft.

The scripts specifically indicate what information has to be recorded during the application process, and concludes by leading the applicant into the interview to capture the remaining information necessary to determine eligibility and the appropriate processing standard (24-hours, 7 days or 30 days). The phone interview immediately proceeding the submission of the application should be conducted in the same manner as a scheduled phone interview would otherwise be conducted had a paper application been received.

Retrievable Audio Recording

The county agency must ensure there is ready access to the audio file containing the verbal assent of the applicant and that the audio file is retrievable and complies with federal records retention requirements in 7 CFR 272.1(f). The county agency must also ensure that there is a direct link between the audio and case files. For example, the county agency could meet this requirement by using a filename with a unique identifier (such as case name, case number, time, and date) or by adding a hyperlink to the audio file in the electronic case file.

Safeguarding

In order to meet the requirements of the Act, steps must be taken to prevent impersonation, identity theft, and invasions of privacy by individuals attempting to apply or reapply over the phone. Just as a county agency must do before discussing a pending or open case over the phone, the county agency must take steps to ensure an individual applying over the phone is who they claim to be. For current or former public assistance recipients, this information could be verified based on details in their current or former case; but for individuals

never known to have received public assistance, the county agency must review information from reliable third party sources to confirm the identity of the caller. ODJFS has developed the attached guide to assist with identifying reliable sources of information. The inability to confirm the identity of the caller would not necessarily lead to termination of the interview, but the county agency would be unable to provide (but could receive and document) confidential information during the call and would need to verify information independent of the phone call.

Procedures for Correcting Application Information

As of February 1, 2017 all approval and denial notices will contain new language explaining how an individual can make corrections to the information listed in the notice (i.e. name, address, and SNAP budget information if applicable). The new language will give all applicants - regardless of whether they apply in writing, online or by telephone - ten days to contact the county agency to correct any information contained in the notice. Just as it would with any other allegedly incorrect information, if an individual contacts the county agency to correct an error or omission in the notice, the county agency must act upon the information in accordance with the rules of the Ohio Administrative Code.

Implementation

At this time, only those county agencies working with Shared Services in the Office of Change Management (OCM) may implement the procedure for accepting applications over the phone. County agencies not currently working with Shared Services should contact Doug Lumpkin (Doug.Lumpkin@jfs.ohio.gov) in OCM for more information about adopting this procedure.

Rule Updates

Although allowable under the current rules, ODJFS plans to revise rules in order to clarify the procedures for accepting telephonic applications and signatures and will update prior policy guidance and/or training materials as necessary.

Intake- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this application and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

Once I obtain your name, address and signature over the phone, this application for cash and food assistance benefits will be dated XX/XX/XXXX. You will get an answer about your application within 30 days for cash or food assistance or within 90 days for Disability Financial Assistance.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your application for benefits. Once you've signed your application, we will stop the recording, submit your application and begin the interview. During the interview you will be asked a series of questions to help determine your eligibility for cash and food assistance as well as questions to see if you are eligible to receive food assistance benefits within 7 days. You always have the right to submit an application in writing, however, once your telephone application is submitted over the phone, it will be treated exactly the same as a written application.

We will now begin recording...

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received."]

By signing this application over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this application, during the interview,

or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

By completing this application over the phone, you are confirming that you understand the following:

- Your right to:
 - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
 - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your application.
- Your responsibility to:
 - Provide proof that you are eligible,
 - Report changes in household circumstances as instructed,
 - Not sell, trade, or give away your food assistance benefits and only using your food assistance benefits to buy eligible items.
 - You understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
 - That the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
 - That by signing this application and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
 - That you will have to provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
 - That if you are only applying for food assistance, you do not have to respond to questions about gender.
 - That Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
 - That a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?

What is your address?

Do you agree and understand your rights and responsibilities and the information I've just provided?
[YES/NO]

Do you want to submit this application for cash and food assistance over the phone?
[YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed an application for cash and food assistance that will be dated for today [TODAY'S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and determine eligibility.

[Confirm identity of person on the phone]

Recertification- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this reapplication and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

[Confirm identity of person on the phone]

Once I obtain your name, address and signature over the phone, this reapplication for cash and food assistance benefits will be dated XX/XX/XXXX. You will get an answer about your reapplication by the end of your current certification period.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your reapplication for benefits. Once you've signed your reapplication, we will stop the recording, submit your reapplication and begin the interview. During the interview you will be asked a series of questions to help redetermine your eligibility for cash and food assistance. You always have the right to submit a reapplication in writing, however, once your telephone reapplication is submitted over the phone, it will be treated exactly the same as a written reapplication.

We will now begin recording...

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received."]

By signing this reapplication over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this reapplication, during the interview, or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

By completing this reapplication over the phone, you are confirming that you understand the following:

- Your right to:
 - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
 - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your application.
- Your responsibility to:
 - Provide proof that you are eligible,
 - Report changes in household circumstances as instructed,

- Not sell, trade, or give away your food assistance benefits and only using your food assistance benefits to buy eligible items.
- You understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
- That the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
- That by signing this application and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
- That you will have to provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
- That if you are only applying for food assistance, you do not have to respond to questions about gender.
- That Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
- That a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?

What is your address?

Do you agree and understand your rights and responsibilities and the information I've just provided?
[YES/NO]

Do you want to submit this reapplication for cash and food assistance over the phone?
[YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed a reapplication for cash and food assistance that will be dated for today [TODAY'S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and redetermine eligibility.

FACT 59 (Telephonic Applications and Signatures)

Food Assistance Change Transmittal No. 59

February 2, 2017

TO: Food Assistance Certification Manual Holders
FROM: Cynthia C. Dungey, Director
Ohio Department of Job and Family Services
SUBJECT: Telephonic Applications and Signatures

Background

The Food and Nutrition Act of 2008 provides a State option for Supplemental Nutrition Assistance Program (SNAP) applicants to submit and sign their applications over the telephone. In order to implement this process, the State must ensure that certain requirements and protections are in place. The Ohio Department of Job and Family Services (ODJFS) has established the following procedure for accepting applications and signatures over the phone that ensure compliance with the Act.

New Procedure

Effective February 1, 2017, a county agency may opt to accept a telephonic signature as part of an initial application and or reapplication made over the phone. Telephonic signatures cannot be required by a county agency; thus, an applicant's right to apply in writing or online must always remain available. Only counties that have the express permission of ODJFS may adopt the procedure to accept telephonic signatures for cash and food applications and reapplications described below.

Use of Standardized Scripts

ODJFS has developed standardized scripts for county agencies to accept initial applications and reapplications by phone. The scripts ensure that the application process includes:

- Federally required information (including information about application processing timeframes) is provided to the applicant;
- The uniform collection of the minimum application requirements (i.e., name, address, and signature); and
- Safeguards against identity theft.

The scripts specifically indicate what information has to be recorded during the application process, and concludes by leading the applicant into the interview to capture the remaining information necessary to determine eligibility and the appropriate processing standard (24-hours, 7 days or 30 days). The phone interview immediately proceeding the submission of the application should be conducted in the same manner as a scheduled phone interview would otherwise be conducted had a paper application been received.

Retrievable Audio Recording

The county agency must ensure there is ready access to the audio file containing the verbal assent of the applicant and that the audio file is retrievable and complies with federal records retention requirements in 7 CFR 272.1(f). The county agency must also ensure that there is a direct link between the audio and case files. For example, the county agency could meet this requirement by using a filename with a unique identifier (such as case name, case number, time, and date) or by adding a hyperlink to the audio file in the electronic case file.

Safeguarding

In order to meet the requirements of the Act, steps must be taken to prevent impersonation, identity theft, and invasions of privacy by individuals attempting to apply or reapply over the phone. Just as a county agency must do before discussing a pending or open case over the phone, the county agency must take steps to ensure an individual applying over the phone is who they claim to be. For current or former public assistance recipients, this information could be verified based on details in their current or former case; but for individuals

never known to have received public assistance, the county agency must review information from reliable third party sources to confirm the identity of the caller. ODJFS has developed the attached guide to assist with identifying reliable sources of information. The inability to confirm the identity of the caller would not necessarily lead to termination of the interview, but the county agency would be unable to provide (but could receive and document) confidential information during the call and would need to verify information independent of the phone call.

Procedures for Correcting Application Information

As of February 1, 2017 all approval and denial notices will contain new language explaining how an individual can make corrections to the information listed in the notice (i.e. name, address, and SNAP budget information if applicable). The new language will give all applicants - regardless of whether they apply in writing, online or by telephone - ten days to contact the county agency to correct any information contained in the notice. Just as it would with any other allegedly incorrect information, if an individual contacts the county agency to correct an error or omission in the notice, the county agency must act upon the information in accordance with the rules of the Ohio Administrative Code.

Implementation

At this time, only those county agencies working with Shared Services in the Office of Change Management (OCM) may implement the procedure for accepting applications over the phone. County agencies not currently working with Shared Services should contact Cheryl Boley (Cheryl.Boley@jfs.ohio.gov) in OCM for more information about adopting this procedure.

Rule Updates

Although allowable under the current rules, ODJFS plans to revise rules in order to clarify the procedures for accepting telephonic applications and signatures and will update prior policy guidance and/or training materials as necessary.

Intake- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this application and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

Once I obtain your name, address and signature over the phone, this application for cash and food assistance benefits will be dated XX/XX/XXXX. You will get an answer about your application within 30 days for cash or food assistance or within 90 days for Disability Financial Assistance.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your application for benefits. Once you've signed your application, we will stop the recording, submit your application and begin the interview. During the interview you will be asked a series of questions to help determine your eligibility for cash and food assistance as well as questions to see if you are eligible to receive food assistance benefits within 7 days. You always have the right to submit an application in writing, however, once your telephone application is submitted over the phone, it will be treated exactly the same as a written application.

We will now begin recording...

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received."]

By signing this application over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this application, during the interview,

or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

By completing this application over the phone, you are confirming that you understand the following:

- Your right to:
 - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
 - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your application.
- Your responsibility to:
 - Provide proof that you are eligible,
 - Report changes in household circumstances as instructed,
 - Not sell, trade, or give away your food assistance benefits and only using your food assistance benefits to buy eligible items.
 - You understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
 - That the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
 - That by signing this application and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
 - That you will have to provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
 - That if you are only applying for food assistance, you do not have to respond to questions about gender.
 - That Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
 - That a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?

What is your address?

Do you agree and understand your rights and responsibilities and the information I've just provided?
[YES/NO]

Do you want to submit this application for cash and food assistance over the phone?
[YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed an application for cash and food assistance that will be dated for today [TODAY'S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and determine eligibility.

[Confirm identity of person on the phone]

Recertification- Telephonic Signature Script

If English is not your primary language, we can provide someone who can help you understand the questions during this reapplication and in the interview. Do you need an interpreter? [If yes, get the interpreter before proceeding]

[Confirm identity of person on the phone]

Once I obtain your name, address and signature over the phone, this reapplication for cash and food assistance benefits will be dated XX/XX/XXXX. You will get an answer about your reapplication by the end of your current certification period.

You have the right to authorize another person to act on your behalf and will have a chance to add an authorized representative during this call.

The following will be recorded and serve as your reapplication for benefits. Once you've signed your reapplication, we will stop the recording, submit your reapplication and begin the interview. During the interview you will be asked a series of questions to help redetermine your eligibility for cash and food assistance. You always have the right to submit a reapplication in writing, however, once your telephone reapplication is submitted over the phone, it will be treated exactly the same as a written reapplication.

We will now begin recording...

Start Recording

If you are not registered to vote where you live now, would you like to apply to register to vote? [YES/NO]. [IF NO, PROCEED TO NEXT PARAGRAPH; IF YES, "A voter registration form will be sent to you following this interview. Follow the instructions on the form once received."]

By signing this reapplication over the phone, you are certifying under penalty of perjury that the information or answers you provide for yourself and for everyone in your household in this reapplication, during the interview, or in any reported change are complete and accurate to the best of your knowledge, including information provided about the citizenship or alien status for each household member applying for benefits.

By completing this reapplication over the phone, you are confirming that you understand the following:

- Your right to:
 - Receive fair treatment without regard to race, color, national origin, disability, age, sex, and in some cases religion or political beliefs because this institution is an equal opportunity provider; and,
 - Request a fair hearing, orally or in writing, before the Ohio Department of Job and Family Services if you disagree with any action on your application.
- Your responsibility to:
 - Provide proof that you are eligible,
 - Report changes in household circumstances as instructed,

- Not sell, trade, or give away your food assistance benefits and only using your food assistance benefits to buy eligible items.
- You understand and agree to provide documents to prove what you say during this call. To receive a deduction for the following expenses in the food assistance program, you must report and provide verification of: your rent or mortgage payment, utility and/or shelter costs, medical expenses if you are elderly or disabled, dependent care expenses, and legally obligated child or medical support paid to a non-household member. Failure to report or verify any of the above will be seen as a statement by your household that you do not want a deduction for that expense.
- That the county agency may contact other persons or organizations to obtain the necessary proof of your eligibility and level of assistance and/or in some instances, you may be asked to give consent to the county agency to make those contacts.
- That by signing this application and receiving Ohio Works First cash assistance, you are assigning to the State of Ohio any rights to all support owed to you and the minor children in the assistance group.
- That you will have to provide Social Security numbers and identify if someone is a US citizen for anyone that is applying for cash and food assistance.
- That if you are only applying for food assistance, you do not have to respond to questions about gender.
- That Title VI of the Civil Rights Act of 1964 allows us to ask for racial/ethnic (Hispanic or Latino) information. Providing this information is voluntary and is used for informational purposes only. If you do not want to give us the information, it will have no effect on your case but we will enter a response for you.
- That a telephonic signature has the same legal effect and can be enforced in the same way as a written signature.

What is your first and last name?

What is your address?

Do you agree and understand your rights and responsibilities and the information I've just provided?
[YES/NO]

Do you want to submit this reapplication for cash and food assistance over the phone?
[YES/NO]

Let me confirm your name and address [REPEAT NAME AND ADDRESS]. You have now completed a reapplication for cash and food assistance that will be dated for today [TODAY'S DATE]. Now we will stop recording and begin the interview.

Stop Recording

Now that you have applied, let's continue with the additional questions needed to complete the interview and redetermine eligibility.

FACT 58 (October 1, 2016 Mass Change)

Food Assistance Change Transmittal No. 58

August 26, 2016

Effective October 1, 2016

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: October 1, 2016 Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: Below are the deduction amounts, maximum food assistance allotments, and income guidelines as of October 1, 2016. All of the utility allowances have increased. The following deductions are increasing effective October 1, 2016: (a) the standard deduction; (b) excess shelter deduction; and (c) the gross income standard, net income standard, and separate assistance group standards for elderly and disabled assistance groups eligibility standards. The maximum food assistance allotments and the homeless shelter deduction remain unchanged.

Standard Utility Allowance

\$513

Limited Utility Allowance

\$332

Single Standard Utility Allowance

\$73

Single Telephone Allowance

\$40

Standard Deduction

\$157 for an AG size of 1 - 3 persons;

\$168 for an AG size of 4 persons; and

\$197 for an AG size of 5 persons; and

\$226 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$517

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
---------	-------------------

1	\$194
2	\$357
3	\$511
4	\$649
5	\$771
6	\$925
7	\$1022
8	\$1169
each additional	+\$146
Minimum Allotment	\$16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$990
2	\$1335
3	\$1680
4	\$2025
5	\$2370
6	\$2715
7	\$3061
8	\$3408
each additional	+\$347

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1287
2	\$1736
3	\$2184
4	\$2633
5	\$3081

6	\$3530
7	\$3980
8	\$4430
each additional	+\$451

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1634
2	\$2203
3	\$2772
4	\$3342
5	\$3911
6	\$4480
7	\$5051
8	\$5623
each additional	+\$572

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically. The eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.

FACT 57 (October 1, 2015 Mass Change)

Food Assistance Change Transmittal No. 57

September 23, 2015

Effective October 1, 2015

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: October 1, 2015 Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: Below are the deduction amounts, maximum food assistance allotments, and income guidelines as of October 1, 2015. The standard utility allowance has increased, while the limited utility allowance and single standard utility allowance have both decreased. The following deductions are increasing effective October 1, 2015: (a) the standard deduction; (b) excess shelter deduction; and (c) the gross income standard, net income standard, and separate assistance group standards for elderly and disabled assistance groups eligibility standards. The single telephone allowance, maximum food assistance allotments, and the homeless shelter deduction remain unchanged.

Standard Utility Allowance

\$510

Limited Utility Allowance

\$328

Single Standard Utility Allowance

\$72

Single Telephone Allowance

\$39

Standard Deduction

\$155 for an AG size of 1 - 3 persons;

\$168 for an AG size of 4 persons; and

\$197 for an AG size of 5 persons; and

\$226 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$504

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$194
2	\$357
3	\$511
4	\$649
5	\$771
6	\$925
7	\$1022
8	\$1169
each additional	+\$146
Minimum Allotment	\$16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$981
2	\$1328
3	\$1675
4	\$2021
5	\$2368
6	\$2715
7	\$3061
8	\$3408
each additional	+\$347

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1276
2	\$1726
3	\$2177
4	\$2628

5	\$3078
6	\$3529
7	\$3980
8	\$4430
each additional	+\$451

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1619
2	\$2191
3	\$2763
4	\$3335
5	\$3907
6	\$4479
7	\$5051
8	\$5623
each additional	+\$572

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically. The eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.

FACT 56 (Definition of Marriage - Obergefell v. Hodges)

Food Assistance Change Transmittal No. 56

July 24, 2015

Effective: July 22, 2015

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Definition of Marriage - Obergefell v. Hodges

Previous Policy

In accordance with rule 5101:4-1-03(B)(47) of the Ohio Administrative Code, the term "spouse" means "...those defined as married to each other under applicable state law. Ohio does not recognize same sex marriage;."

New Policy

Consistent with the United States Supreme Court's decision in Obergefell v. Hodges, same-sex spouses must be considered to be married for the purposes of determining eligibility for the Supplemental Nutrition Assistance Program (SNAP).

Implementation

Effective July 22, 2015, the guidance provided in this letter shall supersede any existing rule, policy guidance or training material issued by the Ohio Department of Job and Family Services (ODJFS). ODJFS intends to propose rule 5101:4-1-03 of the Ohio Administrative Code for revision immediately and will update prior policy guidance and/or training materials as necessary.

FACT 55 (Food Assistance: Approved County Collaborations and Additions to Collbor8)

Food Assistance Change Transmittal No. 55

May 20, 2015

Effective May 1, 2015

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Food Assistance: Approved County Collaborations and Additions to Collbor8

Background: Ohio Administrative Code (OAC) rule 5101: 4-1-16 provides that approved county collaborations allow multiple counties to come together under a common agreement and operate as a single entity when determining eligibility. Effective May 1, 2015, the approved collaborations are no longer set forth in OAC. The approved county collaborations will now be set forth in a food assistance change transmittal.

New: The approved county collaborations include:

- (1) Collabor8, which includes the following counties:
 - a. Carroll;
 - b. Delaware;
 - c. Hancock;
 - d. Holmes;
 - e. Knox;
 - f. Marion;
 - g. Morrow;
 - h. Sandusky; and
 - i. Wood.
- (2) South Central Ohio Job and Family Services, which includes the following counties:
 - a. Hocking;
 - b. Ross; and
 - c. Vinton.
- (3) Defiance/Paulding Consolidated Department of Job and Family Services, which includes the following counties:
 - a. Defiance; and
 - b. Paulding.

Implementation: This policy is effective May 1, 2015. CRIS-E has been updated to reflect this policy change.

FACT 54 (Food Assistance Resource Limit Increase)

Food Assistance Change Transmittal No. 54

October 7, 2014

Effective October 1, 2014

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Food Assistance Resource Limit Increase

Background: An assistance group who has not been determined categorically eligible, as set forth in rule 5101:4-2-02 of the Administrative Code, must be under the resource limit in order to be eligible for food assistance benefits. Resource limits are reviewed and adjusted annually by the United States Department of Agriculture, Food and Nutrition Service. Currently the food assistance resource limit is \$2,000 for most assistance groups and \$3,250 for assistance groups with an elderly or disabled member.

New Policy: Effective October 1, 2014 the new resource limit for most assistance groups will be \$2,250. The resource limit for an assistance group containing an elderly or disabled member will remain \$3,250.

Implementation: This policy is effective October 1, 2014. Applications prior to this date should not be reevaluated. CRIS-E table TFEP has been updated to reflect this policy change.

FACT 53 (October 1, 2014 Mass Change)

Food Assistance Change Transmittal No. 53

September 10, 2014

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: October 1, 2014 Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: Below are the deduction amounts, maximum food assistance allotments, and income guidelines as of October 1, 2014. All have increased except the single telephone allowance and the homeless shelter deduction, which remain unchanged.

Standard Utility Allowance

\$498

Limited Utility Allowance

\$330

Single Standard Utility Allowance

\$73

Single Telephone Allowance

\$39

Standard Deduction

\$155 for an AG size of 1 - 3 persons;

\$165 for an AG size of 4 persons; and

\$193 for an AG size of 5 persons; and

\$221 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$490

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$194

2	\$357
3	\$511
4	\$649
5	\$771
6	\$925
7	\$1022
8	\$1169
each additional	+\$146
Minimum Allotment	\$16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$973
2	\$1311
3	\$1650
4	\$1988
5	\$2326
6	\$2665
7	\$3003
8	\$3341
each additional	+\$339

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1265
2	\$1705
3	\$2144
4	\$2584
5	\$3024
6	\$3464

7	\$3904
8	\$4344
each additional	+\$440

Separate AG Income Standards - Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1605
2	\$2163
3	\$2722
4	\$3280
5	\$3838
6	\$4396
7	\$4955
8	\$5513
each additional	+\$559

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically. The eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will receive a notice with the new amount of benefits they will receive.

FACT 52 (November 1, 2013 Mass Change)

Food Assistance Change Transmittal No. 52

October 4, 2013

Effective November 1, 2013

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: November 1, 2013 Mass Change

Background: The Food and Nutrition Act of 2008 requires that food assistance benefits be adjusted annually based on the calculation of the thrifty food plan. The maximum allotments are based on the thrifty food plan. The American Recovery and Reinvestment Act of 2009 (ARRA) raised the maximum food assistance allotments by 13.6 percent in order to provide relief to assistance groups impacted by the economic downturn. The ARRA provision is set to expire on October 31, 2013. As a result, the United States Department of Agriculture Food and Nutrition Service has released the new thrifty food plan, as well as the maximum and minimum allotments.

New policy: As of November 1, 2013 the maximum and minimum allotments will decrease. The federal poverty income levels, the standard deductions, the maximum excess shelter costs, and the utility allowances remain unchanged. The notes section of rule [5101:4-4-27](#) will be updated to include the new thrifty food plan. Below are the maximum and minimum allotments as of November 1, 2013.

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$189
2	\$347
3	\$497
4	\$632
5	\$750
6	\$900
7	\$995
8	\$1137
each additional	+\$142
Minimum Allotment	\$15

Implementation: The changes in the maximum and minimum allotments will be implemented via a mass change on the weekend of October 5, 2013. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new benefit amount.

FACT 51 (October 1, 2013 Mass Change)

Food Assistance Change Transmittal No. 51

August 29, 2013

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: October 1, 2013 Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: As of October 1, 2013 the utility allowances, the standard deduction, excess shelter deduction, and adjusted gross and net monthly income eligibility standards will increase slightly. The maximum food assistance allotments and the homeless shelter deduction remain unchanged.

Below are the deduction amounts, maximum food assistance allotments, and income guidelines as of October 1, 2013.

Standard Utility Allowance

\$463

Limited Utility Allowance

\$311

Single Standard Utility Allowance

\$68

Single Telephone Allowance

\$39

Standard Deduction

\$152 for an AG size of 1 - 3 persons;
\$163 for an AG size of 4 persons; and
\$191 for an AG size of 5 persons; and
\$219 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$478

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$200
2	\$367
3	\$526
4	\$668

5	\$793
6	\$952
7	\$1052
8	\$1202
each additional	+\$150
Minimum Allotment	\$16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$958
2	\$1293
3	\$1628
4	\$1963
5	\$2298
6	\$2633
7	\$2968
8	\$3303
each additional	+\$335

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1245
2	\$1681
3	\$2116
4	\$2552
5	\$2987
6	\$3423
7	\$3858
8	\$4294
each additional	+\$436

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1580
2	\$2133
3	\$2686
4	\$3239
5	\$3791
6	\$4344
7	\$4897
8	\$5450
each additional	+\$553

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new amount of benefits.

FACT 50 (Revised January 1, 2013 Utility Allowance Mass Change)

Food Assistance Change Transmittal No. 50

November 27, 2012

Effective January 1, 2013

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Revised January 1, 2013 Utility Allowance Mass Change

Previous Policy: Food Assistance Change Transmittal (FACT) letter No. 49 was released on November 9, 2012 explaining that, as of January 1, 2013, the standard utility allowance will decrease, the limited utility allowance and the standard telephone allowance will increase, and the single standard utility allowance will remain the same.

New policy: After further negotiation the United States Department of Agriculture Food and Nutrition Service (FNS) approved a revised utility allowance methodology on November 16, 2012. The amended methodology will change the standard utility allowance from the previously proposed \$367 to \$456 effective January 1, 2013. The limited utility allowance, single standard utility allowance, and standard telephone allowance remain the same as set forth in FACT 49.

Below are the revised utility allowances to be effective January 1, 2013:

Standard Utility Allowance

\$456

Limited Utility Allowance

\$301

Single Standard Utility Allowance

\$65

Standard Telephone Allowance

\$37

Implementation: The changes for the new utility allowances will be implemented via a mass change on the weekend of November 23, 2012. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new benefit amount.

FACT 49 (January 1, 2013 Utility Allowance Mass Change)

Food Assistance Change Transmittal No. 49

November 9, 2012

Effective January 1, 2013

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: January 1, 2013 Utility Allowance Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment. In August, Ohio received the updated amounts for the excess shelter deduction, the standard deductions, net income standards, gross income standards, and the separate assistance group standards for elderly and disabled assistance groups. At that time the United States Department of Agriculture - Food Nutrition Service (FNS) had not approved our proposed utility allowances or our request to maintain our federal fiscal year (FFY) 2012 amounts. We have since been notified by FNS that we are not permitted to maintain the FFY 2012 amounts and must implement the updated utility allowances by January 1, 2013.

New policy: As of January 1, 2013 the standard utility allowance will decrease, the limited utility allowance and the telephone standard allowance will increase and the single utility allowance will remain the same. The standard deduction, excess shelter deduction, adjusted gross net monthly income eligibility standards, the maximum food assistance allotments and the homeless shelter deduction remain the same as set forth in FACT 48.

Below are the new utility allowances as of January 1, 2013.

Standard Utility Allowance

\$367

Limited Utility Allowance

\$301

Single Standard Utility Allowance

\$65

Single Telephone Allowance

\$37

Implementation: The changes for the new utility allowances will be implemented via a mass change on the weekend of November 23, 2012. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new benefit amount.

FACT 48 (October 1, 2012 Mass Change)

Food Assistance Change Transmittal No. 48

September 6, 2012

Effective October 1, 2012

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: October 1, 2012 Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: As of October 1, 2012 the standard deduction, excess shelter deduction, the adjusted gross and net monthly income eligibility standards and the separate standards for the elderly and disabled assistance groups will increase slightly. The maximum food assistance allotments and the homeless shelter deduction have not changed. The utility allowances have not changed at this time. The Office of Family Assistance is awaiting approval from the United States Department of Agriculture - Food Nutrition Service for the federal fiscal year 2013 utility allowances. As a result, the federal fiscal year 2012 amounts will continue until further guidance is provided for federal fiscal year 2013.

Below are the deduction amounts, maximum food assistance allotments and income guidelines as of October 1, 2012.

Standard Utility Allowance

\$533

Limited Utility Allowance

\$297

Single Standard Utility Allowance

\$65

Single Telephone Allowance

\$36

Standard Deduction

\$149 for an AG size of 1 - 3 persons;
\$160 for an AG size of 4 persons; and
\$187 for an AG size of 5 persons; and
\$214 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$469

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$200
2	367

3	526
4	668
5	793
6	952
7	1052
8	1202
each additional	+150
Minimum Allotment	16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$931
2	1261
3	1591
4	1921
5	2251
6	2581
7	2911
8	3241
each additional	+330

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1211
2	1640
3	2069
4	2498
5	2927
6	3356
7	3785
8	4214

each additional	+429
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Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1536
2	2081
3	2625
4	3170
5	3714
6	4259
7	4803
8	5348
each additional	+545

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new amount of benefits.

FACT 47 (Clarification: Treasury Offset Program Outstanding Debts)

Food Assistance Change Transmittal No. 47

April 25, 2012

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Clarification: Treasury Offset Program Outstanding Debts

This Food Assistance Change Transmittal (FACT) replaces FACT 46. FACT 46 is now obsolete.

Background: The Treasury Offset Program allows delinquent food assistance claims to be referred to the United States Treasury. The United States Treasury then offsets eligible federal payments (e.g. tax refunds) in order to repay the delinquent food assistance claim. Previous rules provided a ten year limitation on debts referred to the Treasury Offset Program. The 2008 Farm Bill included a provision that eliminated the ten year limitation on referral of outstanding federal debts to the Treasury Offset Program.

On April 15, 2010 rule 5101:4-8-30, "Food Assistance: Treasury Offset Program," was amended to remove the ten year limitation on referring outstanding debts to the Treasury Offset Program. As a result of the changes to the 2008 Farm Bill, the United States Department of Agriculture Food and Nutrition Service (FNS) issued guidance requiring states to remove the ten year limitation language from notices and to begin using the updated notices by January 1, 2010.

Claims established prior to January 1, 2000 cannot be referred to the Treasury Offset Program because under the previous policy claims more than ten years old could not be collected through the Treasury Offset Program. They were to have been terminated and written off, and therefore they were not outstanding debts. Rule 5101:4-8-19 of the Ohio Administrative Code states that for claims that are delinquent for more than three years the county agency must terminate and write off the claims unless they are to be collected under the Treasury Offset Program. However, claims established after January 1, 2000 would fall under the removal of the ten year limitation provision and can always be considered outstanding debts; thus they may be referred to the Treasury Offset Program.

Clarification: There is one exception to this policy. Claims established prior to January 1, 2000 which reflect final court judgments or which were due to an individual's intentional violation of program requirements will be subject to collection through the Treasury Offset Program. 7 CFR 273.18 permits states to reopen a claim if a new collection method becomes available and it will increase the likelihood of further collections.

FACT 46 (Obsolete - Clarification: Treasury Offset Program Outstanding Debts)

Food Assistance Change Transmittal No. 46

December 22, 2011

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Clarification: Treasury Offset Program Outstanding Debts

On April 15, 2010 rule 5101:4-8-30, "Food Assistance: Treasury Offset Program," was amended to comply with guidance from the United States Department of Agriculture Food Nutrition Service (FNS) to remove the ten year limitation on referring outstanding debts to the Treasury Offset Program. The Treasury Offset Program allows delinquent food assistance claims to be referred to the United States Treasury. The United States Treasury then offsets eligible federal payments (e.g. tax refunds) in order to repay the delinquent food assistance claim. Prior to this change delinquent food assistance claims could only be referred if they were less than ten years old.

As a result of this change FNS issued guidance stating states had to have the ten year limitation language removed from notices and be using the updated notices by January 1, 2010. As a result of this guidance claims established prior to January 1, 2000 cannot be referred to the Treasury Offset Program because they would not be considered outstanding debts. Rule 5101:4-8-19 of the Ohio Administrative Code states that for claims that are delinquent for more than three years the county agency must terminate and write off the claims unless they are to be collected under the Treasury Offset Program. Because under the previous policy claims older than ten years could not be collected under the Treasury Offset Program, they were to be terminated and written off, and therefore they are not outstanding debts. However, claims established after January 1, 2000 would fall under the removal of the ten year limitation provision and can always be considered outstanding debts; thus they may be referred to the Treasury Offset Program.

FACT 45 (April 1, 2012 Utility Allowance Mass Change)

Food Assistance Change Transmittal No. 45

December 30, 2011

Effective April 1, 2012

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: April 1, 2012 Utility Allowance Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment (COLA). In October, Ohio obtained an extension to allow our standard utility allowance, the limited utility allowance, the single utility allowance and single telephone allowance to remain at the federal fiscal year (FFY) 2011 amounts through March 31, 2012 at which time the extension expires and we must implement the proposed FFY 2012 amounts.

New policy: As of April 1, 2012 the standard utility allowances will decrease. The standard deduction, excess shelter deduction, adjusted gross net monthly income eligibility standards, the maximum food assistance allotments and the homeless shelter deduction remain the same as set forth in FACT No. 43.

Below are the new utility allowances as of April 1, 2012.

Standard Utility Allowance

\$533

Limited Utility Allowance

\$297

Single Standard Utility Allowance

\$65

Single Telephone Allowance

\$36

Implementation: The changes for the new utility allowances will be implemented via a mass change on the weekend of February 18, 2012. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new benefit amount.

FACT 44 (Food Assistance Resource Limit Increase)

Food Assistance Change Transmittal No. 44

September 15, 2011

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
FROM: Michael B. Colbert, Director
SUBJECT: Food Assistance Resource Limit Increase

Background: Currently the food assistance resource limit is \$2000 for most assistance groups and \$3000 for assistance groups with an elderly or disabled member. With the enactment of the Food, Conservation and Energy Act of 2008 the resource limits are indexed annually to inflation and rounded down to the nearest \$250 increment. Adjustments to the asset limit reflect changes for the 12-month period ending the preceding June in the Consumer Price Index (CPI) for All Urban Consumers published by the Bureau of Labor Statistics. Each adjustment is based on the unrounded amount for the prior 12-month period. The CPI increased by 3.6 percent for the 12 month period ending in June 2011, which caused the asset limit for assistance groups containing an elderly or disabled member to rise.

New Policy: Effective October 1, 2011 the new resource limit for an assistance group containing an elderly or disabled member will be \$3,250. The resource limit for all other assistance groups will remain \$2,000.

Because the resource limits could change every year, these limits are being removed from rule 5101:4-4-01. Future adjustment to the resource limits will be issued by a Food Assistance Change Transmittal.

Implementation: This policy will affect applications that occur on or after October 1, 2011. Applications prior to this date should not be reevaluated. CRIS-E table TFEP has been updated to reflect this policy change.

FACT 43 (October 1, 2011 Mass Change)

Food Assistance Change Transmittal No. 43

August 29, 2011

Effective October 1, 2011

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: October 1, 2011 Mass Change

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: As of October 1, 2011 the standard deduction, excess shelter deduction and adjusted gross and net monthly income eligibility standards will increase slightly. The utility allowances, maximum food assistance allotments and the homeless shelter deduction have not changed.

Below are the deduction amounts, maximum food assistance allotments and income guidelines as of October 1, 2011.

Standard Utility Allowance

\$599

Limited Utility Allowance

\$364

Single Standard Utility Allowance

\$82

Single Telephone Allowance

\$37

Standard Deduction

\$147 for an AG size of 1 - 3 persons;

\$155 for an AG size of 4 persons; and

\$181 for an AG size of 5 persons; and

\$208 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$459

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$200
2	367
3	526
4	668

5	793
6	952
7	1052
8	1202
each additional	+150
Minimum Allotment	16

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$908
2	1226
3	1545
4	1863
5	2181
6	2500
7	2818
8	3136
each additional	+319

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1180
2	1594
3	2008
4	2422
5	2836
6	3249
7	3663
8	4077
each additional	+414

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1498
2	2023
3	2548
4	3074
5	3599
6	4124
7	4649
8	5175
each additional	+526

Implementation: The changes for the deductions and income guidelines will be implemented via a mass change on Labor Day weekend. Alerts will be generated and an exception report will be created for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new amount of benefits.

FACT 42 (Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010)

Food Assistance Change Transmittal No. 42

March 10, 2011

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
FROM: Michael B. Colbert, Director
SUBJECT: Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

Background: The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) was signed into law on December 17, 2010 and will expire on December 31, 2012. Section 728 of this Act states that federal tax refunds received after December 31, 2009 must be disregarded as income and resources for a period of 12 months in all federal means-tested programs. The federal tax refund may be the result of a refundable credit, over-withholding, or both.

New Policy: All federal tax refunds received after December 31, 2009 and through December 31st 2012 are now exempt income and resources for the Food Assistance program. County agencies must comply with these requirements by disregarding the federal tax refund of individuals as income in the month of receipt. In addition, county agencies must exclude tax refunds as resources for 12 months. County agencies must ensure that during the application or interview process they ask individuals about any tax refunds if receipt of such a refund may affect the household's eligibility or benefit level. This law is not retroactive; county agencies must disregard the federal tax refunds for any household that is currently applying or recertifying for benefits.

FACT 41 (October 1, 2010 Mass Change)

Food Assistance Change Transmittal No. 41

September 3, 2010

EFFECTIVE October 1, 2010

TO: FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS

FROM: Douglas E. Lumpkin, DIRECTOR

SUBJECT: OCTOBER 1, 2010 MASS CHANGE

Previous Policy: The standard utility allowance, limited utility allowance, single standard utility allowance, the single standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: As of October 1, 2010 the standard utility allowances, standard deduction for assistance groups with three or less people and the excess shelter deduction will change. The adjusted gross and net monthly income eligibility standards, maximum food assistance allotments, homeless shelter deduction and standard deductions for assistance groups with four or more people have not changed.

Below are the deduction amounts, maximum food assistance allotments and income guidelines as of October 1, 2010.

Standard Utility Allowance \$599
Limited Utility Allowance \$364
Single Standard Utility Allowance \$82
Single Telephone Allowance \$37

Standard Deduction

\$142 for an AG size of 1 - 3 persons;
\$153 for an AG size of 4 persons; and
\$179 for an AG size of 5 persons; and
\$205 for an AG size of 6 or more persons

Maximum Excess Shelter Deduction

\$458

Maximum Food Assistance Allotments

AG Size	Maximum Allotment
1	\$200
2	367

3	526
4	668
5	793
6	952
7	1052
8	1202
each additional	+150

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$903
2	1215
3	1526
4	1838
5	2150
6	2461
7	2773
8	3085
each additional	+312

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1174
2	1579
3	1984
4	2389
5	2794
6	3200
7	3605
8	4010
each additional	+406

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1490
2	2004
3	2518
4	3032
5	3547
6	4061
7	4575
8	5089
each additional	+515

Implementation: The increase in the utility allowances, the standard deduction and the decrease in the excess shelter deduction will be implemented via a mass change on Labor Day weekend. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new amount of benefits.

FACT 40 (Rule 5101:4-4-03.3: Resources Excluded by Law)

Food Assistance Change Transmittal No. 40

September 9, 2010

EFFECTIVE September 1, 2010

TO: FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS

FROM: Douglas E. Lumpkin, DIRECTOR

SUBJECT: Rule 5101:4-4-03.3: Resources Excluded by Law

Background

Food Assistance Transmittal Letter [\(FATL\) 311](#) was published on July 28, 2010. This FATL included a rule review of rule [5101:4-4-03.3](#) "Food Assistance: Resources Excluded by Law". The amended rule was published with an effective date of September 1, 2010; however, due to an error in the version of the rule that was used, amended rule 5101:4-4-03.3 will not be effective September 1, 2010. Instead this Food Assistance Change Transmittal (FACT) implements the change to exempt the Filipino Veterans Equity Compensation Fund as a resource for the food assistance program as of September 1, 2010 as set forth in the American Recovery and Reinvestment Act of 2009. As of October 1, 2010 this FACT will be obsolete because rule 5101:4-4-03.3 will be effective with this change.

New Policy

The American Recovery and Reinvestment Act of 2009 created the "Filipino Veterans Equity Compensation Fund" for certain veterans and the spouses of veterans who

served in the military of the Government of the Commonwealth of the Philippines during

World War II. The compensation fund offers one time payments of up to \$15,000 to eligible persons. These payments are an exempt resource for the Food Assistance Program.

FACT 39 (Removal of the Time Limitation for Special Immigrant Visa Holders)

Food Assistance Change Transmittal No. 39

Action Change Transmittal Letter No. 248

February 4, 2010

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: Removal of the Time Limitation for Special Immigrant Visa Holders

Background: Public Law 110-161 granted Iraqi and Afghan aliens special immigrant visas under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members who have been granted this special immigrant status are eligible for resettlement assistance, entitlement programs and other benefits, the same as refugees admitted under section 207 of the INA for a period of eight months. For Afghan aliens, this eligibility was limited to six months from the date of entry to the United States.

Public Law 111-8 under section 602 of the Omnibus Appropriations Act of 2009 extended the Afghan special immigrant eligibility period for Ohio Works First and Food Assistance to eight months from their date of entry to the United States or the date of adjustment to special immigrant visa status.

New Policy: H.R. 3326, "Department of Defense Appropriations Act, 2010" (Public Law 111-118), has removed the eight-month limitation on cash and food assistance benefits for Iraqi and Afghan special immigrant visa holders. These individuals will now be able to receive benefits in the same manner as individuals admitted to the United States as refugees. Rules 5101:4-3-07, 5101:1-2-30 and 5101:1-2-40 of the Ohio Administrative Code will be amended to reflect changes in the federal regulations.

Food Assistance Eligibility: With the authority of Section 8120 of Public Law 111-118, effective December 19, 2009, the eligibility time limit for Iraqi and Afghan aliens with special immigrant visa status has been removed. An Iraqi or Afghan alien with special immigrant visa status will be considered a qualified alien under rule 5101:4-3-07. These individuals are eligible to receive food assistance indefinitely, provided all other eligibility requirements are met.

Ohio Works First (TANF) Eligibility: Section 8120 of Public Law 111-118 removes the eligibility time limit for Iraqi and Afghan aliens with special immigrant visa status. As of December 19, 2009, an Iraqi or Afghan alien with special immigrant visa status may be eligible for TANF benefits for the same time period as a refugee.

Prior to the enactment of Public Law 111-118, Iraqi and Afghan aliens with special immigrant visa status could receive TANF benefits for up to eight months. They then had to wait five years before being eligible for additional public benefits. Effective with this Public Law, Iraqi and Afghan aliens with special immigrant visa status are no longer subject to a five-year waiting period for TANF benefits.

Refugee Social Services Program (RSSP) Eligibility: In accordance with Section 8120 of Public Law 111-118, effective December 19, 2009, Iraqi and Afghan aliens with special immigrant visa status are eligible for RSSP services for five years from the date of admission to the United States or five years from the date special immigrant visa status was awarded in the United States under section 101(a)(27) of the INA.

Action Required: County agencies that become aware of any special immigrant visa holders who were terminated or denied benefits or services on or after December 19, 2009, should re-determine those terminations or denials using this new policy.

FACT 38 (Exclusion of Census Income)

Food Assistance Change Transmittal No. 38

December 31, 2009

EFFECTIVE IMMEDIATELY

TO: Food Assistance Certification Handbook Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Exclusion of Census Income

Background: Section 17 (b) (1) of the Food and Nutrition Act of 2008 gives the Secretary the authority to conduct certain demonstration projects. Accordingly, the Secretary may utilize this authority to waive the requirements of Section 5(d) of the Act and exclude temporary income. On August 24, 2009 the United States Department of Agriculture Food and Nutrition Service issued a memorandum offering states the opportunity to participate in a demonstration project to exclude earned income from temporary employment in the 2010 Census. For States that choose to participate, earned income from temporary Census employment will be excluded for food assistance benefits through September 30, 2010.

Current Policy: The census income currently is considered countable income in the food assistance budgets.

New Policy: On October 23, 2009 Ohio applied for and was approved to participate in the 2010 Census Income Demonstration Project. Effective immediately any income received from temporary employment in the 2010 Census is excluded in the food assistance budget. Participation in this demonstration project helps to further align policy among the food assistance, cash assistance and Medicaid programs.

Implementation: The census income code on CRIS-E table TEMP has been updated to exclude the census income from the food assistance budget through the approval of the waiver, which ends on September 30, 2010.

FACT 37 (Exclusion of the \$25 Supplemental Weekly Unemployment Compensation Payment)

Action Change Transmittal Letter No. 247

Food Assistance Change Transmittal No. 37

December 7, 2009

TO: All Cash Assistance Manual Holders
All Food Assistance Certification Handbook Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Exclusion of the \$25 Supplemental Weekly Unemployment Compensation Payment

On March 18, 2009, the United States Department of Agriculture Food and Nutrition Service issued guidance stating that state agencies must count the temporary \$25 supplemental weekly amount of federal additional compensation as income when determining eligibility for food assistance. This federal additional compensation payment was made possible by the American Recovery and Reinvestment Act. Ohio opted to align its cash assistance programs (Ohio Works First, Refugee Cash Assistance and Disability Financial Assistance) with its Food Assistance Program to count the supplemental weekly unemployment compensation payment as well.

On November 6, 2009, President Obama signed the Worker, Homeownership, and Business Assistance Act of 2009 (HR 3548), which requires states to exclude the \$25 supplemental weekly unemployment compensation payments from all calculations of resources and income for their food assistance programs.

Food Assistance

Effective November 1, 2009, eligibility determinations and benefit calculations for all months beginning with the entire month of November 2009 must exclude the \$25 supplemental weekly unemployment compensation payments from countable income. The state will run a mass change in the CRIS-E system on December 12, 2009, to remove the \$25 supplemental weekly unemployment compensation payment starting in January 2010.

Unfortunately, a system-wide change could not be made retroactive to November 2009. As a result, county agencies will need to issue supplements for food assistance cases in which the supplemental unemployment compensation payments were counted as income for the months of November and December. We will provide each county with a list of the affected cases no later than Friday, December 11, 2009.

The CRIS-E table TVIN (the unearned income table), has been updated to reflect this change. The "UCFA" code for federal additional compensation will now be reflected as excluded income. The mass change that will run in CRIS-E on December 12, 2009, will exclude the supplemental weekly unemployment compensation payments listed under the "UCFA" category on the AEFMI screen effective January 1, 2010.

It is possible that some people who were denied food assistance in November or December 2009 were recipients of the \$25 supplemental weekly unemployment compensation and could have been eligible if the payments were excluded at the time they applied. If possible, county agencies should examine their records to identify such households, re-open households' applications, certify the households if they are still eligible, and restore any lost benefits back to November 2009. County agencies also could consider notifying their communities about this change in policy and the possibility of restored benefits, through posters in local offices or through other means.

Cash Assistance

The policy to exclude the supplemental weekly unemployment compensation from cash assistance income is effective January 1, 2010. The mass change that is set to run on December 12, 2009, also will remove the \$25 weekly benefit from consideration in Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance cases. However, for cash assistance cases this change is not retroactive. County agencies are *not* required to issue supplements for unemployment compensation payments counted as income for the months of November and December.

FACT 36 (10/1/09 Cost of Living Adjustments)

Food Assistance Change Transmittal No. 36

September 2, 2009

EFFECTIVE October 1, 2009

TO: FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: October 1, 2009 Cost-of-Living Adjustments

Previous Policy: Each year the United States Department of Agriculture - Food and Nutrition Service issues the cost-of-living adjustments for the food assistance income eligibility standards and deductions. Previously these adjustments were issued by Ohio Administrative Code rule; however, the rules are being revised and the adjustments will be issued annually through a Food Assistance Change Transmittal.

New policy: The cost-of-living adjustments for the four utility allowances, the adjusted gross and net monthly income eligibility standards, the standard deduction, and the excess shelter expense deduction are effective on October 1, 2009 for all assistance groups. The maximum and minimum allotments and homeless shelter deduction will not change. The American Recovery and Reinvestment Act of 2009 raised the maximum allotments by 13.6 percent in April 2009.

Effective October 1, 2009 the following changes are applicable:

Utility Allowances

Type	Deduction Amount	Description
Standard Utility Allowance	\$588	deduction for the households that incur heating and/or cooling costs.
Limited Utility Allowance	\$352	deduction for the households that incur two or more utility expenses, none of which is a heating or cooling expense, but may include a telephone expense.
Single Telephone Allowance	\$36	deduction for households that only incur a telephone expense.
Single Standard Utility Allowance	\$79	deduction for households that incur one utility expense that is not a heating, cooling or telephone expense.

Standard Deduction

AG Size	Deduction Amount
1 - 3	\$141
4	153
5	179
6 or more persons	205

Maximum Shelter Costs

\$459

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$903
2	1215
3	1526
4	1838
5	2150
6	2461
7	2773
8	3085
each additional	+312

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1174
2	1579
3	1984
4	2389
5	2794
6	3200
7	3605
8	4010
each additional	+406

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1490
2	2004
3	2518
4	3032
5	3547
6	4061

7	4575
8	5089
each additional	+515

Implementation: The cost-of-living adjustments for the utility allowances and the eligibility standards will be implemented via a mass change on Labor Day weekend. Alerts will be generated for all cases in pending status which CRIS-E cannot update automatically. The eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new benefit amount and their right to a fair hearing.

FACT 35 (Afghan Special Immigrant Visa extension of benefits)

Food Assistance Change Transmittal No. 35

Action Change Transmittal Letter No. 246

April 8, 2009

EFFECTIVE DATE: March 10, 2009

OAC Rules: 5101:4-3-07, 5101:1-2-40, and 5101:1-2-40.2

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: Afghan Special Immigrant Visa extension of benefits.

Background: Public Law 110-161 granted Iraqi and Afghan aliens special immigrant visas (SIV) under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA. For Afghan aliens, this eligibility was limited to six months from the date of entry to the United States.

New Policy: Public Law 111-8 under section 602 of the Omnibus Appropriations Act of 2009 extended the Afghan special immigrant eligibility period for Ohio Works First, Refugee Cash Assistance and Food Assistance to eight months from their date of entry to the United States or the date of adjustment to special immigrant status.

Food Assistance eligibility: With the authority of Public Law 111-8 effective March 10, 2009, the eligibility time limit for Afghan aliens with a special immigrant status has been extended. An Afghan alien with special immigrant status will be considered a qualified alien under rule 5101:4-3-07 for eight months from their date of entry to the United States or the date of adjustment to special immigrant status.

For Afghan aliens with special immigrant status the Food Assistance certification period shall not exceed eight months from their date of entry or SIV grant date if applied from within the United States. When this eight month limit has passed the individuals must meet one of the other citizenship requirements listed in rule 5101:4-3-07 in order to receive benefits.

Ohio Works First or Refugee Cash Assistance eligibility: Afghan special immigrants are exempt from the five year bar on receipt of federal means-tested TANF public benefits for a time-limited period. The time-limited exemption period for Afghan special immigrants is now eight months from the date of entry into the United States or the date of adjustment to special immigrant status.

Once the eight month exemption period ends, these special immigrants would meet the definition of lawful permanent residents and would no longer be exempt from the five year bar on receipt of a federal means-tested public benefit.

Refugee Social Services Program (RSSP) eligibility: In accordance with Public Law 111-8, effective March 10, 2009, an Afghan special immigrant is eligible for RSSP services for eight months from the date of admission to the United States or from the date special immigrant status was awarded in the U.S. under section 101(a)(27) of the INA.

Action Required: County agencies that discover or become aware of any special immigrants who were terminated or denied any benefits or services on or after March 10th, 2009 should re-determine those terminations or denials using this current policy.

FACT 34 (Mandatory Standard Utility Allowance - Mass Change)

Food Assistance Change Transmittal No. 34

April 13, 2009

EFFECTIVE DATE: May 1, 2009

OAC Rule: 5101:4-4-23

TO: FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS

FROM: Douglas E. Lumpkin, DIRECTOR

SUBJECT: Mandatory Standard Utility Allowance - Mass Change

Previous policy: Prior to May 1, 2009, in accordance with rule 5101:4-4-23, the standard utility allowance, standard telephone allowance or actual utility costs are to be used to calculate an assistance group's utility deduction.

New policy: As of May 1, 2009, in accordance with rule 5101:4-4-23, there will be four utility allowances to be used when determining an assistance group's benefit allotment:

- 1. Standard Utility Allowance:** deduction for the households that incur heating and or cooling costs. The standard utility allowance includes the costs of heating fuel, electricity, cooling costs, water, sewer, trash collection and telephone service.
- 2. Limited Utility Allowance:** deduction for the households that incur two or more utility expenses, none of which is a heating or cooling expense, but may include a telephone expense.
- 3. Single Standard Utility Allowance:** deduction for households that incur one utility expense that is not a heating, cooling or telephone expense.
- 4. Single Telephone Allowance:** deduction for households that only incur a telephone expense.

With this policy change the utility allowance will no longer be prorated.

Along with the utility allowances the standard and shelter deductions are also included in rule 5101:4-4-23. The deduction amounts are no longer listed in the rule; instead we will notify the counties of the annual updates to these deductions by food assistance change transmittal. Below are the deduction amounts as of May 1, 2009. Please note the only changes are the new utility allowances.

Standard Utility Allowance

\$586 (no change)

Single Telephone Allowance

\$31 (no change)

Limited Utility Allowance

\$287

Single Standard Utility Allowance

\$64

Standard Deduction

(no change)

\$144 for an AG size of 1 - 3 persons;

\$147 for an AG size of 4 persons; and

\$172 for an AG size of 5 persons; and

\$197 for an AG size of 6 or more persons

Maximum Shelter Costs

\$446 (no change)

Implementation: The new utility allowances will be implemented via a mass change on April 4, 2009. Any cases processed after April 4th will use the new methodology. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility worker will be required to run ED/BC for those cases to implement these changes. Each assistance group affected by this change will also receive a notice providing their new amount of benefits and their right to a fair hearing.

FACT 33 (2009 Economic Stimulus Package)

Food Assistance Change Transmittal No. 33

March 25, 2009

EFFECTIVE DATE: April 1, 2009

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
FROM: Douglas E. Lumpkin, Director
SUBJECT: 2009 Economic Stimulus Package

The recently passed American Recovery and Reinvestment Act (ARRA) of 2009 had several provisions that will affect the food assistance program. Those provisions include:

Increased Maximum Allotments: The maximum food assistance allotments will increase 13.6% effective April 1, 2009. Below is the new maximum food assistance allotments by assistance group size. The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

Maximum Food Assistance Allotments	
AG Size	Maximum Allotment
1	\$200
2	367
3	526
4	668
5	793
6	952
7	1052
8	1202
each additional	+150

Increased Minimum Allotment: The minimum allotment for one and two person assistance groups will increase effective April 1, 2009. The current minimum allotment is \$14. The new minimum allotment will be \$16.

Implementation: Both of these changes have been implemented through an automated CRIS-E mass change and will take effect for April 2009 benefits. Alerts have been generated for all cases which CRIS-E cannot update automatically (i.e. pending, fiated and negatively affected cases) and the eligibility worker will be required to run ED/BC for these cases to implement these changes.

Overpayment Determinations:

The additional food assistance benefits received by recipients should not be considered when calculating overpayments. However, these additional funds will be included for recoupment purposes. This means when eligibility workers are computing overpayments they will have to use the current basis issuance tables; however, the recoupment process will still be correct through the CRIS-E system.

Other ARRA Provisions Affecting Food Assistance

Economic Recovery Payment:

The ARRA authorized a one time \$250.00 payment to individuals receiving Social Security, Supplemental Security Income, Railroad Retirement Benefits, and Veterans Disability Compensation or pension benefits. This payment has been excluded for public assistance purposes for the cash and food assistance programs.

Increase in Unemployment Compensation Benefits:

The ARRA gave states the option to increase unemployment benefits by \$25.00 per week. Ohio has elected to implement this option; however, a definite start date has not yet been set. These additional benefits will count as income, and will affect the cash and food assistance budgets. As information becomes available we will provide you with details on how to handle the increase.

FACT 32 (Categorical Eligibility Expansion)

Food Assistance Change Transmittal No. 32

September 25, 2008

EFFECTIVE DATE: October 1, 2008

OAC RULE: 5101:4-2-02

TO: Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Categorical Eligibility Expands

This policy is effective on October 1, 2008. On or about November 1, 2008, the policy in this food assistance change transmittal will be incorporated into a Food Stamp Transmittal Letter with changes to rule 5101:4-2-02, "Food Stamps: categorical eligibility."

Reason for Change

We are expanding categorical eligibility to include all assistance groups (AGs) who are authorized to receive Ohio Benefit Bank services. The Ohio Benefit Bank is a TANF-funded service that offers application assistance and outreach for low and moderate income Ohioans for existing benefits and services, including cash assistance, food stamp benefits, Medicaid, child care, income tax credits, student financial aid and fatherhood programs.

Previous Policy

Categorical eligibility is limited to AGs in which all members were in receipt of Ohio Works First (OWF), Supplemental Security Income (SSI), Disability Financial Assistance (DFA), and Prevention Retention and Contingency (PRC) programs. These AGs are not subject to the gross or net income test or the resource limits.

New Policy

Effective October 1, 2008, categorical eligibility will be expanded to include all AGs who are authorized to receive Ohio Benefit Bank services. These AGs are not subject to the net income test as defined in OAC rule 5101:4-4-11 or the resource limits defined in OAC Rule 5101:4-4-01. All applicants and recipients will be authorized and notified of the Ohio Benefit Bank services at application and reapplication through receipt of the Printed Copy of Information and through notification of approval for benefits. Both of these forms include a statement that the AG is authorized to receive Ohio Benefit Bank services and how they can access those services.

AGs that do not contain an elderly or disabled member must be at or below one hundred thirty per cent of the federal poverty level to be authorized to receive Ohio Benefit Bank services. The gross income of AGs with an elderly or disabled member must be at or below two hundred percent of the federal poverty level according to their AG size to be authorized to receive Ohio Benefit Bank services.

Exceptions to categorical eligibility for Ohio Benefit Bank AGs include:

AGs in which any member is disqualified for an intentional program violation in accordance with division 5101:6 of the Administrative Code.

AGs in which any member is ineligible because of failure to comply with a work requirement of rules 5101:4-3-11 and 5101:4-3-19 of the Administrative Code and the requirements of rule 5101:4-3-09 of the Administrative Code.

Persons applying for food stamp benefits at the county department of job and family services do not have to access the Ohio Benefit Bank services to be categorically eligible, nor do county departments have to track whether they used it or not. Caseworkers do not have to provide any information to food stamp applicants about the Ohio Benefit Bank because it will be provided via the CRIS-E generated Printed Copy of Information and on CRIS-E notices.

Office of Family Stability Letter No. 75 "Expanded Categorical Eligibility for Food Stamps," issued July 10, 2008 includes a series of questions and answers that provide more details about the Ohio Benefit Bank and the new policy.

A view flash bulletin will be issued with information regarding changes to CRIS-E.

Questions can be directed to the TANF_FSTA mailbox.

FACT 31 (2008 Farm Bill: Food Stamp Reauthorization - 10/1/08 Mass Change)

Food Assistance Change Transmittal No. 31

September 8, 2008

EFFECTIVE DATE: October 1, 2008

OAC RULES: 5101:4-1-03, 5101:4-3-31, 5101:4-3-32, 5101:4-4-03, 5101:4-4-03.3, 5101:4-4-11, 5101:4-4-13, 5101:4-4-23, 5101:4-4-31, 5101:4-5-01

TO: Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: 2008 Farm Bill: Food Stamp Reauthorization and October 1, 2008 Mass Changes

These rules are proposed to be effective on an emergency basis 10/01/08. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis on or about 12/18/08.

Reason for Change

On June 18, 2008, the Food Stamp Program was reauthorized under The Food, Conservation, and Energy Act of 2008 (FCEA)(P.L.110-246), otherwise known as the "Farm Bill". This law contains various provisions that affect food stamp eligibility, benefits, and program administration. This Food Assistance Change Transmittal (FACT) incorporates the changes mandated by the Farm Bill that are associated with the cost of living adjustment (COLA).

Previous Policy

The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment (COLA).

New Policy

Effective October 1, 2008, the following changes are applicable. The significant increase in the standard utility allowance can be attributed to increased natural gas costs during the winter of 2007 - 2008.

Excess Shelter Deduction

\$446

Standard Utility Allowance

\$586

Standard Telephone Allowance

\$31

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$144 for an AG size of 1-3 persons;

\$147 for an AG size of 4 persons; and

\$172 for an AG size of 5 persons; and,

\$197 for an AG size of 6 or more persons

Dependent Care

A provision of the Farm Bill eliminates the cap on the deduction for dependent care expenses (currently \$175 or \$200 per month, depending on the dependent's age) is being eliminated. The actual verified dependent care costs are to be utilized in calculating eligibility and benefit levels.

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$176
2	323
3	463
4	588
5	698
6	838
7	926
8	1058
each additional	+132

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$867
2	1167
3	1467
4	1767
5	2067
6	2367
7	2667
8	2967
each additional	+300

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1127

2	1517
3	1907
4	2297
5	2687
6	3077
7	3467
8	3857
each additional	+390

Separate AG Income Standards -- Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1430
2	1925
3	2420
4	2915
5	3410
6	3905
7	4400
8	4895
each additional	+495

Summary of Rule Changes:

5101:4-1-03 - Food stamps: definitions

The Food Stamp Act of 1977 is renamed the Food and Nutrition Act of 2008.

The "minimum benefit" for one and two person assistance groups has been increased from \$10 to 8 percent of the maximum allotment of the one-person Thrifty Food Plan. The minimum allotment for the one and two-person assistance groups is now \$14.

5101:4-3-31 - Food stamp employment and training (FSET): required hours

Language has been added to allow individuals who are voluntarily participating Employment and Training to participate more than 120 hours per month or the number of hours based on their benefits divided by the state or federal minimum wage, whichever is higher.

5101:4-3-32 - Food stamp employment and training (FSET): supportive services

The cap on the deduction for dependent care expenses has been removed and the rule changed to allow assistance groups who are eligible for the deduction to deduct the entire verified amount of dependent care expenses when calculating eligibility and benefit levels.

5101:4-4-03 - Food stamps: exempt resources

This rule is being amended to reference rule 5101:4-4-03.3 for the exclusion of all retirement accounts as a countable resource. A chart providing a summary of tax-preferred retirement accounts/plans is attached as a desk aid for your reference.

5101:4-4-03.3 - Food stamps: resources excluded by law

All tax-preferred education accounts (e.g., 529s) and all tax-preferred retirement plans, contracts, or accounts described in sections 401(a), 403(a), 403(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided for in 5 U.S.C. 8439 are excluded as resources. The rule also provides for the exclusion of any successor retirement accounts that are exempt from federal taxes.

5101:4-4-11 - Food stamps: income standards

This rule is being amended to reflect the adjustments to the Gross Monthly Income Standards, Net Monthly Income Standards, and the Separate Assistance Group Income Standards for Elderly and Disabled Assistance Groups.

5101:4-4-13 - Food stamps: types of excluded income

The references to the Food Stamp Act of 1977 are being replaced with Food and Nutrition Act of 2008.

5101:4-4-23 - Food stamps: deductions from income

This rule is being amended to remove the cap on the deduction for dependent care expenses (currently \$175 or 200 per month, depending on the dependent's age) and allows assistance groups eligible for the deduction to deduct the entire verified amount of dependent care expenses when calculating eligibility and benefit levels.

This rule is also being amended to reflect the updated standard utility allowance, standard telephone allowance, standard deductions, and the excess shelter deduction.

The minimum standard deduction for one, two, and three person assistance groups has increased to \$144.

Paragraph (C)(10) of this rule is being amended to define the reasonable costs of transportation to obtain medical treatment or services as the current federal or state mileage rate, whichever is higher. Currently, the Internal Revenue Service's (IRS) standard business rate of 58.5 cents per mile, rounded up to 59 cents per mile is to be applied. This mileage reimbursement rate is also applicable for self-employment expenses described in rule 5101:4-6-11(B)(4).

5101:4-4-31 - Food stamps: anticipating income

This rule is being amended to remove references to the dependent care cap.

5101:4-5-01 - Food stamps: determining the monthly allotment

Appendix A of this rule is being amended to reflect the new maximum allotment amounts.

Implementation: All applications and reapplications being processed for October 2008 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 1, 2008. Alerts will be generated for all cases for which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A). The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

The elimination of the maximum dependent care deductions is effective October 1, 2008. In cases where the full dependent care costs (that exceeded the maximum allowed) were entered into CRIS-E and CRIS-E calculated the amount of the deduction, CRIS-E will automatically lift the cap and apply the actual dependent care costs during the mass change process.

For cases in which the dependent care costs exceeded the maximum limit and the eligibility worker entered only the maximum limit, CRIS-E cannot automatically adjust the calculation to reflect actual dependent case costs. The eligibility worker must apply the actual verified costs at the time of recertification or when the case is next reviewed, whichever occurs first. If the case file shows that the assistance group had verified

dependent care expenses in excess of the cap, the eligibility worker must restore benefits starting with the October 1, 2008 benefit.

Example:

Prior to October 1, 2008, an assistance group reported and verified monthly dependent care costs of \$500 per month. If the eligibility worker entered the \$500 per month, CRIS-E calculated the maximum allowable amount of the deduction based on the age of the dependent. The October 2008 mass change will lift the dependent care cap and allow \$500 in the food stamp calculation.

If the eligibility worker entered only the maximum allowed (\$175 or \$200 per month), the October mass change will not lift the cap and the maximum will continue to be used. When the eligibility worker next processes a change in the case or a recertification is being completed, and the case record shows that the assistance group had previously verified dependent care expenses in excess of the cap, benefits must be restored back to October 1, 2008.

In situations where the verified amount of dependent care expenses were less than the cap, CRIS-E mass change will continue to use the amounts entered.

FACT 30 (Iraqi and Afghahn Special Immigrant Status)

Food Assistance Change Transmittal No. 30

Action Change Transmittal Letter No. 245

April 7, 2008

EFFECTIVE DATE: Immediately

OAC RULES: 5101:4-3-07, 5101:1-2-30, 5101:1-2-40, 5101:1-2-40.2

TO: All Cash Assistance Manual Holders

All Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Iraqi and Afghan Special Immigrant Status - Eligibility for Public Assistance

Reason for Change: This letter is to provide information recently received from the Office of Refugee Resettlement and the Office of Family Assistance, Administration for Children and Families, Health and Human Services, and the Food and Nutrition Service, United States Department of Agriculture, regarding Public Law (PL) 110-161 of the Consolidated Appropriations Act of 2008, and PL 110-181, National Defense Authorization Act for Fiscal Year 2008, granting special immigrant status to Afghan and Iraqi aliens for a time-limited period.

The law pertaining to Iraqi special immigrants is in effect for five federal fiscal years, for FFY 2008 through FFY 2012. The law pertaining to Afghan special immigrants is contained in an appropriations bill, and thus is only in effect through the end of the federal fiscal year (FFY), September 30, 2008, unless extended by Federal law. Historically, such appropriation bills remain in effect after the end of the fiscal year through continuing resolutions and it is anticipated to be extended.

Prior Policy: None

New Policy: Effective December 26, 2007, PL 110-161 granted Iraqi and Afghan aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA.

The period of eligibility for Afghan special immigrants cannot exceed six months from the date of entry into the United States (U.S.). Effective January 28, 2008, PL 110-181 extended eligibility for Iraqi special immigrants from six to eight months from the date of entry into the U.S. However, PL 110-181 did not extend the six-month period of eligibility for Afghan special immigrants.

No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

The policies contained in this ACT/FACT will be incorporated into a future CAMTL and FSTL.

Food stamp eligibility: Under the authority of PL 110-161, the Afghan special immigrant's food stamp certification period for food stamps cannot exceed six months from the date of entry. For example, if the date of entry is October 10, 2007, the six month period is October through March; if the food stamp application file date of this individual with an entry date of October 10, 2007 is not until sometime in February 2008, the certification period would only be for two months, February 2008 through March 2008.

Under the authority of PL 110-181, the Iraqi special immigrant's food stamp certification period for food stamps cannot exceed eight months from the date of entry. For example, if the date of entry is December 12, 2007, the eight month period is December through July 2008; if the food stamp application file date of this individual with an entry date of December 12, 2007 is not until sometime in March 2008, the certification period would only be for five months, March 2008 through July 2008.

Ohio Works First (OWF) or Refugee Cash Assistance (RCA) eligibility: Qualified aliens are the only non-citizens eligible to receive a Federal TANF public benefit. A qualified alien who enters the U.S. on or after

August 22, 1996 is not eligible for any Federal means-tested public benefit (e.g., federally funded TANF assistance) for a period of five years beginning on the date of the alien's entry into the U.S.

Iraqi and Afghan special immigrants are exempt from the five year bar on receipt of Federal means-tested TANF public benefit for a time-limited period. The time-limited exemption period for Afghan special immigrants is six months from the date of entry into the U.S. The time-limited exemption period for Iraqi special immigrants is eight months from the date of entry into the U.S.

Once the six or eight month exemption period ends, these special immigrants would meet the definition of lawful permanent residents and would no longer be exempt from the five year bar on receipt of a Federal means-tested public benefit.

When an application is received, eligibility under "entitlement programs" (i.e., TANF/OWF) would be explored first. If eligibility for OWF exists, it is limited to the six or eight months of this program. If eligibility for OWF does not exist, Afghan and Iraqi special immigrants could qualify for benefits under the RCA program for six or eight months.

The date of eligibility for OWF or RCA benefits cannot precede the date of application or the date that the law went into effect. No provision exists to provide benefits between the date of entry and the date that the county department of job and family services (CDJFS) receives an application.

Refugee Social Services Program (RSSP) eligibility: In accordance with PL 110-161, effective December 26, 2007, and extended under PL 110-181, effective January 28, 2008, an Iraqi special immigrant is eligible for RSSP services for eight months from the date he or she was admitted to the U.S. with special immigrant status under section 101(a)(27) of the INA. For Iraqis who acquire special immigrant status while in the U.S., the date of eligibility for benefits and services is the grant date of Iraqi special immigrant status. No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

In accordance with PL 110-161, effective December 26, 2007, an Afghan special immigrant is eligible for RSSP services for six months from the date of admission to the U.S. with special immigrant status under section 101(a)(27) of the INA. No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

Action Required: The CDJFS shall process applications submitted by Iraqi and Afghan special immigrants as detailed in this transmittal. It is imperative that the six or eight month period be manually tracked from the date of entry into the U.S. to ensure that receipt of benefits do not exceed the maximum time-limited period of six or eight months. Eligibility determination examples are provided in Appendix A.

To facilitate tracking, ODJFS will provide the counties a list of Iraqi and Afghan immigrants each month from CRIS-E. The CDJFS will need to review documentation and Systematic Alien Verification for Entitlement (SAVE) to determine which have special immigrant status and ensure benefits are granted and terminated appropriately.

If the CDJFS discovers or becomes aware of any special immigrants who were denied any benefits or services prior to the passage of these provisions, the CDJFS should reconsider those denials using this current policy. Restorations or under issuances back to the date of application, but no earlier than December 26, 2007, not to exceed the periods of eligibility based on the date of entry for each special immigrant status, may be appropriate.

Acceptable verification is described in Appendix B.

CRIS-E Instructions: Review the documentation of status and verify it on SAVE. If the documentation confirms that the person holds one of the statuses explained above, complete the CRIS-E screen AEICZ following these instructions:

Enter the appropriate code for the country of origin from the TCOU table (001 for Afghanistan or 045 for Iraq).

Enter the entry date into the U.S. and the date from the document presented granting such status in the respective fields (usually the same date).

For people with Iraqi/Afghan SIV documentation described above: use code "SI" as the Alien Status Code.

This will trigger CRIS-E to explore eligibility for OWF, Food Stamps, and Medicaid prior to exploring eligibility for Refugee Cash Assistance and Refugee Medical Assistance.

Enter the 8 or 9 digit alien number in the "Document Number" field on CRIS-E. This is the number following the "A" that is usually found on the back of the I-94 form or is on the front of the I-551 "Permanent Resident Card".

Enter "Y" or "N" in the 40 quarter section.

Following the eight or six month eligibility period, Iraqi and Afghan special immigrants are treated as any other Lawful Permanent Resident and are subject to the 40 quarter requirement.

Case entry instructions will also be issued in a CRIS-E View Flash Bulletin.

Attachments:

Appendix A to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Eligibility Period Chart

[Click here to view Appendix A to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Eligibility Period Chart](#)

Appendix B to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV Status

[Click here to view Appendix B to ACT 245/FACT 30: Iraqi and Afghan Special Immigrant Visa Holders - Eligibility for Public Assistance Verification of SIV Status](#)

FACT 29 (OWF Food Stamp AGs: Adding an Indiv. After a Sanction)

Food Assistance Change Transmittal No. 29

September 21 2007

EFFECTIVE DATE: October 1, 2007

OAC RULE: 5101:4-3-09

TO: Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Ohio Works First Food Stamp Assistance Groups (AGs): Adding Individual(s) to the AG Following a Sanction

This rule is proposed to be effective on an emergency basis 10/01/07. If no revisions are made to the proposed rule prior to the finalization by JCARR, the regular filing will become effective on a permanent basis on or about 12/17/07. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Current Policy: An individual who is a member of an Ohio Works First (OWF) food stamp AG who fails to comply with a provision of their self-sufficiency contract (SSC) without good cause is required to serve a minimum sanction period of one, three, or six months, depending on the sanction occurrence. The individual remains sanctioned until the minimum sanction period has been served or until the individual complies, whichever is later. Compliance is determined by the county department of job and family services (CDJFS).

New Policy: As a result of changes to Ohio Revised Code (ORC) Section 5107.16, the Cash Assistance Manual (CAM) Section 5101:1-3-15, which addresses the OWF sanction process, is being amended. The sanction period will be limited to the minimum time period (one, three, or six months). There will be no requirement for the sanctioned individual to demonstrate a willingness to comply with the SSC. Consequently, the policy for OWF food stamp AGs is being amended to align with the OWF cash assistance rule. Food stamp AGs in which all members are not in receipt of OWF are not affected by this policy change.

5101:4-3-09 - Food Stamps: Ohio works first (OWF) appraisal, self-sufficiency contract (SSC) requirements, and sanctions

Language in paragraph (O), requiring that the OWF individual demonstrate a willingness to comply with the SSC before restoration of benefits, is being removed.

Paragraph (P), formerly paragraph (Q), is being amended to remove language regarding non-compliance. A reference to paragraph (J) of this rule has been added which addresses the imposition of the OWF three-tier sanctions.

Paragraph (R), formerly paragraph (S), is being amended to reference the Cash Assistance Manual Section 5101:1-3-15(B), which address the length of the OWF three-tier sanctions.

A reference to the change processing rule, 5101:4-7-01, has been added in paragraph (S), formerly paragraph (T), to address adding the sanctioned individual to the AG after the minimum sanction period has been served. In the event that prior to the imposition of the sanction, the individual being sanctioned was the only food stamp AG member, a reference to the application processing rule, 5101:4-2-01, has been added to clarify that the application process would be appropriate after the minimum sanction period has been served by the individual.

CRIS-E Impact

Due to changes in OWF food stamp sanction policy effective October 1, 2007, the following changes are being completed in the CRIS-E system:

For OWF food stamp AG sanctions entered on or after October 1, 2007, end dates will be populated on the "end date" field on AEOIE. The end date of the sanction will be determined from the entered begin date of the sanction and entered sanction occurrence. If a code other than 628, 631, 633, 828, 831, 833, 928, 931, or 933 is entered, the "End DT" will allow the user to enter an end date.

The compliance field for OWF food stamp AGs will be protected. The compliance field for food stamp AGs in which all members are not in receipt of OWF will remain a required field when ending a sanction.

An edit will be placed on AEOIE for when the CDJFS runs ED/BC on a case that contains an OWF food stamp sanction for which the sanction period would have ended prior to September 30, 2007. The edit will require the worker to end date the sanction with a September 30, 2007 date. For OWF food stamp sanctions that were imposed prior to October 1, 2007 but the sanction period will not expire until after October 1, 2007, the edit will require the worker to place the appropriate end date in the "end date" field on AEOIE as determined by the begin date and occurrence of the sanction.

An alert will be sent to both the eligibility worker and the work activity worker the month prior to the expiration of the sanction notifying the worker that the case needs to be examined and run through ED/BC.

The "cure" portion on both state and county CNET screens for OWF and OWF food stamp AGs will be protected. Standardized language explaining the OWF food stamp reinstatement following the sanction period will be added to the client notices.

New reason codes and reason code language will be updated with the new policy.

Attachment

Click [here](#) to view OAC rule referenced in this FACT

FACT 28 (October 1, 2007 Mass Change)

Food Assistance Change Transmittal No. 28

August 15, 2007

EFFECTIVE DATE: October 1, 2007

OAC RULE(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: HELEN JONES-KELLY, DIRECTOR

SUBJECT: OCTOBER 1, 2007-MASS CHANGES

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: The adjusted gross and net monthly income eligibility standards, maximum food stamp allotments, standard deductions, and excess shelter expense deductions are effective on October 1, 2007, for all AGs.

Effective October 1, 2007, the following changes are applicable. Please note that the homeless shelter deduction has not changed.

Excess Shelter Deduction

\$431

Standard Utility Allowance

\$450

Standard Telephone Allowance

\$30

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction
\$134 for an AG size of 1-3 persons;
\$143 for an AG size of 4 persons; and
\$167 for an AG size of 5 persons; and,
\$191 for an AG size of 6 or more persons

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$162
2	298

3	426
4	542
5	643
6	772
7	853
8	975
each additional	+122

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$ 851
2	1141
3	1431
4	1721
5	2011
6	2301
7	2591
8	2881
each additional	+290

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$1107
2	1484
3	1861
4	2238
5	2615
6	2992
7	3369
8	3746
each additional	+377

Separate AG Income Standards - Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Income
1	\$1404
2	1883
3	2361
4	2840
5	3318
6	3797
7	4275
8	4754
each additional	+479

Implementation: All applications and reapplications being processed for October 2007 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 1, 2007. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

FACT 27 (October 1, 2006 Mass Change)

Food Assistance Change Transmittal No. 27

August 25, 2006

Effective Date: October 1, 2006

OAC Rule(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: BARBARA E. RILEY, DIRECTOR

SUBJECT: October 1, 2006 - Mass Changes

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: The adjusted gross and net monthly income eligibility standards, maximum food stamp allotments, standard deductions, and excess shelter expense deductions are effective on October 1, 2006, for all AGs.

Effective October 1, 2006, the following changes are applicable. Please note that the homeless shelter deduction and standard telephone allowance have not changed.

Excess Shelter Deduction

\$417

Standard Utility Allowance

\$429

Standard Telephone Allowance

\$29 (No Change)

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$134 for an AG size of 1-3 persons;

\$ 139 for an AG size of 4 persons; and

\$ 162 for an AG size of 5 persons; and,

\$ 186 for an AG size of 6 or more persons

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$155

2	284
3	408
4	518
5	615
6	738
7	816
8	932
each additional	+117

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$ 817
2	1,100
3	1,384
4	1,667
5	1,950
6	2,234
7	2,517
8	2,800
each additional	+ 284

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$1,062
2	1,430
3	1,799
4	2,167
5	2,535
6	2,904

7	3,272
8	3,640
each additional	+ 369

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$1,348
2	1,815
3	2,283
4	2,750
5	3,218
6	3,685
7	4,153
8	4,620
each additional	+ 468

Implementation: All applications and reapplications being processed for October 2006 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 2006. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

FACT 26 (October 1, 2005 Mass Change)

Food Assistance Change Transmittal No. 26

September 8, 2005

EFFECTIVE DATE: October 1, 2005

OAC RULE(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: BARBARA E. RILEY, DIRECTOR

SUBJECT: October 1, 2005- Mass Changes

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: The adjusted gross and net monthly income eligibility standards, maximum food stamp allotments, standard deductions, and excess shelter expense deductions are effective on October 1, 2005, for all AGs.

Effective October 1, 2005, the following changes are applicable. Please note that the homeless shelter deduction has not changed.

Excess Shelter Deduction

\$400

Standard Utility Allowance

\$487

Standard Telephone Allowance

\$29

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$134 for an AG size of 1-4 persons;

\$157 for an AG size of 5 persons; and,

\$179 for an AG size of 6 or more persons

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$152
2	278

3	399
4	506
5	601
6	722
7	798
8	912
each additional	+114

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$798
2	1,070
3	1,341
4	1,613
5	1,885
6	2,156
7	2,428
8	2,700
each additional	+272

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$1,037
2	1,390
3	1,744
4	2,097
5	2,450
6	2,803
7	3,156

8	3,509
each additional	+354

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$1,316
2	1,765
3	2,213
4	2,661
5	3,109
6	3,558
7	4,006
8	4,454
each additional	+449

Implementation: All applications and reapplications being processed for October 2005 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 2005. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

FACT 24 (October 1, 2004 Mass Change)

Food Assistance Change Transmittal No. 24

OBSOLETE PER FSTL 259 (October 6, 2004)

August 23, 2004

EFFECTIVE DATE: October 1, 2004

OAC RULE(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: THOMAS J. HAYES, DIRECTOR

SUBJECT: October 1, 2004- Mass Changes

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: The adjusted gross and net monthly income eligibility standards, maximum food stamp allotments, standard deductions, and excess shelter expense deductions are effective on October 1, 2004, for all AGs.

Effective October 1, 2004, the following changes are applicable. Please note that the homeless shelter deduction has not changed.

Excess Shelter Deduction

\$388

Standard Utility Allowance

\$380

Standard Telephone Allowance

\$29

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$134 for an AG size of 1-4 persons;

\$153 for an AG size of 5 persons; and,

\$175 for an AG size of 6 or more persons

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$149

2	274
3	393
4	499
5	592
6	711
7	786
8	898
each additional	+112

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$776
2	1,041
3	1,306
4	1,571
5	1,836
6	2,101
7	2,366
8	2,631
each additional	+ 265

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$1,009
2	1,354
3	1,698
4	2,043
5	2,387

6	2,732
7	3,076
8	3,421
each additional	+ 345

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$1,281
2	1,718
3	2,155
4	2,592
5	3,030
6	3,467
7	3,904
8	4,341
each additional	+ 438

Implementation: All applications and reapplications being processed for October 2004 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 2004. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

FACT 23

Food Assistance Change Transmittal No. 23

OBSOLETE PER FSTL 252 (October 1, 2003)

August 29, 2003

OAC RULE(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

EFFECTIVE DATE: October 1, 2003

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: THOMAS J. HAYES, DIRECTOR

SUBJECT: October 1, 2003 - Mass Changes

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: The adjusted gross and net monthly income eligibility standards, maximum food stamp allotments, standard deductions, and excess shelter expense deductions are effective on October 1, 2003, for all AGs.

Effective October 1, 2003, the following changes are applicable. Please note that the homeless shelter deduction has not changed.

Excess Shelter Deduction

\$378

Standard Utility Allowance

\$360

Standard Telephone Allowance

\$28

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$134 for an AG size of 1-4 persons;

\$149 for an AG size of 5 persons; and,

\$171 for an AG size of 6 or more persons

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$141
2	259

3	371
4	471
5	560
6	672
7	743
8	849
each additional	+106

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$749
2	1,010
3	1,272
4	1,534
5	1,795
6	2,057
7	2,319
8	2,580
each additional	+262

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$973
2	1,313
3	1,654
4	1,994
5	2,334
6	2,674
7	3,014
8	3,354
each additional	+341

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

AG Size	Maximum Income
1	\$1,235
2	1,667
3	2,099
4	2,530
5	2,962
6	3,394
7	3,826
8	4,254
each additional	+432

Implementation: All applications and reapplications being processed for October 2003 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 2003. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

FACT 22

Food Assistance Change Transmittal No. 22

OBSOLETE PER FSTL 243 (9/18/2002)

August 21, 2002

EFFECTIVE DATE: October 1, 2002

OAC RULE(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: THOMAS J. HAYES, DIRECTOR

SUBJECT: October 1, 2002 - Mass Changes

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: The adjusted gross and net monthly income eligibility standards, maximum food stamp allotments, and excess shelter expense deduction are effective on October 1, 2002, for all AGs. Effective October 1, 2002, the standard deduction will vary according to AG size and will be adjusted annually for cost-of-living increases.

Effective October 1, 2002, the following changes are applicable. Please note that the standard utility allowance, the telephone standard, and the homeless shelter deduction have not changed.

Excess Shelter Deduction

\$367

Standard Utility Allowance

\$306 (No change)

Standard Telephone Allowance

\$27 (No change)

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$134 for an AG size of 1-4 persons;

\$147 for an AG size of 5 persons; and,

\$168 for an AG size of 6 or more persons

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment

1	\$139
2	256
3	366
4	465
5	553
6	663
7	733
8	838
each additional	+105

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$ 739
2	995
3	1,252
4	1,509
5	1,765
6	2,022
7	2,279
8	2,535
each additional	+ 257

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$ 960
2	1,294
3	1,628

4	1,961
5	2,295
6	2,629
7	2,962
8	3,296
each additional	+ 334

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$1,219
2	1,642
3	2,066
4	2,489
5	2,913
6	3,336
7	3,760
8	4,183
each additional	+ 424

Implementation: All applications and reapplications being processed for October 2002 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 2002. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

FACT 21

Action Change Transmittal Letter No. 212

Food Assistance Change Transmittal No. 21

August 23, 2001

Effective Date: Immediately

PAM Chapters: 3000, 4000, 5000, 7000, and 11000;

FSCH Chapter: 3000

OAC Rules: 5101:1-2-30, 5101:1-2-301 and 5101:4-3-06

TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: GREGORY L. MOODY, DIRECTOR

SUBJECT: Trafficking Victims Protection Act of 2000

Reason for Change: The Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, 114 Stat.1464 (2000), makes adult victims of severe forms of trafficking who have been certified by the U.S. Department of Health and Human Services (HHS) eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act (INA). Victims of severe forms of trafficking who are under age 18 are also eligible for benefits to the same extent as refugees, but do not need to be certified.

Under section 103 (8) of the Act, the term "severe forms of trafficking in persons" means:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or,
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The Trafficking Victims Protection Act aims to combat trafficking through increased law enforcement, to ensure effective punishment of traffickers, to protect victims and to provide Federal and State assistance to victims. This ACT shall contain the procedure for county departments of job and family services (CDJFS) to follow and the acceptable documentation in determining eligibility for benefits.

The Trafficking Victims Protection Act of 2000 was enacted in October 2000, and the regulations explained above are now in effect. The federal guidance on this topic has just been issued and because the regulations are currently in effect we are issuing this ACT/FACT with an immediate effective date. The OAC rules listed on the front page will be placed in departmental clearance.

Prior Policy: None

New Policy: HHS' Office of Refugee Resettlement (ORR) will make certification determinations and issue letters of certification for adult victims of severe forms of trafficking. Children under 18 years of age who are determined to have been subjected to a severe form of trafficking do not need to be certified in order to receive benefits. ORR will issue letters, similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking. Victims of severe forms of trafficking are eligible for benefits and services to the same extent as refugees under section 207 of the INA. Other agencies may issue letters or other documents to victims of severe forms of trafficking. However, only the ORR certification letter or letter for children may be accepted as proof of certification.

Action Required: CDJFS shall follow their regular procedures for refugees and treat the victim of a severe form of trafficking the same as a refugee. However, instead of requiring Immigration and Naturalization Service (INS) documentation, such as the I-94 Arrival/Departure Card, a **certification letter or letter for children** shall be accepted as proof of status that confers eligibility for benefits. Sample copies of letters are

attached. Please note that the signature and make-up of these letters may change in the coming months. When a victim of a severe form of trafficking applies for benefits, the CDJFS shall:

- (A) **Accept the original certification letter or letter for children in place of the INS documentation.** A photocopy should be retained for the case file and the original returned to the applicant. Victims of severe forms of trafficking are not required to provide any immigration documents to receive benefits.
- (B) **Call the trafficking verification line to confirm validity of the certification letter.** The certification letter for adults and the letter for children have a phone number to call to verify their validity. The CDJFS must call the trafficking verification line at **(202) 401-5510** for verification before providing benefits. During the verification phone call, the CDJFS must notify ORR of the benefits for which the victim of trafficking has applied.

Note: *At this time, the INS Systematic Alien Verification for Entitlements (SAVE) program does not contain information about victims of severe forms of trafficking. ORR is working with INS on this issue and further instructions will be released as soon as possible. Until further notice, the CDJFS shall not contact the SAVE system to confirm eligibility for benefits for victims of a severe form of trafficking.*

- (C) **Confirm identity.** When confirming identity, many victims of severe forms of trafficking do not yet possess standard identity documents, such as driver's licenses. If confirming identity in these cases is difficult, the CDJFS shall not automatically deny the application, but shall call the trafficking verification line as listed above for assistance.
- (D) **Assist in obtaining a social security number.** CDJFS shall not delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a social security number. If an individual is required to provide or apply for a social security number for another benefit program, such as Medicaid, Ohio Works First (OWF) or food stamps; or the victim of severe forms of trafficking does not yet have or is unable to obtain a social security number for work purposes, assistance must be given to these individuals in obtaining non-work social security numbers as delineated below.

The individual will need to present a letter to the Social Security Administration (SSA) from the CDJFS that:

- (1) is on letterhead;
- (2) includes the applicant's name;
- (3) references the non-work reason for which the number is required; and,
- (4) states that the applicant meets the requirements to receive the benefit except for the social security number.

The letter cannot be a generic application, form letter or photo copy.

- (E) **Note the "entry date" for refugee benefits purposes.** Once the certification letter or letter for children is received and the validity of the document is verified by calling the trafficking verification line, the CDJFS shall note the individual's "entry date" for refugee benefit purposes. The entry date is the date of certification. The certification date appears in the body of the certification letter or letter for children.
- (F) **Record the expiration date.** The certification letter and the letter for children contain expiration dates. At this time, the expiration dates are eight months from the initial certification date. The CDJFS shall record the expiration date and a reapplication must be completed at the end of the eight-month period. ORR intends to issue follow-up certification letters if individuals continue to meet the statutory certification requirements.
- (G) **Issue benefits.** If the applicant meets other program eligibility criteria (e.g., income levels), the individual should receive benefits and services to the same extent as a refugee.

CRIS-E Processing: Manual budgeting must be completed. CDJFS shall fiat the individuals's eligibility to pass on AEWIF and the assistance group on AEWFT.

Individuals Without Certification

If a CDJFS encounters an individual that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification, the CDJFS should call Michael Jewell at (202) 401-4561 or Neil Kromash at (202) 401-5702. If the agency encounters a child believed to have been subjected to a severe form of trafficking and lacks a letter for children, the agency should call Loren Bussert at (202) 401-4732.

This policy will be incorporated in a future Manual Transmittal Letter.

Attachments

[Click here to view the ORR Certification Letter.](#)

[Click here to view the ORR Letter for Children.](#)

FACT 20

Food Assistance Change Transmittal No. 20

OBSOLETE PER FSTL 237 (11/20/2001)

September 20, 2001

EFFECTIVE DATE: October 1, 2001

OAC RULE(S): 5101:4-4-11; 5101:4-4-23; 5101:4-5-01

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: THOMAS J. HAYES, DIRECTOR

SUBJECT: October 1, 2001 - Mass Changes

Previous policy: The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group income standards for elderly and disabled assistance groups only (165% of poverty) are subject to change each October to reflect any cost-of-living adjustment (COLA).

New policy: Only AGs who began new certification periods using the \$340 excess shelter expense deduction on or after March 1, 2001 will be allowed the increased deduction of \$354, effective October 1, 2001. AGs still receiving the older \$300 excess shelter expense deduction amount and who have not had a new certification period on or after March 1, 2001, cannot receive the \$354 until they are next certified. The adjusted gross and net monthly income eligibility standards and maximum food stamp allotments are effective on October 1, 2001, for all AGs. All applications certified on or after October 1, 2001, shall have the \$354 excess shelter expense deduction applied, if appropriate.

Effective October 1, 2001, the following changes are applicable. The significant increase in the standard utility allowance can be attributed to increased natural gas costs experienced during the winter of 2000-2001. Please note that the telephone standard, the standard deduction, and the homeless shelter deduction have not changed.

Excess Shelter Deduction

\$354

Standard Utility Allowance

\$306

Standard Telephone Allowance

\$27 (No change)

Homeless Shelter Deduction

\$143 (No change)

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$135
2	248
3	356

4	452
5	537
6	644
7	712
8	814
each additional	+102

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$716
2	968
3	1,220
4	1,471
5	1,723
6	1,975
7	2,226
8	2,478
each additional	+252

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$931
2	1,258
3	1,585
4	1,913
5	2,240
6	2,567
7	2,894
8	3,221
each additional	+328

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

AG Size	Maximum Income
1	\$1,182
2	1,597
3	2,012
4	2,427
5	2,843
6	3,258
7	3,673
8	4,088
each additional	+416

Implementation: All applications and reapplications being processed for October 2001 and after shall have the new amounts applied. All ongoing cases which are eligible for the new \$354 excess shelter deduction will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2001. CRIS-E tables will be updated with the changes effective October 2001. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

The allotment tables will be available on the Innerweb. or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01.

Attachment

This is a very large file, please be patient for a few moments while it loads.

Food Stamp Issuance Table, effective October 1, 2001.

FACT 19

Food Assistance Change Transmittal No. 19

Effective on or After: July 1, 2001

OAC Rule(s): 5101:4-10-01

June 11, 2001

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: GREGORY L. MOODY, INTERIM DIRECTOR

SUBJECT: State-Funded Food Stamp Program for Qualified Aliens

OAC Rule 5101:4-10-01 TO BE RESCINDED

The State-funded Food Stamp Program for Qualified Aliens (SFSPQA) was implemented on April 1, 1998, to cover categories of qualified aliens ineligible for Federal benefits as a result of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. In 1998, the Agriculture Research, Extension, and Education Reform Act (AREERA) restored eligibility for Federal benefits to several of these categories leaving only one category covered under the state-funded program-those who were determined eligible to receive Supplemental Security Income (SSI) but not yet receiving SSI and meeting other eligibility criteria as described in rule 5101:4-10-01 of the Administrative Code.

The State plan and funding for the operation of this program expires June 30, 2001. Effective with certifications on or after July 1, 2001, county agencies shall no longer authorize state-funded benefits for this population. Any household currently certified for the state-funded program must be given prior notice that the program is ending June 30, 2001.

Reason code '133'-Eligible for state-funded food stamps- and reason code '660'-State-funded FS have been decreased, denied or terminated- will be inactivated on TSRC effective July 1, 2001. A CRIS-E View Flash Bulletin regarding the expiration of the state-funded program will be posted.

Rule 5101:4-10-01 is rescinded effective July 1, 2001. Appendices #67 and #68 and Examples #4 and #5 in Procedural Section of the Food Stamp Certification Handbook are being obsoleted with this Food Assistance Change Transmittal. Appendices #24 and #26 in the Food Stamp Supervisor's Handbook will be addressed in a future transmittal.

FACT 18

Food Assistance Change Transmittal No. 18

Effective on or After: March 1, 2001

OAC Rule(s): 5101:4-2-03; 5101:4-4-07; 5101:4-4-23

February 16, 2001

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: JACQUELINE ROMER- SENSKY, DIRECTOR

SUBJECT: Non-Discretionary Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996

Agriculture, Rural Development, Food and Drug, and Related Agencies Appropriations Act of 2001 (Public Law 106-387)

PARENTAL CONTROL - (PRWORA) -OAC Rule 5101:4-2-03

Prior policy: All persons (excluding foster care children) under the age of eighteen who were residing with or under the parental control of another household member who was not their natural, adoptive, or step-parent were treated as customarily purchasing and preparing meals together for home consumption even if they did not do so. "Parental control" referred to minors who were dependents-financial or otherwise-of another household as opposed to independent units unless the minor individual was living with his or own child(ren) or spouse.

New Policy: "Parental control" refers only to *unmarried* minors who are dependents - financial or otherwise - of another household member. Persons under the age of eighteen who are married are considered emancipated and are not to be automatically considered as customarily purchasing and preparing meals together unless they state they are actually doing so.

INCOME PRODUCING VEHICLES - (PRWORA) - OAC Rule 5101:4-4-07

Prior policy: The value of any licensed vehicle was excluded *only* if the vehicle was used primarily (over fifty per cent of the time) for income producing purposes such as a taxi, truck, or fishing boat.

New Policy: The value of any licensed vehicle continues to be excluded as specified in the prior policy; however, *in addition*, any vehicle that is used for deliveries, to call on clients or customers, or required by the terms of an individual's employment is also excluded. The fifty per cent use provision no longer applies.

Implementation: Amended policy definitions of parental control and income-producing vehicles are to be applied to all applications and reapplications certified on or after March 1, 2001. After implementation, county departments of human services must adjust the cases of ongoing AGs at household request or when the case is next reviewed, whichever comes first. No desk review is required.

EXCESS SHELTER MAXIMUM - (Public Law 106-387) - OAC Rule 5101:4-4-23

Prior policy: The maximum excess shelter deduction for AGs containing no elderly or disabled household members was \$300.

New policy: The maximum excess shelter deductions for AGs containing no elderly or disabled household members has been increased to **\$340**.

Implementation: The increase in the excess shelter maximum is to be used only on new applications and reapplications certified on or after March 1, 2001. This is *not* a mass change and no desk review is required.

The Ohio Administrative Code (OAC) rules filed to support these policy changes are attached to the FACT for your immediate reference. The rules will be published in a Food Stamp Transmittal Letter in the format that is appropriate for the Food Stamp Certification Handbook in the near future.

Attachment

[Click here to view OAC rules referenced in this FACT.](#)

Food Assistance Transmittal Letters

FATL 402 (Five-Year Review: Project Area and Approved County Collaborations)

Food Assistance Transmittal Letter No. 402

June 9, 2020

TO: All Food Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Five-Year Review: project area and approved county collaborations.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 7/01/2020.

Chapter 1000

5101:4-1-16 "Food assistance: project area and approved county collaborations."

This rule describes the statewide project area and the approved county collaborations. This rule has been amended. No substantive changes were made. All references of food assistance have been updated to supplemental nutrition assistance program (SNAP).

FATL 401 (Food Assistance: Work Registration Sanctions and Compliance)

Food Assistance Transmittal Letter No. 401

March 20, 2020

TO: All Food Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Food assistance: work registration sanctions and compliance

Background

Under current Ohio rule, when a Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) participant has failed to comply with the E&T program, the individual is notified of their right to provide good cause for the failure at the time a sanction is proposed. At any time prior to the imposition of the sanction, a participant may provide good cause information to prevent the sanction from being imposed.

As a result of a management evaluation of the State's SNAP E&T program, the United States Department of Agriculture Food and Nutrition Service (FNS), is requiring the State to change the process for sanctioning SNAP E&T participants. Specifically, a participant must be informed of the right to provide good cause for a failure prior to a sanction being proposed and the notification must specify the date and time of the failure.

Amended Policy

In order to take corrective action and be released from the finding by FNS, the Ohio Department of Job and Family Services (ODJFS) amended rule 510:4-3-11.2 of the Administrative Code. The federal regulations do not require a specific format for the notice, therefore ODJFS is not requiring the use of a form, nor has it developed a notice to be issued from Ohio Benefits. Rather, the amended rule allows for the notification to take place by any "reasonable means", which would include a telephone call, email, or letter. As for every action, it is critical that the county agency document the action taken within the case record and that the documentation can withstand third-party review. When the case record is incomplete, the action to propose the sanction may result in a procedural error identified through Quality Control.

Regardless of how a participant is noticed, it is critical that the participant be informed of the specifics regarding the failure. It is the individual's responsibility to contact the county agency within seven days of the notification to show good cause for the failure. If there was not good cause for the failure, the county agency may then propose the sanction. The SNAP E&T participant may still provide good cause information to prevent the sanction from being imposed.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 04/01/2020.

Chapter 3000

5101:4-3-11.2 "Food assistance: work registration sanctions and compliance."

This rule describes the requirements of a work registered individual and the consequences for failing to meet the requirements. OFA amended this rule. Changes to the rule include:

- Paragraph (B)(1) has been added to state that the county agency or SNAP employment and training (E&T) provider shall ensure that, prior to the county agency issuing a notice of noncompliance, the individual was informed of the failure(s) and of his or her right to provide good cause information for the failure. The notice of noncompliance may be issued to the individual by any reasonable means such as, but not limited to: a letter, phone call, email, etc.
- Language was stricken from paragraph (B) and reorganized to paragraph (B)(2) to clarify it is the responsibility of the individual when notified of failure, to contact the county agency within seven days of the notification of noncompliance to show good cause.

FATL 400 (Food Assistance: Initial Interview Process, Assistance Group Definitions and Determining Eligibility of Assistance Groups with Ineligible Members)

Food Assistance Transmittal Letter No. 400

March 17, 2020

TO: Food Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Food assistance: initial interview process, assistance group definitions and determining eligibility of assistance groups with ineligible members.

Ohio Administrative Code rules 5101:4-2-03, 5101:4-6-13 and 5101:4-2-07 are amended to implement the Agricultural Act of 2014 (2014 "Farm Bill") final regulations issued by the United States Department of Agriculture, Food and Nutrition Service (FNS).

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 04/01/2020.

Chapter 2000

5101:4-2-03: "Food Assistance: assistance group definitions."

This rule describes the process determining an assistance group and who should be included in the assistance group. Changes to the rule include:

Paragraph (D)(7) was added outlining that an individual is ineligible to be included in the assistance group if he/she declares to be convicted of and is out of compliance with the terms of their sentences for certain crimes occurring on or after February 7, 2014.

5101:4-2-07 "Food assistance: initial interview process"

This rule describes the process of initial interviews for the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include:

Paragraph (A)(1) was amended to remove reference to the JFS 7200 form since an application can also be telephonic or electronic;

Paragraph (D)(10) was added to clarify an existing federal requirement;

Paragraph (D)(11) was added to outline that a county agency must confirm if an individual in an assistance group has been convicted of and is out of compliance with the terms of their sentence for crimes described in rule 5101:4-2-03 of the Administrative Code; and

Minor language changes for clarity.

Chapter 6000

5101:4-6-13 "Food assistance: determining eligibility of assistance groups with ineligible members."

This rule describes the process of how to determine income and resources of an assistance group containing an ineligible member. Changes to the rule include paragraph (A) was updated to include individuals convicted of and out of compliance with the terms of their sentence for crimes described in rule 5101:4-2-03 of the Administrative Code.

FATL 399 (Food Assistance: Determining Eligibility of Individuals in Drug Addiction and Alcoholic Treatment and Rehabilitation Programs and Group Living Arrangements)

Food Assistance Transmittal Letter No. 399

March 17, 2020

TO: Food Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Food assistance: determining eligibility of individuals in drug addiction and alcoholic treatment and rehabilitation programs and group living arrangements.

On June 5, 2017, the United States Department of Agriculture, Food and Nutrition Service (FNS) made a change to 7 CFR 273.11, which effectively required every drug addiction or alcoholic treatment and rehabilitation programs (DAA treatment centers) to become an authorized SNAP retailer. As a result, Ohio revised rule 5101:4-6-01 to include the requirement for a DAA to be a SNAP retailer. FNS has now determined that imposing this requirement had unintended consequences and as a result, has modified 7 CFR 273.11 so a DAA need only be: tax exempt and certified as receiving (or eligible to receive) funding under part B of Title XIX of the Public Health Service Act or operating to further the purposes of part B of Title XIX; or the DAA must be authorized as a retailer by FNS.

The definition of a "drug addiction or alcoholic treatment and rehabilitation program" in federal and state law is unchanged and it continues to include any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution, or publicly operated community mental health center, under part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x) (1992).

The Office of Family Assistance (OFA) has modified rule 5101:4-6-01 to reflect the change in federal law and a DAA (as that term is defined in rule 5101:4-1-03(B)(14) of the Administrative Code) need only meet one of the criteria (be tax exempt and have Title XIX certification; or be an FNS authorized retailer).

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes are effective on 04/01/2020.

Chapter 6000

5101:4-6-01 "Food assistance: determining eligibility of individuals in drug addiction and alcoholic treatment and rehabilitation programs."

This rule describes how to determine eligibility of individuals in a drug addiction and alcoholic treatment and rehabilitation program. Changes to the rule include:

The word "treatment center" being replaced with "DAA treatment center" for clarity;

Paragraph (B)(1) was re-written to clarify the requirements for the DAA treatment center to be tax exempt and certified as receiving (or eligible to receive) funding under part B of Title XIX of the Public Health Service Act or operating to further the purposes of part B of Title XIX;

Paragraph (B)(1)(c) was updated to replace the word "and" with "or" due to changes in federal regulations;

Paragraph (C)(2)(d) was updated due to federal regulation changes regarding the time frame on returning electronic benefit cards to recipients upon the recipient leaving the DAA treatment center;

Paragraph (D)(1) was added due to federal regulation changes; and

Paragraphs (D)(2)(a) and (D)(2)(b) were added to reinstate previous rule language regarding the process of returning benefits to assistance groups upon the recipient leaving the DAA treatment center.

5101:4-6-26 "Food assistance: group living arrangements."

This rule describes the requirements of group living arrangements. Changes to the rule include:

Paragraph (J)(1) was added due to federal regulation changes;

Paragraphs (J)(2)(a) and (J)(2)(b) were added to reinstate previous rule language regarding the process of returning benefits to assistance groups upon the recipient leaving the group living arrangement; and

Paragraph (J)(5) was added due to a change in federal regulations regarding the time frame on returning electronic benefit cards to recipients upon leaving.

FATL 398 (Food Assistance: Treasury Offset Program and Review of a Claim Pending a Treasury Offset Program Referral)

Food Assistance Transmittal Letter No. 398

February 27, 2020

TO: Food Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Food assistance: treasury offset program and review of a claim pending a treasury offset program referral.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date based on regulations from the United States Department of Agriculture (USDA) Federal and Nutrition Services (FNS) and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

This rule has been reviewed by the Joint Committee on Agency Rule Review (JCARR) and will be effective on 03/01/2020.

Chapter 8000

5101:4-8-30 "Food assistance: treasury offset program."

This rule describes the treasury offset program for the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include:

Language has been updated in paragraph (C) for clarity;

Paragraph (C)(1)(b) was amended for consistency;

Paragraph (C)(2) was amended for consistency;

Language was added to paragraph (C)(2)(c) for clarity;

Paragraph (F)(4) was amended due to a change in the responsibility of the review process;

The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and

Minor grammatical changes for clarity.

Chapter 8000

5101:4-8-30.1 "Food assistance: review of a claim pending a treasury offset program referral."

This rule describes the review process for debtors who disagree with the referral to the treasury offset program. After a thorough review of the process outlined in this rule, it was determined that the review process would be completed by the Office of Fiscal and Monitoring Services, Bureau of Program Integrity (BPI), to provide the opportunity to review written requests of a TOP referral. Changes to the rule include:

County agency was changed to Ohio Department of Job and Family Services (ODJFS), Office of Fiscal and Monitoring Services, Bureau of Program Integrity (BPI) throughout the rule due to a change in responsibilities;

Paragraph (A) was amended for clarity;

Paragraphs (A)(5) and (A)(6) were amended to thirty days to reflect current guidelines in the federal review manual;

Paragraph (A)(6)(b) was amended to add BPI;

Paragraph (A)(7) was amended to clarify that the referral will be cancelled if not legally enforceable and past due.

Paragraph (A)(8) was added to require copies of the written notices issued to the debtor from BPI to also be issued to the county agency;

The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and

Minor grammatical changes for clarity.

FATL 397 (Five Year Review: Food Assistance: Deductions from Income)

Food Assistance Transmittal Letter No. 397

November 15, 2019

TO: All Food Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Five year review: Food Assistance: Deductions from Income

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date based on regulations from the United States Department of Agriculture (USDA) Federal and Nutrition Services (FNS) and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 12/01/2019.

Chapter 4000

5101:4-4-23- "Food assistance: deductions from income."

This rule describes the deductions from income for purposes of determining eligibility for supplemental nutrition assistance program (SNAP) benefits. Changes to the rule include:

Paragraph (C)(1)(a) and (C)(1)(c) were reorganized for clarity;

Language was updated in paragraph (2)(k) to align with federal regulations that an excess medical expense for maintaining an attendant due to age, infirmity or illness may count as a medical expense or a dependent care expense, but not both; and

Minor grammatical changes for clarity.

FATL 396 (SNAP Employment & Training Rule Changes to Implement Federal Requirements)

Food Assistance Transmittal Letter No. 396

October 15, 2019

TO: Food Assistance Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: Supplemental Nutrition Assistance Program Employment and Training Rule Changes to Implement Federal Requirements

Ohio Administrative Code rules 5101:4-1-03, 5101:4-3-20, 5101:4-3-30, 5101:4-3-31, 5101:4-3-33, 5101:4-3-35, and 5101:4-6-04 have been amended to implement the Agricultural Act of 2014 (2014 "Farm Bill") and the Agricultural Improvement Act of 2018 (2018 "Farm Bill") final regulations issued by the United States Department of Agriculture, Food and Nutrition Service (FNS).

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 11/1/2019.

Chapter 0000

5101:4-1-03 "Food assistance: definitions."

This rule describes the terms and meanings used to administer the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include updating the definition of "job search" to "supervised job search" to align with federal regulations.

Chapter 3000

5101:4-3-20 "Food assistance: able-bodied adults without dependents"

This rule describes the process for determining who is an able-bodied adult without dependents (ABAWD); the work registration, Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) and work requirements applicable to ABAWDs; and the ABAWD time limit. Changes to the rule include:

- Updating the term "job search" to "supervised job search" to align with federal regulations; and
- The definition of a "work program" has been expanded to include that to comply with the ABAWD work requirement, ABAWDs can participate in a program of employment and training for veterans operated by the Department of Labor (DOL) or Department of Veterans Affairs (VA) and approved by the United States Department of Agriculture, Food and Nutrition Services (FNS).

5101:4-3-30 "Food assistance: employment and training program"

This rule describes the requirements of the SNAP E&T program. Changes to the rule include updating the term "job search" to "supervised job search" to align with federal regulations.

5101:4-3-31 "Food assistance employment and training: required hours"

This rule describes the hour requirements of the SNAP E&T program. Changes to the rule include:

Updating the term "job search" to "supervised job search" to align with federal regulations; and
Minor grammatical changes for clarity.

5101:4-3-33 "Food assistance employment and training: job search and job readiness."

The rule describes the job search component of the SNAP E&T program. Changes to the rule include:

- The term "job search" was replaced with "supervised job search" to align with final farm bill regulations;
- Added requirements and definition of "supervised job search"; and

- Removed reference to job readiness activities as it does not fit the definition of supervised job search. Job readiness activities are now treated as an education and training component in accordance with 5101:4-3-35 of the Administrative Code.

5101:4-3-35 "Food assistance employment and training: education and training activities."

The rule describes the education and training activities for the SNAP E&T program. Changes to the rule include:

- Aligned allowable educational activities with those described in final farm bill regulations;
- Added job readiness activities as an education and training component; and
- Added goals of allowable E&T activities.

Chapter 6000

5101:4-6-04 "Food Assistance: student enrolled in an institution of higher education."

The rule describes the eligibility for students enrolled in institutions of higher education and student exemptions. Changes to the rule include adding an allowable career and technical programs described in final farm bill regulations.

FATL 395 (Food Assistance Deductions from Income)

Food Assistance Transmittal Letter No. 395

June 24, 2019

TO: Food Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Food Assistance Deductions from Income

In order to align with federal rules and guidance, the Office of Family Assistance (OFA) has amended Ohio Administrative Code rules 5101:4-4-23 and 5101:4-4-31 to implement final regulations issued by the United States Department of Agriculture, Food and Nutrition Service (FNS).

These rules have been subject to review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 7/1/2019.

Chapter 4000

5101:4-4-23- "Food assistance: deductions from income."

This rule describes the deductions from income for purposes of determining eligibility for supplemental nutrition assistance program (SNAP) benefits. OFA amended this rule. Changes to the rule include:

- The monthly amount of \$143.00 was stricken from paragraph (H).
- Added language to paragraph (H) to state if the homeless shelter deduction established by FNS changes, the updated amount will be issued through a Food Assistance Change Transmittal.

5101:4-4-31- "Food assistance: anticipated income."

This rule describes how the county agency anticipates income and expenses. OFA amended this rule. Minor changes were made.

- The amount of \$143.00 was stricken from paragraph (S)(7).
- Added language to paragraph (S)(7) to clarify excess shelter cost shall not be claimed in addition to the homeless shelter deduction.

FATL 394 (Food Assistance: Establishing Certification Periods)

Food Assistance Transmittal Letter No. 394

January 23, 2019

TO: Food Assistance Manual Holders
FROM: Michael J. McCreight, Interim Director
SUBJECT: Food assistance: establishing certification periods.

Ohio Administrative Code rule 5101:4-5-03 has been amended to align with current regulations of the United States Department of Agriculture, FNS.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 03/01/2019.

Chapter 5000

5101:4-5-03 "Food assistance: establishing certification periods."

This rule describes how to establish certification periods.

- The term "food assistance" was replaced with supplemental nutrition assistance program (SNAP); and
- Paragraph (C)(5) was stricken and rewritten in paragraph (H) for clarity.

FATL 393 (Food Assistance: Allotment Computation)

Food Assistance Transmittal Letter No. 393

January 23, 2019

TO: Food Assistance Manual Holders
FROM: Michael J. McCreight, Interim Director
SUBJECT: Food assistance: allotment computation.

Ohio Administrative Code rule 5101:4-4-39 has been amended to implement final regulations issued by the United States Department of Agriculture, Food and Nutrition Service.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 03/01/2019.

Chapter 4000

5101:4-4-39 "Food assistance: allotment computation."

This rule describes how to determine an allotment amount.

- Paragraph (B) was added to separate issuance guidance from allotment guidance; and
- Paragraph (C) was revised to mirror federal regulations.

FATL 392 (Five-Year Rule Review: Food Assistance Employment and Training)

Food Assistance Transmittal Letter No. 392

August 21, 2018

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: Food assistance employment and training

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 09/01/2018.

Chapter 3000

5101:4-3-33 "Food assistance employment and training: job search and job readiness."

The rule describes the job search and job readiness components of the supplemental nutrition assistance program (SNAP) employment and training (E&T) program. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- The term "workfare" has been replaced with "work experience program (WEP)."
- Added reference to rule 5101:4-3-31 to expand on county agency requirements related to job search.
- Revised language in paragraph (D) to clarify job search limits for SNAP E&T volunteers and able-bodied adults without dependents (ABAWDs) not subject to the time limit, and ABAWDs subject to the time limit.
- No other substantive changes were made.

5101:4-3-34 "Food assistance employment and training: work experience program."

The rule describes the work experience program. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- Revised language in the introductory paragraph to clarify the SNAP E&T WEP activity definition to include the conditions of eligibility that must be met for a participant to receive their monthly allotment.
- Minor language changes for clarity.
- No substantive changes were made.

5101:4-3-35 "Food assistance employment and training: education and training activities."

The rule describes the education and training activities for the supplemental nutrition assistance program (SNAP) employment and training (E&T) program. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- The term satisfactory progress was changed from "progressing the equivalent of two grade levels" to "as determined by the county agency" to provide counties more flexibility to work with participants and their individual needs.
- Minor language changes for clarity.
- No other substantive changes were made.

5101:4-3-36 "Food assistance employment and training: displacement of other persons."

The rule describes the prohibition on the displacement of other persons from employment in regards to the supplemental nutrition assistance program (SNAP) employment and training (E&T) program. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- Minor language changes for clarity.
- No substantive changes were made.

5101:4-3-38 "Food assistance employment and training: conciliation process."

The rule describes the conciliation process within the supplemental nutrition assistance program (SNAP) employment and training (E&T) program. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- Minor language changes for clarity.
- No substantive changes were made.

FATL 391 (Food Assistance: Drug Addiction and Alcoholic Treatment and Rehabilitation Programs and Group Living Arrangements)

Food Assistance Transmittal Letter No. 391

August 31, 2018

TO: Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Food assistance: drug addiction and alcoholic treatment and rehabilitation programs and group living arrangements.

Ohio Administrative Code rules 5101:4-6-01 and 5101:4-6-26 are being amended to implement final regulations issued by the United States Department of Agriculture, Food and Nutrition Service.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 09/01/2018.

Chapter 6000

5101:4-6-01 "Food assistance: Determining Eligibility of Individuals in Drug Addiction and Alcoholic Treatment and Rehabilitation Programs."

This rule describes how to determine eligibility of individuals in a drug addiction and alcoholic treatment and rehabilitation program. Changes to the rule include:

- The term "food assistance" was replaced with Supplemental Nutrition Program (SNAP).
- Paragraph (C)(2)(d) was revised to add a time frame on returning electronic benefit cards to recipients.
- Paragraph (D)(1) was revised to clarify the amount to be returned to the assistance group.
- Paragraph (D)(2) was revised due to a change in the process of returning SNAP benefits to the assistance group.
- Paragraph (2)(C) was revised to mirror federal regulations.

Chapter 6000

5101:4-6-26 "Food assistance: group living arrangements."

This rule describes the requirements of group living arrangements. Changes to the rule include:

- Paragraph (I)(3) was revised to place a time frame on returning electronic benefit cards to recipients.
- Paragraph (J) was revised due to a change in the process of returning the SNAP benefits to the assistance group.
- Paragraph (J)(1) was revised to clarify the amount to be returned to the assistance group.
- Paragraph (J)(3) was revised due to a change in reporting requirements of the group living arrangement.

FATL 390 (Food Assistance: Reporting Requirements During the Certification Period)

Food Assistance Transmittal Letter No. 390

August 21, 2018

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance: reporting requirements during the certification period.

Ohio Administrative Code rule 5101:4-7-01 has been amended to implement final regulations issued by the United States Department of Agriculture, Food and Nutrition Service (FNS).

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 9/1/2018.

Chapter 7000

5101:4-7-01 "Food assistance: reporting requirements during the certification period."

This rule describes the reporting requirements of assistance groups during the certification period. OFA amended this rule. Changes to the rule include:

- Based on a change in federal law, language has been added to paragraph (H) to add new interim reporting requirements to send a reminder notice if the interim report is not received by the 15th of the month. The rule cites new form, JFS 07223 "Cash and Food Assistance Interim Report Reminder Notice."
- Paragraph (H)(5) was changed to explain that if verification of deductible expenses are not verified, the Supplemental Nutrition Assistance Program (SNAP) benefits are reduced, not terminated. New paragraph (H)(6) contains language on reinstatement of benefits that was previously contained in (H)(5).
- Language was clarified in paragraph (J) regarding requirements for the county agency to act on unclear information.
- Based on a change in federal law, new paragraph (J)(6) was added to describe the county agency requirements when a match is received from the prisoner verification system or deceased matching system.
- Language was added in paragraph (L) clarifying that benefits cannot be reinstated when acting outside of a certification period.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)."

FATL 389 (Food Assistance: Initial Application Process and Recertifications)

Food Assistance Transmittal Letter No. 389

August 21, 2018

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance: initial application process and recertifications.

In order to align with federal rules and guidance, the Office of Family Assistance (OFA) has amended Ohio Administrative Code rules 5101:4-2-01 and 5101:4-7-07 to implement final regulations issued by the United States Department of Agriculture, Food and Nutrition Service. Ohio Administrative Code rule 5101:4-6-09 is being amended to align with current regulations of the United States Department of Agriculture, FNS.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 9/1/2018.

Chapter 2000

5101:4-2-01 "Food assistance: initial application process."

This rule describes the process of initial applications for the SNAP program. OFA amended this rule. Changes to the rule include:

- Language has been clarified in paragraph (C)(2) to allow for telephonic signatures on SNAP applications.
- Language has been added to paragraph (F)(3) to specify the date of application if the resident of an institution applies before release date.
- Language has been added to (F)(1) to explain the date of application when the application is submitted after business hours.
- Language has been added to (B)(2) to explain the assistance group's right to apply in writing.
- Language has been added to (A)(2) to clarify the minimum requirements for an application.
- Language has been added to define "application" and "completion" for purposes of division 5101:4 of the Administrative Code.
- Language was added to paragraph (A)(4) to implement the requirement of county agencies to provide a copy of the completed application to the assistance group upon request.
- Language was added to paragraph (C) to define the allowable types and criteria of signatures on applications.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)."
- The JFS 07200, "Request for Cash, Food, and Medical Assistance" was replaced with "Application for Cash, Food, or Medical Assistance."

Chapter 6000

5101:4-6-09 "Food assistance: expedited service."

This rule describes expedited service processing for SNAP applications. Requirements to paragraph (J) have been added to process expedited SNAP applications after postponed verifications are not received. In addition, "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)." No other substantive changes were made.

Chapter 7000

5101:4-7-07 "Food assistance: recertification."

This rule describes the process for completing a recertification in the SNAP program. OFA amended this rule. Changes to the rule include:

- Language has been added to (H)(5) to clarify that applications for recertification received after the certification period are processed within initial application processing timeframes.
- Language has been clarified in (C)(3) to allow the electronic and telephonic equivalents for applications for recertification.
- Language has been added to (C)(3) to explain the date of application when the application is submitted after business hours.
- Language has been added to (G)(2) to clarify timeliness standards for processing an application for recertification.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)."
- The JFS 07200, "Request for Cash, Food, and Medical Assistance" was replaced with "Application for Cash, Food, or Medical Assistance."
- The JFS 07204, "Request to Reapply for Cash and Food Assistance" was replaced with "Application to Reapply for Cash and/or Food Assistance." An amended version of the JFS 07204 is being filed with this rule.
- Paragraph (B)(3) has been stricken as separate appointment notices are not required by federal regulation when multiple programs are being recertified at the same time.
- Language has been stricken in paragraph (C)(5) to clarify the JFS 01846 is not required to be signed.

FATL 388 (Five Year Rule Review: Resource Standards, Exempt Resources and Special Resource Situations)

Food Assistance Transmittal Letter No. 388

August 3, 2018

TO: All Food Assistance Manual Holders

FROM: The Office of Legal and Acquisition Services

SUBJECT: Five year rule review: resource standards, exempt resources and special resource situations

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rules; rescind the rules; or continue the rules without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 9/1/2018.

Chapter 4000

5101:4-4-01 "Food assistance: resource standards."

The rule describes the resource standards for individuals applying for or receiving the supplemental nutrition assistance program (SNAP). The Office of Family Assistance (OFA) amended this rule. Minor language changes were made for clarity and the term "CRIS-E" was replaced with "statewide automated eligibility system." No substantive changes were made.

5101:4-4-03 "Food assistance: exempt resources."

The rule describes the resources that are exempt from SNAP. OFA amended this rule. Language changes were made for clarity and the term "food assistance" was replaced with "supplemental nutrition assistance program." A change was made to paragraph (A)(1)(c) to clarify that the value of a lot that the assistance group is purchasing is exempt if the assistance group does not currently own a home. Also, changes were made in paragraph (A)(4) to clarify that burial plots and funeral arrangements are two distinct resources and to remove the dollar limit in order to align with federal rules. A change was made to (A)(8) to further clarify how verification of information may be obtained. In paragraph (A)(10)(f) the citation to section 1111.19 of the Revised Code was removed because the section was repealed.

5101:4-4-07 "Food assistance: special resource situations."

The rule describes the policies surrounding special resource situations for SNAP. OFA amended this rule. Minor language changes were made for clarity. The term "battered women" was replaced with "battered persons," and the term "food assistance" was replaced with "supplemental nutrition assistance program."

FATL 387 (Five-Year Rule Review: Excluded Income, Students of Higher Education, and Strikers)

Food Assistance Transmittal Letter No. 387

August 3, 2018

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: excluded income, students of higher education, and strikers.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 9/1/2018.

Chapter 4000

5101:4-4-13 "Food assistance- types of excluded income."

This rule describes the income exclusions for the Supplemental Nutrition Assistance Program (SNAP). This rule has been amended. Paragraph (C)(1)(x) has been amended to implement final regulations issued by the United States Department of Agriculture, Food and Nutrition Service. The term "food assistance" was replaced with Supplemental Nutrition Assistance Program (SNAP). No other substantive changes were made.

Chapter 6000

5101:4-6-04 "Food assistance- students enrolled in an institution of higher education."

This rule describes the eligibility requirements for students who are attending institutions of higher education. This rule has been amended. Language from paragraph (B)(11)(d) was moved to (B)(11) to align with the federal regulation. Also, the term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)." No other substantive changes were made.

5101:4-6-07 "Food assistance- strikers."

This rule describes the eligibility of strikers in the Supplemental Nutrition Assistance Program (SNAP). This rule has been amended. The term "food assistance" has been replaced with "Supplemental Nutrition Assistance Program (SNAP)". The opening paragraph was stricken as it was unnecessarily redundant to paragraph (B). Other minor changes were made for clarity; no substantive changes were made.

FATL 386 (Five-Year Rule Review: Elderly and Disabled Individuals; SSI Assistance Groups; and Replacement Issuances)

Food Assistance Transmittal Letter No. 386

August 21, 2018

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five-Year Rule Review: Elderly and disabled individuals; SSI assistance groups; and replacement issuances.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rules and the rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 09/01/2018.

Chapter 6000

5101:4-6-19 "Food assistance: determining eligibility of supplemental security income assistance groups."

The rule describes the county agency process for determining eligibility of supplemental security income assistance groups. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- Language has been added to the unlettered paragraph to clarify supplemental security income (SSI) assistance groups ability to apply for SNAP benefits at the local social security administration office.
- The language in paragraph (A)(4) has been stricken and moved to the unlettered paragraph due to not being an eligibility standard for SSI assistance groups.
- Revised language in paragraph (E)(4) to clarify verification process for county agencies.
- Minor language changes for clarity.
- No substantive changes were made.

5101:4-6-29 "Food assistance: elderly and disabled individuals living with others."

The rule describes the options available to elderly and disabled individuals living with others as it pertains to supplemental nutrition assistance program (SNAP) benefits. OFA amended this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- Minor language changes for clarity.
- Revised language in paragraph (C)(1)(2) and added new paragraph (C)(3) to clarify how a disability is verified for separate assistance group status.
- No other substantive changes were made.

Chapter 7000

5101:4-7-11 "Food assistance: providing replacement issuance to assistance groups."

The rule describes the process for providing replacement issuance to assistance groups. OFA proposes to amend this rule. Changes to the rule include:

- The term "food assistance" has been replaced with "supplemental nutrition assistance program (SNAP)."
- Minor language changes for clarity.
- No substantive changes were made.

FATL 385 (Five Year Rule Review: Share Parenting)

Food Assistance Transmittal Letter No. 385

July 23, 2018

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: share parenting.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 08/01/2018.

Chapter 6000

5101:4-6-02 "Food Assistance: Shared Parenting."

The rule describes the process the county agency shall use when determining eligibility for a dependent child in a shared parenting arrangement. The Office of Family Assistance amended this rule. Minor language changes were made for clarity and the term "food assistance" was replaced with "supplemental nutrition assistance program" and "CRIS-E" was replaced with "statewide automated eligibility system." In addition, the word "resides" was replaced with "lives" to align with rule 5101:4-2-03 which describes an assistance group as individuals who live together and purchase and prepare food together. Language was added to paragraph (E)(4) to specify when eligibility can be re-evaluated when the other parent applies and the child is currently receiving assistance with the other parent. No other changes were made.

FATL 384 (Food Assistance: Definitions)

Food Assistance Transmittal Letter No. 384

January 30, 2018

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance: definitions

The United States Department of Agriculture Food and Nutrition Service (FNS) issued final regulations to codify provisions of the Food, Conservation and Energy Act of 2008. Ohio Administrative Code rule 5101:4-1-03 has been amended to clarify the definition of minimum benefit in order to align with 7 CFR 273.10.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 03/01/2018.

Chapter 0000

5101:4-1-03 "Food assistance: definitions"

This rule describes the terms and meanings used to administer the supplemental nutrition assistance program (SNAP). The term "food assistance" was replaced with "supplemental nutrition assistance program (SNAP)." The definition of "minimum benefit" was amended to include that an allotment amount for an assistance group containing one or two members is rounded to the nearest dollar. No other substantive changes were made.

FATL 383 (Food Assistance: Deductions From Income)

Food Assistance Transmittal Letter No. 383

December 7, 2017

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance: deductions from income.

The US Department of Agriculture, Food and Nutrition Service (FNS) conducted a review of Ohio Administrative Code rule 5101:4-4-23 and subsequently directed the State that it must change its policy regarding which households are entitled to receive the standard utility allowance, limited utility allowance, single standard utility allowance, and standard telephone allowance. In order to comply with the direction received from FNS, the changes identified below have been made.

In addition, the Office of Family Assistance (OFA) have made other revisions to align with recent federal regulations and guidance regarding allowable medical deductions.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 01/01/2018.

Chapter 4000

5101:4-4-23 "Food assistance: deductions from income."

This rule describes the deductions from income for purposes of determining eligibility for supplemental nutrition assistance program (SNAP) benefits. OFA amended this rule. Changes to the rule include:

- Revised language in paragraph (C)(2)(g) to include any specially trained service animals, not just seeing or hearing dogs, as an allowable medical expense.
- Added language in paragraph (D) of this rule to align with federal regulations regarding dependent care deductions to include not only children under the age of 18 but also an incapacitated person of any age in need of care.
- Clarified when dependent care expenses are allowable deductions for a group member by adding new paragraph (D)(1).
- Clarified what dependent care costs are allowable deductions in paragraph (D)(2).
- Defined "incapacitated" for purposes of paragraph (D) by adding new paragraph (D)(3).
- Clarified that the deduction of attendant care expenses can be either a medical deduction or a child/dependent care deduction, but not both, by adding new paragraph (D)(4).
- Revised paragraph (F)(1)(i) to only entitle assistance groups the utility allowance when they share in the heating and/or cooling expenses with another assistance group or individual they reside with. Simply residing with another assistance group or individual who incurs the cost does not entitle an assistance group to the standard utility allowance.
- Revised paragraphs (F)(2), (3), and (4), to only entitle assistance groups, not households, a deduction for incurring specific utility expenses related to the type of allowance.
- The term "food assistance" has been replaced with the term "supplemental nutrition assistance program (SNAP)."
- Clarification given that verification shall be required for questionable or inconsistent information.
- Minor language changes for clarity.

FATL 382 (Five Year Rule Review: Nonfinancial Eligibility Standard-Social Security Numbers)

Food Assistance Transmittal Letter No. 382

December 4, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: nonfinancial eligibility standard-social security numbers.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/2018.

Chapter 3000

5101:4-3-22 "Food assistance: nonfinancial eligibility standard-social security number."

The rule describes the social security number requirement for participation in the supplemental nutrition assistance program. The Office of Family Assistance amended this rule. Minor language changes were made for clarity and the term "food assistance" was replaced with "supplemental nutrition assistance program." In order to align with the Code of Federal Regulations; paragraph (B)(2) was added to explain the time frame for providing a social security number (SSN) for a newborn; paragraph (C)(2) was added to explain how to determine good cause for not providing a SSN; and paragraph (C)(3) was added to explain when eligibility can be regained for not providing a SSN. No other substantive changes were made.

FATL 381 (Five Year Rule Review: Allotment Computation)

Food Assistance Transmittal Letter No. 381

November 6, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: allotment computation

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 12/01/2017.

Chapter 4000

5101:4-4-39 "Food assistance: allotment computation."

The rule describes allotment computation for ongoing benefits, minimum allotments and eligibility after changes in income. The Office of Family Assistance amended this rule. Minor language changes were made for clarity and the term "food assistance" was replaced with "supplemental nutrition assistance program." No other changes were made.

FATL 380 (Food Assistance: State Income and Eligibility Verification System)

Food Assistance Transmittal Letter No. 380

July 17, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance: state income and eligibility verification system

Ohio Administrative Code rule [5101:4-7-09](#) was amended in order to align with 7 CFR 272.8 regarding the timeframe for county agencies to act on information received from the state income and eligibility system. Specifically, the timeframe is changing from ninety days to forty-five days.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 08/01/2017.

Chapter 7000

[5101:4-7-09](#) "Food assistance: state income and eligibility verification system"

The rule describes the requirements of the state income and eligibility verification system. This rule was amended to change the timeframe for acting on information received from the state income and eligibility verification system from ninety days to forty-five days. This change is being made to align with 7 CFR 272.8 requirements. No other substantive changes were made.

FATL 379 (Supplemental Food Assistance Nutrition Program Employment and Training (SNAP E&T) Requirements)

Food Assistance Transmittal Letter No. 379

June 21, 2017

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Supplemental Food Assistance Nutrition Program Employment and Training (SNAP E&T) Requirements

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

In addition to the rules subject to five year rule review, the Office of Family Assistance (OFA) is proposing both substantive and non-substantive changes to Ohio's mandatory employment and training program due to a recent management evaluation by the US Department of Agriculture, Food and Nutrition Service (FNS).

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 7/01/2017.

Chapter 2000 Application Process

5101:4-2-07 "Food Assistance: Initial Interview Process"

The rule describes the process for conducting the initial eligibility interview in the supplemental nutrition assistance program (SNAP). OFA amended this rule. Changes to the rule include:

- Clarified the rights and responsibilities that must be explained during the eligibility interview.
- Clarified that the county agency must determine if each member of the household is required to register for work.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

Chapter 3000 Non Financial Eligibility Standards

5101:4-3-09 "Food Assistance: Ohio Works First Assistance Groups"

The rule describes the actions a county agency must take on SNAP benefits when a member of an assistance group in which all members are receiving Ohio works first (OWF) is sanctioned or disqualified from the OWF program for failing a requirement in the OWF program. OFA amended this rule. Changes to the rule include:

- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-11 "Food Assistance: Work Registration and Exemptions."

The rule describes the process for determining which SNAP recipients are subject to work registration requirements. OFA amended this rule. Changes to the rule include:

- Clarified the requirements of an individual required to register for work.
- Revised the process for determining an individual to be physically or mentally unfit for employment to align with the process for able-bodied adults without dependents.
- Clarified that the county agency must ensure that work registrants received verbal notification of their rights and responsibilities.
- Added the requirement that each mandatory work registrant be provided with information about services available through the OhioMeansJobs website (OhioMeansJobs.com) and/or the closest OhioMeansJobs center.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-11.1 "Food Assistance: Work Registration Requirements."

The rule describes the work registration requirements of a work registered individual and the consequences for failing to meet the requirements. OFA amended this rule. Changes to the rule include:

- The title of the rule has been revised from "Food Assistance: Employment and Training Requirements" to "Food Assistance: Work Registration Requirements."
- Modified who is subject to the SNAP E&T requirements described in rule 5101:4-3-29. Specifically, only ABAWDs are required to participate in E&T. ABAWDs who reside in a county where the ABAWD work requirement has been waived must still participate in SNAP E&T. All work registered individuals will receive information and the opportunity to participate in OhioMeansJobs.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-11.2 "Food Assistance: Work Registration Sanctions and Compliance."

The rule describes the work registration requirements of a work registered individual and the consequences for failing to meet the requirements. OFA amended this rule. Changes to the rule include:

- The title of the rule has been revised from "Food Assistance: Employment and Training Program Sanctions and Compliance" to "Food Assistance: Work Registration Sanctions and Compliance."
- Clarified that sanctions apply to all work registration requirements, which is not limited to (but includes) SNAP E&T requirements.
- Clarified that the penalty for voluntarily quitting a job or reducing work hours is described in rule 5101:4-3-19.
- Revised paragraph (D) to align with the requirements found in 7 CFR 273.7(f)(7) which holds that the failure to comply with an unemployment or Ohio Works First requirement is equivalent to failing a SNAP work registration requirement. No determination by the county agency is required; and removed paragraph (D)(4) as it is redundant to paragraph (D)(3).
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."

- Other non-substantive changes for clarity.

5101:4-3-19 "Food Assistance: Voluntary Quit and Reduction of Work Effort."

The rule describes the penalty for work registered individuals who voluntarily quit employment or reduce work hours. OFA amended this rule. Changes to the rule include:

- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-20 "Food Assistance: Able-Bodied Adults without Dependents."

The rule describes the process for determining who is an able-bodied adult without dependents (ABAWD); the work registration, SNAP E&T and work requirements applicable to ABAWDs; and the ABAWD time-limit.

Because the change to the requirements are so extensive, OFA rescinded the rule and adopted this new rule with the same rule number. Changes from the existing rule include:

- Clarified the requirements for determining who is an ABAWD.
- Clarified that ABAWDs are subject to work registration requirements; SNAP E&T requirements; and the ABAWD work requirement.
- Clarified the way that ABAWDs may meet the work requirement.
- Removed the language describing how ABAWDs may regain eligibility after reaching the time-limit and moved it to new proposed rule 5101:4-3-20.1.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP) ", and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-20.1 "Food Assistance: Regaining Eligibility."

The rule describes the process for ABAWDs who have reached the ABAWD time-limit to regain SNAP eligibility. OFA moved this information from paragraphs (G) and (H) of existing rule 5101:4-3-20 into a new proposed rule. Changes from the existing language include:

- Clarified the requirements necessary to regain eligibility.
- Clarified requirements for calculating the SNAP benefit amount when an ABAWD regains eligibility.
- Clarified the eligibility criteria for receiving three additional months of eligibility for an ABAWD that has regained eligibility.
- Removed the language describing how ABAWDs may regain eligibility after reaching the time-limit and moved it to new proposed rule 5101:4-3-20.1.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-29 "Food Assistance Employment and Training: Appraisal"

The rule describes the process for appraising individuals required to participate in SNAP E&T. OFA amended this rule. Changes to the rule include:

- Added a requirement for required SNAP E&T participants to sign the employability plan developed in accordance with this rule. This change is necessary to ensure that participants are aware of their SNAP E&T assignments and obligations.

- Clarified that the county agency must ensure that work registrants received notification of their rights and responsibilities. Added a requirement that the appraisal be conducted within thirty days of authorization of benefits. Participation in SNAP E&T is a condition of eligibility for required SNAP E&T participants and ensuring that the appraisal is conducted in a timely manner is a recommendation of FNS.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-30 "Food Assistance Employment and Training Program"

The rule describes the process for appraising individuals required to participate in SNAP E&T. OFA amended this rule. Changes to the rule include:

- Clarified that only ABAWDs (including those in waived counties) are required to participate in SNAP E&T.
- Added a requirement for required SNAP E&T participants to sign the employability plan. This change is necessary to ensure that participants are aware of their SNAP E&T assignments and obligations.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-31 "Food Assistance Employment and Training: Required Hours"

The rule describes the process for appraising individuals required to participate in SNAP E&T. OFA amended this rule. Changes to the rule include:

- Revised the minimum number of hours to align with the minimum hourly requirements described in 7 CFR 273.7(e)(1).
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)"; and the term "employment and training" was replaced with "SNAP E&T."
- Other non-substantive changes for clarity.

5101:4-3-37 "Food Assistance Employment and Training: Job Development"

The rule describes the former SNAP E&T job development activity. OFA rescinded this rule, as it is no longer an approved component of Ohio's SNAP E&T plan.

FATL 378 (Five Year Rule Review: Food Assistance: Nonfinancial Eligibility Standard-Residency)

Food Assistance Transmittal Letter No. 378

June 19, 2017

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five Year Rule Review: Food Assistance: Nonfinancial Eligibility Standard-Residency

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 07/01/2017.

Chapter 3000

5101:4-3-03 "Food Assistance: Nonfinancial Eligibility Standard-Residency."

This rule describes the Supplemental Nutrition Assistance Program (SNAP) nonfinancial eligibility standard concerning county residency. The Office of Family Assistance amended this rule. Minor language changes were made to improve clarity and the term "shelter for battered women" has been replaced with "shelter for battered persons and their children." No substantive changes were made.

FATL 377 (Food Assistance: Reporting Requirements During the Certification Period)

Food Assistance Transmittal Letter No. 377

April 28, 2017

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance: reporting requirements during the certification period.

Ohio Administrative Code rule 5101:4-7-01 is being amended to clarify that any able-bodied adult without dependents (ABAWD) is required to report any changes in work hours that bring an individual below twenty hours per week; the reporting requirement is not limited to ABAWDs with countable earned income.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 6/1/2017.

Chapter 7000

5101:4-7-01- "Food assistance: reporting requirements during the certification period."

This rule describes the reporting requirements of assistance groups during the certification period. Language was stricken in paragraph (B)(3) of this rule to align with current federal requirements. Also, the term Food Assistance has been replaced with Supplemental Nutrition Assistance Program (SNAP). No other substantive changes were made.

FATL 376 (Food Assistance Employment and Training: Supportive Services)

Food Assistance Transmittal Letter No. 376

March 23, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance employment and training: supportive services.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 04/01/2017.

Chapter 3000

5101: 4-3-32, "Food assistance employment and training: supportive services."

The rule describes processes and procedures for county agencies to provide necessary supportive services for individuals participating in the SNAP employment and training program. The Office of Family Assistance amended this rule. Changes to the rule include clarifying in paragraph (C)(2)(c) that a county agency does not exempt an individual whose actual costs of transportation exceeds the expense allowance, rather the county agency determines the individual has good cause for not participating until a suitable component is available or expenses do not exceed the allowance. In addition, the term "food assistance" was replaced with "supplemental nutrition assistance program."

FATL 375 (Food Assistance: Final Farm Bill Regulations)

Food Assistance Transmittal Letter No. 375

January 30, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: Final Farm Bill Regulations

The United States Department of Agriculture Food and Nutrition Service (FNS) issued its final regulations to codify certain nondiscretionary provisions of the Agricultural Act of 2014 (Farm Bill), including the prohibition of utilizing the excess medical deduction to deduct the costs of medical marijuana (and other Schedule I controlled substances costs) and any expenses associated with its use from a household's income when determining eligibility for the Supplemental Nutrition Assistance Program (SNAP). In addition, the Food and Nutrition Act of 2008 (the Act) prohibited individuals who are fleeing felons or violating a condition of probation or parole from receiving SNAP benefits, and required FNS to define the terms "fleeing" "probation or parole violator" and "actively seeking." These terms have now been defined by FNS.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 3/1/2017.

Chapter 1000

5101: 4-1-13 "Food assistance: Availability of Information, Program Administration, Office Operations, and Income Eligibility Verification System Information"

This rule describes the requirements regarding the availability of information, program administration, office operations, and income eligibility verification system information. The Office of Family Assistance amended this rule to put it into plain language as well as question-and-answer format to improve clarity. Additional changes include:

- Language was added to paragraph (A)(1)(b) to require county agencies to display the JFS 00209 "Americans with Disabilities Act as Amended" poster.
- The description of fleeing felons and those who have violated a condition of probation or parole has been amended in order to align with the new federal regulations.
- Paragraphs (A)(7)(b)(ii)(a-d) were stricken. New paragraph (C)(2)(b) references rule 5101:4-2-03 which describes the process to follow to determine if law enforcement is actively seeking an individual.
- The term "food assistance" was replaced with "Supplemental Nutrition Assistance Program (SNAP)."

Chapter 2000

5101: 4-2-03 "Food assistance: Assistance Group Definition"

This rule describes the eligibility of various assistance groups and individuals who must be included or excluded in the assistance group. 7 CFR 273.11(n) now defines the terms "fleeing" "probation and parole violator" and "actively seeking." As a result, OFA amended this rule to:

- Add paragraph (D)(6)(a) to define an individual as "fleeing" when: 1) there is a felony warrant for an individual; 2) the individual is aware of, or should reasonably be able to expect that, a warrant has or would have been issued; 3) the individual has taken some action to avoid being arrested or jailed; and 4) a law enforcement agency is actively seeking the individual.
- Add paragraph (D)(6)(b) to define an individual as a "probation or parole violator when: (1) there is an outstanding warrant for the individual due to violating a condition of his or her probation or parole imposed under a federal or state law, and (2) law enforcement is

actively seeking the individual to enforce the conditions of probation or parole. FNS has provided clarification that an individual determined to have violated any probation or parole imposed under federal or state law will be disqualified for SNAP eligibility; the violation is not limited to felony charges.

- Add paragraph (D)(6)(c) to define "actively seeking" as any of the following:
 1. A federal, state, or local law enforcement agency informs a county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the State agency;
 2. A federal, state, or local law enforcement agency presents a felony arrest warrant as provided in paragraph (D)(6)(a)(i); or
 3. A federal, state, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from a county agency about a specific outstanding felony warrant or probation or parole violation.

Chapter 4000

5101: 4-4-23 "Food assistance: deductions from income"

This rule describes the deductions from income for purposes of determining eligibility for SNAP benefits. OFA amended this rule to add language to paragraph (C)(2)(c) prohibiting the cost of any Schedule 1 controlled substance under the Controlled Substances Act, including medical marijuana, and any expenses associated with its use as an excess medical deduction.

FATL 374 (Five Year Rule Review: State Income and Eligibility Verification System)

Food Assistance Transmittal Letter No. 374

January 31, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: state income and eligibility verification system.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 03/01/2017.

Chapter 7000

5101:4-7-09 "Food assistance: state income and eligibility verification system"

The rule describes the requirements of the state income and eligibility verification system. The Office of Family Assistance amended this rule. There were minor language changes for clarity, including replacing the term "CRIS-E" with "statewide automated eligibility system", and "food assistance" with "supplemental nutrition assistance program."

FATL 373 (Food Assistance: Nondiscrimination)

Food Assistance Transmittal Letter No. 373

January 26, 2017

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: nondiscrimination.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 02/28/2017.

Chapter 1000

5101: 4-1-15, "Food assistance: nondiscrimination."

The rule describes processes and procedures for county agencies to meet Federal nondiscrimination requirements. The Office of Family Assistance amended this rule. Changes to the rule include: clarifying categories of race, ethnicity, and the categories of people protected from discrimination; updating the process for filing a discrimination complaint with the United States Department of Agriculture; and replacing the term "food assistance" with "supplemental nutrition assistance program." No changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

FATL 372 (Five-Year Rule Review: Food Assistance: Victims of Trafficking and Good Cause for Failure to Comply in Providing a Social Security Number)

Food Assistance Transmittal Letter No. 372

December 8, 2016

Food Assistance Transmittal Letter No. 372

TO: Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five-Year Rule Review: Food assistance: victims of trafficking and good cause for failure to comply in providing a social security number.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 01/01/2017.

Chapter 3000

5101:4-3-06- "Food assistance: victims of trafficking."

This rule describes the definitions of trafficking as well as the process of determining the eligibility of victims of trafficking. Minor changes were made for clarity and to update the name of the Food Assistance program to Supplemental Nutrition Assistance Program (SNAP). No other substantive changes were made.

5101:4-3-24- "Food assistance: good cause for failure to comply in providing a social security number."

This rule describes the process of determining good cause for failure to comply with providing a social security number. Minor changes were made for clarity and to update the name of the Food Assistance program to Supplemental Nutrition Assistance Program (SNAP). No other substantive changes were made.

FATL 371 (Food Assistance Initial Interview Process)

Food Assistance Transmittal Letter No. 371

December 13, 2016

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food assistance initial interview process.

Due to a recent Civil Rights management evaluation, rule 5101:4-2-07 is being amended to remove the requirement for individuals with a language barrier to name a representative to receive their notices. The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 01/01/2017.

Chapter 2000

5101:4-2-07 "Food assistance: initial interview process"

The rule describes the process and requirements of an initial food assistance interview. The Office of Family Assistance amended this rule to remove the requirement for individuals with a language barrier to name a representative to receive their notices. In addition, the term "food assistance" was replaced with "supplemental nutrition assistance program."

FATL 370 (Food assistance time limit for able-bodied adults without dependents)

Food Assistance Transmittal Letter No. 370

September 27, 2016

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Food assistance time limit for able-bodied adults without dependents.

Due to a recent Supplemental Nutrition Assistance Program Employment and Training management evaluation, rule 5101:4-3-20 is being amended to add a definition of "unpaid work." The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 10/01/2016.

Chapter 3000

5101:4-3-20 "Food assistance: time limit for able-bodied adults without dependents"

The rule describes the time limited receipt of assistance and work requirements for able-bodied adults without dependents. OFA amended this rule to add a definition of "unpaid work."

FATL 369 (Five year rule review: definitions, resources excluded by law, countable income, determining eligibility of assistance groups with income from self-employment)

Food Assistance Transmittal Letter No. 369

September 12, 2016

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five year rule review: definitions, resources excluded by law, countable income, determining eligibility of assistance groups with income from self-employment

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 10/01/2016.

Chapter 0000

5101:4-1-03 "Food assistance: definitions."

The rule describes definitions of terms commonly used in the food assistance program. The Office of Family Assistance (OFA) amended this rule. The term of "CRIS-E" was replaced with "statewide automated eligibility system", the term "PCI" was removed as it is no longer used, the definition for "Ohio works first (OWF) recipient" was updated to align with the OWF rule, the reference to "Shelter for battered women and children" was updated to "Shelter for battered individuals and children" because of clarification from FNS, and the reference to "Workforce Investment Act (WIA)" was replaced with the current name "Workforce Innovation and Opportunity Act (WIOA)." In addition, the term "eligible foods" was updated to align with amended federal rule, and the definition of spouse was amended to reflect the definition of marriage recognized in the United States supreme court decision in Obergefell v. Hodges.

Chapter 4000

5101:4-4-03.3 "Food assistance: resources excluded by law."

The rule describes resources that are exempt by federal law from being included as a resource to food assistance applicants and recipients. OFA amended this rule. The rule was changed to question-and-answer format. In addition, the reference to "Disaster Relief Act" was removed and updated with the current name "Robert T. Stafford Disaster Relief and Emergency Assistance Act" and "Workforce Investment Act (WIA)" was replaced with the current name "Workforce Innovation and Opportunity Act (WIOA)." No substantive changes were made.

5101:4-4-19 "Food assistance: countable income."

The rule describes countable income for participation in the food assistance program. OFA amended this rule. Changes to the rule include replacing the reference to "Workforce Investment Act (WIA)" with the current name "Workforce Innovation and Opportunity Act (WIOA)." Also, language was added to paragraph (B)(3) to exclude as income any payment made to an employment and training participant for costs that are reasonably necessary and directly related to participation in the employment and training program.

Chapter 6000

5101:4-6-11 "Food assistance: determining eligibility of assistance groups with income from self-employment."

The rule describes how to determine eligibility of assistance groups with income from self-employment. OFA amended this rule. Minor language changes were made for clarity; however, no substantive changes were made.

FATL 368 (Five year rule review: transfer of resources)

Food Assistance Transmittal Letter No. 368

September 12, 2016

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five year rule review: transfer of resources.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 10/01/2016.

Chapter 4000

5101:4-4-09 "Food assistance: Transfer of resources."

The rule describes the guidelines for transferring resources for the food assistance program. The Office of Family Assistance amended this rule. Minor language changes were made for clarity and the term "food assistance" was replaced with "supplemental nutrition assistance program." No substantive changes were made.

FATL 367 (Food Assistance: Reduction of Cash Assistance Benefits Due To Assistance Group's Failure to Perform a Required Action)

Food Assistance Transmittal Letter No. 367

August 18, 2016

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: reduction of cash assistance benefits due to assistance group's failure to perform a required action.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 9/1/16.

Chapter 6000

5101: 4-6-16, "Food assistance: reduction of cash assistance benefits due to assistance group's failure to perform a required action."

The rule describes processes and procedures for county agencies to calculate the benefit allotment when a member of an assistance group fails to perform a required action. The Office of Family Assistance amended this rule. Minor language changes were made to improve clarity and to replace the term "food assistance" with "supplemental nutrition assistance program." No changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

FATL 366 (Food Assistance: Boarders and Income from Boarders)

Food Assistance Transmittal Letter No. 366

August 18, 2016

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: Boarders and Income from Boarders

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 9/1/16.

Chapter 6000

5101: 4-6-03, "Food assistance: Boarders and Income from Boarders."

The rule describes processes and procedures for determining eligibility of an assistance group that includes a boarder. The Office of Family Assistance amended this rule. Minor language changes were made to improve clarity and to replace the term "food assistance" with "supplemental nutrition assistance program." No changes were made to the way county agencies administer the program.

FATL 365 (Five-Year Rule Review: Food Assistance: Delayed Eligibility Determinations)

Food Assistance Transmittal Letter No. 365

August 26, 2016

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: Food assistance: delayed eligibility determinations.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 10/01/2016.

Chapter 5000

5101:4-5-07 - "Food assistance: delayed eligibility determinations."

This rule describes delayed eligibility determinations for initial applications. The Office of Family Assistance has amended this rule. Minor language changes were made for clarity; however, no substantive changes were made.

FATL 364 (Five-Year Rule Reviews: Initial Applications, Initial Interview, and Lost Benefits)

Food Assistance Transmittal Letter No. 364

July 13, 2016

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Reviews: Initial Applications, Initial Interview, and Lost Benefits.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 08/01/2016.

Chapter 2000

5101:4-2-01, "Food Assistance: Initial Application Process"

The rule describes the requirements for an initial food assistance application. The Office of Family Assistance (OFA) amended this rule. Changes to the rule include:

- Minor language changes for clarity;
- The term "CRIS-E" was replaced with "statewide automated eligibility system"; and
- The time frames associated to complying with quality control reviews has been updated to align with the Code of Federal Regulations.

5101:4-2-07, "Food Assistance: Initial Interview Process"

The rule describes the process and requirements of an initial food assistance interview. OFA amended this rule. Changes to the rule include:

- Minor language changes for clarity; and
- The term "CRIS-E" was replaced with "statewide automated eligibility system."

No substantive changes have been made.

Chapter 8000

5101:4-8-03, "Food Assistance: Restoration and Entitlement of Lost Benefits"

The rule describes the requirements for restoration and entitlement of lost food assistance benefits. OFA amended this rule. Changes to the rule include:

- Minor language changes for clarity; and
- The term "CRIS-E" was replaced with "statewide automated eligibility system."

No substantive changes have been made.

FATL 363 (Food Assistance Employment and Training Program)

Food Assistance Transmittal Letter No. 363

May 18, 2016

TO: All Food Assistance Manual Holders
FROM: The Office of Legal and Acquisition Services
SUBJECT: Food assistance employment and training program.

In order to align with federal policy that requires a contractor or agency operating a component of a county agency's employment and training program to notify a county agency within ten days when a mandatory participant fails to comply with the employment and training requirements, rule [5101:4-3-30](#) of the Administrative Code has been amended.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 06/01/2016.

Chapter 3000

[5101:4-3-30](#) "Food assistance employment and training program."

The rule describes the requirements for a county agency to operate the food assistance employment and training program. The Office of Family Assistance amended this rule by adding language to paragraph (B) of this rule which would require a county agency to establish a procedure that ensures a contractor or agency operating a component of its employment and training program notifies the county agency within ten days when a mandatory participant fails to comply with the employment and training requirements.

FATL 362 (Five-Year Rule Review: Benefit Issuance and Use)

Food Assistance Transmittal Letter No. 362

March 10, 2016

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: Benefit issuance and use.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 4/1/2016.

Chapter 1000

5101:4-1-04 "Food assistance: benefit issuance and use."

This rule describes the issuance and use of food assistance benefits. The Office of Family Assistance amended this rule. Minor language changes were made for clarity and to update the name of the Food Assistance program to Supplemental Nutrition Assistance Program. Also, the term "persons" has replaced "women" when referencing shelters for battered persons in (D)(8) to align with federal policy.

FATL 361 (Five Year Review: 5101:4-6-13 & 5101:4-6-15)

Food Assistance Transmittal Letter No. 361

March 10, 2016

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five year rule review: determining eligibility of assistance groups with ineligible members, determining eligibility of an assistance group when other non-assistance group members share the same address.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 04/01/2016.

Chapter 6000

5101:4-6-13 "Food Assistance: determining eligibility of assistance groups with ineligible members."

The rule describes the regulations for food assistance assistance groups with an ineligible member. The Office of Family Assistance (OFA) amended this rule. Minor language changes were made for clarity. There were no substantive changes.

5101:4-6-15 "Food Assistance: determining eligibility of an assistance group when other non-assistance group members share the same address."

The rule describes the regulations for assistance groups who have non assistance group members living at the same address. OFA amended this rule. Minor language changes were made for clarity. There were no substantive changes.

FATL 360 (Five-Year Rule Review: Systematic Alien Verification for Entitlements Program)

Food Assistance Transmittal Letter No. 360

January 25, 2016

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: Systematic alien verification for entitlements program.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 2/1/16.

Chapter 7000

5101:4-7-14- "Food assistance: systematic alien verification for entitlements program."

This rule describes the process of accessing and using the systematic alien verification for entitlements (SAVE) program to verify the validity of documents provided by aliens applying for food assistance. This rule was reviewed per the five year rule review. Minor language changes were made for clarity; however, no substantial changes were made.

FATL 359 (Five-Year Rule Review: Group Living Arrangements)

Food Assistance Transmittal Letter No. 359

January 25, 2016

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: group living arrangements.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 2/1/2016.

Chapter 6000

5101:4-6-26 "Food assistance- group living arrangements."

This rule describes the eligibility of individuals living in a group living arrangement. Minor language changes were made for clarity and to update the name of the Food Assistance program to Supplemental Nutrition Assistance Program (SNAP). Also, language in paragraph (C)(1) describing residential facilities "for the mentally ill" and (C)(5) were stricken because the Ohio Department of Mental Health is licensing all residential facilities. No other substantive changes were made.

5101:4-6-27 "Food assistance- shelters for battered women and their children."

This rule describes the eligibility of individuals who live in shelters for battered women and their children. The Office of Family Assistance amended this rule. In order to align with federal policy, the rule no longer limits eligibility to women living in a shelter for battered women; rather it applies to all persons. Thus, the term "persons" has replaced "women" when referencing shelters for battered persons. The title was changed from "Food assistance- shelters for battered women and their children" to "Food assistance- shelters for battered persons and their children." In addition, minor language changes were made for clarity.

5101:4-6-31 "Food assistance- sponsored aliens."

This rule describes the eligibility of sponsored aliens, when to count a sponsor's income and resources to determine eligibility, and the county agency's responsibilities. Minor language changes were made for clarity and to update the name of the Food Assistance program to Supplemental Nutrition Assistance Program (SNAP). However, no substantive changes were made.

FATL 358 (Food Assistance: New Hire Reporting Program [W-4])

Food Assistance Transmittal Letter No. 358

January 25, 2016

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: New Hire Reporting Program (W-4)

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 02/01/2016.

Chapter 7000

5101: 4-7-08, "Food assistance: New Hire Reporting Program (W-4)."

The rule describes the new hire reporting program and how the information is to be used by county agencies. The Office of Family Assistance amended this rule to:

- Clarify new hire alerts may be received from both the State Directory of New Hires and the National Directory of New Hires;
- Define "newly hired" pursuant to 42 U.S.C. 653a;
- Remove "rehires" and add "contractors" to the type of employees for whom employers must provide information to ODJFS; and
- To replace the term "food assistance" with "supplemental nutrition assistance program."

No changes were made to the county agencies' responsibilities when a new hire alert is received.

FATL 357 (Early Denial of Initial Applications)

Food Assistance Transmittal Letter No. 357

November 6, 2015

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Early Denial of Initial Applications

Background

In the Food Assistance Program, current federal regulations require county agencies to allow an initial applicant 30 days to provide required verifications prior to denying the application, even when an applicant has failed to provide the verifications within a specified timeframe. The United States Department of Agriculture, Food and Nutrition Services (FNS) recently granted the Ohio Department of Job and Family Services (ODJFS) a waiver to allow an application to be denied under specific circumstances.

New Policy

Under the waiver, county agencies are allowed to deny an initial food assistance application prior to the 30th day when all of the following have occurred:

- An interview of the applicant was conducted;
- Verifications requested in accordance with rule 5101: 4-2-09 of the Administrative Code were not received within 10 calendar days of the request; and
- The county agency offered to assist the applicant in obtaining the required verifications when requested by the applicant, or when the county agency was able to obtain the verifications faster, assuming the applicant did not refuse to cooperate.

Furthermore, if the application is denied and the required verifications are received after the denial but by the 30th day, the county agency is required to rescind the denial and determine eligibility back to the date of application.

In order to implement the waiver, the Office of Family Assistance (OFA) amended the following rule, which has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2015.

Chapter 2000

5101: 4-2-11 "Food Assistance: Timeliness Standard and Benefit Issuance"

OFA amended this rule to add language that allows a county agency to deny an initial application prior to the 30th day under specific circumstances, and when the denial shall be rescinded and eligibility redetermined from the date of application.

Implementation

The rules changes will apply to every new application received on or after the effective date. Additional denial and approval reason codes are being added to CRIS-E that must be used in order to support the FNS reporting requirements necessary to maintain the waiver. A CRIS-E view flash bulletin will be issued prior to the implementation date with more details.

FATL 356 (Food Assistance: Expedited Service)

Food Assistance Transmittal Letter No. 356

October 23, 2015

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: Expedited Service

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2015.

Chapter 6000

5101: 4-6-09, "Food assistance: Expedited Service."

This rule describes processes and procedures for determining an assistance group's eligibility for expedited service. The Office of Family Assistance amended this rule. Minor language changes were made to improve clarity. No changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

FATL 355 (Five Year Rule Review: Verification Procedure, Recertification)

Food Assistance Transmittal Letter No. 355

September 23, 2015

TO: Food Assistance Certification Handbook Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five Year Rule Review: verification procedure, recertification.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 10/01/2015.

Chapter 2000

5101:4-2-09 "Food assistance: verification procedure."

The rule describes the verification procedure for food assistance. The Office of Family Assistance (OFA) amended this rule. Minor language changes were made for clarity; however, there are no substantive changes.

Chapter 7000

5101:4-7-07 "Food assistance: recertification."

The rule describes the process for recertification for food assistance benefits. OFA amended this rule. Minor language changes were made for clarity and the term "CRIS-E" was replaced with "statewide automated eligibility system". No substantive changes were made.

FATL 354 (Food Assistance: Work Registration and Exemptions Employment and Training Program Requirements, Employment and Training Program Sanctions and Compliance, Work Experience Program Overpayments)

Food Assistance Transmittal Letter No. 354

July 21, 2015

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Food Assistance: Work registration and exemptions Employment and training program requirements, Employment and training program sanctions and compliance, Work experience program overpayments

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The following rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR) and will become effective on 08/01/2015.

Chapter 3000

5101: 4-3-11, "Food assistance: work registration and exemptions."

This rule describes work registration process and exemption reasons. OFA **amended** this rule. Minor language changes were made to improve clarity, including replacing CRIS-E with statewide automated eligibility system. No changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

5101: 4-3-11.1, "Food assistance: employment and training program requirements."

This rule describes employment and training requirements for work registered individuals. OFA **amended** this rule. Minor language changes were made to improve clarity. No changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-3-11.2 "Food assistance: employment and training program sanctions and compliance."

The rule describes employment and training program sanctions and compliance requirements. OFA **amended** this rule. Minor language changes were made to improve clarity. No changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-3-34.1 "Food assistance: work experience program overpayments."

The rule describes the procedures for county agencies to follow when an assistance group member participated in a work experience program activity during a month an overissuance of benefits occurred. OFA **rescinded and replaced** this rule with a new rule. This rule was changed to plain language and question-and-answer format to improve clarity. No substantive changes were made.

FATL 353 (Five-Year Rule Review: Assistance Group Definitions)

Food Assistance Transmittal Letter No. 353

July 24, 2015

TO: Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: assistance group definitions.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 08/01/2015.

Chapter 2000

5101:4-2-03 "Food assistance: assistance group definitions."

This rule describes the eligibility of various assistance groups. OFA has amended this rule to put it into plain language and question-and-answer format. No substantive changes were made.

FATL 352 (Five Year Rule Review: Personnel Standards, Bilingual Staff and Materials, Records and Reports)

Food Assistance Transmittal Letter No. 352

July 23, 2015

TO: All Food Assistance Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five Year Rule Review: personnel standards, bilingual staff and materials, records and reports

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 08/01/2015.

Chapter 1000

5101:4-1-05 "Food Assistance: personnel standards, bilingual staff and materials, records and reports."

The rule describes the requirements for personnel, bilingual staff, records and reports in the administration of the food assistance program. OFA amended this rule. Changes to the rule include putting the rule into question-and-answer format for clarity, and replacing the term "CRIS-E" with "statewide automated eligibility system". No substantive changes were made.

FATL 351 (Five-Year Rule Reviews: Claims Against Assistance Groups and Retention Rates)

Food Assistance Transmittal Letter No. 351

July 2, 2015

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Reviews: Claims Against Assistance Groups and Retention Rates.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on 08/01/2015.

Chapter 8000

5101:4-8-15,"Food Assistance: Claims Against Assistance Groups"

The rule describes the requirements for establishing food assistance overpayment claims against an assistance group, types of claims, and processing time frames. OFA amended this rule. Changes to the rule include:

- Minor language changes for clarity; and
- The term "CRIS-E" was replaced with "statewide automated eligibility system."

No substantive changes have been made.

5101:4-8-17,"Food Assistance: Calculating the Overpayment Claim Amount"

The rule describes the requirements calculating food assistance overpayment claims, begin dates for overpayments, and the disqualification time periods. OFA amended this rule. Changes to the rule include:

- Minor language changes for clarity;
- The term "CRIS-E" was replaced with "statewide automated eligibility system"; and
- The term "administrative error" was replaced with "agency error" for consistency with other rules and with the Code of Federal Regulations.

No substantive changes have been made.

5101:4-8-19,"Food Assistance: Initiating Collection Action and Managing Claims"

The rule describes the requirements for initiating collection action and managing overpayment claims. OFA amended this rule. Changes to the rule include:

- Minor language changes for clarity;
- The term "CRIS-E" was replaced with "statewide automated eligibility system"; and
- The rule was reorganized for clarity.

No substantive changes have been made.

5101:4-8-23,"Food Assistance: Claims Retention Rates and Accounting Procedures"

The rule describes the requirements for retention rates and accounting procedures of overpayment claims. OFA amended this rule. Changes to the rule include:

- Minor language changes for clarity;
- The term "CRIS-E" was replaced with "statewide automated eligibility system"; and
- The term "administrative error" was replaced with "agency error" for consistency with other rules and the Code of Federal Regulations.

No substantive changes have been made.

FATL 350 (Food Assistance: Establishing Certification Periods)

Food Assistance Transmittal Letter No. 350

July 7, 2015

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Food Assistance: Establishing certification periods

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The following rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR) and the rule will become effective on 07/02/2015.

Chapter 5000

5101: 4-5-03, "Food assistance: establishing certification periods."

This rule describes the length of certification periods assigned to eligible food assistance households. OFA **amended** this rule. Minor language changes were made to improve clarity. No substantive changes were made affecting eligibility of applicants or recipients, or to the way county agencies administer the program.

FATL 349 (Five-Year Review)

Food Assistance Transmittal Letter No. 349

May 20, 2015

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five-Year Review: categorically eligible assistance groups, income standards, determining monthly food assistance benefits, anticipating income and expenses, mass change during the certification period; and reducing, suspending, or cancelling food assistance benefits.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on June 1, 2015.

Chapter 2000

5101:4-2-02 "Food assistance: categorically eligible assistance groups."

The rule describes which assistance groups are considered categorically eligible and what eligibility factors are waived as a result of being categorically eligible. OFA amended this rule. There were minor language changes for clarity and the term CRIS-E was replaced with statewide automated eligibility system. No substantive changes were made.

Chapter 4000

5101:4-4-11 "Food assistance: income standards."

The rule describes how the income eligibility standards are issued. OFA amended this rule. Minor language changes were made for clarity. No substantive changes were made.

5101:4-4-27 "Food assistance: determining monthly food assistance benefits."

The rule describes how to determine monthly food assistance benefits. OFA amended this rule. There were minor language changes for clarity and the term CRIS-E was replaced with statewide automated eligibility system. No substantive changes were made.

5101:4-4-31 "Food assistance: anticipating income."

The rule describes how the county agency anticipates income and expenses. OFA amended this rule. The rule was put into question-and-answer format for clarity and changing all references of "AG" to "assistance group". No substantive changes were made.

Chapter 7000

5101:4-7-03 " Food assistance: mass change during the certification period."

The rule describes the procedure county agencies shall follow during a mass change of food assistance. OFA amended this rule. The rule was put into question-and-answer format for clarity and changing all references of "AG" to "assistance group" and "PA" to "public assistance". No substantive changes were made.

5101:4-7-13 "Food assistance: reducing, suspending, or cancelling food assistance benefits."

The rule describes the procedures to be followed if the secretary of the United States department of agriculture (USDA) mandates a reduction, suspension, or cancellation of monthly food assistance allotments

in order to stay within federal appropriations pursuant to 7 U.S.C. 2027 (02/2014). OFA amended this rule. The rule was put into question-and-answer format for clarity and changing all references of "AG" to "assistance group" and "PA" to "public assistance". No substantive changes were made.

FATL 348 (Five Year Rule Review)

Food Assistance Transmittal Letter No. 348

May 20, 2015

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Five Year Rule Review: authorized representatives, timeliness standard and benefits issuance and drug addiction and alcoholic treatment and rehabilitation programs.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rules will become effective on June 1, 2015.

Chapter 2000

5101:4-2-05 "Food assistance: authorized representatives."

The rule describes who can be an authorized representative and their responsibilities. OFA is rescinding and replacing this rule with a new rule of the same number. The new rule has been revised to clarify policy regarding the roles of an authorized representative and how an individual designates an authorized representative. The JFS 06723 "Designation of Authorized Representative" is also being revised to reflect the policy clarifications. The current version of the form can be viewed at <http://www.odjfs.state.oh.us/forms/inter.asp>.

5101:4-2-11 "Food assistance: timeliness standard and benefit issuance."

The rule describes the timeframes for processing a case and issuing benefits. OFA amended this rule. There are no substantive changes. Minor language changes were made for clarity.

Chapter 6000

5101:4-6-01 "Food assistance: determining eligibility of individuals in drug addiction and alcoholic treatment and rehabilitation programs."

The rule describes the process for determining eligibility for residents of drug addiction or alcoholic treatment centers. OFA amended this rule. There are no substantive changes. Minor language changes were made for clarity.

FATL 347 (Five-Year Rule Review: Nonfinancial Eligibility Standard- Citizenship, Alien Status, and Reporting Illegal Aliens)

Food Assistance Transmittal Letter No. 347

May 19, 2015

TO: Food Assistance Certification Handbook Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: Nonfinancial Eligibility Standard- Citizenship, alien status, and reporting illegal aliens

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 06/01/2015.

Chapter 3000

5101:4-3-07- "Food assistance: nonfinancial eligibility standard-citizenship and alien status."

This rule describes the citizenship requirements for food assistance eligibility and the procedures for reporting illegal aliens. This rule was reviewed per the five year rule review. This rule is being rescinded and replaced with a new rule of the same number. More than 50 percent of the rule was stricken to clarify language and to put the rule into plain language and question and answer format. Additionally, language from rule 5101:4-3-08, "Food assistance: Reporting Illegal Aliens," has been added.

5101:4-3-08- "Food assistance: reporting illegal aliens."

This rule describes the procedures for reporting illegal aliens. This rule was reviewed per the five year rule review. This rule is being rescinded and combined with new rule 5101:4-3-07.

FATL 346 (Five Year Rule Review: Project Area Changes)

Food Assistance Transmittal Letter No. 346

April 24, 2015

TO: All Food Assistance Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five Year Rule Review: Project Area Changes

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). These rules will become effective on 5/1/2015.

Chapter 1000

5101:4-1-16 "Food Assistance: Project Area."

The rule describes the approved county collaborations and the statewide project area. This rule has been rescinded and replaced with a new rule of the same number. Changes from the old rule to the new rule include:

- Defining Ohio as one statewide project area for the purposes of administering food assistance benefits. As a result of the change, food assistance recipients that move between counties will have their cases transferred and they will no longer be required to file an application in the new county of residence. The existing requirement that an application must be filed with an applicant's county of residence is unchanged; and
- Defining "county collaboration" as multiple county departments of job and family services under a common agreement that operate as a single entity for purposes of administering cash and food assistance benefits.
- The county names for approved county collaborations were removed from paragraph (B). Current and future approved county collaborations will be identified in food assistance change transmittals.

Chapter 2000

5101:4-2-01 "Food Assistance: Initial Application Process."

The rule describes how an individual applies for food assistance benefits. This rule has been amended. Changes to the rule include clarifying that an application for food assistance must be filed with a county agency that services the county in which the applicant resides.

Chapter 3000

5101:4-3-03 "Food Assistance: Nonfinancial Eligibility Standard-Residency."

The rule describes the residency requirement for food assistance applicants. This rule has been amended. Changes to the rule include:

- Removing the term "project area" throughout the rule and replacing it with the term "county"; and
- Clarifying that an individual cannot participate in more than one household in a month.

Chapter 7000

5101:4-7-01 "Food Assistance: Reporting Requirements During the Certification Period."

The rule describes the reporting requirements for food assistance recipients and how the county agency processes the changes. This rule has been amended. Changes to the rule include:

- Explaining what a county agency shall do when it learns that an assistance group has reported a change of residence;
- Specifying that changes that cause an increase to benefits shall become effective with the allotment issued the month after the month in which the verified change was reported; and
- Specifying a change that decreases benefits must have a notice of adverse action issued within ten days of the date the change was reported.

5101:4-7-01.1 "Food Assistance: Inter-county Transfer."

This is a new rule that describes the procedures that a county agency must follow when it discovers that the county of residence for a food assistance assistance group has changed during the certification period.

FATL 345 (Americans with Disabilities Act and Section 504 of the Rehabilitation Act)

Food Assistance Transmittal Letter No. 345

Cash Assistance Manual Transmittal Letter No. 95

October 1, 2014

TO: All Cash Assistance Manual Holders
All Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Background

The Ohio Department of Job and Family Services (ODJFS) and each County Department of Job and Family Services (CDJFS) are required to comply with the provisions of both the Amendments to the Americans with Disabilities Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act (504). The general requirements of the ADAAA/504 require ODJFS and each CDJFS to:

1. Provide an equal and meaningful opportunity to all individuals with disabilities to participate in, and benefit from, the programs it administers.
2. Not operate its programs in a way that has a discriminatory effect on individuals with disabilities.
3. Make reasonable modifications, where necessary, to avoid discrimination.

In order to ensure continued state and county compliance with the ADAAA/504, the ODJFS Bureau of Civil Rights (BCR) and the Office of Family Assistance (OFA) have worked with shareholders to review relevant state and county policies relating to individuals with disabilities.

Cash Assistance Manual: Chapter 1000

5101:1-2-01 "The application process for Ohio works first, disability financial assistance, and refugee cash assistance."

This rule describes the application process for the Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance programs. The changes include the requirements for:

- A county agency to adhere to its Americans with Disability Act (ADA) Plan adopted in accordance with rule 5101:9-2-02 of the Administrative Code; and
- A county agency to explain an individual's rights under the ADAAA/504 during the application interview.

5101:1-2-10 "The reapplication requirement."

This rule describes the reapplication process for the Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance programs. The changes include the following for:

- A county agency to adhere to its ADA Plan adopted in accordance with rule 5101:9-2-02 of the Administrative Code; and
- A county agency to explain an individual's rights under the ADAAA/504 during the reapplication interview.

Cash Assistance Manual: Chapter 2000

5101:1-3-11 "Ohio works first (OWF): appraisals, assessments, and self sufficiency contract."

This rule describes the process for appraising and assessing work eligible individuals and developing a self sufficiency contract in the Ohio Works First program. The changes include the following requirements:

- A county agency must provide additional screening if an appraisal indicates that a work eligible individual has a physical or mental condition that substantially limits one or more major life activities; and
- A self-sufficiency contract must include information about ADA/504.

5101:1-3-12 "Ohio works first: work activities."

This rule describes work activities in the Ohio Works First program. The changes include the requirement that assignments to work activities must be made in accordance with a county agency's ADA Plan and rule 5101:9-2-02 of the Administrative Code.

Food Assistance Manual: Chapter 2000

5101:4-2-07 "Food assistance: initial interview process."

This rule describes the application process for the food assistance program. The changes include the following requirements:

- A county agency must adhere to its ADA Plan adopted in accordance with rule 5101:9-2-02 of the Administrative Code; and
- A county agency must explain an individual's rights under the ADA/504 during the application interview.

Food Assistance Manual: Chapter 3000

5101:4-3-29 "Food assistance employment and training: appraisal."

This rule describes the requirement that each individual applying for or in receipt of food assistance benefits that is not exempt from work registration, must be assessed to determine the best assignment for their skills and needs. The changes include the requirement that an employability plan developed as a result of the appraisal must include an explanation of the individual's rights under the ADA/504 and a description of each reasonable modification made for the individual (if any).

5101:4-3-30 "Food assistance employment and training program."

This rule describes the requirements for a county agency to develop an employment and training plan. The changes include the requirements for a plan to be adopted by a county agency to include an explanation of a participant's rights under the ADA/504.

Forms

JFS 03801 "Ohio Works First Self-Sufficiency Contract"

This form may be used as a model or as an actual self-sufficiency contract in the Ohio Works First program. The changes include:

- A statement about whether or not a reasonable modification is necessary in section E.
- A statement about the ADA/504 in Section J.
- Other technical corrections for clarity.

JFS 07501 "Program Enrollment and Benefit Information"

This booklet contains information about various programs administered by ODJFS. The changes include the addition of ADA/504 information with the Civil Rights information beginning on page 12.

Instructions

When the Transmittal Letters are published, each Manual will be updated as follows:

- Each **amended** rule will replace the previous version of the rule in the Manual.
- Each **amended** form will replace the previous version of the form.

The rules and forms can be accessed at: <http://emanuals.odjfs.state.oh.us/emanuals>.

FATL 344 (Food Assistance: Deductions from Income)

Food Assistance Transmittal Letter No. 344

August 19, 2014

TO: Food Assistance Certification Handbook Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Food Assistance: Deductions from income

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

The following Ohio Administrative Code rule was recently reviewed. None of the proposed revisions affect the eligibility of applicants or recipients, or to the way county agencies administer the program.

Chapter 4000

5101:4-4-23, "Food assistance: Deductions from income."

This rule describes deductions from income and the verifications requirements. This rule is being proposed for amendment as part of the five year rule review. There are minor language changes to improve clarity and updates to federal citations.

Instructions:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 4000		
Food assistance deductions from income	5101:4-4-23 (effective 7/1/13)	5101:4-4-23 (effective 9/1/14)

FATL 343 (Five-Year Rule Review: Treasury Offset Program)

Food Assistance Transmittal Letter No. 343

July 28, 2014

TO: Food Assistance Certification Handbook Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Five-Year Rule Review: Treasury offset program.

In accordance with section 119.032 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and taken the action(s) described below:

Chapter 8000

5101:4-8-30, "Food assistance: Treasury offset program"

This rule describes the process for referring overdue claims to the Federal Treasury Offset Program (TOP). OFA has rescinded and replaced this rule with a new rule as a result of the five year review. The only substantive change from the existing rule is that information regarding the review process has been moved to new rule 5101:4-8-30.1. The following changes were made for clarity:

- The rule was changed to question and answer format;
- Language regarding safeguarding of Federal Tax Information was added; and
- Information about the review of a claim pending referral to the TOP was removed from this rule and placed in a new supplemental rule 5101:4-8-30.1.

5101:4-8-30.1, "Food assistance: Review of a claim pending a treasury offset program referral"

This new rule was added to clarify the review process for claims pending referral to the TOP. The policy was previously located in rule 5101:4-8-30. The information in the new rule is not substantively different than what was in the prior rule.

CHAPTER 8000

Instructions

The following chart identifies the material removed from the Food Assistance Certification Handbook and the material that was added:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 8000		
Food Assistance: Treasury offset program	5101:4-8-30 (Effective April 15, 2010)	5101:4-8-30 (Effective August 1, 2014)
Food Assistance: Review of a claim pending a treasury offset referral	N/A	5101:4-8-30.1 (Effective August 1, 2014)

FATL 342 (Work Program Definition for Able-Bodied Adults Without Dependents)

Food Assistance Transmittal Letter No. 342

September 27, 2013

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Work Program Definition for Able-Bodied Adults Without Dependents

Rule 5101:4-3-20 is being amended to clarify the definition of work program. The exclusion of job search and job search training was inadvertently removed when the rule was last reviewed. The rule will become effective on a permanent basis on 10/01/2013.

Chapter 3000

5101:4-3-20, "Food assistance: time limit for able-bodied adults without dependents"

This rule has been amended to clarify the definition of a work program.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 3000 Food assistance: time limit for able-bodied adults without dependents	5101:4-3-20 (effective 6/1/13)	5101:4-3-20 (effective 10/1/13)

FATL 341 (Project Area: New County Collaboration)

Food Assistance Transmittal Letter No. 341

September 27, 2013

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Project Area: New County Collaboration

In accordance with section 329.40 of the Revised Code, the Boards of County Commissioners for Defiance and Paulding counties have notified the Ohio Department of Job and Family Services of their intent to form a joint county department of job and family services effective October 1, 2013. The joint department will be known as Defiance/Paulding Consolidated Department of Job and Family Services.

Rule 5101:4-1-16 describes which counties are included as part of a project area and therefore, the rule must be amended to reflect the addition of the Defiance/Paulding Consolidated Department of Job and Family Services.

Chapter 1000

5101:4-1-16, "Food assistance: project area"

This rule establishes approved county collaborations as project areas. This rule is being amended to add the collaboration between Defiance and Paulding counties and to replace citations to House Bill 225 with citations to the Revised Code. As a result, if a recipient moves within the counties in this collaboration, the food assistance group does not have to close, and the individual does not have to reapply.

Instructions

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 1000 Food assistance: project area	5101:4-1-16 (effective 12/1/12)	5101:4-1-16 (effective 10/1/13)

CRIS-E: A table change will designate Defiance and Paulding counties as a project area so a case will not have to close if an individual moves within these two counties.

FATL 340 (Food Assistance: Employment and Training Appraisal Sanctions)

Food Assistance Transmittal Letter No. 340

September 11, 2013

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Food assistance: employment and training appraisal sanctions

Background

Currently, individuals who have an employment and training appraisal failure are considered non-assistance group members and their income and resources are treated in accordance with rule 5101:4-6-15 of the Administrative Code. The United States Department of Agriculture Food and Nutrition Service (FNS) recently clarified that failing an appraisal is a failure of a work requirement and must be treated accordingly. As a result of this clarification these individuals must be considered ineligible assistance group members and they must be sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code. This means that individuals failing to complete their appraisal must have their income and resources calculated in accordance with paragraph (A) of rule 5101:4-6-13 of the Administrative Code.

The following is a brief description of the changes that will become effective on October 1, 2013:

CHAPTER 3000

5101:4-3-11.1, "Food assistance: Employment and training program requirements."

Paragraph (B)(1) has been amended to reflect that an individual who fails or refuses to complete the employment and training appraisal process shall be sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code. The sanctioned individual's income and resources shall be treated in accordance with rule 5101:4-6-13 of the Administrative Code.

5101:4-3-11.2, "Food assistance: Employment and training program sanctions and compliance."

Language has been stricken in paragraphs (A)(1) and (D)(4) to reflect that a failure or refusal to complete the appraisal process is included under the definition of an employment and training work requirement failure. Also, paragraph (D)(3) has been amended to reflect that failures equivalent to the appraisal requirement are subject to a sanction, and the sanctioned individual's income and resources shall be treated in accordance with rule 5101:4-6-13 of the Administrative Code.

5101:4-3-29, "Food assistance employment and training: Appraisal."

Paragraph (C)(1) has been amended to reflect that individuals who fail or refuse to complete the employment and training appraisal process shall be sanctioned.

CHAPTER 6000

5101:4-6-15, "Food assistance: Determining eligibility of assistance group when other non-assistance group members share the same address."

This rule has been amended to preclude an individual who failed or refused to complete the employment and training appraisal process from having his or her income and resources treated in accordance with this rule. Rather, the individual shall be sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code. His or her income and resources shall be treated in accordance with paragraph (A) of rule 5101:4-6-13 of the Administrative Code.

CRIS-E

Office of Family Assistance staff is working with the Office of Information Systems to make necessary system changes to support this clarification. Further information will be issued closer to implementation.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 3000 Food assistance: employment and training program requirements	5101:4-3-11.1 (effective 10/15/09)	5101:4-3-11.1 (effective 10/1/13)
Food assistance: employment and training program sanctions and compliance	5101:4-3-11.2 (effective 3/1/12)	5101:4-3-11.2 (effective 10/1/13)
Food assistance employment and training: appraisal	5101:4-3-29 (effective 2/1/12)	5101:4-3-29 (effective 10/1/13)
Chapter 6000 Food assistance: determining eligibility of assistance group when other non-assistance group members share the same address	5101:4-6-15 (effective 3/1/11)	5101:4-6-15 (effective 10/1/13)

FATL 339 (Five-Year Rule Review: Resources and Excluded Income)

Food Assistance Transmittal Letter No. 339

July 25, 2013

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Resources and Excluded Income

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 09/01/2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following Ohio Administrative Code (OAC) rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-4-01, "Food assistance: Resource Eligibility Standards."

This rule is being rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity. No substantive changes have been made.

5101:4-4-03, "Food assistance: Exempt Resources"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity. The paragraph regarding pensions and retirement accounts has been removed because it was duplicative of paragraph (A)(21) of rule 5101:4-3-03.3. Examples that were previously included in this rule have also been removed.

5101:4-4-03.3, "Food assistance: Resources Excluded by Law"

This rule has been amended. The American Taxpayer Relief Act of 2012 requires all federal tax returns to be exempt from food assistance resource provisions for twelve months from the date of receipt. As a result, the paragraphs that previously excluded earned income tax credits (EITC) have been removed and a new paragraph has been added. Also, paragraph (B) has been amended to remove each instance of payments to American Indians or Alaskan Natives that are excluded from resources. The link to the list of payments to American Indians or Alaskan Natives exclusions compiled by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) will be added to the rule. This list can be found by accessing the following web page:

http://www.fns.usda.gov/fdd/programs/fdpi/Excluded_Native_American_Funds_2011.pdf

5101:4-4-07, "Food assistance: Special Resource Situations"

This rule has been rescinded and filed as new as a result of a five year rule review. The acronym "AG" has been spelled out within the rule and the rule has been put into question and answer format. Paragraphs (C) and (D) have been removed because they were duplicative of provisions in rule 5101:4-3-03.

5101:4-4-13, "Food assistance: Types of Excluded Income"

This rule has been rescinded and filed as new. Certain language has been removed to eliminate duplication within the rule and to improve clarity. The federal statutes listed in paragraph (D) have been reviewed for accuracy and the public law numbers have been added. Paragraph (C)(2) has been amended to remove each instance of payments to American Indians or Alaskan Natives that are excluded as income. The list of payments to American Indians or Alaskan Natives exclusions compiled by the USDA FNS will be added to the

rule. This list can be found by accessing the following web page:

[http://www.fns.usda.gov/fdd/programs/fdpir/Excluded Native American Funds 2011.pdf](http://www.fns.usda.gov/fdd/programs/fdpir/Excluded_Native_American_Funds_2011.pdf)

Finally, this rule has been updated to include information about health profession opportunity grants and medical loss ratio rebates, which were both included in the Patient Protection and Affordable Care Act of 2010.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 4000		
Food assistance: resource eligibility standards	5101:4-4-01 (effective 2/1/12)	5101:4-4-01 (effective 9/1/13)
Food assistance: exempt resources	5101:4-4-03 (effective 12/18/08)	5101:4-4-03 (effective 9/1/13)
Food assistance: resources excluded by law	5101:4-4-03.3 (effective 10/1/10)	5101:4-4-03.3 (effective 9/1/13)
Food assistance: special resource situations	5101:4-4-07 (effective 6/12/08)	5101:4-4-07 (effective 9/1/13)
Food assistance: types of excluded income	5101:4-4-13 (effective 9/1/10)	5101:4-4-13 (effective 9/1/13)

FATL 338 (Ohio Works First: Sanction Compliance Changes)

Food Assistance Transmittal Letter No. 338

August 29, 2013

[Cash Assistance Manual Transmittal Letter No. 86](#)

TO: All Cash Assistance Manual Holders
All Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Ohio Works First: Sanction Compliance Changes.

Background

On August 28, 2009, Ohio received notification of its failure to meet both the two-parent and all-family work participation rates for federal fiscal year (FFY) 2007. Because of this, Ohio faces a potential \$32,758,572 penalty to its State Family Assistance Grant, which is its Temporary Assistance for Needy Families block grant. Ohio filed an appeal of reasonable cause for failure to meet the rate. On July 29, 2011, the U.S. Department of Health and Human Services, Administration for Children and Families, responded that the information submitted for FFY 2007 did not demonstrate Ohio's claim of reasonable cause. As a result, the state entered into a corrective compliance plan. Included in the corrective compliance plan are changes to the Ohio Works First (OWF) sanction process.

House Bill 487 of the 129th General Assembly was signed by the Governor on June 11, 2012, and took effect September 10, 2012. This bill includes a provision that gives the Ohio Department of Job and Family Services the authority to establish rules that specify sanction compliance requirements for failure to comply with a provision of the self sufficiency contract and requirements for reinstatement of benefits. Ohio Administrative Code rules 5101:1-3-15, 5101:1-3-15.1 and 5101:4-3-09 set forth the new Ohio Works First sanction compliance and reinstatement requirements.

Cash Assistance

5101:1-3-15 Ohio works first: three tier sanctions.

Prior policy stated the failure or refusal ceased with receipt of the signed JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance" (rev. 10/2009) or the client registry information system-enhanced (CRIS-E) generated equivalent signed by the assistance group member who failed a provision of the self sufficiency contract. Effective September 1, 2013, the following changes have been made to sanction compliance, reinstatement of OWF after a sanction has been ended and consequences with assistance group movement:

Sanction compliance

For assistance group members who failed a provision of the self sufficiency contract the following must be completed in order to end the sanction:

- Serve the minimum sanction period, and
- Sign the JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance."
- In addition, for a second and any subsequent tier sanction the sanctioned individual must also complete an appropriate compliance activity as assigned by the county agency.

Reinstatement of OWF after a sanction has been ended

OWF can be reinstated the first day of the month following the expiration of the minimum sanction period when:

- The compliance activity is completed on or before the last day of the minimum sanction period,
- The sanctioned individual enters into a new or amended self sufficiency contract;

- and
- All other eligibility requirements are met.

If the sanction compliance is not completed until after the minimum sanction period has ended the assistance group must reapply as set forth in rule 5101:1-2-10.

Assistance group movement with a sanctioned member

If the individual who caused the sanction becomes a required member of a new assistance group, that assistance group is no longer eligible to receive OWF benefits until the expiration of the minimum sanction period and sanction compliance is completed.

If the adults in a sanctioned assistance group (those that did not cause the sanction) enter into a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period.

If only the minor children who no longer reside with the original sanctioned adults become required members of a new assistance group, they may be eligible for OWF and are not required to serve the minimum sanction period.

5101:1-3-15.1 Transition of Ohio works first sanctioned assistance groups and compliance.

This new rule is being adopted to explain how a failure or refusal ceases for sanctioned OWF assistance groups with a self sufficiency contract failure that occurs prior to September 1, 2013, and after September 1, 2013.

Food Assistance

5101:4-3-09 Food Assistance: Ohio Works First Assistance Groups

This rule contains the policies regarding sanctions and disqualifications for OWF assistance groups. This rule has been amended as a result of recent changes to OWF compliance policies. Paragraph (I) has been added to update the process for ending a sanction for an assistance group in which all members were in receipt of OWF at the time of the sanction. Paragraph (K) has been added to further clarify that the benefits of individuals sanctioned in accordance with this rule shall not increase as a result of being sanctioned. Also, references to the Ohio Revised Code have been removed and replaced with references to the Ohio Administrative Code.

Implementation

If no further revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on September 1, 2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

CRIS-E

CRIS-E programming staff at the Ohio Department of Job and Family Services are working to make changes to the system to increase the number of failure dates captured, to allow failed hours to be entered when sanctioning and to support the assignment and tracking of compliance assignments.

A CRIS-E view flash bulletin will be issued prior to the implementation date with more details.

Instructions

Location	Remove and file as obsolete	Insert/Replacement
CASH ASSISTANCE		
Chapter 2000 TANF: OWF and PRC	Outline of Contents (CAMTL # 84) (effective 3/1/2013)	Outline of Contents (CAMTL # 86) (effective 9/1/13)

Ohio works first: three-tier sanctions	5101:1-3-18 (effective 10/15/2009)	5101:1-3-15 (effective 9/1/2013)
Transition of Ohio works first sanctioned assistance groups and compliance	N/A	5101:1-3-15.1 (effective 9/1/2013)
FOOD ASSISTANCE		
Chapter 3000		
Food Assistance: Ohio Works First Assistance Groups	5101:4-3-09 (effective 2/1/2012)	5101:4-3-09 (effective 9/1/2013)

FATL 337 (Food Assistance: Intentional Program Violation Matching Requirement, Homeless Standard Deduction, and Shared Parenting)

Food Assistance Transmittal Letter No. 337

June 27, 2013

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Food Assistance: intentional program violation matching requirement, homeless standard deduction, and shared parenting

Background

A recent federal regulation change requires county agencies to ensure that individuals do not receive food assistance while serving an intentional program violation. Also, the United States Department of Agriculture Food and Nutrition Service (FNS) has requested that we clarify the homeless standard deduction to ensure that the option to use either the actual cost or the homeless standard deduction is clear. Finally, Ohio has not previously had a rule establishing the process for determining benefit eligibility in shared parenting situations. A new rule is being proposed to explain this policy and to eliminate confusion. It includes guidance received from FNS concerning shared parenting situations.

The rules will become effective 07/01/2013.

The following is a brief description of the changes made to the amended rules, as well as the new rule:

5101:4-2-07, "Food assistance: initial interview procedure."

This rule is being amended to clarify that county agencies must confirm that assistance groups are not subject to an intentional program violation during the interactive interview. The JFS 07200 and JFS 04218 revision dates also were updated.

5101:4-4-23, "Food assistance: deductions from income."

This rule is being amended to clarify that the option exists to use either the homeless standard deduction or the actual shelter costs when determining eligibility for homeless assistance groups. In addition, all references to "AG" were changed to "assistance group." No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs.

5101:4-6-02, "Food assistance: shared parenting."

This rule sets forth the policy for county agencies to follow when determining food assistance eligibility for a dependent child in a shared parenting arrangement.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 2000		
Food assistance initial application process	5101:4-2-07 (effective 9/1/12)	5101:4-2-07 (effective 7/1/13)
Chapter 4000		
Food assistance deductions from income	5101:4-4-23 (effective 5/1/09)	5101:4-4-23 (effective 7/1/13)

Chapter 6000		
Food assistance shared parenting	N/A	5101:4-6-02 (effective 7/1/13)

FATL 336 (Five-Year Rule Review: Supplemental Security Income Assistance Groups and Elderly and Disabled Assistance Groups)

Food Assistance Transmittal Letter No. 336

May 29, 2013

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Five-Year Rule Review: Supplemental Security Income Assistance Groups and Elderly and Disabled Assistance Groups

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 06/01/2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following Ohio Administrative Code (OAC) rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-6-19, "Food Assistance: Determining Eligibility of Supplemental Security Income Assistance Groups."

This rule is being rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity. The policies pertaining to Supplemental Security Income assistance groups have not changed; however, language has been added to further clarify how county agencies are to process applications received from the Social Security Administration.

5101:4-6-29, "Food Assistance: Elderly and Disabled Individuals Living With Others."

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity, and the title has been updated. The list of disabilities considered permanent by the Social Security Administration has been removed from the rule, and a notes section will be added to include a link to a web page where a more complete and up-to-date listing can be found.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 6000 Food Assistance: Determining Eligibility of Supplemental Security Income Assistance Groups	5101:4-6-19 (effective 02/01/13)	5101:4-6-19 (effective 6/1/13)
Food Assistance: Elderly and Disabled Individuals Living With Others	5101:4-6-29 (effective 1/1/09)	5101:4-6-29 (effective 6/1/13)
Appendix 35	N/A	Update with the number and date of this transmittal.

FATL 335 (Five-Year Rule Review: Able-Bodied Adults Without Dependents, Students Enrolled in Higher Education, Strikers and Replacement Issuances to Assistance Groups)

Food Assistance Transmittal Letter No. 335

May 2, 2013

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: able-bodied adults without dependents, students enrolled in higher education, strikers and replacement issuances to assistance groups

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 06/01/2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following Ohio Administrative Code (OAC) rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-3-20, "Food assistance: time limit for able-bodied adults without dependents"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-6-04, "Food assistance: student enrolled in an institution of higher education"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-6-07, "Food assistance: strikers"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-6-32, "Food stamps: interim disaster procedures"

This rule has been rescinded, and necessary information has been added to rule 5101:4-7-11.

5101:4-7-11, "Food assistance: providing replacement issuance to assistance groups"

This rule has been rescinded and filed as new. Language was changed to stipulate that there are no limits on the number of replacements an assistance group can receive. In addition, the rule was put into plain language and question-and-answer format to improve clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/ Replacement
Chapter 3000		
Food assistance time limit for able-bodied adults without dependents	5101:4-3-20	5101:4-3-20

	(effective 3/1/11)	(effective 6/1/13)
Chapter 6000		
Food assistance student enrolled in an institution of higher education	5101:4-6-04 (effective 6/6/08)	5101:4-6-04 (effective 6/1/13)
Food assistance strikers	5101:4-6-07 (effective 1/1/09)	5101:4-6-07 (effective 6/1/13)
Food assistance interim disaster procedures	5101:4-6-32 (effective 1/1/09)	N/A
Chapter 7000		
Food assistance providing replacement issuance to assistance groups	5101:4-7-11 (effective 9/1/09)	5101:4-7-11 (effective 6/1/13)
Appendix 35	N/A	Update with the number and date of this transmittal.

FATL 334 / CAMTL 83 (JFS 07200, "Request to Apply for Cash, Food and Medical Assistance")

Food Assistance Transmittal Letter No. 334

February 4, 2013

Cash Assistance Manual Transmittal Letter No. 83

TO: Cash Assistance Manual Holders
Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: JFS 07200, "Request to Apply for Cash, Food and Medical Assistance"

It was brought to the attention of the Ohio Department of Job and Family Services that the [JFS 07200](#), "Request to Apply for Cash, Food and Medical Assistance," has at times been confusing, particularly with regard to where completed applications should be submitted. As a result, the JFS 07200 has been revised. Instructions on where to turn in the application have been rewritten, a link has been provided to help applicants locate their county agencies, and spacing has been adjusted. As a result, the following rules have been updated:

- 5101:1-1-13, "Assistance Group Records, Case Records, Retention and Transfer of Records."
- 5101:1-1-50, "Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements System."
- 5101:4-2-01, "Food assistance: initial application process."
- 5101:4-2-02, "Categorically Eligible Assistance Groups."
- 5101:4-6-19, "Food assistance: determining eligibility of supplemental security income assistance groups."
- 5101:4-7-07, "Food assistance: recertification."

If no revisions are made to these rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on February 1, 2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added:

Location	Remove and File as obsolete	Insert/Replacement
Chapter 2000 Food assistance: initial application process	5101:4-2-01 (effective 9/1/12)	5101:4-2-01 (effective 2/1/13)
Categorically Eligible Assistance Groups	5101:4-2-02 (effective 3/1/11)	5101:4-2-02 (effective 2/1/13)
Chapter 6000 Food assistance: determining eligibility of supplemental security income assistance groups.	5101:4-6-19 (effective 7/1/11)	5101:4-6-19 (effective 2/1/13)
Chapter 7000	5101:4-7-07	5101:4-7-07

Food assistance: recertification.	(effective 7/1/11)	(effective 2/1/13)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 333 (Five-Year Rule Review: Food Assistance Employment and Training)

Food Assistance Transmittal Letter No. 333

December 19, 2012

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Food assistance employment and training

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 01/01/2013. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following Ohio Administrative Code (OAC) rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-3-28, "Food assistance employment and training program"

This rule has been rescinded, and the contents are being added to OAC rule 5101:4-3-30.

5101:4-3-30, "Food assistance employment and training program"

This rule is being rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity. In addition, the content of OAC rule 5101:4-3-28 was added, and the title has been updated.

5101:4-3-33, "Food assistance employment and training job search and job readiness"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity, and the title has been updated.

5101:4-3-34, "Food assistance employment and training: work experience program"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-3-35, "Food assistance employment and training: education and training activities"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-3-36, "Food assistance employment and training: displacement of other persons"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-3-37, "Food assistance employment and training: job development"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-3-38, "Food assistance employment and training: conciliation process"

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 3000		
Food Stamp Employment and Training (FSET) Program	5101:4-3-28 (effective 10/1/07)	N/A
Food assistance employment and training program	5101:4-3-30 (effective 10/1/07)	5101:4-3-30 (effective 01/1/13)
Food assistance employment and training: job search and job readiness	5101:4-3-33 (effective 10/1/07)	5101:4-3-33 (effective 01/1/13)
Food assistance employment and training: work experience program	5101:4-3-34 (effective 10/1/07)	5101:4-3-34 (effective 01/1/13)
Food assistance employment and training: education and training activities	5101:4-3-35 (effective 10/1/07)	5101:4-3-35 (effective 01/1/13)
Food assistance employment and training: displacement of other persons	5101:4-3-36 (effective 10/1/07)	5101:4-3-36 (effective 01/1/13)
Food assistance employment and training: job development	5101:4-3-37 (effective 10/1/07)	5101:4-3-37 (effective 01/1/13)
Food assistance employment and training: conciliation process	5101:4-3-38 (effective 10/1/07)	5101:4-3-38 (effective 01/1/13)
Appendix 35	N/A	Update with the number and date of this transmittal.

FATL 332 (Five Year Rule Review: Primary Information Person, Residency and Assistance Group Composition)

Food Assistance Transmittal Letter No. 332

August 22, 2012

TO: Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Five-Year Rule Review: Primary information person, residency and assistance group composition

Background

This letter is to inform you that a five-year review has been conducted on Ohio Administrative Code (OAC) rules 5101:4-2-05.1, 5101:4-3-03 and 5101:4-3-05, in accordance with Section 119.032 of the Ohio Revised Code.

If no additional revisions are made to these rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on September 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

CHAPTER 1000

5101:4-1-03, Food Assistance: Definitions

This rule has been amended. The definition for primary information person has been removed.

CHAPTER 2000

5101:4-2-01, Food Assistance: Initial Application Process

This rule has been amended. References to a primary information person have been removed.

5101:4-2-03, Food Assistance: Assistance Group Definitions

This rule has been amended. Paragraph (B) has been amended to add additional information previously contained in OAC rule 5101:4-3-05 regarding individuals claiming to be separate assistance groups. In order to assist the county agencies with determining permanent disabilities for individuals wanting separate assistance groups, a "Notes" section will be added to this rule in the electronic version of the manual. This section will provide a link to the permanent disabilities listing from the Social Security Administration's website. Examples from this list were previously listed in OAC rule 5101:4-3-05, but the list was not all inclusive.

5101:4-2-05.1, Food Assistance: Primary Information Person

This rule has been rescinded. It provided regulations for a "primary information person," which is a term used within the Client Registry Information System-Enhanced (CRIS-E). However, the Food Assistance Program does not require a primary information person. As a result of this rule review, the term "primary information person" has been removed from OAC rules 5101:4-1-03, 5101:4-2-01, 5101:4-2-07, 5101:4-2-09 and 5101:4-6-09.

5101:4-2-07, Food Assistance: Initial Interview Process

This rule has been amended. References to a primary information person have been removed.

5101:4-2-09, Food Assistance: Verification Procedure

This rule has been amended. References to a primary information person have been removed. In addition, language was added requiring that an assistance group's composition must be verified when that composition is questionable. This requirement was previously in OAC rule 5101:4-3-05, which has been rescinded.

CHAPTER 3000

5101:4-3-03, Food Assistance: Nonfinancial Eligibility Standard-Residency

This rule has been rescinded and filed as new. It contains the residency requirements for the Food Assistance Program, and was rewritten in a question-and-answer format to improve clarity.

5101:4-3-05, Food Assistance: Nonfinancial Eligibility Standard-Assistance Group Composition

This rule has been rescinded because it contained duplicate information also found in OAC rules 5101:4-2-03 and 5101:4-6-29. As a result, OAC rules 5101:4-2-03 and 5101:4-2-09 have been amended.

CHAPTER 6000

5101:4-6-09, Food Assistance: Expedited Service

This rule has been amended to remove references to a primary information person.

CRIS-E Changes

A customer service request has been initiated to update CRIS-E screen AEICI to replace "primary information person" with "case name."

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert / Replacement
Chapter 1000		
Food Assistance: Definitions	5101:4-1-03	5101:4-1-03 (effective 09/01/2012)
Chapter 2000		
Food Assistance: Initial Application Process	5101:4-2-01	5101:4-2-01 (effective 09/01/2012)
Food Assistance: Assistance Group Definitions	5101:4-2-03	5101:4-2-03 (effective 09/01/2012)
Food Assistance: Primary information person	5101:4-2-05.1	
Food Assistance: Initial Interview Process	5101:4-2-07	5101:4-2-07 (effective 09/01/2012)
Food Assistance: Verification Procedure	5101:4-2-09	5101:4-2-09 (effective 09/01/2012)
Chapter 3000		
Food Assistance: Nonfinancial Eligibility Standard-Residency	5101:4-3-03	5101:4-3-03 (effective 09/01/2012)
Food Assistance: Nonfinancial Eligibility Standard-Assistance Group Composition	5101:4-3-05	
Chapter 6000		

Food Assistance: Expedited Service	5101:4-6-09	5101:4-6-09 (effective 09/01/2012)
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 331 (Five-Year Rule Review: Nonfinancial Eligibility Standard-Social Security Numbers and Allotment Computation)

Food Assistance Transmittal Letter No. 331

August 22, 2012

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Nonfinancial eligibility standard-
Social Security numbers and allotment computation

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 09/01/2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following Ohio Administrative Code (OAC) rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-3-22, "Food assistance: nonfinancial eligibility standard–Social Security numbers."

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

5101:4-3-23, "Food Stamps: completion of the JFS 07355."

This rule is being rescinded, and the contents are being added to OAC rule 5101:4-3-22.

5101:4-4-39, "Food assistance: allotment computation."

This rule has been rescinded and filed as new. The rule was put into plain language and question-and-answer format to improve clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 3000		
Food assistance: nonfinancial eligibility standard-social security numbers	5101:4-3-22 (effective 03/1/11)	5101:4-3-22 (effective 09/01/12)
Food Stamps: Completion of the JFS 07355	5101:4-3-23 (effective 06/12/08)	N/A
Chapter 4000		
Food assistance: allotment computation	5101:4-4-39 (effective 11/1/07)	5101:4-4-39 (effective 09/01/12)

Appendix 35	N/A	Update with the number and date of this transmittal.
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FATL 330 (Project Area: New County Collaboration)

Food Assistance Transmittal Letter No. 330

November 9, 2012

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Project Area: New County Collaboration

This letter is to inform you of a new county collaboration that will be recognized as a project area for the purpose of determining food assistance eligibility effective December 1, 2012.

House Bill 225 of the 129th General Assembly-which was signed by the Governor on December 21, 2011- permits the board of county commissioners of Hocking, Ross and Vinton counties to form a joint county department of job and family services. The new department of job and family services includes three joint county agencies that will work together under a common agreement to process and manage administrative workloads as one project area.

Current food assistance policy designates a project area as a county except for the Collabor8 pilot project. With the amendment of Ohio Administrative Code rule 5101:4-1-16 Hocking, Ross and Vinton counties will be recognized as a new project area.

The following is a brief description of the changes made to the rule:

CHAPTER 1000

5101:4-1-16, "Food assistance: project area."

This rule establishes approved county collaborations as project areas. This rule is being amended to add the collaboration between Hocking, Ross and Vinton counties. As a result, if a recipient moves within the counties in this collaboration, the food assistance group does not have to close, and the individual does not have to reapply.

CRIS-E: A table change will designate Hocking, Ross and Vinton counties as a project area so a case will not have to close if an individual moves within these three counties.

Instructions

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and file as obsolete	Insert/replace
FOOD ASSISTANCE		
Chapter 1000		
Food assistance: project area	5101:4-1-16 (effective 07/03/11)	5101:4-1-16 (effective 12/01/2012)
Appendix		
Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 329 (Updates to Employment and Training Sanctions and Compliance and Reporting Requirements)

Food Assistance Transmittal Letter No. 329

February 2, 2012

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS

FROM: Michael B. Colbert, Director

SUBJECT: Updates to Employment and Training Sanctions and Compliance and Reporting Requirements

Changes have been proposed to the Ohio Administrative Code (OAC) rules listed below. If no further revisions are made prior to their finalization by the Joint Committee on Agency Rule Review (JCARR), the revised rules will become effective on a permanent basis on March 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Chapter 3000

5101:4-3-11.2, "Food assistance: employment and training program sanctions and compliance"

This rule sets forth the sanction and compliance policy for individuals who fail to participate in the Food Assistance Employment and Training Program. Paragraph (C) has been amended to update a rule citation. Paragraph (D) has been amended to further clarify the definition of an Ohio Works First assistance group. This definition now aligns with the definition in rule 5101:4-3-09, "Food Assistance: Ohio Works First Appraisal, Self-Sufficiency Contract Requirements, and Sanctions." The definition of an Ohio Works First assistance group was changed with Food Assistance Transmittal Letter #299, after clarification was received from the U.S. Department of Agriculture Food and Nutrition Service that all members of an assistance group must receive Ohio Works First in order to be considered an Ohio Works First assistance group.

Chapter 7000

5101:4-7-01, "Food assistance: reporting requirements during the certification period"

This rule sets forth the reporting requirements for assistance groups during the certification period. Paragraphs (I) and (J) have been amended to update a rule citation. Paragraph (K)(4) has been amended to further clarify the policy for changes that result in a decrease in food assistance benefits. Notice of adverse actions now must be sent within ten days from the date of change.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food assistance: employment and training sanctions and compliance	5101:4-3-11.2	5101:4-3-11.2 (effective 03/01/2012)
Chapter 7000		
Food assistance: change reporting requirements during the certification period.	5101:4-7-01	5101:4-7-01 (effective 03/01/2012)
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this

		transmittal.
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FATL 328 (Five-Year Rule Review: Ohio Works First Assistance Groups, Food Assistance Employment and Training Required Hours, and Supportive Services)

Food Assistance Transmittal Letter No. 328

January 19, 2012

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Ohio Works First Assistance Groups, Food Assistance Employment and Training Required Hours, and Supportive Services

Background

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, the rules have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the Food Assistance Program.

If no additional revisions are made to these rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on February 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

None of the proposed changes will directly affect the eligibility of applicants or recipients. The following is a brief description of the changes.

CHAPTER 3000

5101:4-3-09, Food Assistance: Ohio Works First Assistance Groups

This rule contains the policies regarding sanctions and disqualifications for Ohio Works First assistance groups. It has been rescinded and filed as new, and rewritten in question-and-answer format to improve clarity. In addition, the title of the rule has been changed to clarify the content.

5101:4-3-31, Food Assistance Employment and Training: Required Hours

This rule contains the policies for the number of hours an individual can be assigned to an employment and training program. It has been rescinded and filed as new, and rewritten in question-and-answer format to improve clarity.

5101:4-3-32, Food Assistance Employment and Training: Supportive Services

This rule contains the policies for providing supportive services (such as transportation and child care) to individuals assigned to an employment and training program. It has been rescinded and filed as new, and rewritten in question-and-answer format to improve clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food Assistance: Ohio Works First Assistance Groups	5101:4-3-09	5101:4-3-09 (effective 02/01/2012)
Food Assistance Employment and Training: Required Hours	5101:4-3-31	5101:4-3-31 (effective 02/01/2012)

Food Assistance Employment and Training: Supportive Services	5101:4-3-32	5101:4-3-32 (effective 02/01/2012)
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 327 (Updates to Resource Eligibility Standards and Managing Multiple Claims)

Food Assistance Transmittal Letter No. 327

January 4, 2012

TO: All Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Updates to Resource Eligibility Standards and Managing Multiple Claims

The purpose of this letter is to announce changes to two Ohio Administrative Code (OAC) rules affecting the Food Assistance program. The revisions are explained in detail below. If no further changes are made prior to the rules' finalization by Joint Committee on Agency Rule Review (JCARR), they will become effective on a permanent basis on February 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Chapter 4000

5101:4-4-01, "Food assistance: resource eligibility standards"

The Food, Conservation and Energy Act of 2008 required resource limits to be indexed annually to inflation and rounded down to the nearest \$250 increment. As a result, because resource limits are now able to change every year, OAC Rule 5101:4-4-01 has been amended to remove stated limits. Food Assistance Change Transmittal 44 - which had an effective date of October 1, 2011 - increased the resource limit for elderly and disabled assistance groups from \$3,000 to \$3,250. Future adjustments to resource limits will be announced in subsequent Food Assistance Change Transmittals.

Chapter 8000

5101:4-8-19, "Food assistance: Initiating collection actions and managing claims"

As a result of clarification received from the U.S. Department of Agriculture Food and Nutrition Service (FNS) regarding how to manage multiple claims against a single assistance group, paragraph (M) of OAC Rule 5101:4-8-19 has been amended. Previously, the rule allowed benefits to be reduced for an assistance group for multiple claims simultaneously. However, FNS clarified that assistance groups with multiple claims may have their benefits reduced for only one claim at a time.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food assistance: resource eligibility standards	5101:4-4-01	5101:4-4-01 (effective 02/01/2012)
Chapter 8000		
Food assistance: Initiating collection actions and managing claims.	5101:4-8-19	5101:4-8-19 (effective 02/01/2012)
Appendix		
Appendix 35	N/A	Update with the number and

Record to changes in Handbook		date of this transmittal.
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FATL 326 (Five-Year Rule Reviews: Employment and Training Appraisal and Voluntary Quit and Reduction of Work Effort)

Food Assistance Transmittal Letter No. 326

January 19, 2012

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Reviews: Employment and training appraisal and Voluntary quit and reduction of work effort.

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

A five-year review was recently conducted on Ohio Administrative Code rules 5101:4-3-19, "Food assistance: voluntary quit and reduction of work effort," and 5101:4-3-29, "Food assistance employment and training: appraisal." If no further revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on February 1, 2012. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following is a brief description of the changes to each rule. None of the changes will affect the eligibility of applicants/recipients or the way in which county agencies will administer the program.

CHAPTER 3000

5101:4-3-19, Food assistance: voluntary quit and reduction of work effort.

This rule has been rescinded and filed as new so that it could be rewritten in a question-and-answer format to promote clarity. The content of the rule has not changed. It explains in detail what a county agency must do when determining whether a recipient voluntarily quit his or her job or reduced his or her work hours. A clarification was included to state that the JFS 03804, "Ohio Works First/Food Assistance Sanction Compliance Agreement," is not required when individuals return to work or increase their work hours.

5101:4-3-29, Food assistance employment and training: appraisal

This rule has been rescinded and filed as new so that it could be rewritten in a question-and-answer format to promote clarity. The content of the rule has not changed. It explains in detail what a food assistance appraisal includes, what happens if an individual fails to cooperate with the appraisal process, and how to establish good cause.

Instructions:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and file as obsolete	Insert/replacement
FOOD ASSISTANCE		
Chapter 3000		
Food assistance: voluntary quit and reduction of work effort.	5101:4-3-19 Effective: 12/13/06	5101:4-3-19 Effective: 02/01/2012

Food assistance: employment and training: appraisal.	5101:4-3-29 Effective: 01/01/08	5101:4-3-29 Effective: 02/01/2012
Appendix		
Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 324 (Victims of Trafficking, Good Cause for Failure to Comply in Providing a Social Security Number, Countable Income and Determining Eligibility of Assistance Groups with Income from Self-Employment)

Food Assistance Transmittal Letter No. 324

November 14, 2011

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Victims of trafficking, good cause for failure to comply in providing a social security number, countable income and determining eligibility of assistance groups with income from self-employment.

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on December 01, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-3-06, "Food assistance: victims of trafficking."

This rule was put into plain language and question-and-answer format to improve clarity.

5101:4-3-24, "Food assistance: good cause for failure to comply in providing a social security number."

This rule was put into plain language and question-and-answer format to improve clarity.

5101:-4-4-19, "Food assistance: countable income."

This rule is being amended to remove the reference to rule 5101:4-6-03 from paragraph (B)(2)(e). The reference is being removed because that section was removed from the rule effective August 1, 2011 to eliminate duplication.

5101:4-6-11, "Food assistance: determining eligibility of assistance groups with income from self-employment."

This rule is being amended to remove the reference to rule 5101:4-6-03 in regard to daycare income from paragraph (C)(2)(xi). The reference is being removed because that section was removed from the rule effective August 1, 2011 to eliminate duplication.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 3000		
Food assistance: victims of trafficking.	5101:4-3-06 (effective 9/1/06)	5101:4-3-06 (effective 12/1/11)

Food assistance: good cause for failure to comply in providing a social security number.	5101:4-3-24 (effective 9/1/06)	5101:4-3-24 (effective 12/1/11)
Chapter 4000		
Food assistance: countable income.	5101:4-4-19 (effective 8/1/10)	5101:-4-4-19 (effective 12/1/11)
Chapter 6000		
Food assistance: determining eligibility of assistance groups with income from self-employment.	5101:4-6-11 (effective 8/1/11)	5101:4-6-11 (effective 12/1/11)
Appendix 35	N/A	Update with the number and date of this transmittal.

FATL 323 (Five-Year Rule Review: Nondiscrimination, Timeliness Standards and Benefit Issuance, and Transfer of Resources)

Food Assistance Transmittal Letter No. 323

September 15, 2011

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Nondiscrimination, Timeliness Standards and Benefit Issuance, and Transfer of Resources

Background

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, the rules have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the Food Assistance Program.

If no additional revisions are made to these rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on October 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

None of the proposed changes will directly affect the eligibility of applicants or recipients. The following is a brief description of the changes.

CHAPTER 1000

5101:4-1-15, Food assistance: nondiscrimination.

This rule has been rescinded and filed as new. It explains in detail what county agencies must do to comply with the nondiscrimination requirements. The nondiscrimination poster was changed to the "And Justice For All" nondiscrimination poster Form AD-475A (revised 3-98). The rule has been rewritten in question-and-answer format to improve clarity.

CHAPTER 2000

5101:4-2-11, Food assistance: timeliness standard and benefit issuance.

This rule has been amended. The language in paragraph (B)(1) that required applicants to file new applications if their interviews were not completed in 30 days has been removed. This change is due to a clarification received regarding applications denied at the end of the initial thirty days for failing to complete an interview. The county agencies can reinstate applications if applicants complete their interviews within 60 days of filing.

CHAPTER 4000

5101:4-4-09, Food assistance: transfer of resources.

This rule has been rescinded and filed as new. It explains in detail how an improper transfer of resources is determined and how the period of ineligibility is calculated. The rule has been rewritten in question-and-answer format to improve clarity. A clarification was added to ensure that transferred resources were only inquired about when an assistance group contains a member with an intentional program violation or a member who has failed to comply with an employment and training requirement.

Instructions:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and file as obsolete	Insert/replacement
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FOOD ASSISTANCE		
Chapter 1000		
Food assistance: nondiscrimination.	5101:4-1-15 (effective 07/01/06)	5101:4-1-15 (effective 10/01/11)
Chapter 2000		
Food assistance: timeliness standard and benefit issuance.	5101:4-2-11 (effective 03/01/11)	5101:4-2-11 (effective 10/01/11)
Chapter 4000		
Food assistance: transfer of resources.	5101:4-4-09 (effective 07/01/06)	5101:4-4-09 (effective 10/01/11)
Appendix		
Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 322 (Delayed Eligibility Determinations, Reduction of Cash Assistance Benefits and Determining Eligibility of Assistance Groups Receiving Public Assistance)

Food Assistance Transmittal Letter No. 322

July 5, 2011

TO: All Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Delayed Eligibility Determinations, Reduction of Cash Assistance Benefits and Determining Eligibility of Assistance Groups Receiving Public Assistance.

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are written in "plain language." This is clear, simply stated language, written with the reader in mind.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on August 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Substantive changes are highlighted below.

CHAPTER 3000

5101:4-3-09, "Food Assistance: Ohio works first appraisal, self sufficiency contract requirements, and sanctions."

This rule has been amended to update a rule citation.

CHAPTER 5000

5101:4-5-07, "Food Assistance: Delayed Eligibility Determinations."

This rule has been rescinded and filed as new. It has been rewritten in question-and-answer format to improve clarity. As a result of further clarification, the policy for reinstating an application when an assistance group takes a required action within 60 days of filing an application has changed. Previously, the county agency could not reinstate an application if it was denied at the end of 30 days for failing to complete an interview or for failing to provide requested verifications. With the amendment of this rule, the county agency will be able to reinstate an application in these instances if the required action is taken within 60 days of the filing date.

CHAPTER 6000

5101:4-6-16, "Food Assistance: Reduction Of Cash Assistance Benefits Due To Assistance Group's Failure To Perform A Required Action. "

This rule has been rescinded and filed as new. The policy contained in this rule has not changed; however, this rule has been rewritten in question-and-answer format to improve clarity.

5101:4-6-17, "Food Stamps: Determining Eligibility Of Public Assistance And Categorically Eligible Assistance Groups."

This rule has been rescinded in order to simplify the Food Assistance Certification Handbook. The policies contained in this rule are in other rules throughout the handbook.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File	Insert/Replacement
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	as Obsolete	
Chapter 3000		
Food Assistance: Ohio works first appraisal, self sufficiency contract requirements, and sanctions	5101:4-3-09	5101:4-3-09 (effective 08/01/2011)
Chapter 5000		
Food Assistance: Providing Notice of Eligibility and Denial, When to Deny an Application at the End of Thirty Days, and Actions Because of Delayed Eligibility Determinations	5101:4-5-07	5101:4-5-07 (effective 08/01/2011)
Chapter 6000		
Food Assistance: Reduction of Cash Assistance Benefits Due to Assistance Group's Failure to Perform a Required Action	5101:4-6-16	5101:4-6-16 (effective 08/01/2011)
Food Stamps: Determining Eligibility Of Public Assistance and Categorically Eligible Assistance Groups	5101:4-6-17	
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 321 (Assistance Groups with Income from Boarders)

Food Assistance Transmittal Letter No. 321

July 12, 2011

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Assistance groups with income from boarders.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 08/01/2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following rules were recently reviewed. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the program.

5101:4-2-03, "Food assistance: assistance group definitions."

Paragraph (E) of this rule was revised to eliminate the duplicate information now contained in rule 5101:4-6-03.

5101:4-6-03, "Food assistance: boarders and income from boarders."

All references to "AG" were changed to "assistance group" and the rule was put into plain language and question and answer format to improve clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 2000		
Food assistance: assistance group definitions	5101:4-2-03 (effective 12/1/09)	5101:4-2-03 (effective 8/1/11)
Chapter 6000		
Food assistance: boarders and income from boarders	5101:4-6-03 (effective 5/1/06)	5101:4-6-03 (effective 8/1/11)
Appendix 35	N/A	Update with the number and date of this transmittal.

FATL 320 (Collabor8 Pilot Project)

Food Assistance Transmittal Letter No. 320

June 13, 2011

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Collabor8 Pilot Project

This letter transmits the development of a new rule with a proposed effective date of July 3, 2011. If changes are made to the rule prior to its finalization by the Joint Committee on Agency Rule review, the corrected rule will be sent in a future transmittal.

Background

This new rule is being proposed to designate the term "project area" for the pilot project Collabor8. The Collabor8 project involves seven county departments of job and family services that will work together under a common agreement to process and manage administrative workloads as one project area. The seven counties included in the project are Delaware, Hancock, Knox, Marion, Morrow, Sandusky and Wood.

Proposed Policy

Current food assistance policy designates a county as a project area. With Collabor8, the project area will include the above seven counties. For the other agencies in these counties, no changes are being made. This change will allow the Collabor8 counties to keep cases open when participants move within the seven counties.

CRIS-E

CRIS-E changes will be made to allow cases to remain open when participants move within the seven counties in the Collabor8 project area. However, these changes will not be completed by the effective date of this rule.

The following rule is being proposed for implementation:

CHAPTER 1000

5101:4-1-16, "Food assistance: Collabor8 project area."

This rule establishes what a project area is for the Collabor8 pilot project.

Instructions

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and file as obsolete	Insert/replace
FOOD ASSISTANCE		
Chapter 1000		
Food assistance: Collabor8		5101:4-1-16 (effective 07/03/11)
Appendix		
Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 319 / CAMTL 66 (JFS 07501, "Program Enrollment and Benefit Information")

Food Assistance Transmittal Letter No. 319

[Cash Assistance Manual Transmittal Letter No. 66](#)

June 13, 2011

TO: Cash Assistance Manual Holders
Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: JFS 07501, "Program Enrollment and Benefit Information"

In order to reduce printing and mailing costs both for county agencies and the state several forms have been consolidated to streamline the application and reapplication information that is required to be provided. A new booklet [JFS 07501](#), "Program Enrollment and Benefit Information" has been designed to replace the forms and brochures previously required. The requirement to provide a self addressed stamped envelope has also been removed. While county agencies may choose to continue to provide self addressed stamped envelopes, they are no longer required to.

As a result, the following rules have been updated:

- 5101:1-2-01, "The Application Process for Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance."
- 5101:1-2-10, "The Reapplication Requirement."
- 5101:4-2-01, "Food assistance: initial application process."
- 5101:4-6-19, "Food assistance: determining eligibility of supplemental security income assistance groups."
- 5101:4-7-07, "Food assistance: recertification."

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on July 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/ Replacement
Chapter 2000		
Food assistance: initial application process.	5101:4-2-01 (effective 3/1/11)	5101:4-2-01 (effective 7/1/11)
Chapter 6000		
Food assistance: determining eligibility of supplemental security income assistance groups.	5101:4-6-19 (effective 3/1/11)	5101:4-6-19 (7/1/11)
Chapter 7000		

Food assistance: recertification.	5101:4-7-07 (effective 8/1/10)	5101:4-7-07 (effective 7/1/11)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 318 / CAMTL 63 (Telephone Interviews at Initial Application)

Food Assistance Transmittal Letter No. 318

Cash Assistance Manual Transmittal Letter No. 63

February 8, 2011

TO: All Cash Assistance Manual Holders
All Food Assistance Certification Handbook Holders

FROM: Michael B. Colbert, Director

SUBJECT: Telephone Interviews at Initial Application.

This letter transmits changes with a proposed effective date of March 1, 2011. If changes are made to any of the rules contained in this transmittal during the Joint Committee on Agency Rule review period, corrected rules will be sent in a future transmittal.

We are proposing changes to the initial application process to allow county agencies to conduct initial interviews by telephone without documenting the assistance group's hardship, and to no longer require the printing of the Printed Copy of Information (PCI). These changes will apply to both the cash and food assistance programs.

Background

These changes are being proposed to improve program access, ease program administration and alleviate transportation costs for assistance groups. Conducting more telephone interviews at initial certification will promote more efficient use of eligibility workers' time. Additionally, allowing telephone interviews will enable participants to more easily complete the certification process.

The United States Department of Agriculture Food and Nutrition Service (FNS) granted Ohio a waiver that allows county agencies to conduct telephone interviews without documenting hardship, as set forth at 7 CFR 273.2(e)(1) and (e)(2), effective March 1, 2011.

Proposed Policy

Currently, a face-to-face interview is required at each initial certification for cash and food assistance unless a hardship criteria is met and documented. The waiver approved by FNS will allow all county agencies to waive the face-to-face interview and conduct a telephone interview without documenting the assistance group's hardship; however, the county agency must conduct a face-to-face interview if one is requested. Time frames and procedures for completing the certification process for food assistance have not changed, and delayed processing requirements still apply. The Cash Assistance Program will align with the Food Assistance Program to ease administration and to improve program access.

The requirement to print and sign the PCI will also be eliminated. The budget information will be added to all approval and denial notices to ensure that applicants receive the information used to determine their eligibility.

CRIS-E

We are working with the Office of Information Services to implement changes to the CRIS-E client scheduling system to allow for telephone interviews at initial certification. Assistance groups' budget information will be added to all approval and denial notices in February. A Caseload View Flash Bulletin (CLVB) will be issued prior to the implementation date with more details.

Food Assistance

Ohio Administrative Code (OAC) Rule Changes

CHAPTER 2000

5101:4-2-01, "Food Assistance: Initial Application Process"

A five-year rule review has been completed on this rule, and it has been rescinded and filed as new. It was rewritten to clarify the policy regarding processing applications. Some of the information that is currently in

this rule was previously in rule 5101:4-2-07. Assistance groups are no longer required to sign the PCI if they have signed the JFS 07200, the JFS 01846 or the JFS 07204. Assistance groups' budget information will be listed on their approval or denial notice, eliminating the need for county agencies to print the PCI.

5101:4-2-02, "Food Assistance: Categorically Eligible Assistance Groups"

This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

5101:4-2-05.1, "Food Assistance: Primary Information Person"

This rule has been amended to remove the requirement for assistance groups to sign the PCI. It also has been updated to change the words "food stamp" to "food assistance" and to spell out "assistance group" where the abbreviation was previously used.

5101:4-2-07, "Food Assistance: Initial Interview Process"

This rule has been rescinded and filed as new. It was rewritten to clarify the policy regarding the interview process. Some of the information that is currently in this rule was previously in rule 5101:4-2-01. County agencies are no longer required to document waiving the face-to-face interview at initial applications.

5101:4-2-09, "Food Assistance: Verification Procedure"

This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

5101:4-2-11, "Food Assistance: Timeliness Standard and Benefit Verification"

This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

CHAPTER 5000

5101:4-5-03, "Food Assistance: Establishing Certification Periods"

This rule has been amended to update citations that changed with the revision of rules 5101:4-2-01 and 5101:4-2-07.

CHAPTER 6000

5101:4-6-19, "Food Assistance: Determining Eligibility of Supplemental Security Income Assistance Groups"

This rule has been amended to remove the requirement for assistance groups to sign the PCI. The "Definitions" section was removed because the Food Assistance Certification Handbook has a definitions rule that defines the necessary terms used in this rule. The rule has also been updated to change "food stamp" to "food assistance," and "assistance group" was spelled out wherever the acronym was previously used.

5101:4-6-31, "Food Assistance: Sponsored Aliens"

A five-year rule review has been completed on this rule and it was rescinded and filed as new. It was rewritten to clarify the policy regarding sponsored aliens.

Instructions

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and file as obsolete	Insert/Replacement
Chapter 2000		
Food Assistance:	5101:4-2-01	5101:4-2-01

Initial Application Process	(October 2, 2008)	(March 1, 2011)
Food Assistance: Categorically Eligible Assistance Groups	5101:4-2-02 (November 1, 2008)	5101:4-2-02 (March 1, 2011)
Food Assistance: Primary Information Person	5101:4-2-05.1 (November 1, 2007)	5101:4-2-05.1 (March 1, 2011)
Food Assistance: Initial Interview Process	5101:4-2-07 (August 1, 2010)	5101:4-2-07 (March 1, 2011)
Food Assistance: Verification Procedure	5101:4-2-09 (August 1, 2010)	5101:4-2-09 (March 1, 2011)
Food Assistance: Timeliness Standard and Benefit Issuance	5101:4-2-11 (March 1, 2010)	5101:4-2-11 (March 1, 2011)
Chapter 5000		
Food Assistance: Establishing Certification Periods	5101:4-5-03 (April 1, 2010)	5101:4-5-03 (March 1, 2011)
Chapter 6000		
Food Assistance: Determining Eligibility of Supplemental Security Income Assistance Groups	5101:4-6-19 (January 1, 2009)	5101:4-6-19 (March 1, 2011)
Food Assistance: Sponsored Aliens	5101:4-6-31 (May 1, 2006)	5101:4-6-31 (March 1, 2011)

Cash Assistance OAC Rule Changes

CHAPTER 1000

5101:1-2-01, The Application Process for Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance

This rule has been amended to eliminate the need for county agencies to document hardship criteria, to allow them to conduct telephone interviews at initial applications, and to eliminate the requirement that they print the PCI.

Instructions

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

Location	Remove and file as obsolete	Insert/Replacement
Chapter 1000		
The Application Process for Ohio Works First, Disability Financial Assistance, and	5101:1-2-01 (December 1, 2010)	5101:1-2-01

Refugee Cash Assistance		(March 1, 2011)
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FATL 317 (Five-Year Rule Review: Group Living Arrangements and Shelters for Battered Women and their Children)

Food Assistance Transmittal Letter No. 317

February 9, 2011

TO: Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Director
SUBJECT: Five-Year Rule Review: Group living arrangements and shelters for battered women and their children

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

The following rules were recently reviewed: Ohio Administrative Code (OAC) **5101:4-6-26, 5101:4-6-27**. No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs.

If no revisions are made to these rules prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on March 1, 2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The following is a brief description of the changes made to the rules:

OAC 5101:4-6-26 Food assistance: group living arrangements.

The title was changed, and the rule was put into plain language and question and answer format to improve clarity.

OAC 5101:4-6-27 Food assistance: shelters for battered women and their children.

All references to "AG" were changed to "assistance group" and the rule was put into plain language and question and answer format to improve clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 6000		
Food assistance: group living arrangements	5101:4-6-26 (effective 4/1/10)	5101:4-6-26 (effective 3/1/11)
Food assistance: shelters for battered women and their children	5101:4-6-27 (effective 2/4/06)	5101:4-6-27 (effective 3/1/11)
Appendix 35	N/A	Update with the number and date of this transmittal

MBC/tam

FATL 316 (Five-Year Rule Review: Ineligible Assistance Group Members, Non-Assistance Group Members and Systematic Alien Verification for Entitlements)

Food Assistance Transmittal Letter No. 316

January 26, 2011

TO: All Food Assistance Certification Handbook Holders
FROM: Michael B. Colbert, Interim Director
SUBJECT: Five-Year Rule Review: Ineligible Assistance Group Members, Non-Assistance Group Members and Systematic Alien Verification for Entitlements.

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are written in "plain language." This is clear, simply stated language, written with the reader in mind.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on March 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Substantive changes are highlighted below.

CHAPTER 3000

5101:4-3-20, "Food Assistance: Time Limit for Able Bodied Adults without Dependents"

This rule has been amended to update the references to rule 5101:4-6-13 of the Ohio Administrative Code. Also, the acronym for assistance group, "AG," has been spelled out.

5101:4-3-22, "Food Assistance: Nonfinancial Eligibility Standard-Social Security Numbers"

This rule has been amended to update the references to rule 5101:4-6-13 of the Ohio Administrative Code. Also, the acronym for assistance group, "AG," has been spelled out.

CHAPTER 6000

5101:4-6-13, "Food Assistance: Determining Eligibility of Assistance Groups with Ineligible Members"

This rule has been rescinded and filed as new. The policy regarding ineligible assistance group members has not changed; however, this rule has been rewritten in order to clarify the policy regarding these individuals.

5101:4-6-15, "Food Assistance: Determining Eligibility of Assistance Groups when Other Non-Assistance Group Members Share the Same Address"

This rule has been rescinded and filed as new. It has been rewritten in order to clarify the policy regarding non-assistance group members.

CHAPTER 7000

5101:4-7-14, "Food Assistance: Systematic Alien Verification for Entitlements Program"

This rule has been rescinded and filed as new. It has been rewritten in order to clarify the policy regarding Systematic Alien Verification for Entitlements (SAVE) Program. Also, the appendix to this rule is now obsolete. The appendix to this rule explained the procedures for requesting SAVE verification. This information is available on the Internet using the following URL address:

<http://ifs.ohio.gov/refugee/countyinfo.stm>.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food Assistance: Determining Eligibility of Assistance Groups with Ineligible Members	5101:4-3-20	5101:4-3-20 (effective 03/01/2011)
Food Assistance: Determining Eligibility of Assistance Groups when Other Non-Assistance Group Members Share the Same Address	5101:4-3-22	5101:4-3-22 (effective 03/01/2011)
Chapter 6000		
Food Assistance: Determining Eligibility of Assistance Groups with Ineligible Members	5101:4-6-13	5101:4-6-13 (effective 03/01/2011)
Food Assistance: Determining Eligibility of Assistance Groups when Other Non-Assistance Group Members Share the Same Address	5101:4-6-15	5101:4-6-15 (effective 03/01/2011)
Chapter 7000		
Food Assistance: Systematic Alien Verification for Entitlements Program	5101:4-7-14	5101:4-7-14 (effective 03/01/2011)
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 315 (Five-Year Rule Review: New Hire, IEVS, and Restoration of Benefits)

Food Assistance Transmittal Letter No. 315

January 6, 2011

TO: All Food Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: New Hire, IEVS, and Restoration of Benefits

Background

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, all five rules have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the Food Assistance Program.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on February 1, 2011. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There are no changes to these rules that will directly affect the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to each rule.

Chapter 7000

5101:4-7-08, Food assistance: new hire reporting program (W-4).

This rule has been rescinded and filed as new. It explains in detail what a county agency must do with the new hire alerts. The rule has been rewritten in a question-and-answer format, using plain language.

5101:4-7-09, Food assistance: state income and eligibility verification system.

This rule has been rescinded and filed as new. It explains in detail what a county agency must do to process a state income and eligibility verification system match. This rule has been rewritten in a question-and-answer format, using plain language. In addition, the following abbreviations were spelled out to improve clarity: SWICA (State Wage Information Collection Agency), BEER (Benefit Earnings Exchange Record) and USDA (United States department of agriculture).

Chapter 8000

5101:4-8-03, Food assistance: restoration and entitlement of lost benefits.

This rule has been rescinded and filed as new. It explains the process a county agency must follow to determine whether an assistance group is entitled to a restoration of benefits. It also explains the process the assistance group must follow if it does not agree with a county agency's decision. This rule has been rewritten in a question-and-answer format, using plain language.

Instructions:

The following chart identifies the material that should be removed from the

Food Assistance Handbook and the material that should be added.

Location	Remove and file as obsolete	Insert/replacement
FOOD ASSISTANCE		
Chapter 7000		

Food assistance: new hire program (W-4).	5101:4-7-08 (effective 12/08/05)	5101:4-7-08 (effective 02/01/11)
Food assistance: state income and eligibility verification system.	5101:4-7-09 (effective 12/08/05)	5101:4-7-09 (effective 02/01/11)
Chapter 8000 Food Assistance: restoration and entitlement of lost benefits.	5101:4-8-03 (effective 12/01/05)	5101:4-8-03 (effective 02/01/11)
Appendix Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 314 (Five-Year Rule Review: Food Assistance Benefit Issuance and Use)

Food Assistance Transmittal Letter No. 314

December 22, 2010

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: Food assistance benefit issuance and use.

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

The following rule was recently reviewed: **OAC 5101:4-5-15**

Implementation

If no revisions are made to this rule prior to finalization by the Joint Committee on Agency Rule Review, it will become effective on a permanent basis on 01/01/2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipient, or to the way county agencies administer programs. The following is a brief description of the changes made to the rules:

5101:4-5-15 Food stamps: uses for food stamp benefits.

This rule is being rescinded and the content is being moved to a new rule in the food assistance certification handbook.

5101:4-1-04 Food assistance: benefit issuance and use.

The rule replaces rule 5101:4-5-15. The title was changed and the sections from rule 5101:4-5-15 that are explained in other rules in the handbook were removed. The acronym "AG" was spelled out and the rule was put into plain language and question and answer format for clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 5000 Food stamps: uses for food stamp benefits.	5101:4-5-15 (effective 8/1/05)	N/A
Chapter 1000 Food assistance: benefit issuance and use.	N/A	5101:4-1-04 (effective 1/1/11)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 313 (Food Assistance: Claims Against Assistance Groups)

Food Assistance Transmittal Letter No. 313

December 22, 2010

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Food Assistance: claims against assistance groups.

This rule is being amended to incorporate the changes that were approved by the United States Department of Agriculture Food and Nutrition Service to the Food Assistance Claims Referral Plan.

Implementation

This rule is proposed to be effective 01/01/2011. If no revisions are made to this rule prior to finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 01/01/2011. If changes are necessary, a copy of the revised rule will be forwarded to you at that time. Specific changes to the rule include:

5101:4-8-15 Food assistance: claims against assistance groups.

The reference to "referrals" was changed to "potential claim" and the reference to "stamps" was changed to "assistance." This rule has also been put into plain language, question and answer format and all charts were removed for clarity.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 8000 Food assistance: claims against assistance groups	5101:4-8-15 (effective 10/1/07)	5101:4-8-15 (effective 1/1/11)
Appendix 76	Current copy	Copy effective (1/1/11)
Appendix 35 Record of Changes to handbook	N/A	Update with the number and date of this transmittal

FATL 312 (Five-Year Rule Review: Resources Excluded by Law)

Food Assistance Transmittal Letter No. 312

September 9, 2010

TO: All Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: Resources Excluded by Law

This letter is to inform you that a five-year review has been conducted on rule 5101:4-4-03.3 in accordance with Section 119.032 of the Ohio Revised Code. This rule was previously included in Food Assistance Transmittal Letter 311; however, this rule was withdrawn prior to finalization by the Joint Committee on Agency Rule Review. It has been re-filed.

If no revisions are made to the proposed rule prior to finalization by the Joint Committee on Agency Rule Review, it will become effective on October 1, 2010. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Below please find the specific changes made to rule 5101:4-4-03.3:

5101:4-4-03.3, "Food Assistance: Resources Excluded by Law"

This rule has been amended to exempt payments received from the Filipino Veterans Equity Compensation Fund. The funds were excluded through the American Recovery and Reinvestment Act of 2009. Also, as a result of the five year rule review, we made various changes to minimize the use of abbreviations to be consistent with other rules in the Food Assistance Certification Handbook.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000 Food Assistance: Resources Excluded by Law	5101:4-4-03.3	5101:4-4-03.3 (effective 10/01/2010)
Appendix Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 311 (Five-Year Rule Review: Expedited Service, Resources Excluded by Law, Miscellaneous Changes: Availability of Information and Types of Excluded Income.)

Food Assistance Transmittal Letter No. 311

July 28, 2010

TO: All Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: Expedited Service, Resources Excluded by Law, Miscellaneous Changes: Availability of Information and Types of Excluded Income.

This letter is to inform you that a five-year review has been conducted on rules 5101:4-4-03.3 and 5101:4-6-09, in accordance with Section 119.032 of the Ohio Revised Code. As a result, rule 5101:4-6-09 has been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the Food Assistance Program. Various changes, which are described below, were also made to rules 5101:4-1-13 and 5101:4-4-13.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on September 1, 2010. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-1-13, "Food Assistance: Availability of Information, Program Administration, Office Operations, and Income Eligibility Verification System Information"

This rule has been amended. Paragraph (A)(3) has been revised to include the requirement for all county agencies to display the JFS 07207 "Your Food Assistance Rights in Ohio" and the JFS 08048 "Your Civil Rights" posters. This requirement was previously listed in the "User's Guide to Food Stamp Delivery," but when this rule becomes effective, the User's Guide will be obsolete and no longer accessible on the Internet.

5101:4-4-03.3, "Food Assistance: Resources Excluded by Law"

This rule has been amended. Paragraph (A)(22) has been added in order to exempt payments received from the Filipino Veterans Equity Compensation Fund. The funds were excluded through the American Recovery and Reinvestment Act of 2009. Also, as a result of the five year rule review, we made various changes to minimize the use of abbreviations, to be consistent with other rules in the Food Assistance Certification Handbook.

5101:4-4-13, "Food Assistance: Types of Excluded Income"

This rule has been amended. Paragraph (D)(1)(aa) has been added in order to exempt payments received from the Filipino Veterans Equity Compensation Fund. Abbreviations have been spelled out in order to be consistent with other rules in the Food Assistance Certification Handbook and for clarity.

5101:4-6-09, "Food Assistance: expedited service"

This rule has been rescinded and filed as new. The policy regarding expedited service has not changed; however, this rule has been rewritten in order to clarify the process for expedited service.

Instructions: The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 1000 Food Assistance: Availability of Information, Program Administration, Office Operations, and Income Eligibility Verification System	5101:4-1-13	5101:4-1-13 (effective 09/01/2010)

Information		
Chapter 4000 Food Assistance: Resources Excluded by Law	5101:4-4-03.3	5101:4-4-03.3 (effective 09/01/2010)
Food Assistance: Types of Excluded Income	5101:4-4-13	5101:4-4-13 (effective 09/01/2010)
Chapter 6000 Food Assistance: expedited service	5101:4-6-09	5101:4-6-09 (effective 09/01/2010)
Appendix Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 310 (Five-Year Rule Review: Definitions)

Food Assistance Transmittal Letter No. 310

June 25, 2010

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: Definitions

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

The following rule was recently reviewed: **OAC 5101:4-1-03**

Implementation

If no revisions are made to this rule prior to its finalization by the Joint Committee on Agency Rule Review, it will become effective on a permanent basis on August 1, 2010. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer the Food Assistance Program. The following is a brief description of the changes made to the above-mentioned rule.

5101:4-1-03 Food assistance: definitions.

Obsolete definitions were removed from this rule and acronyms were spelled out. The definitions were numbered and put into alphabetical order, and the definitions for "elderly or disabled member", "eligible foods", "homeless individual", "spouse", "and work program" were put into list form to provide further clarification.

Instructions:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 1000 Food assistance: definitions	5101:4-1-03 (effective 12/18/08)	5101:4-1-03 (effective 8/1/2010)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 309 (Verification Rules Five-Year Review)

Food Assistance Transmittal Letter No. 309

June 25, 2010

TO: All Food Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Verification Rules Five Five-Year Review

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, all three rules have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for further clarity and more efficient administration of the Food Assistance Program.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on August 1, 2010. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rules reviewed include the following: 5101:4-2-07, 5101:4-2-09 and 5101:4-7-07

Implementation

No changes were made affecting the eligibility of applicants or recipients, or to the way county agencies administer programs. The following is a brief description of the changes made to the above-mentioned rules.

All references to "stamps" were changed to "assistance," and abbreviations were spelled out the first time they were used in each rule. Specific substantive changes include:

5101:4-2-07 - Food assistance: initial application processing.

This rule has been rescinded and filed as new. The rule has been written to clarify the procedure for processing initial applications. Previously this rule dealt with the processing of initial applications and reapplications.

5101:4-2-09 - Food assistance: verification procedure.

This rule has been rescinded and filed as new. This rule has been rewritten to explain the proper verification process and to include client statement as an acceptable verification when no other verification is available. A statement was also added to clearly explain that unchanged data that was previously verified does not have to be re-verified at recertification.

5101:4-7-07 - Food assistance: recertification

This rule has been rescinded and filed as new. The word "reapplication" has been replaced with "recertification," and the rule has been rewritten in plain language.

Instructions:

Location	Remove and file as obsolete	Insert/replacement
Chapter 2000 Food assistance: initial application processing.	5101:4-2-07 (effective 05/01/09)	5101:4-2-07 (effective 08/01/10)
Food assistance: verification procedure.	5101:4-2-09 (effective 07/01/06)	5101:4-2-09 (effective 08/01/10)
Chapter 7000 Food assistance: recertification	5101:4-7-07	5101:4-7-07

	(effective 05/01/09)	(effective 08/01/10)
Appendix Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 308 (Self-Employment Standard Deduction)

Food Assistance Transmittal Letter No. 308

[Cash Assistance Manual Transmittal Letter No. 56](#)

June 21, 2010

TO: All Cash Assistance & Food Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Self-Employment Standard Deduction

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, all of the rules in the packet have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the cash and food assistance programs.

Currently in both the cash and food assistance rules the client must verify all self-employment expenses to accurately determine the benefit amount. This is complex and burdensome for both the client and the county agency. The proposed rules provide clients the option of using actual expenses or a 50 percent standard deduction. In the cash assistance rules the term "CDJFS" has also been changed to "county agency" to align with the food assistance rules.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review (JCARR), they will become effective on August 1, 2010. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rules reviewed include the following: 5101:4-4-19, 5101:4-6-11 and 5101:1-23-20. As a result of this review, parts of the policy from current rule 5101:1-23-20 have been removed, and two new rules, 5101:1-23-20.1 and 5101:1-23-20.2, have been created.

Proposed Policy

For the Food Assistance program, 7 CFR 273.11 (b)(3)(iv) allows state agencies to elect to use actual costs for allowable self-employment expenses or determine self-employment expenses using various methods. One of the methods is to use the standard deduction the state uses for its Temporary Assistance for Needy Families (TANF) program. Currently, for the Ohio cash and food assistance programs, actual verified expenses are used for all self-employment cases except for self-employed child care providers, where 50 percent of the gross earnings is used as the standard deduction.

We are proposing to provide clients the choice of either claiming 50 percent of the gross profit or the use of actual expenses. If the client chooses to claim actual expenses, the client must provide verification of the expenses. If the client chooses the standard deduction, the client does not have to verify any expenses but must still verify the gross profits.

In considering this change, we completed an analysis of self-employed assistance groups in the Food Assistance, Ohio Works First (OWF) and Disability Financial Assistance (DFA) programs. For the cash assistance programs we reviewed data for the month of January 2009; a total of 1,078 OWF assistance groups and 85 DFA assistance groups reported self-employment. We sampled a portion of those cases to ensure that a deduction of 50 percent was a reasonable standard. We also reviewed the budgeting methodology that other states currently use, which varied from a 25 percent deduction to a 50 percent deduction.

For Food Assistance we reviewed data for the month of March 2009 and found that a total of 23,094 assistance groups reported being self-employed. According to the Public Assistance Monthly Statistics report, 618,255 assistance groups were receiving food assistance for the same time period. Self-employment cases made up approximately 3.74 percent of Ohio's Food Assistance assistance groups that month. To establish the self-employment standard deduction, the Office of Families and Children pulled cases to review the self-employment deductions. After reviewing cases with expenses, we found the average cost of doing business was 50.14 percent.

In 2007, the Office of Families and Children conducted eight Food Assistance Focus Groups, at which time the complexity of completing a self-employment budget was a common theme. To alleviate some of the complexity, the Rushmore Consulting Group recommended that we move toward a self-employment standard deduction. In January 2010, we presented the self-employment standard deduction option to the TANF/Food Assistance policy workgroup, which consisted of representatives from the Cash and Food Assistance policy sections at the Ohio Department of Job and Family Services, the Job and Family Services Directors Association, and seven county agencies. The workgroup recommended allowing the 50 percent self-employment standard deduction option, which would align with the current standard for child care providers and would not require CRIS-E programming.

New Policy: Cash Assistance

Rule 5101:1-23-20 - Ohio Works First: income and eligibility

This rule has been rescinded, and three new rules have been created. New rule 5101:1-23-20 contains the definitions of income, availability and exploration of income, calculation of benefits, and the standards in the OWF program. The 50 percent self-employment standard deduction has been added to the rule.

Section 5107.04 of the Ohio Revised Code authorizes an annual OWF grant increase based upon the cost-of-living adjustment (COLA) issued by the United States Department of Health and Human Services in the previous year. When the COLA is announced, there is insufficient time to amend the rule to include the increase. Therefore, we have removed the standards from the rules and will align with the Food Assistance program in notifying counties through the issuance of an action change transmittal letter when the standards change.

5101:1-23-20.1 - Ohio Works First: excluded income.

This new rule contains policy on the types of excluded income that were previously included in rule 5101:1-23-20. We also included the supplemental weekly unemployment compensation payments under the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 1115-5). The issuance of this rule obsoletes Action Change Transmittal #247.

5101:1-23-20.2 - Ohio Works First: allocation of income.

This new rule contains policy on the allocation of income and the calculation of allocation of income that were previously in rule 5101:1-23-20. It makes no substantive changes to policy.

New Policy: Food Assistance

5101:4-4-19 - Food Assistance: countable income.

This rule has been rescinded and filed as new. The rule was rewritten to explain in detail the different types of countable income. The Volunteers in Service to America (VISTA) income section has been updated to ensure clear understanding of when this income is countable. If the assistance group member was receiving food assistance or public assistance at the time they joined the Title I program, then the VISTA income is considered excluded income.

5101:4-6-11 - Food Assistance: determining eligibility of assistance groups with income from self-employment.

This rule has been rescinded and filed as new. This rule was changed to include the new 50 percent self-employment standard deduction. Assistance groups now have an option to claim the 50 percent standard deduction or actual expenses. Verification of the deductions will have to be obtained only if the assistance group is claiming actual costs.

Implementation

The existing cases with self-employment will have the opportunity to use the self-employment standard deduction at the next recertification. New reports of self-employment will follow this new methodology effective August 1, 2010.

Instructions:

The following chart identifies the material that should be removed from the Cash and Food Assistance Handbooks and the material that should be added.

Location	Remove and file as obsolete	Insert/ replacement
CASH ASSISTANCE		
Chapter 2000	Outline of contents (effective 05/01/10)	Outline of contents (effective 08/01/10)
Ohio works first: income and eligibility	5101:1-23-20 (effective 01/01/09)	5101:1-23-20 (effective 08/01/10)
Ohio works first: types of excluded income		5101:1-23-20.1 (effective 08/01/10)
Ohio works first: allocation of income		5101:1-23-20.2 (effective 08/01/10)
FOOD ASSISTANCE		
Chapter 4000 Food Assistance: countable income.	5101:4-4-19 (effective 06/12/08)	5101:4-4-19 (effective 08/01/10)
Chapter 6000 Food Assistance: determining eligibility of assistance groups with income from self-employment.	5101:4-6-11 (effective 01/01/09)	5101:4-6-11 (effective 08/01/10)
Appendix Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 307 (Removal of the Time Limitation for Special Immigrant Visa Holders)

Food Assistance Transmittal Letter No. 307

June 8, 2010

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: Removal of the Time Limitation for Special Immigrant Visa Holders

Background: Public Law 110-161 and Public Law 111-8 granted Iraqi and Afghan aliens special immigrant visas under section 101(a)(27) of the Immigration and Nationality Act (INA). This allowed these individuals to be eligible for Food Assistance, the same as refugees admitted under section 207 of the INA, for a period of eight months.

New Policy: With the authority of Section 8120 of Public Law 111-118, effective December 19, 2009, the eligibility time limit for Iraqi and Afghan aliens with special immigrant visa status has been removed. An Iraqi or Afghan alien with special immigrant visa status will be considered a qualified alien under rule 5101:4-3-07. These individuals are eligible to receive Food Assistance indefinitely, provided all other eligibility requirements are met.

Ohio Administrative Code 5101:4-3-07 Food Assistance: Nonfinancial Eligibility Standard-Citizenship and Alien Status

This rule has been updated to reflect the removal of the eligibility time limit for Iraqi and Afghan aliens with a special immigrant visa status. Food Assistance Change Transmittal (FACT) 39 previously authorized these changes. In addition, paragraphs (B)(2)(a) and (B)(2)(b) have been amended to stipulate that battered aliens are qualified aliens who must meet additional criteria in order to be eligible for Food Assistance benefits.

Alien Charts

- The "Iraqi and Afghan Special Immigrants-Eligibility for Public Assistance Eligibility Period" chart is obsolete.
- The "Simplified Guide for Determining Eligibility of Noncitizens" desk aid, which provides eligibility criteria for noncitizens, has been updated.

Instructions: This transmittal letter makes obsolete Food Assistance Change Transmittal (FACT) 39, which was implemented under an emergency rule filing with an effective date of February 4, 2010. Remove it and file it as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000 Food stamps: nonfinancial eligibility standard-citizenship and alien status	5101:4-3-07	5101:4-3-07 (effective 07/01/2010)
Desk Aids Desk Aid	Iraqi and Afghan Special Immigrant Visa Holders-Eligibility for Public Assistance Eligibility Period Chart	
Desk Aid	Simplified Guide for Determining Eligibility of Noncitizens	Simplified Guide for Determining Eligibility of Noncitizens

		(effective 2/2010)
Appendix Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 306 (Treasury Offset Program - Removal of the Ten Year Limitation on Debt Collection)

Food Assistance Transmittal Letter No. 306

March 12, 2010

TO: All Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Treasury Offset Program - Removal of the Ten Year Limitation on Debt Collection.

The Treasury Offset Program allows delinquent food assistance claims to be referred to the United States Treasury. The United States Treasury then offsets eligible federal payments (e.g. tax refunds) in order to repay the delinquent food assistance claim. Previously delinquent food assistance claims could only be referred if they were less than ten years old. A recent clarification from the United States Department of Agriculture Food and Nutrition Service now allows delinquent claims that are greater than ten years old to be referred. Because of this clarification, rule 5101:4-8-30, "Food Assistance: Treasury Offset Program," has been amended. Paragraph (B)(3) of rule 5101:4-8-30 has been removed and the remaining paragraphs have been renumbered.

This rule is proposed to be effective 04/15/2010. If no revisions are made to the proposed rule prior to the finalization by JCARR, they will become effective on a permanent basis on 04/15/2010. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 8000 Treasury Offset Program	5101:4-8-30 (04/01/2009)	5101:4-8-30 (04/15/2010)
Appendix Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 305 (Twelve Month Certifications, Expansion of Simplified Reporting and Reinstatement Waiver)

Food Assistance Transmittal Letter No. 305

[Cash Assistance Manual Transmittal Letter No. 52](#)

March 12, 2010

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
ALL CASH ASSISTANCE MANUAL HOLDERS

FROM: Douglas E. Lumpkin, Director

SUBJECT: Twelve Month Certifications, Expansion of Simplified Reporting and Reinstatement Waiver.

Effective April 1, 2010, Ohio's cash and food assistance programs will transition to twelve month certification periods for most assistance groups. Ohio Works First assistance groups which are "child only", without a work-eligible adult or minor head of household, will move to 24 month reapplication periods. Additionally, effective April 1, 2010, all food assistance households will be subject to simplified reporting for changes, which means that they are only required to report when their income exceeds 130% of the federal poverty guideline for their assistance group size or if an able-bodied adult without dependants (ABAWD) hours of employment fall below twenty hours per week. Reporting requirements for cash assistance are being changed to require the reporting of a change in the amount of gross monthly income of more than fifty dollars (increased from twenty-five dollars).

The cash and food assistance programs will also implement a new reinstatement policy. Effective April 1, 2010 county agencies can reinstate both cash and food assistance benefits without a new application when a case closes due to an eligibility factor, but the assistance group complies within thirty days of the termination.

If any changes are made to the rules contained in this transmittal letter during the Joint Committee on Agency Rule Review's review period, the corrected rule(s) will be sent out in a future Transmittal Letter.

Background:

In 2008, the Ohio Department of Job and Family Services Office of Families and Children began a concerted effort to review food assistance policy to improve efficiency and payment accuracy. As part of this effort, we conducted regional focus group sessions with county departments of job and family services to evaluate the need for improvements in Ohio's Food Assistance Program. In July 2008, we began working with the Rushmore Consulting Group to identify specific ways to improve Ohio's food assistance payment accuracy rate. In both instances, alignment of certification periods, and longer certification periods, were a recurring theme. Additionally, another one of the recommendations from the Rushmore Consulting Group was to expand simplified reporting (otherwise known as "semi-annual reporting") to all households, not just those with earned income.

Starting with the 2002 Farm Bill and expanded with the 2008 Farm Bill, federal law provided states with the option to move to twelve month certification periods and to expand simplified reporting to all households. In consultation with the United States Department of Agriculture (USDA) Food and Nutrition Service, representatives from county agencies, and other states, Ohio will now implement these options. Additionally, to efficiently utilize these policy options, we received a waiver from the USDA Food and Nutrition Service to allow workers to reinstate terminated benefits, instead of taking a new application, if an assistance group returns requested verifications or takes the required action within thirty days of the closure date.

With county agencies experiencing increasing caseloads and limited resources these changes should assist with caseload management and application processing. These changes should also improve program access by eliminating the requirement for recipients to be interviewed every six months and assist with further improving the state's food assistance payment accuracy rate.

New Policy: Food Assistance

Certification Periods

Previously, rule 5101:4-5-03, "Food Assistance: Establishing Certification Periods," required most assistance groups to have a six month certification period. The exceptions to this were assistance groups with all aged or disabled members with no earned income, assistance groups with unstable circumstances and assistance groups expecting a change that would make them ineligible to receive food assistance.

Effective April 1, 2010, all assistance groups will transition to twelve month certification periods at application and reapplication, with some exceptions. Assistance groups with all aged or disabled members with no earned income will continue to receive a twenty-four month certification. Assistance groups expecting a change that would make them ineligible to receive food assistance, migrant farm workers and homeless assistance groups may now receive a certification period of either four, five, six or twelve months. The certification period for these groups will be decided based on county discretion.

All new food assistance groups will be certified according to this new policy. All existing food assistance groups will transition to this policy at recertification.

Language has been removed regarding "shortening" the certification period. This rule now refers to "ending" the assistance group's benefits.

Reporting Requirements

Previously, rule 5101:4-7-01, "Food Assistance: Reporting Requirements During the Certification Period," limited simplified reporting requirements to assistance groups with earned income. These assistance groups were referred to as semi-annual reporting (SAR) assistance groups. SAR assistance groups were only required to report when their income exceeded 130% of the federal poverty guidelines for their assistance group size, and for assistance groups with an able bodied adult without dependents (ABAWD), there was an additional requirement to report if their work hours fell below twenty hours a week. All other assistance groups were on change reporting, which meant they had to report all changes within 10 days of the change and all changes to income over \$50.

Effective April 1, 2010 all assistance groups are subject to simplified reporting. All assistance groups will now only be required to report when their income exceeds 130% of the federal poverty guidelines for their assistance group size, and for assistance groups with an able bodied adult without dependents (ABAWD), the additional requirement to report if their work hours fall below twenty hours a week. Assistance groups will be issued a one time notice advising them of their simplified reporting requirements prior to April 1, 2010. After April 1, 2010 assistance groups will be issued their reporting requirements on the notice of approval. To accommodate the expansion of simplified reporting, the JFS 04196 "Food Stamp Change Report for Assistance Groups with Earned Income" has been revised and renamed. The revised report will be titled "Food Assistance Change Reporting." The JFS 04196 will be used for all assistance groups. The JFS 07443 will be obsolete.

Additionally, as a requirement for simplified reporting, assistance groups with twelve or twenty-four month certification periods will be required to submit an interim report to provide updated information about their circumstances. Assistance groups with a twelve month certification period will receive an interim report in the fifth month of their certification period. The assistance group is required to complete and return the interim report prior to the 21st of the fifth month of certification. Similarly, assistance groups with a twenty-four month certification will receive an interim report in the eleventh month of their certification period and the report must be completed and returned by the 21st of the eleventh month of certification.

The county agency will be required to register the interim reports via CRIS-E. If the interim report has not been registered an alert will be issued informing the worker that the interim report should have been received. Assistance groups that do not return the report will be proposed for termination.

Reinstatement

Effective April 1, 2010 pursuant to rule 5101:4-7-01 county agencies will reinstate food assistance benefits without a new application when a case closes due to an eligibility factor, but the recipient complies within thirty days of the termination. This includes assistance groups whose benefits were terminated for failure to return an interim report. Benefits shall be prorated based on the day the assistance group provides the necessary verifications or takes the required action.

Benefits shall not be reinstated in the last month of the assistance group's certification period. If the assistance group returns requested verifications or takes a required action in the last month of their certification period the assistance group shall complete a new application.

New Policy: Cash Assistance

Reapplication periods

Previously, rule 5101:1-2-10, "Ohio Works First/Disability Financial Assistance/Refugee Cash Assistance: the Reapplication Requirement," required all cash assistance groups to have a six month reapplication.

Effective April 1, 2010 OWF and DFA assistance groups who previously received a six month reapplication will now receive a twelve month reapplication, and OWF child-only assistance groups who previously received a six month reapplication will now receive a twenty-four month reapplication.

Any OWF and DFA assistance groups expecting a change that would make them ineligible to receive cash assistance; migrant farm workers; and homeless assistance groups may now receive a reapplication period of either four, five, six or twelve months to align with the food assistance certification period. The reapplication/certification period for these groups will be decided based on county discretion.

Refugee cash assistance benefits will remain at a six month reapplication due to the time-limited nature of these benefits.

Reporting Requirements

Previously, rule 5101:1-2-20, "Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance: Verification and Reporting Requirements," required all cash assistance groups to report a change in the amount of gross monthly income of more than twenty-five dollars.

The rule is being amended to change the requirement to report a change in the amount of gross monthly income of more than fifty dollars. Due to fiscal constraints and different income eligibility criteria, cash assistance programs cannot adopt simplified reporting. Increasing the threshold over which a change must be reported, however, should improve efficiency and make reporting requirements less burdensome for recipients.

Additionally, to align with food assistance and improve efficiency of case processing, the interim report required for food assistance will be used for OWF and DFA assistance groups who are receiving food assistance. OWF and DFA assistance groups that do not complete and return the interim report under the required timelines will be proposed for termination of OWF or DFA benefits. The policy has been added to rule 5101:1-2-20.

Reinstatement

Effective April 1, 2010 the same reinstatement policy that is being implemented for the food assistance program will also be applied to the OWF and DFA programs. The county agency will reinstate terminated benefits without a new application if an assistance group returns requested verifications or takes the required action within thirty days of the closure date as long as the assistance group is not in the last month of the food assistance certification period and is otherwise eligible for cash assistance benefits. This includes assistance groups whose benefits were terminated for failure to return an interim report. However, cash assistance benefits shall not be reinstated if the assistance group is otherwise ineligible (e.g., serving a penalty period of ineligibility or a three-tier sanction).

Training

Training will be conducted by the Office of Family Assistance, Program Policy Services Unit in March. Questions about the new process may be directed to the TANF-FSTA mailbox.

CRIS-E

CRIS-E programming staff at ODJFS are working to make changes to the system to generate the interim report, to create a new screen to register the interim report and to create a new alert to notify a worker if an interim report is not received. The programming staff are also working to make the certification/reapplication period default to twelve months and are working to more efficiently allow the reinstatement of benefits without a new application if the eligibility factor is corrected within thirty days of the termination of benefits.

A CRIS-E View Flash Bulletin (CLVB) will be issued prior to the implementation date with more details.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Cash Assistance Manual and the material that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CHAPTER 1000 JOINT PROGRAM POLICIES	Outline of Contents (effective 06/01/09) CAMTL #47	Outline of Contents (effective 04/01/10) CAMTL #52
The reapplication requirement	5101:1-2-10 (effective 01/01/10)	5101:1-2-10 (effective 04/01/10)
Ohio works first, disability financial assistance, and refugee cash assistance: verification and reporting requirements	5101:1-2-20 (effective 12/01/06)	5101:1-2-20 (effective 04/01/10)
CAM APPENDIX	Outline of Contents (effective 04/01/10) (CAMTL #51)	Outline of Contents (effective 04/01/10) (CAMTL #52)

N/A

Interim Report - JFS 07221
"Cash and Food Assistance
Interim Report

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CHAPTER 5000 Actions resulting for eligibility determination Food Assistance: Establishing Certification Periods	5101:4-5-03 (effective 08/01/05)	5101:4-5-03 (effective 04/01/10)
Food Assistance: Reporting Requirements During the Certification Period	5101:4-7-01 (effective 12/08/05)	5101:4-7-01 (effective 04/01/10)
APPENDIX 35		Update with the number and date of this transmittal.

FATL 304 (Food Assistance: Residents of Group Homes)

Food Assistance Transmittal Letter No. 304

March 12, 2010

TO: Food Assistance Certification Handbook Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Food Assistance: Residents of Group Homes

Background

This rule is being amended to incorporate adult care facilities serving at least three individuals but no more than sixteen. Prior to this amendment, adult group homes serving fewer than six individuals were not eligible for participation in the food assistance program.

Implementation

If no revisions are made to the proposed rule prior to its finalization by the Joint Committee on Agency Rule Review, it will become effective on a permanent basis on 04/01/2010. If changes are necessary, a copy of the revised rule will be forwarded to you at that time. The following is a brief description of the changes to the rule:

5101:4-6-26 Food assistance: residents of group homes.

The references to "stamps" were changed to "assistance," and acronyms were spelled out. The reference to paragraph (A) (9) of section 3722.01 of the Ohio Revised Code was added to paragraph (A) (4) (e) of this rule. This section was added to include adult care facilities with three to five residents. References to the "Ohio Department of Mental Retardation and Developmental Disabilities" were changed to the "Ohio Department of Developmental Disabilities," to reflect the agency's name change.

Instructions:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 6000 Food Assistance: residents of group homes	5101:4-6-26 (effective 12/1/05)	5101:4-6-26 (effective 4/1/10)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 303 (Five-Year Rule Review: Categorical Eligibility, Authorized Representatives, Timeliness and Benefit Issuance, Illegal Aliens, and Drug and Alcohol Treatment Centers)

Food Assistance Transmittal Letter No. 303

February 18, 2010

TO: All Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five -Year Rule Review: Categorical Eligibility, Authorized Representatives, Timeliness and Benefit Issuance, Illegal Aliens, and Drug and Alcohol Treatment Centers.

This letter is to inform you that a five-year review has been conducted on the rules listed below, in accordance with Section 119.032 of the Ohio Revised Code. As a result, all five rules have been revised to incorporate "plain language." This is clear, simply stated language, written with the reader in mind. These revisions will allow for better clarity and more efficient administration of the Food Assistance Program.

If no revisions are made to the proposed rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on March 1, 2010. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-2-02, "Food Assistance: Categorically Eligible Assistance Groups"

This rule has been rescinded and filed as new. The policy regarding categorically eligible assistance groups has not changed. The beginning of this rule defines the categories of categorical eligibility, and the later part of the rule gives specific information for how to handle potentially categorically eligible assistance groups. The language regarding the Supplemental Security Income (SSI) cash-out program has been removed. This language is from the federal Code of Regulations and applies only to the Supplemental Nutrition Assistance Program (SNAP) cash-out program in the state of California.

5101:4-2-05, "Food Assistance: Authorized Representatives"

This rule has been rescinded and filed as new. The policy regarding authorized representatives has not changed. The rule was rewritten in plain language to identify what an authorized representative is, how one is identified, who can be an authorized representative, what an authorized representative can do, and how authorized representatives are used in drug and alcohol treatment centers and group homes. It also sets forth the limitations of an authorized representative.

5101:4-2-11, "Food Assistance: Timeliness and Benefit Issuance"

This rule has been rescinded and filed as new. The policy regarding timeliness and benefit issuance has not changed. The rule was rewritten in plain language to clarify the standards for application processing, when a case can be denied, how benefits are issued, how adjustments are made when an error has occurred in a benefit transaction, and how an assistance group may dispute a decision.

5101:4-3-08, "Food Assistance: Reporting Illegal Aliens"

This rule has been rescinded and filed as new. It contains the regulations and procedures for reporting individuals known to be residing in the United States illegally. This rule also defines "known to be illegal" as when the county agency has documentation from the United States Citizenship and Immigration Service that proves the individual is residing illegally in the United States. This rule has been rewritten to clarify that only those individuals known by the county agency to be illegal shall be reported.

5101:4-6-01, "Food Assistance: Determining Eligibility of Individuals in Drug Addiction and Alcoholic Treatment Programs"

This rule has been amended to clarify the regulations pertaining to individuals in drug addiction and alcoholic treatment centers. Appendix A is now obsolete. This appendix was intended to allow county agencies to accept letters from the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) showing that treatment centers were furthering the purposes of Part B of Title XIX. However, we have confirmed that

ODADAS will not provide letters for agencies that are not state certified. This makes the procedures listed in this appendix obsolete.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as Obsolete	Insert/ Replacement
Chapter 2000 Food Assistance: Categorically Eligible Assistance Groups	5101:4-2-02 (effective November 1, 2008)	5101:4-2-02 (effective March 1, 2010)
Food Assistance: Authorized Representatives	5101:4-2-05 (effective December 1, 2004)	5101:4-2-05 (effective March 1, 2010)
Food Assistance: Timeliness and Benefit Issuance	5101:4-2-11 (effective March 23, 2006)	5101:4-2-11 (effective March 1, 2010)
Chapter 3000 Food Assistance: Reporting Illegal Aliens	5101:4-3-08 (effective December 1, 2004)	5101:4-3-08 (effective March 1, 2010)
Chapter 6000 Food Assistance: Determining Eligibility of Individuals in Drug Addiction and Alcoholic Treatment Programs	5101:4-6-01 (effective May 24, 2004)	5101:4-6-01 (effective March 1, 2010)
Appendix Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 302 (Five-Year Rule Review: Income Standards and Determining the Monthly Allotments)

Food Assistance Transmittal Letter No. 302

February 18, 2010

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Five-Year Rule Review: Income Standards and Determining the Monthly Allotments

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

The following rules were recently reviewed: OAC 5101:4-4-11, 5101:4-4-27 and 5101:4-5-01.

Implementation

If no revisions are made to these rules prior to their finalization by the Joint Committee on Agency Rule Review, they will become effective on a permanent basis on 03/01/2010. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

No changes were made affecting the eligibility of applicants or recipient, or to the way county agencies administer programs. The following is a brief description of the changes made to the above-mentioned rules.

All references to "stamps" were changed to "assistance," and acronyms were spelled out the first time they were used in each rule.

Specific substantive changes include:

5101:4-4-11 - Food assistance: income standards

The tables showing maximum gross monthly income (165%), maximum net monthly income (100%) and the maximum gross monthly income (130%) will no longer appear in this rule. Instead, annual updates to these tables will be issued via a food assistance change transmittal (FACT). This will eliminate the need to emergency file this rule each year to make the annual updates.

5101:4-4-27 - Food assistance: determining monthly food assistance benefits

Rule 5101:4-5-01 is being rescinded and instead included in rule 5101:4-4-27. This will allow the process for determining monthly food assistance benefits to be consolidated into one rule. Rule 5101:4-4-27 explains the process for determining a monthly benefit and how to handle the proration of benefits during the initial month and anticipated changes both at the time of application and reapplication. With these revisions, the maximum food assistance allotment table has been taken out of rule and will instead be issued annually via a FACT.

5101:4-5-01 - Food assistance: determining the monthly allotment

This rule is being rescinded. The information will instead be included in rule 5101:4-4-27.

Food Assistance Certification Handbook - Additional Links

The appendices are being rescinded from the handbook. However, links will be added to direct users to the updated income standards and maximum food assistance allotment tables. These links can be found in the "notes" section for rules 5101:4-4-11 and 5101:4-4-27 in the Food Assistance Certification Handbook. The links will be located on the same page as the rules, at the bottom of the page.

Instructions:

The following chart identifies the material that should be removed from the Food Assistance Certification Handbook and the material that should be added.

Location	Remove and File as obsolete	Insert/Replacement
Chapter 4000 Food assistance: income standards	5101:4-4-11 (effective 12/18/2008)	5101:4-4-11 (effective 3/1/2010)
Food assistance: determining food assistance benefits	5101:4-4-27 (effective 12/1/2004)	5101:4-4-27 (effective 3/1/2010)
Chapter 5000 Food stamps: determining the monthly allotment.	5101:4-5-01 (effective 12/18/2008)	Rescinded
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 301 (September 2009 Five Year Rule Review)

Food Assistance Transmittal Letter No. 301

November 16, 2009

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Effective December 1, 2009: September 2009 Five Year Rule Review

The following rules were reviewed in accordance with Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-1-05, 5101:4-1-13, 5101:4-2-03, 5101:4-8-17, 5101:4-8-19, and 5101:4-8-23

Implementation

These rules are proposed to be effective 12/01/2009. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 12/01/2009. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will not be any changes to these rules that directly affect the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to the rules:

In these rules the reference to "stamps" was changed to "assistance", and acronyms were spelled out the first time they were used in the rule. The necessary grammatical revisions were also made throughout. All the charts were stricken and the information was set forth in paragraph form to improve clarity. Additional changes to language and format were made to improve clarity.

Specific substantive changes are highlighted below:

5101:4-1-05 Food assistance: personnel standards, bilingual staff and material, records and reports.

All references to "stamps" were changed to "assistance", all references to "certification office" and "project area" were changed to "county agency" and "county", and all references to "AG" were spelled out.

5101:4-1-13 Food assistance: availability of information, program administration, office operations, and income eligibility verification system information.

This rule was updated to clarify the definition of fleeing felon and the proper procedure to follow when processing a possible fleeing felon. The Ohio Department of Job and Family Services received a clarification from the United States Department of Agriculture-Food and Nutrition Service which explained that an individual is only considered fleeing if the appropriate law enforcement agency is actively pursuing arrest or extradition. This rule now explains the proper 4-step process for a county agency to follow when determining, based on written documentation from the law enforcement agency, whether an individual is fleeing.

5101:4-2-03 Food assistances: assistance group definitions

This rule was also updated to clarify the definition of fleeing felon and the proper procedure to follow when processing a possible fleeing felon, as described above regarding rule 5101:4-1-13. The United States Code citation was added to the Housing Act of 1959.

5101:4-8-17 Food assistance: calculating the overpayment claim amount.

The reference to the Controlled Substances Act was updated to include reference to the amended date.

5101:4-8-19 Food assistance: initiating collection action and managing claims.

All references to paper coupons were removed from this rule because effective June 17, 2009 coupons were no longer legal tender pursuant to the Food and Nutrition Act of 2008.

5101:4-8-23 Food assistance: claims retention rates and accounting procedures.

Section D of the rule was removed because it was the procedure to follow for paper coupons and as of June 17, 2009, paper coupons were no longer legal tender pursuant to the Food and Nutrition Act of 2008.

Instructions:

Location	Remove and file as obsolete	Insert/replacement
Chapter 1000		
Food assistance: personnel standards, bilingual staff and materials, records and reports	5101:4-1-05 (effective 09/01/04)	5101:4-1-05 (effective 12/01/09)
Food assistance: availability of information, program administration, office operations, and income eligibility verification system information	5101:4-1-13 (effective 10/06/08)	5101:4-1-13 (effective 12/01/09)
Chapter 2000		
Food assistance: assistance group definitions	5101:4-2-03 (effective 08/01/05)	5101:4-2-03 (effective 12/01/09)
Chapter 8000		
Food assistance: calculating the overpayment claim amount	5101:4-8-17 (effective 09/01/04)	5101:4-8-17 (effective 12/01/09)
Food assistance: initiating collection action and managing claims	5101:4-8-19 (effective 03/23/06)	5101:4-8-19 (effective 12/01/09)
Food assistance: claims retention rates and accounting procedures	5101:4-8-23 (effective 03/23/06)	5101:4-8-23 (effective 12/01/09)
Appendix		
Appendix 35 Record to changes in the handbook.	NA	Update with the number and date of this transmittal.

FATL 300 (Afghan Special Immigrant Visa extension of benefits)

Food Assistance Transmittal Letter No. 300

September 25, 2009

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
FROM: Douglas E. Lumpkin, Director
SUBJECT: Effective November 1, 2009: Afghan Special Immigrant Visa extension of benefits.

Background: Public Law 110-161 granted Afghan aliens special immigrant visas (SIV) under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA. For Afghan aliens, this eligibility was limited to six months from the date of entry to the United States.

New Policy: Public Law 111-8, effective March 10, 2009, under section 602 of the Omnibus Appropriations Act of 2009 extended the Afghan special immigrant eligibility period for Ohio Works First, Refugee Cash Assistance and Food Assistance to eight months from their date of entry to the United States or the date of adjustment to special immigrant status.

5101:4-3-07 Food Assistance: Nonfinancial Eligibility Standard-Citizenship and Alien Status

The following policy was changed to reflect the extension of the eligibility time limit for Afghan aliens with a special immigrant status. This time limit has been extended from six to eight months. Food Assistance Change Transmittal (FACT) 35 previously authorized this change.

For Afghan aliens with special immigrant status the Food Assistance certification period shall not exceed eight months from the date of entry or the SIV grant date if he or she applied from within the United States. When this eight month limit has passed the individuals must meet one of the other citizenship requirements listed in this rule in order to receive benefits. County agencies that discover or become aware of any special immigrants who were terminated or denied any benefits or services on or after March 10, 2009 should re-determine those terminations or denials using this current policy.

Additional Revisions

In order to simplify rule 5101:4-3-07 it has been rescinded and filed as new. This rule has been reformatted to make the rule easier to read and understand. This rule has also been updated to reflect the program name change from "Food Stamps" to "Food Assistance."

Alien Charts

- The "Iraqi and Afghan Special Immigrants-Eligibility for Public Assistance Eligibility Period Chart," which provides examples of how to determine the eligibility period of an Iraqi or Afghan alien with a SIV, has been updated. This chart can be found in the desk aid section of the appendix in the Food Assistance Certification Handbook.
- The "Simplified Guide for Determining Eligibility of Noncitizens," which provides eligibility criteria for noncitizens, has been updated. This chart can also be found in the desk aid section of the appendix in the Food Assistance Certification Handbook.
- These documents are also available on the Innerweb under the Office of Family Stability, Food Assistance Policy. This page can be directly accessed by using the following web address:
<http://innerweb/OFam/foodstamps.shtml>

Food Assistance Certification Handbook- Additional Links

To make it easier to apply this rule, we will add links to the PDF versions of the Department of Justice (DOJ) Interim Agreement (62 FR 61344) and to the Federal Register list of American Indian tribes (73 FR 18533) under a "notes" section for rule 5101:4-3-07 in the Food Assistance Certification Handbook. The links will be located on the same page as rule 5101:4-3-07. The links will be found at the bottom of the page.

Instructions: This transmittal letter obsoletes FACT number 35. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food stamps: nonfinancial eligibility standard- citizenship and alien status	5101:4-3-07	5101:4-3-07 (effective 11/01/2009)
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FATL 299 (Employment and Training Program Rules)

Food Assistance Transmittal Letter No. 299

September 25, 2009

TO: ALL FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
FROM: Douglas E. Lumpkin, Director
SUBJECT: October 15, 2009: Employment and Training Program Rules

In order to further align the Food Assistance and Ohio Works First programs, rule 5101:4-3-11, "Exemptions, Work Registrations and Requirements" has been reformatted into three new rules, which have been written in plain language and set forth some policy changes. This rule consisted of multiple components of the employment and training program, which did not allow for clarity and efficient administration of the Food Assistance Employment and Training Program.

New policy for Ohio Works First assistance groups regarding compliance after a sanction has been added as a result of the compliance requirements set forth in Amended Substitute House Bill 1 of the 128th General Assembly. Additionally, we have aligned the compliance policy for Food Assistance assistance groups with the Ohio Works First compliance policy to promote more efficient program administration and reduce confusion regarding the different program requirements.

Specific changes to these rules include:

5101:4-3-09 Food Assistance: Ohio Works First Appraisal, Self Sufficiency Contract requirements, and sanctions

Rule 5101:4-3-09 has been amended. This rule applies to "Ohio Works First assistance groups," which are assistance groups where all members are eligible to receive Ohio Works First cash assistance. This rule has been amended to include the new compliance requirement set forth in House Bill 1 of the 128th General Assembly.

5101:4-3-11 Food Assistance: Work Registration and Exemptions

Rule 5101:4-3-11 will be rescinded and filed as new. This rule defines the policies and procedures applicable for work registration and exemptions from work registration. The use of the JFS 07449 "Work Registration/Information Sharing" and JFS 07446 "Work Registration" forms are no longer required. These forms will be obsolete with the publishing of this transmittal. The county agency shall register all individuals via the Client Registry Information System-Enhanced (CRIS-E). Individuals required to be work registered do not have to be present during the interview in order for work registration to occur. Appendix 48 "Notice of Food Stamp Work Registration Responsibility" will be obsolete because it contains information that does not align with current work registration procedures.

5101:4-3-11.1 Food Assistance: Employment and Training Program Requirements

Rule 5101:4-3-11.1 will be filed as new. The procedures and policies contained in this rule were previously in rule 5101:4-3-11. This rule defines the employment and training program requirements of work registered individuals.

5101:4-3-11.2 Food Assistance: Employment and Training Program Sanctions and Compliance

Rule 5101:4-3-11.2 will be filed as new. The policies and procedures in this rule were previously included in rule 5101:4-3-11. This rule contains the policies and procedures for applying sanctions and for achieving compliance. Two changes were made to the policy regarding compliance. First, pursuant to Amended Substitute House Bill 1, individuals will be required to sign a compliance form prior to a sanction being lifted. The JFS 03804 "Ohio Works First/Food Assistance Compliance" form must be signed by the sanctioned individual and returned to the county agency for benefit reinstatement. Second, county agencies are no longer required to assign an individual for two weeks of employment and training hours prior to lifting a sanction. This change has occurred to promote efficiency in program administration, reduce confusion regarding compliance requirements, and to further align with Ohio Works First policy.

5101:4-3-34.1 Food Assistance: Work Experience Program Overpayments

Rule 5101:4-3-34.1 is being filed as new. The policies and procedures in this rule were previously contained in rule 5101:4-3-11. This rule is being moved under rule 5101:4-3-34 since it pertains specifically to the Work Experience Program (WEP). This rule defines the policies and procedures for overpayments when the individual has participated in the WEP. This policy previously addressed offsetting an overpayment when an assistance group participated in an employment and training activity where minimum wage was used to determine the required hours. This rule has been changed to specifically identify WEP as the only activity in which an overpayment can be offset by the assistance group working additional hours because of an improper benefit. Procedure 13, which gives examples of how to process these claims, will be obsolete.

Instructions:

Location	Remove and File as Obsolete	Insert/Replace
Chapter 3000 Food Assistance: Ohio Works First Appraisal, Self Sufficiency Contract requirements, and sanctions	5101:4-3-09 (October 1, 2007)	5101:4-3-09 (October 15, 2009)
Food Assistance: Work Registration and Exemptions	5101:4-3-11 (January 1, 2008)	5101:4-3-11 (October 15, 2009)
Food Assistance: Employment and Training Program Requirements	N/A	5101:4-3-11.1 (October 15, 2009)
Food Assistance: Employment and Training Program Sanctions and Compliance	N/A	5101:4-3-11.2 (October 15, 2009)
Food Assistance: Work Experience Program Overpayments	N/A	5101:4-3-34.1 (October 15, 2009)
Appendix Appendix 35 Record changes in Handbook	N/A	Update with the number and date of this transmittal.
Appendix 48 Notice of Food Stamp Work Registration Responsibility	Appendix 48 (issued w/ FSTL 236)	
Appendix 49 JFS 07446 - Work Registration	JFS 07446 (November 2001)	
Appendix 105 JFS 07449 - Work Registration/Information Sharing Form	JFS 07449 (October 2001)	
Procedures Procedure 13- Calculation of Claims: Month of Overpayment Involves Work	Procedure 13	

Program Activity		
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FATL 298 (Anticipating Income, Replacement, Reducing, Suspending and Canceling Benefits)

Food Assistance Transmittal Letter No. 298

July 16, 2009

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: FIVE YEAR RULE REVIEW

The following rules were reviewed in accordance with Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-4-31, 5101:4-7-03, 5101:4-7-11, 5101:4-7-13

Implementation

These rules are proposed to be effective 09/01/2009. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 09/01/2009. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will not be any changes to these rules that directly affect the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to the rules.

In rules **5101:4-4-31**, **5101:4-7-03**, **5101:4-7-11** and **5101:4-7-13** the reference to 'stamps' was changed to 'assistance'. The references to acronyms were spelled out the first time they were used in the rule and the necessary grammatical revisions were made throughout. Redundant sentences were also removed for clarity. Specific substantive changes are highlighted below:

5101:4-4-31 - Food assistance: anticipating income.

The reference to the Low Income Home Energy Assistance Act of 1981 was updated to include reference to the amended version. Reference to actual utility costs and the payment requirement for utilities were revised to align with the recently implemented mandatory standard utility allowance.

5101:4-7-11 - Food assistance: providing replacement issuance to assistance groups (AGs).

All references to paper coupons were removed from this rule because effective June 17, 2009 coupons were no longer legal tender.

5101:4-7-13 - Food assistance: reducing, suspending, or canceling food assistance benefits.

The reference to the 'Food Stamps Act of 1977' was updated to 'Food and Nutrition Act of 2008'.

Instruction:

Location	Remove and File as obsolete	Insert/Replacement
Chapter 4000 Food assistance: anticipating income.	5101:4-4-31 (effective 12/18/2008)	5101:4-4-31 (effective 09/01/2009)
Chapter 7000 Food assistance:	5101:4-7-03 (effective 05/22/2004)	5101:4-7-03 (effective 09/01/2009)

Mass change during the certification period.		
Food assistance: Providing replacement issuance to assistance groups (AGs).	5101:4-7-11 (effective 03/23/2006)	5101:4-7-11 (effective 09/01/2009)
Food assistance: Reducing, suspending, or canceling food assistance benefits.	5101:4-7-13 (effective 05/22/2004)	5101:4-7-13 (effective 09/01/2009)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 297 (Mandatory Standard Utility Allowance)

Food Assistance Transmittal Letter No. 297

April 13, 2009

To: Food Assistance Certification Handbook Holders
From: Douglas E. Lumpkin, Director
SUBJECT: Mandatory standard utility allowance

This letter transmits changes that will be effective May 1, 2009. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on May 1, 2009. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Background

Federal law permits states to implement the option to use the mandatory standard utility allowance instead of actual utility expenses in food assistance budgets when determining eligibility and benefit allotments. Ohio has decided to implement this option for a number of reasons: ease of administration for county departments of job and family services, improving program access by reducing the need for utility verification for food assistance families, and to improve the state's food assistance payment accuracy rate.

Using the mandatory standard utility allowance means that states no longer have to consider or verify actual expenses; they must only verify that a utility expense exists and is incurred. States must have in place a standard for heating and cooling expenses, as well as one or more standards for expenses that do not include heating and cooling. As a result, every assistance group that incurs a utility expense will receive an allowance, instead of claiming actual expenses. Moving to the mandatory standard utility allowance eliminates the need to prorate the allowance; if families share expenses, each family will be entitled to the full allowance. Additionally, the allowance will be available to those who reside in public housing who have excess heating or cooling costs.

In 2008, the Ohio Department of Job and Family Services (ODJFS) Office of Family Stability conducted regional focus group sessions with county departments of job and family services to evaluate the need for improvements in the food assistance program.

One of the recommendations from the focus groups was to implement the mandatory standard utility allowance. Also, since July 2008, the Office of Family Stability has been working with the Rushmore Group to identify ways to improve Ohio's food assistance payment accuracy rate. One of the key recommendations from the Rushmore Group was to implement the mandatory standard utility allowance.

From October 2007 through September 2008, 3,365 food assistance cases were reviewed by ODJFS for payment accuracy. Of these reviews twenty contained an error pertaining to the application of the current standard utility allowance. The errors found in these cases represented 6.92% of the payment accuracy error rate dollars for the time period. An additional eighteen reviews contained the standard utility allowance as a contributing factor to the error. These eighteen cases represent an additional 3.37% of the total dollars found in error for the time period. The most frequent cause of errors was related to proration of the standard utility allowance or incorrectly using or not using the standard utility allowance in the budget.

Current Policy

The food assistance program budget currently provides for one standard utility allowance that is available to households who incur heating and/or cooling expenses separately from their rent or mortgage. This standard utility allowance is not available to households in public housing units which have central utility meters and are charged only for excess heating or cooling costs. The standard utility allowance must be prorated among households living at one residence and sharing utility costs that include heating and/or cooling costs. Households eligible for the standard utility allowance have the option of claiming actual utility costs or the standard utility allowance. Those not eligible for the standard utility allowance but otherwise incur expenses may be able to claim actual utility costs for other qualifying utilities.

New Policy

One of four possible utility allowances will be available to an assistance group that incurs utility expenses:

1. Standard Utility Allowance - to an assistance group incurring heating or cooling costs.
2. Limited Utility Allowance - to an assistance group incurring 2 or more utility expenses neither of which are heating or cooling costs. A telephone expense will count as one of the utility expenses.
3. Single Standard Utility Allowance - to an assistance group incurring one utility expense which is not a heating or cooling expense or a telephone expense.
4. Telephone Allowance - given to any assistance group incurring only a telephone expense.

We submitted the figures to be used for each of the utility allowances to the United States Department of Agriculture Food and Nutrition Service for approval. We obtained utility cost information from the Public Utilities Commission of Ohio and through a telephone survey of utility providers. Ohio will use the current standard utility allowance of \$586 and the current telephone allowance of \$31 that were established for October 2008 through September 2009. In addition, we will use a limited utility allowance of \$287 and a single standard utility allowance of \$64. These figures will be provided to county departments of job and family services annually via a Food Assistance Change Transmittal and announced with a CRIS-E view flash bulletin.

The following is a summary of the changes to the rule.

5101:4-4-23 Food assistance deductions from income

This rule is being updated to add the language for the limited utility allowance and single standard utility allowance. The standard utility allowance and telephone allowance will not change. We have also removed the language allowing the use of actual utility costs and the information about who is not entitled to a standard utility allowance. The mandatory standard utility allowance does not change the policy that to qualify for the utility allowance, the utility expense only needs to be incurred by the assistance group; the assistance group does not have to have a bill from a utility company but may be billed separately when costs are shared or are owed to a landlord.

We have also removed from the rule the amounts for the standard deduction, the excess shelter deduction, and the standard utility allowance because these amounts change every year. The figures for these deductions and allowances will be announced every year by the issuance of a Food Assistance Change Transmittal and a CRIS-E view flash bulletin once they are updated.

Refile Clarifications

This rule was refiled two times to add language to paragraphs (B), (E) and (F) to inform readers where the food assistance change transmittal can be found. Reference to the Food and Nutrition Act of 2008 was also added to paragraph (B). Language was also added to paragraph (F) (1) to clarify the costs included in the standard utility allowance. Paragraph (F)(1)(i) was added to clarify that if an assistance group lives with another individual, another assistance group or both and share costs covered under the definition of standard utility allowance, and if one assistance group incurs a heating or cooling cost, all assistance groups are entitled to the full standard utility allowance.

Appendix A to 5101:4-4-23

Because the amounts for the standard deduction, the excess shelter deduction, and the standard utility allowance will not be included in the rule but will be announced in Food Assistance Change Transmittals on an annual basis as the numbers are updated, Appendix A is no longer needed and is being removed from the rule.

Water/Sewer Utilities Only

The CRIS-E Helpdesk will be sending a report the week of March 30, 2009 for the cases which only contain a water/sewer expense. Currently a worker would put a water/sewer expense under "WS" on AEFUC. Under the new policy if an applicant is only paying water and sewer they would be eligible for the limited utility allowance. As of May 1, 2009, water expenses should be noted under "WS" and sewer expenses should be recorded under "other" so the system will apply the appropriate utility allowance.

CRIS-E

Mass change will be run prior to the effective date. All applications and reapplications being processed for May 1, 2009 and after shall have the new amounts applied. CRIS-E tables will be updated with the new standard amounts. Alerts will be generated for all cases for which CRIS-E cannot update automatically and the caseworker will be required to run ED/BC for these cases to implement the utility allowance change. Notice requirements are found in OAC rule 5101:4-7-03 (A). Instructions will also be issued via a CRIS-E view flash bulletin.

Instructions:

Location	Remove and File as obsolete	Insert/Replacement
Chapter 4000		
Food assistance: deductions from income.	5101:4-4-23 (effective 12/18/08) and appendix A	5101:4-4-23 (effective 05/01/09)
Appendix 35	N/A	Update with the number and date of this transmittal.

FATL 296 (Telephone Interviews at Recertification)

Cash Assistance Manual Transmittal Letter No. 46

Food Assistance Transmittal Letter No. 296

March 31, 2009

TO: All Cash Assistance & Food Assistance Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Telephone Interviews at Recertification

This letter transmits changes with a proposed effective date of May 1, 2009. If there are changes made to any of the rules contained in this transmittal during the JCARR review period, corrected rules will be sent out in a future transmittal.

We are proposing changes to the recertification process to allow county departments of job and family services to conduct telephone interviews at recertification without establishing the assistance group would experience a hardship if compelled to attend a face-to-face interview. These changes will apply to both the cash and food assistance programs.

Introduction

With the current economic climate and rising caseloads we are striving to improve program access, ease program administration and alleviate transportation costs for assistance groups. The option to conduct telephone interviews at recertification will promote more efficient use of an eligibility worker's time in a period of increasing caseloads and reduced resources. Additionally, allowing telephone interviews enables participants to more easily complete the recertification process.

In August 2008, USDA Food and Nutrition Service granted Ohio a waiver of the food assistance requirement in 7 C.F.R. 273.14(b)(3) and 273.2(e)(1) to conduct face-to-face interviews at recertification. The waiver allows county agencies to conduct telephone interviews at recertification unless the household requests a face-to-face interview, the household does not have a telephone, or the eligibility worker determines a face-to-face interview is appropriate to resolve eligibility issues with the household.

To implement the waiver we sought input from county departments of job and family services, the ODJFS Office of Research, Assessment and Accountability, and ODJFS Office of Ohio Health Plans. We also reviewed how other states implemented similar waivers.

Program Alignment

As a result of the flexibility afforded to us by the federal Temporary Assistance for Needy Families program, we decided to align the recertification/reapplication process for the cash programs (i.e. Ohio Works First, Disability Financial Assistance & Refugee Cash Assistance) with the food assistance program. Both the cash assistance rules and food assistance rules are included in this package. We also decided to include a clarification in the cash program rule to align the *initial* interview process with the food assistance program to allow for telephone interviews to be conducted on a case by case basis if the county agency determines the assistance group would suffer a hardship.

The Office of Ohio Health Plans recently announced that they will also be waiving the face-to-face requirement at recertification for the Medicaid Aged, Blind and Disabled population in September, at which time the cash assistance, food assistance and Medicaid programs will all be aligned.

Proposed Policy

Currently a face-to-face interview is required at each recertification for cash and food assistance. The approved waiver will allow all county agencies the option to waive the face-to-face interview and conduct a telephone interview unless the household, or its authorized representative, requests a face-to-face interview; the household does not have a telephone; or the eligibility worker determines a face-to-face interview is appropriate to resolve eligibility issues with the household. At the time of the recertification the county does not have to document a hardship condition; however, this waiver does not change the requirement to document hardship at the time an initial face-to-face interview is waived.

For food assistance, the assistance group must provide a newly signed and dated application for benefits at the time of application for recertification. Federal regulations allow states to use existing applications, a simplified version, or other methods such as annotating changes on the existing application form. Currently, assistance groups may submit a JFS 07200 "Request to Apply for Cash, Food Stamp and Medical Assistance" form prior to the end of the certification period, or sign and date the "Printed Copy of Information" form that is generated from CRIS-E during the face-to-face interactive interview.

For telephone interviews, we have proposed the use of a new form, JFS 07204 "Request to Reapply for Cash and Food Assistance." The use of this form alleviates the need to print out and send the assistance group a copy of the "Printed Copy of Information", which can be quite large, or another JFS 07200, which may cause confusion among staff regarding the status of the case. The JFS 07204 has been formatted to fit a standard window envelope for mailing purposes and is to be sent to the assistance group before or after the telephone interview has been conducted along with the following forms:

- "Your Rights and Responsibilities" (JFS 07501);
- "Voter Registration Form" (JFS 07200-VR) & "Notice of Rights";
- "Application/Reapplication Verification Checklist" (JFS 07105); and
- Self addressed stamped envelope for return to the county agency.

Timeframes and procedures for completing the recertification process for food assistance have not changed, and delayed processing requirements still apply. For cash assistance, if the assistance group fails to return the signed "Request to Reapply for Cash and Food Assistance" in a timely manner, the cash assistance case must be terminated.

CRIS-E

We are working with the Office of Information Systems to implement changes to the CRIS-E client scheduling system to allow for telephone interviews to be scheduled along with an accompanying notice which will notify the assistance group of the phone number at which they will be contacted along with the date and time of the telephone interview. A CRIS-E view flash bulletin (CLVB) will be issued prior to the implementation date with more details. County agencies are not required to use the CRIS-E client scheduling system, but must provide assistance groups with a notice in advance of the interview informing them of the time of the interview and the phone number at which they will be contacted. Also, for tracking and reporting purposes, county agencies electing not to use the CRIS-E client scheduling system must note in CLRC that a phone interview was completed.

Reporting Requirement

As a condition of the United States Department of Agriculture - Food and Nutrition Services (FNS) approving the face-to-face recertification waiver the state must prepare an interim report notifying FNS which counties elect to take advantage of waiving the face-to-face requirement at recertification. If your county elects to utilize this telephone interview option we ask that you notify Kara Wentke at kara.bertke-wente@jfs.ohio.gov

Food Assistance Changes

1. 5101:4-2-07 Food assistance: interviewing assistance groups

We have added a new paragraph (I) to allow for a telephone interview to be conducted at recertification. This paragraph also explains that the JFS 07204 "Request to Reapply for Cash and Food Assistance" will be sent after the telephone interview to capture the necessary signature for recertification.

2. 5101:4-7-07 Food assistance: recertification

We have added language in this rule to explain that assistance groups must receive advance notice of their telephone interview. Assistance groups will receive a telephone interview notice that will include the phone number at which the caseworker will call for the interview. In this rule we also explain that the printed copy of information (PCI) does not have to be signed for the assistance group participating in a telephone interview; however, those still participating in a face-to-face interview must sign the PCI to fulfill the signature requirement at recertification.

Cash Assistance Changes

1. 5101:1-2-01 The application process for Ohio Works First, Disability Financial Assistance and Refugee Cash Assistance

We have revised this rule to clarify that the face-to-face interview requirement for the initial application can be waived if a hardship condition exists. The hardship conditions include but are not limited to: illness; transportation difficulties; care of a household member; residency in a rural area; prolonged severe weather; or work or training hours which prevent the assistance group from participating in a face-to-face interview. The hardship criterion aligns with the food assistance policy in rule 5101:4-2-07 of the Administrative Code.

2. 5101:1-2-10 Ohio Works First, Disability Financial Assistance, Refugee Cash Assistance: the Reapplication Requirement

We have revised this rule to clarify that telephone interviews can be conducted at reapplication. Language has been added to clarify that the beginning date of assistance is the date that the JFS 07204 is received by the CDJFS. Also, included in the revision are the required forms that are to be provided to the assistance group at reapplication. To reduce printing and mailing costs, and to avoid unnecessary duplication of effort, we have removed the following documents from this requirement:

- “Your Rights” (JFS 08000);
- “Notice to individuals applying for or participating in Ohio Works First regarding cooperation with the Child Support Enforcement Agency”(JFS 07092);
- “Grant payment method authorization – mandatory” (JFS 07357) or “Grant payment method authorization – voluntary (JFS 07344);
- “Domestic Violence: you have a right to be safe” (JFS 08024).

These forms are provided to all cash assistance applicants, but are not required to be provided at reapplication. County agencies may opt to provide additional information, such as the JFS 08024 domestic violence brochure, to assistance groups at reapplication but are not required to do so.

Medicaid

All Medicaid applications and redeterminations should proceed under Medicaid rules and processing will not change as a result of the change to the cash and food assistance recertification process. County agencies should not use the JFS 07204, "Request to Reapply for Cash and Food Assistance" for Medicaid redeterminations, and failure to return the form does not have any impact on eligibility for Medicaid.

Training

Training will be conducted by the Office of Family Stability, Program Policy Services Unit. Additionally, telephone interview training materials, tips and online materials will be available. Questions about the new process or about telephone interviewing skills training or materials may be directed to the TANF_FSTA mailbox or county agencies may call 1-866-886-3537 (Option 6) for technical assistance.

INSTRUCTIONS:

Cash Assistance:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CHAPTER 1000 JOINT PROGRAM POLICIES	Outline of Contents to Chapter 1000, effective 02/01/09 (CAMTL #45)	Outline of Contents to Chapter 1000, effective 05/01/09 (CAMTL #46)
The Application Process for Ohio Works First, Disability Financial Assistance, and Refugee Cash Assistance	5101:1-2-01, effective 01/01/08 (CAMTL #39)	5101:1-2-01, effective 05/01/09 (CAMTL #46)

Ohio works first /disability financial assistance/refugee cash assistance: The reapplication requirement	5101:1-2-10, effective 07/01/08 CAMTL #40)	5101:1-2-10, effective 05/01/09 (CAMTL #46)
CAM APPENDIX	Outline of Contents to CAM Appendix, effective 02/01/09 (CAMTL #45)	Outline of Contents to CAM Appendix, effective 05/01/09 (CAMTL #46)
JFS Forms	N/A	JFS 07204 Request to Reapply For Cash and Food Assistance (01/2009)

Food Assistance:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 2000		
Food assistance: interviewing assistance groups.	5101:4-2-07 (effective 08/01/05)	Replace 5101:4-2-07 (effective 05/01/09)
Food assistance: reapplication	5101:4-7-07 (effective 08/01/05)	Replace 5101:4-7-07 (effective 05/01/09)
Appendix		
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FATL 295 (Treasury Offset Program)

Food Assistance Transmittal Letter No. 295

February 26, 2009

TO: Food Assistance Certification Handbook Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Food Assistance: Treasury Offset Program, five year rule review

Background

Section 119.032 of the Ohio Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration the rule's purpose and scope.

In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork is eliminated, and, when possible, local agencies are given more flexibility.

Implementation

These rules are proposed to be effective 04/01/2009. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 04/01/2009. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-8-30 - Food Assistance: Treasury Offset Program

Paragraph (B) of this rule has been changed to allow claims to be submitted individually. Each claim submitted will have at least one liable adult referred for offset. Previously multiple claims owed by an individual were combined. This change is due to system updates to comply with federal Treasury Offset Program (TOP) provisions.

Clients currently receive duplicate notices from the Ohio Department of Job and Family Services and from TOP when an offset occurs. This has resulted in client confusion. Changes have been made to paragraphs (P) and (Q) to eliminate automated notices that are duplicates of the notices sent by TOP. The only notice that the Ohio Department of Job and Family Services is required to send is the sixty day notice of intent to refer to TOP.

Paragraph (H)(3) has been updated to simplify the rule. Any bankruptcy will prohibit the collection of a claim. The additional language regarding the type of bankruptcy is not needed.

There have been other minor changes to this rule to improve readability and to comply with rule filing requirements. Those changes include:

- All instances of county department of job and family services as well as the acronym CDJFS have been changed to county agency.
- References to food stamps have changed to read food assistance.
- Revision dates have been added to JFS forms the first time used within the rule.

Instruction:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 8000		
Food Assistance: Treasury Offset Program	5101:4-8-30 (Effective January 1st, 2004)	5101:4-8-30 (April 1, 2009)

FATL 294 (Rescission of Montgomery County Work Advancement & County Support Project)

Food Assistance Transmittal Letter No. 294

February 26, 2009

TO: FOOD ASSISTANCE CERTIFICATION HANDBOOK HOLDERS
FROM: Douglas E. Lumpkin, Director
SUBJECT: The Rescission of the Montgomery County Work Advancement and Support Center Project Rule.

Background

Effective October 1, 2008, the name of the Food Stamp Program in Ohio has changed to the Food Assistance Program. As a result, we are gradually changing the references in our rules, forms and informational materials.

The name of the Food Stamp Certification Handbook has changed to the Food Assistance Certification Handbook. Food Stamp Transmittal Letters are now known as Food Assistance Transmittal Letters.

The following rule 5101:4-2-10 Food stamps: Montgomery county work advancement and support center (WASC) project was implemented with FSTL 266 to be effective 08/25/2005. This project has been completed and the rule is being rescinded.

Implementation

This rule is proposed to be rescinded effective 04/01/2009.

Instructions:

Location	Remove
Chapter 2000	
Food stamps: Montgomery county work advancement and support center (WASC) project.	5101:4-2-10 (effective 04/01/2009)

FSTL 293 (January 2009 Five Year Rule Review)

Food Stamp Transmittal Letter No. 293

December 10, 2008

TO: Food Stamp Certification Handbook Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: JANUARY 2009 FIVE YEAR RULE REVIEW

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-3-20, 5101:4-6-07, 5101:4-6-11, 5101:4-6-19, 5101:4-6-29, 5101:4-6-32.

Implementation

These rules are proposed to be effective 01/01/2009. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 01/01/2009. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will not be any changes to these rules that directly affect the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to the rules.

5101:4-3-20 - Food stamps - time limit for able bodied adults without dependents.

A reference in paragraph (A)(3)(c) to a section in the CFR was incorrect. A reference in paragraph (B)(1)(a) was updated within the rule. In paragraph (B)(7) and (C)(5) the reference to the Food Stamp Act of 1977 was stricken and replaced with the Food and Nutrition Act of 2008. In paragraph (A)(3) the date of the Workforce Investment Act was stricken and added to the public law. In paragraph (A)(3)(b) a set of parenthesis were removed from the U.S.C. and the date was added.

5101:4-6-07 - Food stamps - strikers.

The reference to an acronym was spelled out.

5101:4-6-11 - Food stamps - determining eligibility of assistance groups (AGs) with income from self-employment.

The reference in paragraph (B)(3) to the IRS form number 533, Information on Self-Employment Tax, has been removed from the rule. The form has been discontinued and that information can now be found in IRS form number 334, Tax Guide for Small Business.

5101:4-6-19 - Food stamps - determining eligibility of supplemental security income (SSI) assistance groups (AGs).

In paragraph (A)(1) the year for the public law has been added. In paragraph (C) a revision date was updated for a JFS form. In paragraph (C)(3) a set of parenthesis was removed. In paragraph (A)(1) and (A)(3) the year on the Social Security Act was removed after the first reference in the rule.

5101:4-6-29 - Food stamps- elderly, disabled individuals living with others.

In paragraph (B)(1) the year on the Social Security Act was removed after the first reference in the rule. In paragraph (B) 'as amended' was added after the Social Security Act of 1935. The reference to an acronym was spelled out.

5101:4-6-32 - Food stamps- interim disaster procedures.

'Food stamps' was added to the title. 'As amended' was added to the Disaster Relief Act and to the United States Code. The reference to the Food Stamp Act of 1977 was stricken and replaced with Food and Nutrition Act of 2008. A sentence was added about the USDA secretary approving alternate methods for issuing benefits when the EBT system is not available.

Instruction:

Location	Remove and File as obsolete	Insert/Replacement
Chapter 3000		
Food stamps: time limit for able-bodied adults without dependents (ABAWDs)	5101:4-3-20 (effective 1/1/2006)	5101:4-3-20 (effective 1/1/2009)
Chapter 6000		
Food Stamps: strikers	5101:4-6-07 (effective 02/01/2004)	5101:4-6-07 (effective 01/01/2009)
Food Stamps: determining Eligibility of AGs with Income from Self-Employment	5101:4-6-11 (effective 02/01/2004)	5101:4-6-11 (effective 01/01/2009)
Food Stamps: determining Eligibility of Supplemental Security Income (SSI) Assistance Groups (AGs)	5101:4-6-19 (effective 05/01/2005)	5101:4-6-19 (effective 01/01/2009)
Food Stamps: elderly, Disabled Individuals Living with Others	5101:4-6-29 (effective 02/01/2004)	5101:4-6-29 (effective 01/01/2009)
Food Stamps: interim disaster procedures	5101:4-6-32 (effective 02/01/2004)	5101:4-6-32 (effective 01/01/2009)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 292 (2008 Farm Bill: Food Stamp Reauthorization 10/1/08 Mass Change)

Food Stamp Transmittal Letter No. 292

November 4, 2008

To: Food Stamp Certification Handbook Holders

From: Helen E. Jones-Kelley, Director

SUBJECT: 2008 Farm Bill: Food Stamp Reauthorization and October 1, 2008 Mass changes

These rules were effective on an emergency basis 10/01/08. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis on or about 12/18/08.

Reason for Change

On June 18, 2008 Congress enacted Public Law 110-246, The Food, Conservation, and Energy Act of 2008, otherwise known as the "Farm Bill". The law contains various provisions that affect food stamp eligibility, benefits and program administration. This Food Stamp Transmittal Letter (FSTL) incorporates the changes mandated by the Farm Bill that are associated with the October 1, 2008 annual cost-of-living adjustments.

Previous Policy

The standard utility allowance, standard telephone allowance, excess shelter deduction, maximum monthly allotments, net income standards (100% of poverty), gross income standards (130% of poverty), and separate assistance group standards for elderly and disabled assistance groups only (165% of poverty), are subject to change each October to reflect any cost-of-living adjustment (COLA).

New Policy

Effective October 1, 2008, the following changes are applicable. The significant increase in the standard utility allowance can be attributed to increased natural gas costs during the winter of 2007 - 2008.

Excess Shelter Deduction

\$446

Standard Utility Allowance

\$586

Standard Telephone Allowance

\$31

Homeless Shelter Deduction

\$143 (No change)

Standard Deduction

\$144 for an AG size of 1-3 persons;

\$147 for an AG size of 4 persons; and

\$172 for an AG size of 5 persons; and,

\$197 for an AG size of 6 or more persons

Dependent Care

A provision of the Farm Bill eliminates the cap on the deduction for dependent care expenses (currently \$175 or \$200 per month, depending on the dependent's age) is being eliminated. The actual verified dependent care costs are to be utilized in calculating eligibility and benefit levels.

5101:4-1-03 - Food stamps: definitions

The Food Stamp Act of 1977 is renamed the Food and Nutrition Act of 2008. The "minimum benefit" for one and two person assistance groups has been increased from \$10 to 8 percent of the minimum allotment of the one-person Thrifty Food Plan. The minimum allotment for the one and two-person assistance groups is now \$14.

5101:4-3-31 - Food stamp employment and training (FSET): required hours

Language has been added to allow individuals who are voluntarily participating in Employment and Training to participate more than 120 hours per month or the number of hours based on their benefits divided by the state or federal minimum wage, whichever is higher.

5101:4-3-32 - Food stamp employment and training (FSET): supportive services

The cap on the deduction for dependent care expenses has been removed and the rule changed to allow assistance groups who are eligible for the deduction to deduct the entire verified amount of dependent care expenses when calculating eligibility and benefit levels.

5101:4-4-03 - Food stamps: exempt resources

This rule is being amended to reference rule 5101:4-4-03.3 for the exclusion of all retirement accounts as a countable resource. A chart providing a summary of tax-preferred retirement accounts/plans is attached as a desk aid for your reference.

5101:4-4-03.3 - Food stamps: resources excluded by law

All tax-preferred education accounts (e.g., 529s) and all tax-preferred retirement plans, contracts, or accounts described in sections 401(a), 403(a), 403(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided for in 5 U.S.C. 8439 are excluded as resources. The rule also provides for the exclusion of any successor retirement accounts that are exempt from federal taxes.

5101:4-4-11 - Food stamps: income standards

This rule is being amended to reflect the adjustments to the Gross Monthly Income Standards, Net Monthly Income Standards, and the Separate Assistance Group Income Standards for Elderly and Disabled Assistance Groups.

5101:4-4-13 - Food stamps: types of excluded income

The references to the Food Stamp Act of 1977 are being replaced with Food and Nutrition Act of 2008.

5101:4-4-23 - Food stamps: deductions from income

This rule is being amended to remove the cap on the deduction for dependent care expenses (currently \$175 or 200 per month, depending on the dependent's age) and allows assistance groups eligible for the deduction to deduct the entire verified amount of dependent care expenses when calculating eligibility and benefit levels. This rule is also being amended to reflect the updated standard utility allowance, standard telephone allowance, standard deductions, and the excess shelter deduction. The minimum standard deduction for one, two, and three person assistance groups has increased to \$144. Paragraph (C)(10) of this rule is being amended to define the reasonable costs of transportation to obtain medical treatment or services as the current federal or state mileage rate, whichever is higher. Currently, the Internal Revenue Service's (IRS) standard business rate of 58.5 cents per mile, rounded up to 59 cents per mile is to be applied. This mileage reimbursement rate is also applicable for self-employment expenses described in rule 5101:4-6-11(B)(4).

5101:4-4-31 - Food stamps: anticipating income

This rule is being amended to remove references to the dependent care cap.

5101:4-5-01 - Food stamps: determining the monthly allotment

Appendix A of this rule is being amended to reflect the new maximum allotment amounts.

Implementation: All applications and reapplications being processed for October 2008 and after shall have the new amounts applied. CRIS-E tables will be updated with the changes effective October 1, 2008. Alerts will be generated for all cases for which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A). The allotment tables will be available on the Innerweb or may be calculated using the procedure found in paragraph (B) of Appendix A of OAC rule 5101:4-5-01. The elimination of the maximum dependent care deductions is effective October 1, 2008. In cases where the full dependent care costs (that exceeded the maximum allowed) were entered into CRIS-E and CRIS-E calculated the amount of the deduction, CRIS-E will automatically lift the cap and apply the actual dependent care costs during the mass change process.

For cases in which the dependent care costs exceeded the maximum limit and the eligibility worker entered only the maximum limit, CRIS-E cannot automatically adjust the calculation to reflect actual dependent case costs. The eligibility worker must apply the actual verified costs at the time of recertification or when the case is next reviewed, whichever occurs first. If the case file shows that the assistance group had verified dependent care expenses in excess of the cap, the eligibility worker must restore benefits starting with the October 1, 2008 benefit.

Example:

Prior to October 1, 2008, an assistance group reported and verified monthly dependent care costs of \$500 per month. If the eligibility worker entered the \$500 per month, CRIS-E calculated the maximum allowable amount of the deduction based on the age of the dependent. The October 2008 mass change will lift the dependent care cap and allow \$500 in the food stamp calculation. If the eligibility worker entered only the maximum allowed (\$175 or \$200 per month), the October mass change will not lift the cap and the maximum will continue to be used. When the eligibility worker next processes a change in the case or a recertification is being completed, and the case record shows that the assistance group had previously verified dependent care expenses in excess of the cap, benefits must be restored back to October 1, 2008. In situations where the verified amount of dependent care expenses were less than the cap, CRIS-E mass change will continue to use the amounts entered.

Instructions: This transmittal letter obsoletes FACT No. 31. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2008. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Glossary		
Food stamps: definitions	5101:4-1-03 (effective May 2, 2005)	5101:4-1-03 (December 18, 2008)
Chapter 3000		
Food stamp employment and training: required hours	5101:4-3-31 (effective January 8, 2007)	5101:4-3-31 (December 18, 2008)
Food Stamps employment and training: supportive services	5101:4-3-32 (effective December 31, 2006)	5101:4-3-32 (December 18, 2008)
Chapter 4000		
Food stamps: exempt resources	5101:4-4-03 (effective June 12, 2008)	5101:4-4-03 (December 18, 2008)

Food stamps: resources excluded by law	5101:4-4-03.3 (effective July 17, 2005)	5101:4-3-03.3 (December 18, 2008)
Food stamps: income standards.	5101:4-4-11 (effective October 29, 2007)	5101:4-4-11 (December 18, 2008)
Food stamps: types of excluded income	5101:4-4-13 (effective June 12,2008)	5101:4-4-13 (December 18, 2008)
Food stamps: deductions from income.	5101:4-4-23 (effective October 29, 2007)	5101:4-4-23 (December 18, 2008)
Food stamps: anticipating income	5101:4-4-31 (effective May 22, 2004)	5101:4-4-31 (December 18, 2008)
Chapter 5000		
Food stamps: determining the monthly allotment.	5101:4-5-01 (effective October 29, 2007)	5101:4-5-01 (December 18, 2008)
Desk Aid		Summary of Tax-Preferred Retirement Accounts/Plans
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 291 (Categorical Eligibility Expansion)

Food Stamp Transmittal Letter No. 291

October 9, 2008

TO: Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

Subject: Categorical eligibility expands

Implementation

This rule is proposed to be effective 11/01/2008. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 11/01/2008. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

The proposed changes to this rule will apply to applications and reapplications that occur on or after October 1, 2008. The following is a brief description of the changes to this rule.

5101:4-2-02 - Food stamps: categorically eligible assistance groups (AGs)

Categorical eligibility has expanded to include all AGs who are authorized to receive Ohio Benefit Bank services. The Ohio Benefit Bank is a TANF-funded service that offers application assistance and outreach for low and moderate income Ohioans for existing benefits and services, including cash assistance, food stamp benefits, Medicaid, child care, income tax credits, student financial aid and fatherhood programs.

All AGs who are authorized to receive Ohio Benefit Bank services are not subject to the resource limits defined in OAC Rule 5101:4-4-01. All applicants and recipients are authorized to receive and notified of the Ohio Benefit Bank services at application and reapplication through receiving the Printed Copy of Information and through notification of approval for benefits. Both of these forms include a statement that the AG is authorized to receive Ohio Benefit Bank services and how they can access those services.

AGs that do not contain an elderly or disabled member must have gross income at or below one hundred thirty per cent of the federal poverty level to be authorized to receive Ohio Benefit Bank services. The gross income of AGs with an elderly or disabled member must be at or below two hundred percent of the federal poverty level according to their AG size to be authorized to receive Ohio Benefit Bank services.

Exceptions to categorical eligibility for Ohio Benefit Bank AGs include:

- AGs in which any member is disqualified for an intentional program violation in accordance with division 5101:6 of the Administrative Code.
- AGs in which any member is ineligible because of failure to comply with a work requirement of rules 5101:4-3-11 and 5101:4-3-19 of the Administrative Code and the requirements of rule 5101:4-3-09 of the Administrative Code.

Persons applying for food stamp benefits at the county department of job and family services do not have to access the Ohio Benefit Bank services to be categorically eligible, nor do county departments have to track whether they used it or not. Caseworkers do not have to provide any information to food stamp applicants about the Ohio Benefit Bank because it will be provided via the CRIS-E generated Printed Copy of Information and on CRIS-E notices.

Other changes to the rule include:

- Reference to the use of the JFS 07401, "Action Taken on Your Food Stamp Case," has been stricken. This manual form shall no longer be used as notification of approval or denial of food stamp benefits.
- Acronyms have been spelled out the first time used within the rule and language has been changed to reflect current terminology.

Procedure #1 - Procedures for Application Processing

- The "Proof of Assets" section on page five has been updated to reflect the expansion of categorical eligibility to include Ohio Benefit Bank AGs.
- This procedure has been updated to reflect current processes and terminology.

Form JFS 07104 - Application/Reapplication Verification Request

- The "Proof of Assets" section on page three has been updated to reflect the expansion of categorical eligibility to include Ohio Benefit Bank AGs.

Instructions: This transmittal letter obsoletes FACT No. 32. The FACT was implemented with an effective date of October 1, 2008. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 2000		
Food Stamps: Categorically eligible assistance groups	5101:4-2-02	5101:4-2-02 (effective 11/01/08)
Procedures		
Procedures for Application Processing	Procedure # 1	Procedure # 1 (effective 11/01/2008)
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FSTL 290 (Clarifications: Fleeing Felons & SAVE)

Food Stamp Transmittal Letter No. 290

October 9, 2008

TO: Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

Subject: Food Stamps: Miscellaneous Clarifications

Releasing Information on Fleeing Felons to Law Enforcement Personnel

Use of the Systematic Alien Verification for Entitlements (SAVE) Program

These rules are proposed to be effective 10/06/08. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 10/06/08. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-1-13 - Food stamps: availability of information, program administration, office operations, and income eligibility verification system (IEVS) information

Paragraph (A)(8)(b) of this rule is being amended to provide additional guidance on what information or documentation is needed from local, state, or federal law enforcement officers before county agencies may disclose case file information regarding fleeing felons.

A law enforcement officer's written request must include the identity of the individual requesting the information and the officer's authority to do so, the identity, including, but not limited to, full name and date of birth of the individual about whom information is being requested, and documentation indicating that the person is fleeing to avoid prosecution or custody for a felony. This includes factual details, police incident report, and a copy of the felony warrant that was issued or documentation (i.e. a copy of the alleged infraction and arrest warrant that was issued) that the individual has violated a condition of probation or parole.

In paragraph (A)(8)(c), reference to (A)(3)(b) has been stricken and corrected with a reference to paragraph (A)(8)(b) of this rule.

Acronyms have been spelled out the first time used in the rule. Revision dates of forms referenced in this rule have been added.

5101:4-7-14 - Food stamps: systematic alien verification for entitlements (SAVE) program

Appendix A of this rule is being amended as a result of procedural changes within the Department of Homeland Security (DHS) in obtaining verification from the Status Verification Operations Field Offices.

- The DHS office located in Cleveland no longer processes SAVE requests. All requests for secondary verification must be mailed to the U.S. Citizenship and Immigration Services (USCIS), 101 West Congress Parkway, Chicago, Illinois 60604, Attention: Immigration Status Verification Unit.
- The status verification office will no longer accept manual secondary requests for verification (Forms G-845) that are faxed to the office. Only inquiries that are mailed will be processed.
- County agencies may call toll-free (877-469-2563) to check the status of electronic verification requests pending longer than three federal work days, manual G-845s pending longer than ten federal work days from when the USCIS receives them, and cases in "DHS Case in Continuance" status longer than twenty federal work days. All other questions regarding SAVE may be sent to the SAVE Liaison e-mail box at SAVE.Help@DHS.gov.

Various technical and grammatical corrections have been made to this rule. Revision dates of forms referenced in this rule have been added.

INSTRUCTIONS:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 1000		
Food stamps: availability of information, program administration, office operations, and income eligibility verification system (IEVS) information	5101:4-1-13	5101:4-1-13 (effective 10/06/08)
Chapter 7000		
Food stamps: systematic alien verification for entitlements (SAVE) program	5101:4-7-14	5101:4-7-14 (effective 10/06/08)
Appendix		
Appendix 35 Record to changes in the Handbook	N/A	Update with the number and date of this transmittal.

October 7, 2008

TO: Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Special Immigrant Visa (SIV) status for Iraqi and Afghan Immigrants and removal of manual forms for approval or denial of food stamp benefits

These rules are proposed to be effective 10/02/2008. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 10/02/2008. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-2-01 - Food stamps: application process

- References to the use of the JFS 07401, "Action Taken on Your Food Stamp Case" and the JFS 07334, "Notice of Denial of Your Application for Assistance" have been stricken. These manual forms shall no longer be used as notification of approval or denial of food stamp benefits.
- The rule citation referencing the National Voter Registration Act of 1993 has been updated to reflect the current language in the Cash Assistance Manual.
- The rule citation in paragraph D has been corrected to reflect the correct citation of rule 5101:4-6-19 of the Administrative Code.
- Acronyms have been spelled out the first time used within the rule and language has been changed to reflect current terminology.

5101:4-3-07 - Food stamps: nonfinancial eligibility standard-citizenship and alien status

Public Law (Pub. L. No.) 110-161 of the Consolidated Appropriations Act of 2008, and Pub. L. No. 110-181, National Defense Authorization Act for Fiscal Year 2008, granted SIV status to Afghan and Iraqi aliens. Individuals and family members granted this SIV status are eligible to receive food stamp benefits the same as refugees admitted under section 207 of the Immigration and Nationality Act. This eligibility is for a time-limited period. Language has been added to this rule to reflect these changes.

- Certain language in paragraph (E) of this rule was removed because it is no longer relevant.
- The title of this rule was changed to "Food Stamps: nonfinancial eligibility standard-citizenship and alien status."
- Acronyms have been spelled out the first time used within the rule and language has been changed to reflect current terminology.

5101:4-6-09 - Food stamps: expedited service

- References to the use of the JFS 07401, "Action Taken on Your Food Stamp Case," have been stricken. This manual form shall no longer be used as notification of approval or denial of food stamp benefits.
- Acronyms have been spelled out the first time used within the rule and language has been changed to reflect current terminology.

Alien Charts

- [The "Iraqi and Afghan Special Immigrants-Eligibility for Public Assistance Eligibility Period Chart,"](#) which provides examples of how to determine the eligibility period of an Iraqi or Afghan alien with a SIV, will be added to the desk aid section of the appendix in the Food Stamp Certification Handbook (FSCH).
- [The "Verification of Special Immigrant Status Chart,"](#) which explains acceptable verification of SIV status, will be added to the desk aid section of the appendix in the FSCH.

- [The "Simplified Guide for Determining Eligibility of Noncitizens,"](#) which provides eligibility criteria for noncitizens, will be added to the desk aid section of the appendix in the FSCH.
- [These three documents will also be available on the Innerweb under the Office of Family Stability, Food Stamp Policy. This page can be directly accessed by using the following web address: <http://innerweb/OFam/foodstamps.shtml>](#)

Instructions: This transmittal letter obsoletes food assistance change transmittal (FACT) number 30. The FACT was implemented under emergency rule-filing with an effective date of April 7, 2008. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/ Replacement
Chapter 2000		
Food stamps: application process	5101-4-2-01	5101-4-2-01 (effective 10/02/08)
Chapter 3000		
Food stamps: nonfinancial eligibility standard-citizenship and alien status	5101:4-3-07	5101:4-3-07 (effective 10/02/08)
Chapter 6000		
Food stamps: expedited service	5101:4-6-09	5101:4-6-09 (effective 10/02/08)
Desk Aids		
Desk Aid	N/A	Iraqi and Afghan Special Immigrant Visa Holders- Eligibility for Public Assistance Eligibility Period Chart
Desk Aid	N/A	Iraqi and Afghan Special Immigrant Visa Holders- Eligibility for Public Assistance Verification of SIV Status
Desk Aid	N/A	Simplified Guide for Determining Eligibility of Noncitizens
Appendix		
Appendix 35 Record to changes in Handbook	N/A	Update with the number and date of this transmittal.

FSTL 288

Food Stamp Transmittal Letter No. 288

May 1, 2008

TO: Food Stamp Certification Handbook Holders
From: Helen E. Jones-Kelley, Director
Subject: June 2008 Five Year Rule Review

Background

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

The rules reviewed include the following: 5101:4-3-23, 5101:4-4-01, 5101:4-4-03, 5101:4-4-07, 5101:4-4-13, and 5101:4-4-19.

Implementation

These rules are proposed to be effective 06/12/2008. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 06/12/2008. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following is a brief description of the changes to these rules.

5101:4-3-23 - Food stamps: completion of the JFS 07355.

This rule has been amended to either spell out or to correct acronyms.

5101:4-4-01 - Food stamps: resource eligibility standards.

This rule has been amended to spell out an acronym.

5101:4-4-03 - Food stamps: exempt resources.

This rule has been amended to either spell out or to correct acronyms and typographical errors.

5101:4-4-07 - Food stamps: special resource situations.

This rule has been amended to either spell out or to correct acronyms and typographical errors.

5101:4-4-13 - Food stamps: types of excluded income.

Paragraph (D)(1)(y) of this rule addresses the exclusion of additional pay received by military personnel as a result of deployment to a combat zone. This exclusion became permanent law as a result of the Consolidated Appropriations Bill, 2008, Public Law 110-161. This rule has been amended to reflect the reference to Public Law 110-161.

The Food and Nutrition Service (FNS) has provided clarification regarding the bank accounts of deployed military personnel overseas. Some deployed military personnel may provide their parents or other individuals access to their bank accounts allowing them to pay bills and otherwise handle the serviceperson's affairs while the individual is away. According to OAC 5101:4-4-07(A), resources that are jointly owned by separate assistance groups (AGs) are considered available in their entirety to each AG, unless the AG can demonstrate that the resources are inaccessible to the applicant AG. If the AG can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource must be counted toward the AG's resource level.

FNS has clarified that if an applicant AG, with access to a deployed serviceperson's bank account, can document to the satisfaction of the county agency that they can access the account, or a portion thereof, solely for the purpose of paying the serviceperson's bills, etc., and the AG cannot use the funds for

themselves, the funds would be excluded as inaccessible resources. It is the responsibility of the applicant AG to provide documentation concerning such an arrangement. This could be in the form of a written statement from the serviceperson to this effect, a statement from the involved financial institution, or other means attesting to the fact.

If it is determined that the applicant AG can access a serviceperson's bank account for their own purposes, the funds must be considered a resource for food stamps under OAC 5101:4-4-07(A).

The listing of areas that have been designated as combat zones has been updated to include Somalia and is attached for your reference. The listing will also be posted on the Innerweb in the Manual Desk Aids of the Food Stamp Certification Handbook under <http://emanuals.odjfs.state.oh.us/emanuals/work/FSH>.

This rule has also been amended to either spell out or to correct acronyms.

5101:4-4-19 - Food stamps: countable income.

This rule has been amended to either spell out or to correct acronyms and typographical errors.

FSTL Instructions

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
5101:4-3-23 - Food stamps: completion of the JFS 07355.	5101:4-3-23 (effective 05/01/2003)	Replace 5101:4-3-23 (effective 06/12/2008)
Chapter 4000		
5101:4-4-01 - Food stamps: resource eligibility standards.	5101:4-4-01 (effective 06/01/2003)	Replace 5101:4-4-01 (effective 06/12/2008)
5101:4-4-03 - Food stamps: exempt resources.	5101:4-4-03 (effective 06/01/2003)	Replace 5101:4-4-03 (effective 06/12/2008)
5101:4-4-07 - Food stamps: special resource situations.	5101:4-4-07 (effective 06/01/2003)	Replace 5101:4-4-07 (effective 06/12/2008)
5101:4-4-13 - Food stamps: types of excluded income.	5101:4-4-13 (effective 07/01/2005)	Replace 5101:4-4-13 (effective 06/12/2008)
5101:4-4-19 - Food stamps: countable income.	5101:4-4-19 (effective 06/01/2003)	Replace 5101:4-4-19 (effective 06/12/2008)
Appendix		
Appendix 35 Record of changes to Handbook	N/A	Update with the number and date of this transmittal.

Combat Zone Tax Exclusion Areas - Page 1

Executive Order 12744 (effective January 17, 1991) - Arabian Sea Portion that lies North of 10 degrees North Latitude and West of 68 degrees East Longitude

- Bahrain
- Gulf of Aden

- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea
- Saudi Arabia
- United Arab Emirates

Direct Support of Executive Order 12744

- Turkey effective January 1, 2003 through December 31, 2005
- Israel effective January 1, 2003 through July 31, 2003
- East Mediterranean Sea effective March 19, 2003 through July 31, 2003
- Jordan effective March 19, 2003
- Egypt effective March 19, 2003 through April 20, 2003

Executive Order 13239 (effective September 19, 2001)

- Afghanistan

Direct Support of Executive Order 13230

- Pakistan effective September 19, 2001
- Tajikistan effective September 19, 2001
- Jordan effective September 19, 2001
- Incirlik AFB Turkey effective September 21, 2001 through December 31, 2005
- Kyrgyzstan effective October 1, 2001
- Uzbekistan effective October 1, 2001
- Phillipines [only troops with orders that reference Operation Enduring Freedom (OEF)] effective January 9, 2002
- Yemen effective April 10, 2002
- Djibouti effective July 1, 2002
- Somalia effective January 1, 2004

Combat Zone Tax Exclusion Area - Page 2

Executive Order 13119 (effective March 24, 1999)

Public Law 106-21 Establishing Kosovo as Qualified Hazardous Duty Area (March 24, 1999)

- The Federal Republic of Yugoslavia (Serbia/Montenegro)
- Albania
- The Adriatic Sea
- The Ionian Sea north of the 39th parallel

Public Law 104-117 Establishing a Qualified Hazardous Duty Area (November 1995)

- Bosnia
- Herzegovina
- Croatia
- Macedonia

FSTL 287

Food Stamp Transmittal Letter No. 287

April 24, 2008

TO: Food Stamp Certification Handbook Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: MAY 2008 FIVE YEAR RULE REVIEW

The following rule was reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

The following rule was reviewed:

5101:4-6-04

Implementation

The rule is proposed to be effective 06/02/2008. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on 06/02/2008. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

There will not be any changes to this rule that directly affects the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to the rule.

5101:4-6-04- Food stamps: student enrolled in an institution of higher education.

This rule has been amended to spell out acronyms, a set of parentheses were removed and the effective date of a federal act as required in Ohio Revised Code 121.75 was added.

INSTRUCTIONS

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 6000		
Food stamps: student enrolled in an institution of higher education.	5101:4-6-04 (effective 05/01/03)	5101:4-6-04 (effective 06/02/08)
Appendix 35		
Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

October 25, 2007

TO: Food Stamp Certification Handbook Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Food Stamps: Work Activity Requirements for Victims of Domestic Violence

These rules are proposed to be effective January 1, 2008. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on January 1, 2008. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Reason for Change

Ohio has elected to implement an option under the Ohio Works First (OWF) Program to identify and service victims of domestic violence by waiving certain OWF program requirements. As a result of this option, a new Ohio Works First rule, 5101:1-3-20 of the Ohio Administrative Code is being implemented effective January 1, 2008. This option requires the Ohio Department of Job and Family Services (ODJFS) to create a domestic violence screening process for each county department of job and family services (CDJFS) to identify individuals who may be subject to domestic violence and refer these individuals for supportive services and counseling. Each CDJFS must consider whether to waive the OWF program requirements if requiring compliance would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual.

Ohio has requested approval from the Food and Nutrition Service (FNS) to amend its statewide food stamp employment and training (FSET) program to excuse victims of domestic violence from the work program requirements if participating in a work activity would place the individual or family at risk or unfairly penalize them. The excused non-participation only applies to a work program activity.

5101:4-3-11 - Food Stamps: Exemptions, Work Registration, Work Requirements, and Sanctions

Language has been added to paragraph (H) to include individuals who have been identified as victims of domestic violence who fail to comply with the work activity requirement as not subject to the sanction process.

Paragraph (O) has been amended to include a provision to allow individuals who are victims of domestic violence to be excused from the work program requirements.

A new paragraph (P) has been created to include information specific to victims of domestic violence and provides the reference to the definition of domestic violence which is contained in rule 5101:1-3-20(A), located in the Cash Assistance Manual. Individuals who are possible victims of domestic violence are to be identified through a screening process during the appraisal interview.

If, during the appraisal process, the CDJFS determines that an individual has been subjected to domestic violence, the individual may be excused from the work activity requirements if supporting documentation is provided. The acceptable supporting documentation is listed in rule 5101:1-3-20(F)(1).

If an individual is assigned to and engaged in a work activity and fails to comply with a work activity as a result of domestic violence, the individual shall be excused from the work requirement and will not be subject to a sanction.

A time period for reviewing the continued eligibility of the excused non-participation is provided. The review must be completed at least once every six months. There is no limit on the number of times or the duration of time that an excuse can be extended.

5101:4-3-29 - Food Stamp Employment and Training (FSET): Appraisal

Paragraph (C) of this rule has been amended to include the screening process to be used in determining if an individual is a possible victim of domestic violence.

Paragraph (E)(4) provides that if an individual has been determined to be a victim of domestic violence, the individual may be excused from assignment from a work activity but this does not prevent the individual from participating in a work activity.

INSTRUCTIONS:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CHAPTER 3000		
	5101:4-3-11 (Rev. 12/06)	5101:4-3-11 (Rev. 01/08)
	5101:4-3-29 (Rev. 12/06)	5101:4-3-29 (Rev. 01/08)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

FSTL 285

Food Stamp Transmittal Letter No. 285

October 25, 2007

TO: Food Stamp Certification Handbook Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Food Stamps: Ohio Works First Food Stamp Assistance Groups (AGs): Adding Individual(s) to the AG Following a Sanction

This rule has been implemented on an emergency basis effective 10/01/07. If no revisions are made to the proposed rule prior to the finalization by JCARR, the rule will become effective on a permanent basis, replacing the emergency version, on or about 12/31/07. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Current Policy: An individual who is a member of an Ohio Works First (OWF) food stamp AG who fails to comply with a provision of their self-sufficiency contract (SSC) without good cause is required to serve a minimum sanction period of one, three, or six months, depending on the sanction occurrence. The individual remains sanctioned until the minimum sanction period has been served or until the individual complies, whichever is later. Compliance is determined by the county department of job and family services (CDJFS).

New Policy: As a result of changes to Ohio Revised Code (ORC) Section 5107.16, the Cash Assistance Manual (CAM) Section 5101:1-3-15, which addresses the OWF sanction process, is being amended. The sanction period will be limited to the minimum time period (one, three, or six months). There will be no requirement for the sanctioned individual to demonstrate a willingness to comply with the SSC. Consequently, the policy for OWF food stamp AGs is being amended to align with the OWF cash assistance rule. Food stamp AGs in which all members are not in receipt of OWF are not affected by this policy change.

5101:4-3-09 - Food Stamps: Ohio works first (OWF) appraisal, self-sufficiency contract (SSC) requirements, and sanctions

- Language in paragraph (O), requiring that the OWF individual demonstrate a willingness to comply with the SSC before restoration of benefits, is being removed.
- Paragraph (P), formerly paragraph (Q), is being amended to remove language regarding non-compliance. A reference to paragraph (J) of this rule has been added which addresses the imposition of the OWF three-tier sanctions.
- Paragraph (R), formerly paragraph (S), is being amended to reference the Cash Assistance Manual Section 5101:1-3-15(B), which address the length of the OWF three-tier sanctions.
- A reference to the change processing rule, 5101:4-7-01, has been added in paragraph (S), formerly paragraph (T), to address adding the sanctioned individual to the AG after the minimum sanction period has been served. In the event that prior to the imposition of the sanction, the individual being sanctioned was the only food stamp AG member, a reference to the application processing rule, 5101:4-2-01, has been added to clarify that the application process would be appropriate after the minimum sanction period has been served by the individual.

CRIS-E Impact

Due to changes in OWF food stamp sanction policy effective October 1, 2007, the following changes are being completed in the CRIS-E system:

- For OWF food stamp AG sanctions entered on or after October 1, 2007, end dates will be populated on the "end date" field on AEOIE. The end date of the sanction will be determined from the entered begin date of the sanction and entered sanction occurrence. If a code other than 628, 631, 633, 828, 831, 833, 928, 931, or 933 is entered, the "End DT" will allow the user to enter an end date.

- The compliance field for OWF food stamp AGs will be protected. The compliance field for food stamp AGs in which all members are not in receipt of OWF will remain a required field when ending a sanction.
- An edit will be placed on AEOIE for when the CDJFS runs ED/BC on a case that contains an OWF food stamp sanction for which the sanction period would have ended prior to September 30, 2007. The edit will require the worker to end date the sanction with a September 30, 2007 date. For OWF food stamp sanctions that were imposed prior to October 1, 2007 but the sanction period will not expire until after October 1, 2007, the edit will require the worker to place the appropriate end date in the "end date" field on AEOIE as determined by the begin date and occurrence of the sanction.
- An alert will be sent to both the eligibility worker and the work activity worker the month prior to the expiration of the sanction notifying the worker that the case needs to be examined and run through ED/BC.
- The "cure" portion on both state and county CNET screens for OWF and OWF food stamp AGs will be protected. Standardized language explaining the OWF food stamp reinstatement following the sanction period will be added to the client notices.
- New reason codes and reason code language will be updated with the new policy.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CHAPTER 3000		
	5101:4-3-09 (Rev. 5/07)	5101:4-3-09 (Rev. 10/07)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

September 12, 2007

TO: Food Stamp Certification Handbook Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: October 2007 Five Year Rule Review.

These rules are proposed to be effective 11/01/2007. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 11/01/2007. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

These rules were reviewed in accordance with the Ohio Revised Code Section 111.15. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

5101:4-2-05.1 - Food stamps: primary information person

- Language in this rule has been changed to reflect current forms to be used in the application process.
- References to the manual common application form (CAF) have been stricken.
- The form JFS 01846 "Case Worksheet-Cash, Food Stamps, and Medical Assistance" has been added to replace the manual CAF.
- Reference to the automated CAF has been changed to printed copy of information (PCI).
- Also the form name and revision date have been added to the form JFS 07200 "Request for Cash, Food Stamps and Medical Assistance."

5101:4-3-01 - Food stamps: nonfinancial eligibility standards

- This rule is being rescinded, since it no longer serves a useful purpose.
- This rule currently only contains an abbreviated list of nonfinancial eligibility standards. The titles of the other rules in Chapter 3000 of the Food Stamp Certification Handbook will be updated.
- When amended the titles will include the phrase "nonfinancial eligibility standard," for each rule.

5101:4-3-03 - Food stamps: nonfinancial eligibility standard-residency

- The title of this rule is being changed to "Food Stamps: nonfinancial eligibility standard-residency."
- Acronyms have been spelled out the first time used in the rule.
- In paragraph (A), language has been changed to clarify the county agency's inability to require an assistance group (AG) to have a permanent dwelling or have a fixed mailing address.

5101:4-3-05 - Food stamps: nonfinancial eligibility standard-assistance group (AG) composition

- The title of this rule is being changed to "Food Stamps: nonfinancial eligibility standard-assistance group (AG) composition."
- Acronyms have been spelled out the first time used in the rule.
- In paragraph (A), the phrase "as elderly or disabled" was added to clarify the reference to rule 5101-4-2-03 of the Administrative Code.
- In paragraph (A) (2), language was changed to be non gender specific.

- The year of inception was added to the reference to the Social Security Act of 1935.
- In paragraph (B), county department of job and family services was changed to county agency.

5101:4-3-22 - Food stamps: nonfinancial eligibility standard-social security numbers (SSN)

- The title of this rule is being changed to "Food Stamps: nonfinancial eligibility standard-social security numbers(SSN)."
- Acronyms have been spelled out the first time used in the rule.
- Titles and revision dates have been added to forms.

5101:4-4-39 - Food stamps: allotment computation

- Acronyms have been spelled out the first time used in the rule.
- In paragraph (C), reference to the FSP 11 has been stricken and replaced with a reference to appendix B of rule 5101:4-4-11 of the Administrative Code.

INSTRUCTIONS

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 2,000		
Food stamps: primary information person	5101:4-2-05.1	5101:4-2-05.1 (effective 11/01/07)
Chapter 3,000		
Food stamps: nonfinancial eligibility standards	5101:4-3-01	rescind
Food stamps: residency	5101:4-3-03	5101:4-3-03 (effective 11/01/07) renamed; Food stamps: non financial eligibility standard-residency
Food stamps: AG composition	5101:4-3-05	5101:4-3-05 (effective 11/01/07) renamed; Food stamps: nonfinancial eligibility standard- assistance group (AG) composition
Food stamps: social security numbers	5101:4-3-22	5101:4-3-22 (effective 11/01/07) renamed; Food stamps: nonfinancial eligibility standard-social security numbers (SSN)
Chapter 4,000		

Food stamps: allotment computation	5101:4-4-39	5101:4-4-39 (effective 11/01/07)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 283

Food Stamp Transmittal Letter No. 283

September 7, 2007

TO: Food Stamp Certification Handbook Holders
From: Helen E. Jones-Kelley, Director
Subject: October 2007 Five Year Rule Review

Background

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following: 5101:4-3-28, 5101:4-3-30, 5101:4-3-33, 5101:4-3-34, 5101:4-3-35, 5101:4-3-36, 5101:4-3-37, 5101:4-3-38, and 5101:4-8-15.

Implementation

These rules are proposed to be effective 10/01/2007. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 10/01/2007. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will not be any changes to these rules that directly affect the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to each rule.

5101:4-3-28 - Food stamp employment and training (FSET) program.

This rule has been amended to spell out acronyms and to correct typographical errors.

5101:4-3-30 - Food stamp employment and training (FSET): rights and responsibilities.

This rule has been amended to either spell out or correct acronyms.

5101:4-3-33 - Food stamp employment and training (FSET): job search.

This rule has been amended to either spell out or correct acronyms and typographical errors.

5101:4-3-34 - Food stamp employment and training (FSET): work experience program (WEP).

This rule has been amended to either spell out or correct acronyms.

5101:4-3-35 - Food stamp employment and training (FSET): education and training (E&T) activities.

This rule has been amended to spell out acronyms and to correct typographical errors.

5101:4-3-36 - Food stamp employment and training (FSET): displacement of other persons.

This rule has been amended to either spell out or correct acronyms and typographical errors.

5101:4-3-37 - Food stamp employment and training (FSET): job development.

This rule has been amended to either spell out or correct acronyms and typographical errors.

5101:4-3-38 - Food stamp employment and training (FSET): conciliation process.

This rule has been amended to either spell out or correct acronyms.

5101:4-8-15 - Food stamps: claims against assistance groups (AGs).

This rule has been amended to either spell out or correct acronyms and typographical errors.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food stamp employment and training (FSET) program.	5101:4-3-28 (effective 01/20/03)	Replace 5101:4-3-28 (effective 10/01/07)
Food stamp employment and training (FSET): rights and responsibilities.	5101:4-3-30 (effective 01/20/03)	Replace 5101:4-3-30 (effective 10/01/07)
Food stamp employment and training (FSET): job search.	5101:4-3-33 (effective 01/20/03)	Replace 5101:4-3-33 (effective 10/01/07)
Food stamps and training (FSET): work experience program (WEP).	5101:4-3-34 (effective 01/20/03)	Replace 5101:4-3-34 (effective 10/01/07)
Food stamp employment and training (FSET): education and training (E&T) activities.	5101:4-3-35 (effective 01/20/03)	Replace 5101:4-3-35 (effective 10/01/07)
Food stamp employment and training (FSET): displacement of other persons.	5101:4-3-36 (effective 01/20/03)	Replace 5101:4-3-36 (effective 10/01/07)
Food stamp employment and training (FSET): job development.	5101:4-3-37 (effective 01/20/03)	Replace 5101:4-3-37 (effective 10/01/07)
Food stamp employment and training (FSET): conciliation process.	5101:4-3-38 (effective 01/20/03)	Replace 5101:4-3-38 (effective 10/01/07)
Food stamps: claims against assistance groups (AGs).	5101:4-8-15 (effective 01/06/03)	Replace 5101:4-8-15 (effective 10/01/07)
Appendix		
Appendix 35 Record of Changes to Handbook	NA	Update with the number and date of this transmittal.

FSTL 282**Food Stamp Transmittal Letter No. 282**

September 12, 2007

To: Food Stamp Certification Handbook Holders

From: Helen E. Jones-Kelley, Director

SUBJECT: OCTOBER 1, 2007 MASS CHANGES

These rules are proposed to be effective on an emergency basis October 1, 2007. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis, replacing the emergency version, on or about October 29, 2007. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October Mass Changes

Effective October 1, 2007, the following mass changes are applicable. Please note that the homeless shelter deduction has not changed.

Excess Shelter Deduction
\$431
Standard Telephone Allowance
\$30
Standard Utility Allowance
\$450
Homeless Shelter Deduction
\$143 (No change)

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$162
2	298
3	426
4	542
5	643
6	772
7	853
8	975

each additional	+122
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Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$ 851
2	1,141
3	1,431
4	1,721
5	2,011
6	2,301
7	2,591
8	2,881
each additional	+ 290

Gross Income Standards (130% of poverty)	
AG Size	Maximum Allotment
1	\$1,107
2	1,484
3	1,861
4	2,238
5	2,615
6	2,992
7	3,369
8	3,746
each additional	+ 377

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Allotment
1	\$1,404

2	1,883
3	2,361
4	2,840
5	3,318
6	3,797
7	4,275
8	4,754
each additional	+ 479

Implementation: All applications and reapplications being processed for October 2007 and after shall have the new amounts applied. All ongoing cases which are eligible for the new standards will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2007. CRIS-E tables will be updated with the changes effective October 2007. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Instructions: This transmittal letter obsoletes FACT No. 28. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2007. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: income standards.	5101:4-4-11 (effective October 1, 2006)	5101:4-4-11 (effective October 29, 2007)
Food Stamps: deductions from income.	5101:4-4-23 (effective October 1, 2006)	5101:4-4-23 (effective October 29, 2007)
Chapter 5000		
Food Stamps: determining the monthly allotment.	5101:4-5-01 (effective October 1, 2006)	5101:4-5-01 (effective October 29, 2007)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 281

Food Stamp Transmittal Letter No. 281

May 11, 2007

TO: Food Stamp Certification Handbook Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Certification of Drug or Alcohol Treatment Centers and OWF Appraisal, Self-Sufficiency Contract Requirements, and Sanctions

These rules are proposed to be effective May 24, 2007. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on May 24, 2007. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-3-09 - Food Stamps: Ohio works first (OWF) appraisal, self-sufficiency contract requirements, and sanctions

This rule was reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Prior to the implementation of the Deficit Reduction Act (DRA) of 2005, the Cash Assistance Manual (CAM) Section 5101:1-3-15 contained the policy regarding sanctions and penalties related to the OWF program. With the implementation of Cash Assistance Manual Transmittal Letter (CAMTL) #29 issued October 11, 2006, rule 5101:1-3-15 was amended to contain only the policy pertaining to sanctions. A new rule, 5101:1-3-14 was created to contain only the policy pertaining to penalties. Therefore, 5101:4-3-09 is being amended to change the references to the appropriate Cash Assistance Manual policy sections.

5101:4-6-01 - Food Stamps: determining eligibility of individuals in a drug addiction and alcoholic treatment and rehabilitation programs.

The title of this rule is being changed to "Food Stamps: determining eligibility of individuals in a drug addiction and alcoholic treatment and rehabilitation programs" to correspond to the language used by the Food and Nutrition Service (FNS). Language has been added to further inform counties on how to determine if a DAA treatment center meets the Food Stamp Program standards for certification. Also, an appendix has been added to the rule to provide acceptable verification that can be provided by the DAA. In addition to the general URL address provided in Appendix A of the rule for the State Title XIX agency, the Ohio Department of Alcohol and Drug Addiction Services has provided us with direct contact information in the event it becomes necessary for the DAA center to provide documentation from the State Title XIX agency as to whether or not the facility is operating to further the purpose of part B of Title XIX.

The county agency should assist in facilitating contact between the DAA center and the State Title XIX agency. The contacts for the Department of Alcohol and Drug Addiction Services are: Robin Rutan, rutan@ada.ohio.gov, 614-466-9006, and Brad DeCamp, decamp@ada.ohio.gov, 614-752-8363.

If the DAA center has dual certification or is operating to further the purpose of part B of Title XIX to provide treatment and rehabilitation of drug addicts and/or alcoholics which involves both the Department of Alcohol and Drug Addiction Services and the Department of Mental Health, documentation from the Department of Alcohol and Drug Addiction Services is sufficient to meet the Food Stamp program standards for certification.

References to coupons have been removed from the rule. The effective dates of various public laws, U.S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended.

Spanish and Somali versions of the JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance"

The JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance," was revised effective October 2006 in order to comply with federal requirements outlined in the Deficit Reduction Act of 2005 regarding new Medicaid citizenship requirements. The Spanish and Somali versions of the JFS 07200 have been translated to reflect these changes. These revised forms are currently posted and available on the Ohio Department of Job and Family Services (ODJFS) internet and innerweb sites. A supply of the Spanish forms may be ordered by the counties from the ODJFS warehouse. The Somali forms will not be stored in the ODJFS warehouse at this time. If the volume of usage increases, a request will be made for a supply of the Somali forms to be stored in the warehouse for ordering by the county agencies.

Fiscal Impact Statement

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

Training and Technical Assistance

Training and technical assistance needed to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

INSTRUCTIONS

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 3,000		
Food stamps: Ohio works first (OWF) appraisal, self-sufficiency contract requirements, and sanctions	5101:4-3-09	5101:4-3-09 (effective 05/24/07)
Chapter 6,000		
Food stamps: determining eligibility of drug addicts and alcoholics in treatment programs	5101:4-6-01	5101:4-6-01 (effective 05/24/07) Re-titled: Food stamps: determining eligibility of individuals in a drug addiction and alcoholic treatment and rehabilitation programs
Appendix		
Appendix 101-B	JFS 07200-S - Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia, Médica (Request for Cash, Food Stamp, and Medical Assistance translated into Spanish) Rev. 05/2005	JFS 07200-S - Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia, Médica (Request for Cash, Food Stamp, and Medical Assistance translated into Spanish) Rev. 10/2006
Appendix 101-C	JFS 07200-SO - Codsiga Kaashka, Gargaarka Cuntada (Food Stamp), iyo Gargaarka Caafimaadka (Medical Assistance) (Request for Cash,	JFS 07200-SO - Codsiga Kaashka, Gargaarka Cuntada (Food Stamp), iyo Gargaarka Caafimaadka (Medical Assistance) (Request for Cash, Food Stamp, and Medical Assistance

Food Stamp, and Medical
Assistance translated into
Somali)

Rev. 05/2005

translated into Somali)

Rev. 01/2007

FSTL 280

Food Stamp Transmittal Letter No. 280

December 20, 2006

TO: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
Subject: State Minimum Wage Increase

OAC rule 5101:4-3-31 is being amended to allow the higher of the federal or state minimum wage in determining work participation hours. The proposed rule change is to be applied to food stamp employment and training (FSET) work experience program (WEP) participants in determining work participation hours. In accordance with federal regulations, WEP participation hours shall be determined by dividing the monthly food stamp allotment by the federal or state minimum wage, whichever is higher. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on December 29, 2006. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Background

Prior to January 1, 2007, the state minimum wage was lower than the federal minimum wage thus, the work participation hours were calculated based on the federal minimum wage.

Implementation

5101:4-3-31 Food stamp employment and training (FSET): required hours.

Paragraph (A) (1) has been revised to clarify that the monthly food stamp allotment divided by the federal or state minimum wage, whichever is higher, is applicable when determining WEP participation hours.

This rule was previously published in FSTL 279 with a proposed effective date of December 31, 2006. With this publication, emergency filing will replace rule 5101:4-3-31 published in FSTL 279 and will become effective December 29, 2006.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no negative fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

Instructions: This transmittal letter obsoletes rule 5101:4-3-31 that was issued with FSTL 279. The rule 5101:4-3-31 was implemented as a five review effective date of December 1, 2006. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: employment and training (FSET) required hours.	5101:4-3-31 (effective December 31, 2006)	5101:4-3-31 (effective December 29, 2006)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

October 25, 2006

TO: Food Stamp Certification Handbook Holders
FROM: Barbara E. Riley, Director
SUBJECT: December 2006 Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-3-11, 5101:4-3-19, 5101:4-3-29, 5101:4-3-31, and 5101:4-3-32.

Implementation

These rules are proposed to be effective December 31, 2006. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on December 31, 2006. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There are no changes to these rules that directly affect the eligibility of applicants or recipients or how any county agency will administer the program. The following is a brief description of the changes to each rule.

5101:4-3-11: Food stamps: exemptions, work registration, work requirements, and sanctions

References to acronyms have been spelled out with the first reference in the rule. The effective dates of various federal acts have been provided as required in Ohio Revised Code section 121.75. Revision dates have been added when referencing specific JFS forms. Other technical changes have been made to correspond with the language in the Code of Federal Regulations (CFR).

5101:4-3-19: Food stamps: voluntary quit and reduction of work effort

The acronym for assistance group (AG) has been spelled out with the first reference in the rule.

5101:4-3-29: Food stamps: employment and training (FSET): appraisal

This rule has been amended to correct references to other Administrative Code sections. The acronym CDJFS has been changed to county agency throughout the rule.

5101:4-3-31: Food stamp employment and training (FSET): required hours

Clarification has been added to paragraph (B)(1) that the total hours of participation in a FSET activity for any AG member cannot exceed 120 hours per month. Language has been added to paragraph (B)(3) that no FSET participant shall be required to work more than 8 hours on any given day without his or her consent.

Paragraph (B)(4) has been amended to state that county agencies may operate FSET activities in which individuals can volunteer to participate. The hours of participation for volunteers cannot exceed the maximum number of hours required of mandatory participants. This paragraph also states that county agencies cannot sanction/disqualify volunteers who fail to comply with the FSET activity.

References to acronyms have been spelled out with the first reference in the rule.

5101:4-3-32: Food stamp employment and training (FSET): supportive services

The acronym CDJFS has been changed to county agency throughout the rule. Language has been added to paragraph (D)(2) to allow county agencies to exempt individuals from FSET participation when their documented work expenses exceed the allowable monthly work allowance established by the county agency.

This exemption is only until a suitable FSET component is available or the individual's circumstances change and the monthly expenses no longer exceed the allowable reimbursable amount.

Procedure 10: Quality Control Findings

Procedure 10 is being removed from the Food Stamp Certification Handbook as obsolete because the information contained in this procedure is now contained in rule 5101:9-32-03 of the Administrative Procedure Manual (APM). This rule was issued with Administrative Manual Transmittal Letter (APMTL) #336 dated September 29, 2006.

Fiscal Impact Statement

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy services staff.

INSTRUCTIONS

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 3,000	5101:4-3-11	5101:4-3-11 (Effective 12/31/06)
Chapter 3,000	5101:4-3-19	5101:4-3-19 (Effective 12/31/06)
Chapter 3,000	5101:4-3-29	5101:4-3-29 (Effective 12/31/06)
Chapter 3,000	5101:4-3-31	5101:4-3-31 (Effective 12/31/06)
Chapter 3,000	5101:4-3-32	5101:4-3-32 (Effective 12/31/06)
Procedural Section	Procedure 10 (Dated 7/15/1999)	N/A
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

FSTL 278

Food Stamp Transmittal Letter No. 278

September 27, 2006

To: Food Stamp Certification Handbook Holders

From: Barbara E. Riley, Director

SUBJECT: October 1, 2006 Mass Changes

These rules are proposed to be effective on an emergency basis October 1, 2006. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis, replacing the emergency version, on October 1, 2006. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October Mass Changes

Effective October 1, 2006, the following mass changes are applicable. Please note that the homeless shelter deduction and the standard phone allowance have not changed.

Excess Shelter Deduction

\$417

Standard Telephone Allowance

\$29 (No change)

Standard Utility Allowance

\$429

Homeless Shelter Deduction

\$143 (No change)

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$155
2	284
3	408
4	518
5	615
6	738
7	816
8	932
each additional	+117

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$817
2	1,100
3	1,384
4	1,667
5	1,950
6	2,234
7	2,517
8	2,800
each additional	+284

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$1,062
2	1,430
3	1,799
4	2,167
5	2,535
6	2,904
7	3,272
8	3,640
each additional	+369

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards - Elderly and Disabled AGS Only (165% of poverty)

AG Size	Maximum Income
1	\$ 1,348
2	1,815
3	2,283
4	2,750
5	3,218
6	3,685
7	4,153
8	4,620
each additional	+468

Implementation: All applications and reapplications being processed for October 2006 and after shall have the new amounts applied. All ongoing cases which are eligible for the new standards will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2006. CRIS-E tables will be updated with the changes effective October 2006. The Mass Change will process assistance groups (AGs) that decrease due to the decrease in the standard utility allowance (SUA). If the allotment decreases due to any other change in addition to the SUA decreasing, the mass change will not process the change. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Instructions: This transmittal letter obsoletes FACT No. 27. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2006. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: income standards.	5101:4-4-11 (effective October 1, 2005)	5101:4-4-11 (effective October 1, 2006)
Food Stamps: deductions from income.	5101:4-4-23 (effective October 1, 2005)	5101:4-4-23 (effective October 1, 2006)
Chapter 5000		
Food Stamps: determining the monthly allotment.	5101:4-5-01 (effective October 1, 2005)	5101:4-5-01 (effective October 1, 2006)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 277

Food Stamp Transmittal Letter No. 277

Cash Assistance Manual Transmittal Letter No. 27

Medicaid Eligibility Manual Transmittal Letter No. 31

August 24, 2006

TO: Food Stamp Certification Handbook Holders

Cash Assistance Manual Holders

Medicaid Eligibility Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Revisions to the "Request for Cash, Food Stamp, and Medical Assistance", JFS 07200

Reason for Changes

In order to comply with federal requirements outlined in the Deficit Reduction Act of 2005, the following changes are being made to the JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance". The new Medicaid citizenship requirement in rule 5101:1-38-02 of the Administrative Code will be effective September 25, 2006. Utilization of the revised JFS 07200 should be used beginning on or after October 1, 2006.

Description of the Revisions to the "Request for Cash, Food Stamp, and Medical Assistance, "JFS 07200

Application Coversheet, Page Two, "What type of verification do I need?"

The first bullet immediately underneath the heading has been revised to read "If you are not a U.S. citizen and are only applying for alien emergency medical assistance, you do not have to verify your citizenship status **or immigration status**, or provide a social security number." Adding "or immigration status" will help to clarify that the individual does not have to provide INS documents for alien emergency medical assistance.

The second line item of the verification chart has been revised to read "Permanent Resident Card ("green card") or other INS documentation if not a U.S. citizen" to use terminology commonly understood by applicants.

Since proof of citizenship status is required for all individuals applying for any category of Medicaid and Cash Assistance Programs, "Proof of U.S. citizenship if a U.S. citizen" has been added as the third line item of the verification needed for Medical Assistance and Cash Assistance Programs.

Annuities have been included on the seventh line item, "Proof of current value of stocks/bonds, certificates of deposit, life insurance, trusts, annuities."

Page Two of the Application, Section Six: "Tell us about the people in your home"

The question "Are you married?" has been added under the chart requesting information about household members.

Page Three of the Application, Section Seven: "Tell us about your finances"

In the second question, annuities have been added as an example of resources that an assistance group may possess.

Page Four of the Application, Section Nine: "Signature of person who completed this application"

A statement has been added as the second bullet that attests that all annuities and other similar financial devices in which the assistance group has any interest have been reported by the applicant or the authorized representative.

Miscellaneous

The Spanish and Somali versions of the JFS 07200 will be issued under separate cover at a later date.

INSTRUCTIONS: FOOD STAMPS:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Appendix 101-A	JFS 07200, Request for Cash, Food Stamp, and Medical Assistance (Rev. 05/2005)	JFS 07200, Request for Cash, Food Stamp, and Medical Assistance (Rev. 10/2006)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

INSTRUCTIONS: CASH ASSISTANCE:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CAM APPENDIX JFS FORMS		
	Outline of Contents (Effective August 1, 2006)	Outline of Contents (Effective October 1, 2006)
	JFS 07200 Request for Cash, Food Stamp, and Medical Assistance (Rev. 05/01/05)	JFS 07200 Request for Cash, Food Stamp, and Medical Assistance (Rev. 10/2006)

INSTRUCTIONS: MEDICAL ELIGIBILITY MANUAL

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
MEM APPENDIX JFS FORMS	JFS 07200 Request for Cash, Food Stamp, and Medical Assistance (Rev. 05/01/05)	JFS 07200 Request for Cash, Medical and Food Stamp Assistance (Rev. 10/2006)

FSTL 276

Food Stamp Transmittal Letter No. 276

July 7, 2006

TO: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
Subject: September 1, 2006 Rule Review

Background

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following: 5101:4-3-06, 5101:4-3-07, and 5101:4-3-24.

Implementation

These rules are proposed to be effective September 1, 2006. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on September 1, 2006. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will not be any changes to these rules that directly affect the eligibility of an applicant/recipient or how any county agency will administer the program. The following is a brief description of the changes to each rule.

5101:4-3-06 - Food stamps: victims of trafficking

This rule has been amended to either spell out or correct acronyms and typographical errors.

5101:4-3-07 - Food stamps: citizenship and alien status.

This rule has been amended to either spell out or correct acronyms.

5101:4-3-24 - Food stamps: good cause for failure to comply in providing a social security number.

This rule has been amended to either spell out or correct acronyms.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no negative fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

FSTL Instructions

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food stamps: victims of trafficking.	5101:4-3-06 (effective 07/01/05)	Replace 5101:4-3-06 (effective 09/01/06)

Food Stamps: citizenship and alien status.	5101:4-3-07 (effective 04/01/04)	Replace 5101:4-3-07 (effective 09/01/06)
Food stamps: good cause for failure to comply in providing a social security number.	5101:4-3-24 (effective 06/06/97)	Replace 5101:4-3-24 (effective 09/01/06)
Appendix		
Appendix 35 Record of Changes to Handbook	NA	Update with the number and date of this transmittal.

FSTL 275

Food Stamp Transmittal Letter No. 275

May 22, 2006

TO: Food Stamp Certification Handbook Holders
FROM: Barbara E. Riley, Director
SUBJECT: July 2006, Five Year Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-1-15, 5101:4-2-01, 5101:4-2-09, 5101:4-4-09

Implementation

These rules are proposed to be effective July 1, 2006. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on July 1, 2006. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-1-15- Nondiscrimination.

The reference to an abbreviated word was spelled out with the first reference in the rule. The effective dates of various public laws, U.S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended. An address was updated.

5101:4-2-01- Food stamps: application process.

Various technical corrections have been made to the rule. CAF was stricken from this rule.

5101:4-2-09- Food stamps: verification procedure.

The reference to an abbreviated word was spelled out with the first reference in the rule. CAF was stricken from this rule.

5101:4-4-09- Food stamps: transfers of resources.

Technical corrections have been made to the rule.

The reference to an abbreviated word was spelled out with the first reference in the rule.

Training and Technical Assistance

Training and technical assistance needed to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement the changes in these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

INSTRUCTIONS

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 1000		

Nondiscrimination	5101:4-1-15 (effective 12/1/02)	5101:4-1-15 (effective 7/1/06)
Chapter 2000		
Food stamps: application process	5101:4-2-01 (effective 5/1/05)	5101:4-2-01 (effective 7/1/06)
Food stamps: verification procedure	5101:4-2-09 (effective 11/1/03)	5101:4-2-09 (effective 7/1/06)
Chapter 4000		
Food stamps: transfers of resources	5101:4-4-09 (effective 10/1/02)	5101:4-4-09 (effective 7/1/06)
Appendix		
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

FSTL 274

Food Stamp Transmittal Letter No. 274

March 24, 2006

TO: Food Stamp Certification Handbook Holders
FROM: Barbara E. Riley
SUBJECT: May 1, 2006 Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following: 5101:4-5-07, 5101:4-6-03, 5101:4-6-16, 5101:4-6-17, and 5101:4-6-31.

Implementation

These rules are proposed to be effective May 1, 2006. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on May 1, 2006. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will be no changes to these rules that directly affect the eligibility of applicant/recipients or how any county agency will administer the program. The following is a brief description of the changes to each rule.

5101:4-5-07 - Food stamps: providing notice of eligibility and denial, when to deny an application at the end of thirty days, and actions because of delayed eligibility determinations

This rule has been amended to either spell out or include appropriate acronyms, correct typographical errors, and correct rule references.

5101:4-6-03 - Food stamps: assistance groups (AGs) with income from boarders and day care

This rule has been amended to spell out an acronym.

5101:4-6-16 - Food stamps: reduction of public assistance (PA) benefits due to assistance group's (AG's) failure to perform an action required under a federal, state or local means-tested program

This rule has been amended to either spell out or include appropriate acronyms and correct typographical errors.

5101:4-6-17 - Food stamps: determining eligibility of public assistance (PA) and categorically eligible assistance groups (AGs)

This rule has been amended to either spell out or include appropriate acronyms and correct typographical errors.

5101:4-6-31 - Food stamps: sponsored aliens

This rule has been amended to either spell out or include appropriate acronyms and correct typographical errors.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no negative fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

Instructions

Location/Title	Remove and File as Obsolete	Insert/Replace
Chapter 5000		
Food stamps: providing notice of eligibility and denial, when to deny an application at the end of thirty days, and actions because of delayed eligibility determinations	5101:4-5-07 (Effective 3/1/02)	5101:4-5-07 (Effective 5/1/06)
Chapter 6000		
Food stamps: assistance groups (AGs) with income from boarders and day care	5101:4-6-03 (Effective 3/1/02)	5101:4-6-03 (Effective 5/1/06)
Food stamps: reduction of public assistance (PA) benefits due to assistance group's (AG's) failure to perform an action required under a federal, state or local means-tested program	5101:4-6-16 (Effective 12/5/02)	5101:4-6-16 (Effective 5/1/06)
Food stamps: determining eligibility of public assistance (PA) and categorically eligible assistance groups (AGs)	5101:4-6-17 (Effective 3/1/02)	5101:4-6-17 (Effective 5/1/06)
Food stamps: sponsored aliens	5101:4-6-31 (Effective 10/1/02)	5101:4-6-31 (Effective 5/1/06)
Appendix 35: Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

FSTL 273

Food Stamp Transmittal Letter No. 273

February 8, 2006

TO: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
Subject: Electronic Benefit Transfer (EBT) Replacement System

Background

The proposed rules were amended to support the replacement of the current EBT direct access off-line system. The new direct access system is an on-line system where benefits are stored in a central database and electronically accessed at the point-of-sale by using a reusable plastic card with a magnetic stripe. With the new system, there is no expiration period for loading of benefits. Participants will no longer lose benefits due to the requirement to load benefits within the validity period.

Some rules continue to reference coupons and the associated federal reports due to the obligation to accept coupons until the Food and Nutrition Service eliminates coupons altogether and until all coupons are destroyed.

Rules amended include the following: 5101:4-2-11, 5101:4-7-11, 5101:4-8-19, and 5101:4-8-23.

Implementation

These rules are proposed to be effective March 23, 2006. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on March 23, 2006. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-2-11 - Food stamps: timeliness standards

This rule has been amended to correct acronyms, typographical errors, and to include language addressing the issuance of the on-line benefit, the handling of adjustments to benefits, replacement of the EBT card and the personal identification number (PIN), and re-presentation guidelines.

5101:4-7-11 - Food stamps: providing replacement issuance to assistance groups (AGs).

This rule has been amended to correct acronyms and to strike language referencing the 'the period of intended use' for replacement restrictions.

5101:4-8-19 - Food stamps: initiating collection action and managing claims.

This rule has been amended to correct acronyms and to include language allowing the collection of benefits from EBT active or reactivated accounts. Language regarding collecting from expunged benefits has also been included.

5101:4-8-23 - Food stamps: retention rates and claims accounting procedures.

This rule has been amended to correct acronyms, and typographical errors.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no negative fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

FSTL Instructions

Location	Remove and File as	Insert/Replacement
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	Obsolete	
Chapter 2000		
Food stamps: timeliness standards	5101:4-2-11 (effective 08/01/05)	Replace 5101:4-2-11 (effective 03/23/06)
Chapter 7000		
Food stamps: providing replacement issuance to assistance groups (AGs).	5101:4-7-11 (effective 05/22/04)	Replace 5101:4-7-11 (effective 03/23/06)
Chapter 8000		
Food stamp: initiating collection action and managing claims.	5101:4-8-19 (effective 09/01/04)	Replace 5101:4-8-19 (effective 03/23/06)
Food stamps: retention rates and claims accounting procedures.	5101:4-8-23 (effective 09/01/04)	Replace 5101:4-8-23 (effective 03/23/06)
Appendix		
Appendix 35 Record of Changes to Handbook	NA	Update with the number and date of this transmittal.

FSTL 272

Food Stamp Transmittal Letter No. 272

Cash Assistance Manual Transmittal Letter No. 23

November 10, 2005

TO: Food Stamp Certification Handbook Holders
Cash Assistance Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: "Your Rights and Responsibilities" and "Request for Cash, Food Stamp, and Medical Assistance" Forms Available in Spanish and Somali

The purpose of this transmittal letter is to publish a recently translated Somali version and a revised Spanish version of the application, JFS 07200, "Request for Cash, Food Stamp, and Medical Assistance" and the JFS 07501, "Your Rights and Responsibilities" in the Food Stamp Certification Handbook and the Cash Assistance Manual. The Spanish version of the JFS 07105, "Application/Reapplication Verification Request Checklist" will also be published in the Cash Assistance Manual. These forms are currently posted and available on the Ohio Department of Job and Family Services (ODJFS) internet and innerweb sites. The "Application/Reapplication Verification Request Checklist" which is included in Procedure 1 of the Food Stamp Certification Handbook will not be updated at this time.

A supply of the Spanish forms may be ordered by the counties from the ODJFS warehouse. The Somali forms will not be stored in the ODJFS warehouse at this time. If the volume of usage increases a request will be made for a supply of the Somali forms to be stored for ordering by the county agencies.

INSTRUCTIONS: FOOD STAMPS

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Appendix		
Appendix Index	Appendix Index dated May 1, 2005	Appendix Index dated November 1, 2005
Appendix 101-B	JFS 07200S-Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida (Rev. 08/2002)	JFS 07200S - Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia, Médica (Request for Cash, Food Stamp, and Medical Assistance translated into Spanish) (Rev. 05/2005)
Appendix 101-C	N/A	JFS 07200-SO - Codsiga Kaashka, Gargaarka Cuntada, iyo Gargaarka Caafimaadka (Request for Cash, Food Stamp, and Medical Assistance translated into Somali)(Rev. 05/2005)
Appendix 102-B	JFS 07501S-Sus Derechos y Responsabilidades (Rev. 08/2001)	JFS 07501S-Sus Derechos y Obligaciones (Your Rights and Responsibilities translated into Spanish)(Rev. 05/2005)
Appendix 102-C	N/A	JFS 07501SO-Xuquuqdaada iyo Waajibaadka (Your Rights and Responsibilities translated into Somali)(Rev. 05/2005)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

INSTRUCTIONS: CASH ASSISTANCE

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Forms Appendix		
JFS Forms	Outline of Contents (Effective October 1, 2005)	Outline of Contents (Effective November 1, 2005)
JFS 07105 Application/Reapplication Verification Request Checklist		JFS 07105S Lista de Control Para Solicitud y Renovación (Rev. 08/2005) (Spanish version)
JFS 07200 Request for Cash, Medical and Food Stamp Assistance	JFS 07200S Solicitud Para Ayuda En Efectivo, Medica Y Estampillas Para Comida (Rev. 8/2002)	JFS 07200S Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia Médica (Rev. 05/2005) (Spanish version)
JFS 07200 Request for Cash, Medical and Food Stamp Assistance		JFS 07200-SO Codsiga Kaashka, Gargaarka Cuntada , iyo Gargaarka Caafimaadka (Rev. 05/2005) (Somali version)
JFS 07501 Your Rights and Responsibilities	JFS 07501S Sus Derechos Y Responsabilidades (Rev. 11/2003)	JFS 07501S Sus Derechos y Obligaciones (Rev. 05/2005) (Spanish version)
JFS 07501 Your Rights and Responsibilities		JFS 07501SO Xuquuqdaada iyo Waajibaadka (Rev. 05/2005) (Somali version)

FSTL 271

Food Stamp Transmittal Letter No. 271

November 10, 2005

To: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
SUBJECT: January 2006 Rule Review

This rule is proposed to be effective January 13, 2006. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on January 13, 2006. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Rule 5101:4-6-27 was reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

5101:4-6-27: Food Stamps: Shelters for Battered Women and Their Children

This rule is being amended to correspond with the language in the Code of Federal Regulations (CFR). There are no changes to this rule which directly impacts the eligibility of applicants/recipients or how any county agency will administer the program.

Chart 3 - Verification Requirements

The "Verification Requirements" chart has been revised to reflect the verification requirements of assistance groups who are subject to semi-annual reporting (SAR). Since verification of excluded income is only required if the information is questionable, this category for normal processing is being changed to "Q" (verify only if questionable).

Appendix 22 - Applicant/Recipient Authorization for Release of Information

Appendix 22, the "Applicant/Recipient Authorization for Release of Information" form is being replaced with an updated version of the form.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement this rule. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement this rule will be minimal. Clarification regarding this rule will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 6000		
Food Stamps: Shelters for Battered Women and Their Children	5101:4-6-27 (Effective 6/1/01)	5101:4-6-27 (Effective 1/13/06)
Procedural I Section		
Charts Section	Chart 3 - Verification	Chart 3 - Verification Requirements

	Requirements (Dated 07/2001)	(Dated 10/2005)
Appendix Section		
Appendix 22	JFS 07341 -Applicant/Recipient Authorization for Release of Information (Rev. 10/2001)	JFS 07341 - Applicant/ Recipient Authorization for Release of Information (Rev. 04/2004)
Appendix 35	N/A	Update with the number and the date of this transmittal

FSTL 270

Food Stamp Transmittal Letter No. 270

November 1, 2005

To: Food Stamp Certification Handbook Holders
From: Barbara E. Riley
SUBJECT: October 1, 2005 Mass Changes

These rules are proposed to be effective December 22, 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis, replacing the emergency version, on December 22, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rules 5101:4-4-11 and 5101:4-5-01 were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

5101:4-4-11- Food Stamps: income standards.

The reference to an abbreviated word was spelled out with the first reference in the rule.

5101:4-4-23- Food Stamps: deductions from income.

The reference to an abbreviated word was spelled out with the first reference in the rule. The effective dates of various public laws, U. S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended. Some text was modified for clarification.

5101:4-5-01- Food Stamps: determining the monthly allotment.

The reference to an abbreviated word was spelled out with the first reference in the rule.

October Mass Changes

Effective October 1, 2005, the following mass changes are applicable. *(Please note that the homeless shelter deduction is not listed because it has not changed.)*

Excess Shelter Deduction

\$400

Standard Telephone Allowance

\$29

Standard Utility Allowance

\$487

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$152
2	278

3	399
4	506
5	601
6	722
7	798
8	912
each additional	+114

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)	
AG Size	Maximum Income
1	\$798
2	1,070
3	1,341
4	1,613
5	1,885
6	2,156
7	2,428
8	2,700
each additional	+272

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$1,037
2	1,390
3	1,744
4	2,097
5	2,450
6	2,803
7	3,156

8	3,509
each additional	+354

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards - Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$ 1,316
2	1,765
3	2,213
4	2,661
5	3,109
6	3,558
7	4,006
8	4,454
each additional	+449

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement the changes in these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

Implementation: All applications and reapplications being processed for October 2005 and after shall have the new amounts applied. All ongoing cases which are eligible for the new standards will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2005. CRIS-E tables will be updated with the changes effective October 2005. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Instructions: This transmittal letter obsoletes FACT No. 26. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2005. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: income standards.	5101:4-4-11 (effective October 1, 2004)	5101:4-4-11 (effective December 22,2005)

Food Stamps: deductions from income.	5101:4-4-23 (effective October 1, 2004)	5101:4-4-23 (effective December 22,2005)
Chapter 5000		
Food Stamps: determining the monthly allotment.	5101:4-5-01 (effective October 1, 2004)	5101:4-5-01 (effective December 22,2005)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 269

Food Stamp Transmittal Letter No. 269

December 1, 2005

TO: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
Subject: Exemption for Able Bodied Adults Without Dependents Work Requirements

The proposed rule is to be applied at applications or reapplications filed on or after January 1, 2006. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on January 1, 2006. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Background

Amended Sub. H.B. 66, effective July 1, 2005, required Ohio to request from the Food and Nutrition Service (FNS) a waiver of the applicability of the work requirements outlined in OAC rule 5101:4-3-20 for individuals defined as able-bodied adults without dependents (ABAWDs) who are residing in a county where the average unemployment rate for twelve recent calendar months exceeded ten per cent or residing in a county that does not have sufficient jobs to provide employment for these individuals.

Previously, under Amended Sub. H.B. 95, Ohio was required to request a waiver of the work requirement based on ABAWD individuals residing in a county with an unemployment rate over ten percent.

ABAWD Exempt Counties

FNS has approved a waiver of the ABAWD work requirements in the following 35 counties based on having an unemployment rate of 20 percent above the national average for the 24-month period of calendar years 2003 and 2004, or 6.91 percent (5.76 national average multiplied by 120 percent), supporting a claim of lack of sufficient jobs: Adams, Allen, Ashland, Ashtabula, Brown, Carroll, Clark, Columbiana, Coshocton, Crawford, Gallia, Guernsey, Harrison, Hocking, Huron, Jackson, Jefferson, Lucas, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Ottawa, Perry, Pike, Richland, Ross, Sandusky, Scioto, Seneca, Trumbull, Vinton, and Williams counties.

We had requested the waiver to be in effect through June 30, 2006, to coincide with the State budget cycle. The waiver was approved by FNS effective September 1, 2005 and will expire June 30, 2006. FNS based the approval on data we have provided to them from the U.S. Department of Labor, Bureau of Labor Statistics, Appalachian Regional Commission, and an academic study based on Metropolitan Statistical Areas (MSAs).

Additional counties cannot be added to the existing waiver. ODJFS would be required to submit, for approval, a new waiver request to FNS with data to support the request. ODJFS will also be required to request an extension of the current waiver that expires June 30, 2006 and provide current data to support the request.

FNS denied 11 counties a waiver of the ABAWD work requirements due to insufficient evidence to support lack of jobs. Counties denied are: Athens, Cuyahoga, Franklin, Geauga, Hamilton, Lake, Lorain, Medina, Montgomery, Stark, and Summit.

Implementation

5101:4-3-20 Food stamps: time limit for able-bodied adults without dependents (ABAWDS).

Paragraph (B) has been revised to clarify (AG) to be assistance group.

Paragraph (C)(7) - has been revised to reference the code of federal regulations, 273.24 (f)(1)(i).

Paragraph (C)(8) - has been added to include individuals residing in a county with the lack of sufficient jobs in accordance with 273.24 (f)(1)(ii) of the code of federal regulations.

Individuals who are now exempt from the work requirements related to time-limited eligibility under paragraph (C)(7) and (C) (8) of OAC rule 5101:4-3-20 are subject to the FSET work requirements in OAC rule 5101:4-3-11 unless an exemption under OAC rule 5101:4-3-11 exists.

An updated Outline of Contents for Chapter 2000 and Chapter 5000 as well as the Table of Contents are included in this FSTL.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

By waiving the work requirements for ABAWDs under rule 5101:4-3-20 in the specified counties, there should be no additional time spent by caseworkers to process cases. These individuals will still be required to meet the work requirements under FSET unless an FSET exemption is met under rule 5101:4-3-11. These individuals will be subject to a sanction if the requirement is not met through the FSET work activity resulting in little or no fiscal impact for the approved waiver counties.

FSTL Instructions

Location	Remove and File as Obsolete	Insert/Replacement
Table of contents	Table of Contents issued under FSTL 262 effective 05/01/05	Replace the Table of Contents issued under FSTL 269 effective 01/01/06
Chapter 2000		
Outline of Contents: Chapter 2000: The Application Process	Outline of Contents: Chapter 2000 dated 06/01/2001	Replace with attached corresponding page dated 01/01/06
Chapter 3000		
Food stamps: time limit for able-bodied adults without dependents (ABAWDs)	5101:4-3-20 (effective 02/01/04)	Replace 5101:4-3-20 (effective 01/01/2006)
Chapter 5000		
Outline of Contents: Chapter 5000: Actions resulting from eligibility determinations	Outline of Contents: Chapter 5000 dated 05/21/02	Replace with attached corresponding page dated 01/01/06
Appendix		
Appendix 35 Record of Changes to Handbook	NA	Update with the number and date of this transmittal.

FSTL 268

Food Stamp Transmittal Letter No. 268

September 22, 2005

To: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
SUBJECT: December 2005 Rule Review

These rules are proposed to be effective December 1, 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on December 1, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-6-13, 5101:4-6-15, 5101:4-6-26, and 5101:4-8-03.

5101:4-6-13: Food Stamps: Determining Eligibility of Assistance Groups (AGs) with Ineligible Members

This rule is being amended to include the effective dates of various federal acts as required in Ohio Revised Code 121.75. Other technical corrections have been made to the rule. There are no changes to this rule which directly impact the eligibility of applicants/recipients or how any county agency will administer the program.

5101:4-6-15: Food Stamps: Determining Eligibility of Households with Other Non-Assistance (AG) Members

This rule is being amended to clarify that the income and resources of individuals who fail to complete the appraisal process are not considered to be available to the assistance group. Other technical corrections have been made to the rule. There are no changes to this rule which directly impact the eligibility of applicants/recipients or how any county agency will administer the program.

5101:4-6-26: Food Stamps: Residents of Group Homes

This rule is being amended to include the effective dates of various public laws, U.S. Code sections, and federal acts as required in Ohio Revised Code 121.75. Other technical changes have been made to correspond with the language in the Code of Federal Regulations (CFR). Thus, the language in paragraph (A)(4)(e) regarding requiring group homes to provide the standards used to evaluate its home to the ODJFS district office is being removed. If county agencies have difficulty in determining standards used by group homes, technical assistance should be requested from the Bureau of County Oversight and Support, Program Policy Services staff. There are no changes to this rule which directly impact the eligibility of applicants/recipients or how any county agency will administer the program.

5101:4-8-03: Food Stamps: Restoration and Entitlement of Lost Benefits

This rule is being amended to correspond with the language in the CFR. There are no changes to this rule which directly impact the eligibility of applicant/recipients or how any county agency will administer the program.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 6000		
Food Stamps: Determining Eligibility of AGs with Ineligible Members	5101:4-6-13 (Effective 8/27/01)	5101:4-6-13 (Effective 12/1/05)
Food Stamps: Determining Eligibility of Households with Other Non-AG Members	5101:4-6-15 (Effective 10/1/01)	5101:4-6-15 (Effective 12/1/05)
Food Stamps: Residents of Group Homes	5101:4-6-26 (Effective 8/27/01)	5101:4-6-26 (Effective 12/1/05)
Chapter 8000		
Food Stamps: Restoration and Entitlement of Lost Benefits	5101:4-8-03 (Effective 10/1/01)	5101:4-8-03 (Effective 12/1/05)
Appendix 35: Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

FSTL 267-A

Food Stamp Transmittal Letter NO. 267-A

December 6, 2005

TO: Food Stamp Certification Handbook Holders
FROM: Barbara E. Riley, Director
SUBJECT: December 2005, Five Year Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rules scope and purpose.

Rules reviewed include the following:

5101:4-7-01, 5101:4-7-08, 5101:4-7-09, 5101:4-7-14.

Implementation

These rules were proposed to be effective December 1, 2005, with FSTL #267. Due to filing date deadlines the rules will be finalized by JCARR, and will become effective on a permanent basis on December 8, 2005.

5101:4-7-01- Food Stamps: reporting requirements during the certification period.

The reference to an abbreviated word was spelled out with the first reference in the rule. Dates were added to reference a JFS form. Corrections were done to a couple of rule cites.

5101:4-7-08- Food stamp: new hire reporting program (W-4).

The effective dates of various public laws, U .S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended. A rule cite had changed in the Administrative Code, and the reference to the change was made. The reference to an abbreviated word was spelled out with the first reference in the rule.

5101:4-7-09- Food stamp: state income and eligibility verification system (IEVS).

The reference to an abbreviated word was spelled out with the first reference in the rule. The effective dates of various public laws, U. S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended.

5101:4-7-14- Food stamps: systematic alien verification for entitlements (SAVE) program.

The reference to an abbreviated word was spelled out with the first reference in the rule.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement the changes in these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

INSTRUCTIONS

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 7000		
Food stamps: reporting requirements during	5101:4-7-01	5101:4-7-01

the certification period.	(effective 11/01/03)	(effective 12/8/05)
Food stamps: new hire reporting program (W-4).	5101:4-7-08 (effective 3/21/03)	5101:4-7-08 (effective 12/8/05)
Food stamps: state income and eligibility verification system (IEVS).	5101:4-7-09 (effective 6/1/01)	5101:4-7-09 (effective 12/8/05)
Food stamps: systematic alien verification for entitlements (SAVE) program.	5101:4-7-14 (effective 4/1/04)	5101:4-7-14 (effective 12/8/05)
Appendix		
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 267

Food Stamp Transmittal Letter NO. 267

October 24, 2005

TO: Food Stamp Certification Handbook Holders
FROM: Barbara E. Riley, Director
SUBJECT: December 2005, Five Year Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rules scope and purpose.

Rules reviewed include the following:

5101:4-7-01, 5101:4-7-08, 5101:4-7-09, 5101:4-7-14.

Implementation

These rules are proposed to be effective December 1, 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on December 1, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-7-01- Food Stamps: reporting requirements during the certification period.

The reference to an abbreviated word was spelled out with the first reference in the rule. Dates were added to reference a JFS form. Corrections were done to a couple of rule cites.

5101:4-7-08- Food stamp: new hire reporting program (W-4).

The effective dates of various public laws, U .S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended. A rule cite had changed in the Administrative Code, and the reference to the change was made. The reference to an abbreviated word was spelled out with the first reference in the rule.

5101:4-7-09- Food stamp: state income and eligibility verification system (IEVS).

The reference to an abbreviated word was spelled out with the first reference in the rule. The effective dates of various public laws, U. S. Code sections, and federal acts as required in Ohio Revised Code 121.75 were amended.

5101:4-7-14- Food stamps: systematic alien verification for entitlements (SAVE) program.

The reference to an abbreviated word was spelled out with the first reference in the rule.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement the changes in these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

INSTRUCTIONS

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 7000		

Food stamps: reporting requirements during the certification period.	5101:4-7-01 (effective 11/01/03)	5101:4-7-01 (effective 12/1/05)
Food stamps: new hire reporting program (W-4).	5101:4-7-08 (effective 3/21/03)	5101:4-7-08 (effective 12/1/05)
Food stamps: state income and eligibility verification system (IEVS).	5101:4-7-09 (effective 6/1/01)	5101:4-7-09 (effective 12/1/05)
Food stamps: systematic alien verification for entitlements (SAVE) program.	5101:4-7-14 (effective 4/1/04)	5101:4-7-14 (effective 12/1/05)
Appendix		
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 266

Food Stamp Transmittal Letter No. 266

August 16, 2005

To: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
Subject: Montgomery County Work Advancement and Support Center (WASC) Project

Background Information

A pilot project will be conducted by Manpower Demonstration Research Corporation (MDRC) in Montgomery County and is referred to as the Work Advancement and Support Center (WASC) project. The goal of the project is to combine job retention and advancement services delivered by the Workforce Investment Act One-Stop system, with delivery of supports for low-income workers such as food stamps, child care assistance, Medicaid, and State Child Health Insurance Program (SCHIP). The WASC project is limited in scope and is not a demonstration involving all county residents. It will compare the experiences of approximately 1600 participants. Approximately 800 treatment group participants will receive WASC services and procedures and approximately 800 control group participants will receive the same program procedures as other county assistance groups (AGs). The WASC project will be conducted for forty-two months.

To operate this project in Montgomery County for this limited number of WASC participants, Ohio has been granted approval from the Food and Nutrition Service to waive federal regulations at 7 CFR 273.14 (b)(3) and 275.23 (c)(1), (2) and (3) regarding face-to-face interviews at recertifications (reapplications) and Quality Control (QC) computation of the various state QC error rates.

It is anticipated that the WASC project will reach many low-income working AGs that are not currently receiving or applying for food stamps even though they may be eligible to participate in the Food Stamp Program. The anticipated outcome is to demonstrate that easing program policies and procedures can be accomplished without risk of impact on the QC error rate while increasing and retaining low-income AGs' participation in the Food Stamp Program.

For the duration of this pilot project, a new food stamp rule, 5101:4-2-10 of the Administrative Code, has been developed. This new rule applies only to Montgomery County WASC treatment participants. The rule outlines the mandatory verification requirements for this group which are less stringent than the mandatory verification requirements for the remainder of the food stamp population and meet the minimum federal verification requirements. This rule also eliminates the face-to-face interview requirement at reapplication(s) for the duration of this project. WASC participants will have a face-to-face interview at initial application and a telephone interview at each reapplication while participating in the WASC project. With the exception of the mandatory verification requirements and waiver of the face-to-face interview at reapplications, all other aspects of determining eligibility and level of benefits will be the same for this group as they are for other food stamp applicants and participants.

WASC treatment group cases that may be reviewed through a regular federal QC drawing process will not be included in the computation of any of the active case error rates (including case error rate, payment error rate and underissuance error rate). QC and Montgomery County staff have developed an alternate active case QC review process that will include a sample of WASC treatment and control group cases enrolled in the Food Stamp Program. This alternate process will provide information on payment accuracy impacts of WASC processes which Ohio and other states can rely on as they consider adopting similar enrollment and retention policies for the broader caseload in the future.

Implementation

Rule 5101:4-2-10 will be effective with initial applications of AGs that have signature dates on or after 08/25/2005 and that have been selected by Montgomery County to participate in the WASC project.

Fiscal Impact Analysis

This project is only being implemented in Montgomery County. They are already staffed for this project. No additional supplies, equipment or travel is involved.

Instructions

Location	Insert
Chapter 2000	
Food stamps: Montgomery county work advancement and support center (WASC) project.	5101:4-2-10 (effective 08/25/2005)
Appendix 35 Record of changes to handbook.	Update with the number and date of this transmittal.

FSTL 265

Food Stamp Transmittal Letter No. 265

June 15, 2005

To: Food Stamp Certification Handbook Holders
From: Barbara E. Riley, Director
Subject: 24-Month Certification Periods

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following: 5101:4-2-03, 5101:4-2-07, 5101:4-2-11, 5101:4-5-03, 5101:4-5-15, 5101:4-6-09, 5101:4-7-07

Background

The Code of Federal Regulations [CFR section 273.10(f)(1)] allows for 24-month certification periods to be assigned to households containing all elderly or disabled members. Such households may be certified for up to 24 months provided that the agency has at least one contact with the household every 12 months. The agency may use any method it chooses for this contact, such as telephone or contact letter. Effective August 1, 2005, any assistance group containing all elderly or disabled members must be certified for this 24-month period.

Implementation

These rules are proposed to be effective August 1, 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on August 1, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-2-03 - Food stamps: assistance group (AG) definition, non-AG members eligible to participate as separate AGs, non-AG members ineligible to participate as separate AGs, and ineligible AGs

This rule has been amended to correct acronyms and typographical errors.

5101:4-2-07 - Food stamps: interviewing assistance groups (AGs)

This rule has been amended to correct acronyms, typographical errors, and to strike reference to the JFS 07200 and CAF and replace it with application.

5101:4-2-11 - Food stamps: timeliness standard

This rule has been amended to correct acronyms and to include language allowing for 24-month certification periods for elderly and disabled assistance groups.

5101:4-5-03 - Food stamps: establishing certification periods

This rule has been amended to correct acronyms and to include language allowing for 24-month certification periods for elderly and disabled assistance groups.

5101:4-5-15 - Food stamps: uses for food stamp benefits

This rule has been amended to correct acronyms and typographical errors.

5101:4-6-09 - Food Stamps: expedited service

This rule has been amended to correct acronyms, typographical errors, and to include language allowing for 24-month certification periods for elderly and disabled assistance groups.

5101:4-7-07 - Food stamps: reapplication

This rule has been amended to correct acronyms, typographical errors, and to include language allowing for 24-month certification periods for elderly and disabled assistance groups.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no negative fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 2000		
Food stamps: assistance group (AG) definition, non-AG members eligible to participate as separate AGs, non-AG members ineligible to participate as separate AGs, and ineligible AGs	5101:4-2-03 (effective 10/11/2001)	5101:4-2-03 (effective 8/1/2005)
Food stamps: interviewing assistance groups (AGs)	5101:4-2-07 (effective 3/1/2002)	5101:4-2-07 (effective 8/1/2005)
Food stamps: timeliness standard	5101:4-2-11 (effective 12/1/2004)	5101:4-2-11 (effective 8/1/2005)
Chapter 5000		
Food stamps: establishing certification periods	5101:4-5-03 (effective 12/1/2004)	5101:4-5-031/2005)
Food stamps: uses for food stamp benefits	5101:4-5-15 (effective 10/1/2001)	5101:4-5-15 (effective 8/1/2005)
Chapter 6000		
Food Stamps: expedited service	5101:4-6-09 (effective 6/1/2001)	5101:4-6-09 (effective 8/1/2005)
Chapter 7000		
Food stamps: reapplication	5101:4-7-07 (effective 5/1/2005)	5101:4-7-07 (effective 8/1/2005)

FSTL 264

Food Stamp Transmittal Letter No. 264

May 5, 2005

TO: ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: BARBARA RILEY, DIRECTOR

SUBJECT: Food Stamps: Income Exclusions:

- X MILITARY COMBAT PAY
- X DISASTER RELIEF EMPLOYMENT FUNDED UNDER NATIONAL EMERGENCY GRANTS
- X DISASTER UNEMPLOYMENT ASSISTANCE

These rules are proposed to be effective July 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on July 11, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

This transmittal obsoletes FACT No. 25. The FACT was implemented under emergency rule filing with an effective date of March 15, 2005 for the military combat pay. The disaster relief employment and disaster unemployment assistance exclusions were implemented with an immediate effective date.

MILITARY COMBAT PAY

Reason for Change:

On December 8, 2004, the President signed The Consolidated Appropriations Act, 2005, Public Law 108-447. This law contains a provision which excludes from consideration as income in the Food Stamp Program additional pay received by military personnel as a result of deployment to a combat zone. Public Law 108-447 reads in pertinent part:

notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

Under existing policy, the absent member would not be included as an assistance group (AG) member for purposes of determining food stamp benefit level. Additionally, only money actually made available to the applicant or participating food stamp AG by the absent family member is counted as income for food stamp purposes. Money is generally made available to the applicant or participating food stamp AG via a direct deposit of all or a portion of the military person's pay into a joint checking account. Occasionally such funds are made available to the AG via an "allotment" arrangement made by the military person for a portion of his or her pay to be sent to the AG. More often than not, when an "allotment" arrangement is made, it is the military person who receives the "allotment" with the bulk of his or her pay being sent directly to his or her family. Regardless of the arrangement made by the absent family member for his or her military pay, only that portion of his or her pay to which the AG has access should be counted when determining the AG's income for food stamp purposes.

Action Required:

As a result of Public Law 108-447, county agencies will now be required to determine if any of the "allotment" made available to the AG by an absent member deployed to a designated combat zone should be excluded when establishing the AG's income for food stamp purposes. A current listing of designated combat zones is attached for your reference and will be posted on the Innerweb in the Manual Desk Aids of the Food Stamp Certification Handbook under "<http://emanuals.odjfs.state.oh.us/emanuals/work/FSH>".

To determine if any of the military "allotment" made available to an AG by an absent member deployed to a designated combat zone should be excluded when determining eligibility, county agencies should:

- (1) Establish what amount for food stamp purposes of the military person's pay that was actually available to the AG prior to the deployment of the military person to a designated combat zone.
 - X If the military person was part of the AG for food stamp purposes prior to deployment this amount would be his or her net military pay.
 - X If the military person was not part of the AG for food stamp purposes prior to the military person's deployment to a designated combat zone, this amount is the amount the absent military person actually made available to the family prior to deployment to the designated combat zone.
- (2) Determine the amount of his or her military pay that the absent member deployed in a designated combat zone is making available to his or her family.
- (3) If the amount of his or her military pay that the absent member deployed in a designated combat zone is making available is equal to or less than the amount the AG was receiving from the military person prior to deployment to a designated combat zone, all of the military "allotment" would be counted as income to the AG for food stamp purposes. Any portion of the amount that exceeds the amount the AG was receiving prior to deployment of the military person to a designated combat zone should be excluded when determining the AG's income for food stamp purposes.

Verification

In regard to verifying the deployed person's income and location, Food and Nutrition Service contacts with the military indicate that the deployed person's military pay record, the Leave and Earnings Statement (LES), is often sent directly to the family back home or can be mailed to the family back home by the deployed person. When the family back home has the LES, it will identify combat pay if it is being received and can be used to establish deployment to a combat zone and the amount of combat pay. Deployment to a combat zone can also be established through orders issued to the military person. Frequently entire units are deployed and the place of their deployment is a matter of public record. While specific arrangements can vary among the services and from base to base, AGs have various ways to obtain the pay information of the deployed person. Some have access via the web. Others can seek assistance via the local base financial office.

Implementation

Due to the legislative requirement, this policy is retroactive to October 1, 2004. Any AG that had an increase in income as a result of the deployment of the service member to a designated combat zone that was counted in their food stamp case as of October 1, 2004, is entitled to restoration of lost benefits. County agencies should make such a determination at the AG's next recertification, unless the AG requests a review of its case prior to that time. An AG that was denied because excludable income was counted, would also be entitled to a restoration of lost benefits. Any income excluded under the legislation would remain excluded until the AG's next recertification, in the event the exclusion is not renewed for fiscal year 2006. The income exclusion of military combat pay is effective March 15, 2005. The 120-day Quality Control variance exclusion applies to this provision. The 120-day variance exclusion period begins March 15th and ends July 13, 2005.

This income exclusion is being added to our updated list of excluded income in OAC 5101:4-4-13. Any of these funds that are kept in an account shall be treated in accordance with OAC 5101:4-4-03(G).

DISASTER RELIEF EMPLOYMENT FUNDED UNDER NATIONAL EMERGENCY GRANTS

Clarification

The Food and Nutrition Service has provided clarification on the treatment of disaster relief employment income received from a National Emergency Grant. National Emergency Grants are part of the Workforce Investment Act (WIA, Public Law 105-220). Section 181(a)(2) of the Workforce Investment Act states that allowances, earnings, and payments to individuals participating in programs under Title I of WIA must not be considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

One of the reasons for national emergency grants is to provide assistance to an area within a state that has suffered an emergency or a major disaster as defined in the Robert T. Stafford Disaster Relief and

Emergency Assistance Act. Funds may be expended through public and private organizations, and may be used for temporary job creation in areas declared eligible for public assistance by FEMA, subject to the limitations of WIA section 173(d)(20 CFR 671.170).

Funds are used to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area. Individuals are eligible to be offered disaster relief employment if the individual is a dislocated worker, is a long-term unemployed individual, or is temporarily or permanently laid off as a consequence of the disaster. No individual can be employed for more than 6 months related to a single natural disaster.

The source of the income should be verified if the client suffered a job loss or was unemployed due to a recent disaster, if the employment is deemed temporary (less than six months), and if the type of work is disaster-related.

Additional information about National Emergency Grants can be found under section 173 of WIA and the exclusion of income is also codified in 20 CFR 667.272(c).

Implementation

The income exclusion of the disaster relief employment was effective with the publication of FACT #25. This income exclusion is being added to our updated list of excluded income and resources in OAC rules 5101:4-4-03.3 and 5101:4-4-13.

DISASTER UNEMPLOYMENT ASSISTANCE

Clarification

Public Law 100-707 authorizes the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to pay Disaster Unemployment Assistance to any individual unemployed as a result of a major disaster. Individuals cannot be eligible for any other unemployment compensation and also receive disaster unemployment benefits. Payments are limited to 26 weeks.

Because disaster unemployment assistance is considered Federal major disaster and emergency assistance under the Stafford Act, it cannot be considered as income or as a resource when determining food stamp benefits. County agencies need only verify the source of the unemployment income only if the client suffered a job loss or was unemployed due to a recent disaster.

Implementation

The income exclusion of disaster unemployment assistance was effective with the publication of FACT #25. This income and resource exclusion is being added to our updated list of excluded income and resources in OAC rules 5101:4-4-03.3 and 5101:4-4-13.

Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following: 5101:4-4-03.3 and 5101:4-4-13.

5101:4-4-03.3 - Food Stamps: Resources Excluded by Law

In addition to adding the previously mentioned exclusions, this rule has been amended to include the effective dates of various public laws, U.S. Code sections, and federal acts as required in Ohio Revised Code 121.75. Other various technical corrections have been made to the rule.

5101:4-4-13 - Food Stamps: Types of Excluded Income

In addition to adding the previously mentioned exclusions, this rule has been amended to reflect the change in the name from disability assistance (DA) to disability financial assistance (DFA). Other various technical corrections have been made to the rule.

Procedure 14 - AG Subject to Verification Requirements for Refusing to Cooperate with Quality Control Reviewer

Procedure 14 is being removed from the Food Stamp Certification Handbook as obsolete because the information contained in this procedure is provided in 5101:4-2-07 and 5101:4-2-09.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

FSTL Instructions

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: Resources Excluded by Law	5101:4-4-03.3 (Effective 12/1/04)	5101:4-4-03.3 (Effective 7/1/05)
Food Stamps: Types of excluded income	5101:4-4-13 (Effective 6/16/2003)	5101:4-4-13 (Effective 7/1/05)
Procedural Section	Procedural Section Index (Dated October 2001)	Procedural Section Index (Dated July 2005)
Procedural Section	Procedure 14 (Dated July 15, 1999)	N/A
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

Combat Zone Tax Exclusion Areas - Page 1

Executive Order 12744 (effective January 17, 1991) - Arabian Sea Portion that lies North of 10 degrees North Latitude and West of 68 degrees East Longitude

- Bahrain
- Gulf of Aden
- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea
- Saudi Arabia

- United Arab Emirates

Direct Support of Executive Order 12744

- Turkey effective January 1, 2003
- Israel effective January 1, 2003 through July 31, 2003
- Eastern Med effective March 19, 2003 through July 31, 2003
- Jordan effective March 19, 2003
- Egypt effective March 19, 2003 through April 20, 2003

Executive Order 13239 (effective September 19, 2001)

- Afghanistan

Direct Support of Executive Order 13230

- Pakistan effective September 19, 2001
- Tajikistan effective September 19, 2001
- Jordan effective September 19, 2001
- Incirlik AFB Turkey effective September 21, 2001
- Kyrgyzstan effective October 1, 2001
- Uzbekistan effective October 1, 2001
- Phillipines (only troops with orders that reference OEF) effective January 9, 2002
- Yemen effective April 10, 2002
- Djibouti effective July 1, 2002

Combat Zone Tax Exclusion Area - Page 2

Executive Order 13119 (effective March 24, 1999)

Public Law 106-21 Establishing Kosovo as Qualified Hazardous Duty Area (March 24, 1999)

- The Federal Republic of Yugoslavia (Serbia/Montenegro)
- Albania
- The Adriatic Sea
- The Ionian Sea north of the 39th parallel

Public Law 104-117 Establishing a Qualified Hazardous Duty Area (November 1995)

- Bosnia
- Herzegovina
- Croatia
- Macedonia

FSTL 263

Food Stamp Transmittal Letter No. 263

April 13, 2005

TO: Food Stamp Certification Handbook Holders
FROM: Barbara Riley, Director
SUBJECT: Family Members of Victims of Severe Forms of Trafficking

This rule is proposed to be effective July 1, 2005. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on July 1, 2005. If changes are necessary, a copy of the revised rule will be forwarded to you at that time.

Rule 5101:4-3-06 has been reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Background Information

The Trafficking Victims Protection Act of 2000 (TVPA), Pub.L.No. 106-386, made adult victims of severe forms of trafficking who had been certified by the U.S. Department of Health and Human Services (HHS) eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act (INA). Victims of severe forms of trafficking who are under age 18 were also determined eligible for benefits to the same extent as refugees, but did not need to be certified by HHS as victims of severe forms of trafficking.

The TVPA of 2000 defines "severe forms of trafficking in persons"as:

- Sex Trafficking: The recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act induced by force, fraud or coercion, or in which the person is forced to perform such an act is under the age of 18 years; or;
- Labor Trafficking: The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Family Members of Victims of Severe Forms of Trafficking

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), Pub.L.No. 108-193, expanded the categories of non-citizens eligible to participate in the Food Stamp Program to include the minor children, spouses, and in some cases, the parents and siblings of victims of severe trafficking. Under the TVPA, eligibility was limited to the victims themselves.

Victims of trafficking are issued T visas by the U.S. Citizenship and Immigration Services (formerly known as the Immigration and Naturalization Service). Under TVPRA, eligible relatives of trafficking victims are entitled to visas designated as T-2, T-3, T-4, or T-5 (collectively referred to as "Derivative T Visas") and after the issuance of the visas are eligible for food stamp benefits to the same extent as direct victims of severe trafficking, provided that they meet the other food stamp eligibility criteria.

Suspected Victims of Human Trafficking

If a county agency encounters an individual(s) who potentially meets the definition of a victim(s) of human trafficking, the county agency should call the Trafficking Information and Referral Hotline at 1-888-373-7888. This hotline will help determine if the county agency has encountered a victim(s) of human trafficking, will identify local resources available in the community to help victims, and will help the county agency to coordinate with local social service organizations to help protect and serve victims so they can begin the

process of restoring their lives. For more information on human trafficking, county agencies may visit <http://www.acf.hhs.gov/trafficking>.

5101:4-3-06 - Food Stamps: Victims of Human Trafficking

This rule has been amended to include certain relatives of severe forms of trafficking who have potential eligibility for food stamps. Paragraph (B)(1) has been revised to reflect the current definition of sex trafficking as defined in the Trafficking Victims Protection Act of 2000.

County Agency Process

The county agencies will follow the existing procedures for victims of severe trafficking outlined in paragraphs (C) and (D) of 5101:4-3-06 for processing the relatives of trafficking victims.

Procedure 15 - Primary and Secondary SAVE Verification Procedures

Procedure 15 is being removed from the Food Stamp Certification Handbook as obsolete because the information contained in this procedure is provided in 5101:4-7-14, Appendix 62 (G-845S), Appendix 63 (G-845 Supplement), and Appendix 63-A (Instructions for Completion of the "Document Verification Request,"G-845S and Instructions for Completion of the "Document Verification Request Supplement,"G-845 Supplement).

FSTL Instructions

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food Stamps: Victims of Trafficking	5101:4-3-06 (effective 12/5/02)	5101:4-3-06 (effective 7/1/05)
Procedural Section	Procedure 15 (Effective 7/15/99)	N/A
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 262

Food Stamp Transmittal Letter No. 262

Cash Assistance Manual Transmittal Letter No. 18

April 6, 2005

To: Food Stamp Certification Handbook Holders
Cash Assistance Manual Holders

From: Barbara E. Riley, Director

Subject: Unveiling of the Revised JFS 07200: "Request for Cash, Food Stamp, and Medical Assistance"

Application Project Background

In October 2003, the Food and Nutrition Service awarded Ohio a grant that provided an opportunity to work with the Kleimann Communication Group (KCG) for technical assistance and mentoring on redesigning and reorganizing Ohio's combined application. KCG is an established Washington, D.C. firm that has experience in providing research-based assistance to agencies that want to improve their communication with the public.

KCG is currently working with eight new states to improve their application. The goal of the project is to make sure eligible applicants get the benefits to which they are entitled. KCG's contribution to the goal is to make sure that application forms are not a barrier to the applicants.

Workgroup

A workgroup was formed consisting of county representatives and cash assistance, food stamp assistance, and medical assistance policy staff. The workgroup made a decision to revise the JFS 07200, "Request for Cash, Medical and Food Stamp Assistance," and to eliminate the JFS 07100, "Application for Income, Medicaid, and Food Assistance." The revised JFS 07200 will be the only application utilized for cash programs and the Food Stamp program. The newly developed JFS 01846, "Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview," will be used by the county agencies to capture additional data needed when CRIS-E is unavailable, for off-site interviews such as home visit, and telephone interviews when applicable. The newly developed "Eligibility Information Worksheet/ Nursing Home and Community Based Services Waiver" will be used by the county agencies as appropriate for nursing home and HCBS situations.

Over the past several months KCG has provided technical assistance through forms design training, expert reviews of the JFS 07200 drafts, and ongoing assistance and advice on such things as readability, font styles, and applying emphasis techniques. The workgroup conducted a needs analysis of the application users, context, purpose, issues, and political implications to develop the revised application.

Feedback

The workgroup met with several community partners and county agencies to receive input on the revised JFS 07200, the new JFS 01846, and the new nursing home and HCBS worksheet. Some of the suggestions included addressing citizenship eligibility, listing required verifications by program, and specifying other available services. Modifications were made to the forms based upon their suggestions/input.

Testing

KCG provided training to the workgroup on conducting a usability test for the application. Usability testing tries out a document in a real world scenario. Applicants are encouraged to act as they would if they were sitting in the lobby filling out the application or if they were at home filling it out. A moderator conducts the interview while a note taker records observations and comments from applicants. Usability testing starts with a think-aloud protocol, which is an unstructured review of the form by the applicants. Applicants go through the form and attempt to fill it out, speaking aloud as they go through the form. The note taker records areas of confusion or questions the applicant has and any areas the applicant skips. After the applicant has gone through the form on their own, the moderator asks structured questions that have been decided on in advance.

The workgroup in conjunction with KCG tested the JFS 07200 with applicants. Based on the testing we found that the applicants felt "comfortable" to "very comfortable" with the way information as presented in the form, the application provided the right information for them, the application was "simple" and written at the right level for most people to understand. In addition, the applicants indicated a number of other things they liked about the application such as the application's colors, simplicity, and overall tone. One applicant appreciated that it "wasn't condescending." Further, the use of sections and clear headings was mentioned numerous times by applicants. There was no problem with securing signatures from applicants. The overall feedback was favorable and modifications were made to the JFS 07200 based upon the testing results.

Implementation

The rules included in this FSTL/CAMTL have been modified to update language to the revised JFS 07200, the new JFS 01846, and the elimination of the JFS 07100. These rules are proposed to be effective May 1, 2005. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on May 1, 2005. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Description of the revised "Request for Cash, Food Stamp, and Medical Assistance," JFS 07200:

The JFS 07200 name has been changed to "Request for Cash, Food Stamp, and Medical Assistance." The purpose of the JFS 07200 is to obtain basic information and to screen for expedited food stamps in order to avoid collecting duplicate information gathered in the interactive interview. The JFS 07200 consists of a two-page coversheet (front and back) and a four page application. The applicant keeps the two page cover sheet for their records.

Application Coversheet

The county agency is to complete the top portion of the coversheet in the shaded area to list the appointment date and time of the interview. The coversheet is designed to provide information to the applicant regarding the following application procedures:

- How to apply for assistance.
- How to obtain help completing the application if English is not their primary language, if they are hearing impaired, or have a disability.
- How to complete the application, what to do if they cannot fill out the application the same day, and the procedures for applying for someone else.
- Where to turn in the application and that county agencies offer evening and/or weekend hours (reference Code of Federal Regulations (CFR) section 273.2 (e)(3) and Ohio Revised Code (ORC) section 329.023 for hours of operation).
- How to complete the face-to-face interview and what to do if they cannot come in for the interview.
- Types of verification needed for cash assistance, food stamps, and health coverage.
- The timelines for processing the application by program.
- What to do if they need food right away.
- Information on citizenship guidelines to let the applicant know that they should not let fear of the U.S. Citizenship and Immigration Services (USCIS), formerly known as the Immigration Naturalization Services (INS), deter them from seeking needed assistance for their family.
- List of other available services such as child care assistance, prenatal care, housing costs, work skills and help getting a job. If they need help with day care costs, they are to contact their local CDJFS for a child care application.

The first page of the application provides instructions informing the applicant to complete sections one and two for the person for whom they are applying and section three is to be completed by the authorized representative.

A shaded box is located in the first section for county agency use to record information such as the date received, application and case number, and if they are applying for expedited food stamps, Prevention Retention and Contingency (PRC), and/or child care.

The following information is provided on page one:

- Section one of the application provides information about the applicant such as name, if the individual has special needs, and if they have ever received cash, food stamp, or medical assistance.
- Section two provides information on how to reach the applicant and includes a space for an e-mail address.
- Section three provides information about the authorized representative.
- Section four is for the signature of the applicant/authorized representative.

CFR section 273.2 (b)(iv), OAC rule 5101:4-2-01, requires a place on the front page of the application where the applicant can write his/her name, address, and signature.

Page Two of the Application

- Section five is for applicants who need food stamp assistance right away and is used to screen for expedited food stamp assistance (reference rule 5101:4-6-09).
- Section six provides information about the people living with the applicant to assist the CDJFS in accomplishing the screening process. In addition, this section is used to determine if the applicant is applying for or in need of nursing home/in-home care.

Page Three of the Application

- Section six (continued) will determine if the household member(s) over age 60 and who are disabled are able to receive food stamp assistance separately from other members of the assistance group.
- Section seven provides information about the household's finances such as employment status, income, and resources.
- Section eight provides information about the household's expenses such as day care costs for a child or other dependents, child support payments, medical expenses for anyone who is disabled or age 60 or older, rent/mortgage payments, and utility payments.

Page Four of the Application

- Section nine contains a statement to be signed by the applicant or authorized representative which certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and alien status of the members applying for assistance.
- Section ten informs the applicant that they are to return the application to their local CDJFS office. A space is available for the county agency to provide their information such as an address and/or telephone number.
- The last section provides a civil rights description and how to file a discrimination complaint.

Description of the new "Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview," JFS 01846:

The JFS 01846, "Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview," is designed as a tool for the county agencies to use when CRIS-E is unavailable, for off-site interviews such as home visits, and telephone interviews when applicable. This form shall **not** be used by applicants/recipients. The form has

been designed to mimic the CRIS-E screens to aid in the interview process and data entry. County agencies shall use the JFS 01846 as a guide for the interview and the applicant/recipient must sign the completed worksheet to attest that the information is correct.

Description of the new "Eligibility Information Worksheet / Nursing Home and Community Based Services Waiver"

The Eligibility Information Worksheet will be used by nursing home and HCBS workers as appropriate. This worksheet will be issued under separate cover by Ohio Health Plans.

Description of the revised "Your Rights and Responsibilities," JFS 07501:

The JFS 07501 "Your Rights and Responsibilities" has been formatted to resemble the style of the revised JFS 07200. A new paragraph on " Religious Agencies" has been added to the JFS 07501. This paragraph was developed in response to a new federal regulation commonly referred to as "Charitable Choice" . Charitable choice encourages states to involve faith-based organizations in providing federally funded TANF benefits and services to eligible families. The CDJFS may have agreements with faith-based agencies to provide services to families who may be receiving PRC or act as work sites to families receiving OWF. The paragraph is designed to inform an assistance group member that he or she may elect to receive services or participate at a work site that is not faith-based and the CDJFS must provide another comparable agency as the work site or as the provider of services.

OWF cases are now subject to the state quality control review. Failure of the assistance group member to cooperate in the process could result in ineligibility for OWF for up to 3 payment months. This language has been added to the "Quality Control Review" paragraph on the JFS 07501. This penalty has been added to rule 5101:1-3-15.

Reproduction/Translation

The JFS 07100 is obsolete. The JFS 07200 and JFS 07501 will continue to be stored in the warehouse for ordering. The new JFS 01846 and the nursing home and HCBS worksheet will not be stored in the warehouse and will be available online to be reproduced by the county agencies.

The JFS 07200, and JFS 07501 will be translated as soon as possible following the publication of this FSTL/CAMTL. We will issue a CRIS-E view flash bulletin once the translated forms are available on the ODJFS internet and innerweb.

Food Stamp Certification Handbook Changes:

Rules 5101:4-1-03 and 5101:4-7-07 were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Following are summaries of the proposed changes to these rules.

5101:4-1-03 -Food Stamps: definitions.

This rule was updated with current definitions to the JFS 07200 and the JFS 01846. There were seven definitions that were deleted as being obsolete. Other definitions were updated with correct terminology.

5101:4-2-01 -Food Stamps: application process.

The references to CAF and JFS 07100 were stricken. References to the JFS 01846 were inserted where appropriate. The references to a form number or abbreviated word were spelled out with the first reference in each rule.

5101:4-6-19-Food Stamps: determining eligibility of supplemental security income (SSI) assistance groups (AGs).

The references to CAF and JFS 07100 were stricken. References to the JFS 01846 were inserted where appropriate. The references to a form number or abbreviated word were spelled out with the first reference in each rule.

5101:4-7-07 -Food Stamps: reapplication.

References to the JFS 07100 were stricken. References to the JFS 01846 were inserted where appropriate. Abbreviated words were spelled out the first time they were referred to in the rule.

Application Situations for Food Stamp Programs.

A new chart was added to the Appendix of the following rules: 5101:4-2-01, 5101:4-6-19 and 5101:4-7-07. The chart covers the application situations for use of the JFS 07200 and the JFS 01846.

Cash Assistance Manual Changes:

This letter transmits changes with the proposed effective date of May 1, 2005. If there are any changes made to the rules contained in this CAMTL during the JCARR review period, corrected rules will be sent out in the next CAMTL. This cover letter includes a summary statement of the policy changes. The clearance control number (CCN) assigned when the policy changes were placed in the clearance process is included for reference. The clearance control number is 5360.

Section 119.032 of the Revised Code requires a review of all state agency rules within a five-year period. The purpose of this review is to determine whether a rule should continue without amendment, amended or rescinded, taking into consideration the rule's purpose and scope. In addition, the intent of the review is to ensure that rules are clear and concise as written, program requirements are accurate and up-to-date, unnecessary paperwork eliminated, and when possible, local agencies given more flexibility.

Based upon the amount of changes and reformatting of the processing rules we determined that the existing rules 5101:1-2-01 and 5101:1-2-10 should be rescinded and replaced with new rules 5101:1-2-01 and 5101:1-2-10. Following are summaries of the proposed changes to these rules.

Chapter 1000

Rule 5101:1-2-01 The application process for Ohio works first (OWF), disability financial assistance (DFA) and refugee cash assistance (RCA).

This rule was reformatted to combine within one rule all application processing language. This reorganization will facilitate reference to the rule and does not substantively change most of the current policy with the exceptions noted below:

The JFS 07200 was revised and is now the only application used for OWF, DFA and RCA. The CAF/JFS 07100 will no longer be used for cash programs and all references to it have been removed. The new worksheet JFS 01846 will be used to capture data needed during home visits or when CRIS-E is unavailable.

Obsolete forms and forms not mandated have been removed from the items to be included in the application packet. This change is reflected in paragraph (C) of the rule.

Language regarding applications submitted electronically has been added to paragraph (H) (9) of the rule.

The interview requirement in paragraph (J) was changed from five working days to require that a face-to-face interview be scheduled as promptly as possible. This change was made to align with food stamp rule 5101:4-2-07.

A new section was added that lists the items to provide at the face-to-face interview. This change is reflected in paragraph (K) of the rule. These items are:

- JFS 08000 "Your Rights" (Brochure of right to apply, right to a state hearing and civil rights);
- "Voter Registration Form" and "Notice of Rights";
- JFS 07092 "Notice To Individuals Applying For Or Participating In OWF Concerning Good Cause For Refusal To Cooperate With Securing Child Support" if applicable;
- JFS 07357 "Grant Payment Method Authorization -Mandatory" or JFS 07344 "Grant Payment Method Authorization -Voluntary" as appropriate;
- A copy of the CRIS-E generated rights and responsibilities page or the JFS 07501 "Your Rights and Responsibilities".

Language related to the gathering of medical documentation and referring the case to County

Medical Services was added to the responsibilities of the CDJFS contained in paragraph (L) of the rule.

Paragraph (N) has been changed. It now states "all information contained in the JFS 07501" and removes those individual listings that are part of the JFS 07501. The requirement to provide a photo ID was removed from the Ohio Revised Code and subsequently removed from this section. An explanation of the medication dependent covered group has been removed, as this is a medical program no longer connected with DFA. An explanation of the self-sufficiency contract and time limit requirements has been added to the list.

The previous section titled "Unavailability of CRIS-E system for interview" has been removed and replaced with new language that was added to paragraph (N). The unavailability of CRIS-E, face-to-face interview, home visits, and telephone interviews explained in this paragraph are also detailed in the new chart "Application Situations for Cash Programs" added to the JFS Charts appendix. When the CRIS-E system is unavailable for the interview, the CDJFS worker must now complete the JFS 01846 and enter this information into the CRIS-E system as soon as the system is available. The signed and dated JFS 01846 will satisfy the requirement of having signed the Printed Copy of Information (PCI). Language was removed from this section that required the PCI to be mailed to the individual to be signed and dated and the subsequent denial of benefits is no longer appropriate for failure to return the signed and dated PCI.

Rule 5101:1-2-10 Ohio works first (OWF)/ disability financial assistance (DFA)/ refugee cash assistance (RCA): the reapplication requirement.

This rule was reformatted to remove sections containing application processing procedures.

These procedures are now included in rule 5101:1-2-01.

Language related to the gathering of medical documentation and referring the case to County Medical Services was added to the responsibilities of the CDJFS contained in paragraph (B) (1) of the rule.

Language was added regarding the reapplication interview conducted as an interactive interview, home visit or phone interview as detailed in the new chart "Application situations for cash programs".

Reference to requiring a JFS 07200 when a new or additional category of cash assistance is requested had been removed from this rule. The signature on the PCI establishes the beginning date of cash assistance for that category. Language requiring the PCI be sent to the AG for signature and return has been removed.

CAM Appendix

JFS Forms

Two forms have been removed from the Forms appendix with this CAMTL. The following forms have been removed from the CAM because they have been obsolete.

JFS 03607, Medical Information Release Form (Rev. 11/2000); and

JFS 07100, Application for Income, Medical, and Food Assistance (Rev. 4/2001).

JFS Charts

A new chart was added to the Forms appendix with this CAMTL. The chart covers the application situations in the application and reapplication process rules. The following chart was added:

Application Situations for Cash Programs (Effective 5/2005)

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be little or no fiscal impact for the county agencies to implement this FSTL/CAMTL. With the elimination of the large out-of-date JFS 07100, "Application for Income, Medicaid, and Food Assistance,"

county agencies will now use the revised JFS 07200 for applications. When CRIS-E is unavailable or for occasional telephone or off-site interviews the newly developed worksheets will be utilized.

INSTRUCTIONS: FOOD STAMPS

Location	Remove and File as Obsolete	Insert/Replacement
Definitions	5101:4-1-03 (effective 10/01/01)	5101:4-1-03 (effective 05/01/05)
Chapter 2000		
Food Stamp: Application process	5101:4-2-01 (effective 05/13/02)	5101:4-2-01 (effective 05/01/05)
Chapter 6000		
Food Stamps: Determining eligibility of Supplemental security income (SSI), assistance groups (AGs).	5101:4-6-19 (effective 02/01/04)	5101:4-6-19 (effective 05/01/05)
Chapter 7000		
Food Stamps: Reapplication.	5101:4-7-07 (effective 07/10/03)	5101:4-7-07 (effective 05/01/05)
Appendix		
Appendix 100 JFS 07100-Application for Income, Medical, and Food Assistance	JFS 07100-Application for Income, Medical, and Food Assistance (Rev. 4/2001)	JFS 01846 - Case Worksheet- Cash, Food Stamp, and Medical Assistance Interview (effective 05/01/05)
Appendix 101A JFS 07200- Request for Cash, Medical and Food Stamp Assistance	JFS 07200- Request for Cash, Medical and Food Stamp Assistance (Rev. 7/2002)	JFS 07200 - Request for Cash, Food Stamp, and Medical Assistance (Rev. 05/01/05)
Appendix 102-A JFS 07501- Your Rights and Responsibilities	JFS 07501- Your Rights and Responsibilities (Rev. 11/2003)	JFS 07501- Your Rights and Responsibilities (Rev. 05/01/05)
Appendix 16 JFS 07402-WS Instructions for Completing the Application Worksheet	JFS 07402-WS Instructions for Completing the Application Worksheet (Rev.7/2001)	JFS 07402-WS Instructions for Completing the Application Worksheet (Rev. 05/2005)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.
Procedural Section		
Procedure 1 Procedure for Application Processing	Procedure for Application Processing (Rev.1/2003)	Procedure for Application Processing (Rev. 05/2005)
Procedure 2	Procedures for Reapplication	Procedures for Reapplication

Procedures for Reapplication Processing	Processing (Rev. 3/2002)	Processing (Rev. 05/2005)
Procedure 9 Procedures for Determining Need for Expedited Service and Issuance of Benefits	Procedures for Determining Need for Expedited Service and Issuance of Benefits (Rev. 7/15/99)	Procedures for Determining Need for Expedited Service and Issuance of Benefits (Rev. 05/01/05)

INSTRUCTIONS: CASH ASSISTANCE

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 1000		
Joint Program Policies	Outline of Contents (Effective January 1, 2003)	Outline of Contents (Effective May 1, 2005)
	5101:1-2-01 (Effective August 1,2001)	5101:1-2-01 (Effective May 1, 2005)
	5101:1-2-10 (Effective May 1, 2000)	5101:1-2-10 (Effective May 1, 2005)
Forms Appendix		
JFS Forms	Outline of Contents (Effective January 1, 2005)	Outline of Contents (Effective May 1, 2005)
JFS 01846 Case Worksheet -Cash, Food Stamp, and Medical Assistance Interview	N/A	Insert immediately behind the last page of the outline of contents
JFS 03607 Medical Information Release Form	JFS 03607 Medical Information Release Form (Rev. 11/2000)	N/A
JFS 07100 Application for Income, Medical, and Food Assistance	JFS 07100 Application for Income, Medical, and Food Assistance (Rev. 4/2001)	N/A
JFS 07200 Request for Cash, Medical and Food Stamp Assistance	JFS 07200 Request for Cash, Medical and Food Stamp Assistance (Rev. 7/2002)	JFS 07200 Request for Cash, Food Stamp, and Medical Assistance (Rev. 05/01/05)
JFS 07501 Your Rights and Responsibilities	JFS 07501 Your Rights and Responsibilities (Rev. 11/2003)	JFS 07501 Your Rights and Responsibilities (Rev. 05/01/05)
Application Situations for Cash Programs	N/A	Insert new chart "Application Situations for Cash Programs" (Effective 5/2005) immediately behind ADC/TANF Budget History -Need Standards

		chart
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FSTL 261

Food Stamp Transmittal Letter No. 261

October 28, 2004

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Clarification: Reduction in the Work Effort Provision

These rules are proposed to be effective 12/06/04. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on 12/06/04. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Background Information

This transmittal letter is dedicated to providing clarification on the final rule that was published in the June 19, 2002 Federal Register regarding a reduction in the work effort. One exemption from work requirements is employment of 30 hours or more per week or weekly earnings of at least equal to the Federal minimum wage multiplied by 30 hours.

The final rule published in the June 19, 2002 Federal Register implemented the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act and the Balance Budget Act relating to the work provisions of the Food Stamp Program. The final rule added a new provision that made individuals who reduce their work effort to less than 30 hours per week ineligible to participate in the Food Stamp Program. The rule stipulated that the minimum wage equivalency did not apply when determining a reduction in work effort.

Subsequent policy clarification established that the minimum wage equivalency **must** apply when making these determinations. Based on this clarification, an individual who is exempt from the work requirements because he or she is working a minimum of 30 hours per week and then reduces his or her work hours to less than 30, but continues to earn more in weekly wages than the 30 hours per week at minimum wage, remains exempt from the work requirements and is not subject to disqualification from the Food Stamp Program.

5101:4-3-11: Food Stamps: Exemptions, Work Registration, Work Requirements, and Sanctions

Language has been added to paragraph (A)(9) to exempt individuals from work participation who reduce their work hours to less than 30 per week but continue to earn more than the Federal minimum wage times 30 hours. This rule has also been amended to change the term eligibility worker (EW) to county agency and to reflect the change in the name from disability assistance (DA) to disability financial assistance (DFA). Grammatical corrections were made to paragraphs (B)(2) and (G)(4). Reference to the form "Results of Services to Food Stamp Registrants" ES/FS 7 has been removed from paragraph (C)(4)(b) because the form was obsoleted with the issuance of FSTL #226.

5101:4-3-19: Food Stamps: Voluntary Quit and Reduction of Work Effort

Clarification has been added to paragraph (B)(1)(b) that a disqualification would not apply to individuals who reduce their work hours to less than 30 hours per week, but have earnings that exceed the Federal minimum wage multiplied by 30 hours.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 3000		
Food Stamps: Exemptions, Work Registration, Work Requirements, and Sanctions	5101:4-3-11 (effective 1/9/03)	5101:4-3-11 (effective 12/6/04)
Food Stamps: Voluntary Quit and Reduction of Work Effort	5101:4-3-19 (effective 1/9/03)	5101:4-3-19 (effective 12/6/04)
Outline of Contents: Chapter 6000: Determining Eligibility of Special Situation Assistance Groups	Outline of Contents: Chapter 6000 dated 10/1/01	With attached corresponding page dated 12/06/04
Appendix 35	N/A	Update with the number and date of this transmittal.

FSTL 260

Food Stamp Transmittal Letter No. 260

September 15, 2004

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: December 1, 2004 Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-2-02, 5101:4-2-05, 5101:4-2-11, 5101:4-3-08, 5101:4-4-03.3, 5101:4-4-27, 5101:4-5-03, and 5101:4-6-01.

Implementation

These rules are proposed to be effective December 1, 2004. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on December 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

There will be no changes to these rules that directly affect the eligibility of applicant/recipients or how any county agency will administer the program. The following is a brief description of the changes to each rule.

5101:4-2-02 - Food Stamps: Categorical Eligible AGs

This rule has been amended to change Disability Assistance (DA) to Disability Financial Assistance (DFA) and Disability Medical Assistance (DMA).

5101:4-2-05 - Food Stamps: Authorized Representatives

This rule has been amended to remove a reference to the food stamp identification card since it no longer applies in the food stamp benefit issuance process.

5101:4-2-11 - Food Stamps: Timeliness Standard

This rule has been amended to change Disability Assistance (DA) to Disability Financial Assistance (DFA). Removed references to the Food Stamp Supervisor's Handbook and replaced with the User's Guide to Food Stamp Delivery.

5101:4-3-08 - Food Stamps: Reporting Illegal Aliens

This rule has been amended to replace Immigration and Naturalization Service (INS) to U.S. Citizenship and Immigration Services (USCIS), which is a department within the Department of Homeland Security (DHS).

5101:4-4-03.3 - Food Stamps: Resources Excluded by Law

This rule has been amended to correct a reference in the first paragraph from 5101:4-4-07 to 5101:4-4-03 of the Administrative Code.

5101:4-4-27 - Food Stamps: Determining Monthly Food Stamp Benefits

This rule has been amended to change Disability Assistance (DA) to Disability Financial Assistance (DFA) and Disability Medical Assistance (DMA).

5101:4-5-03 - Food Stamps: Establishing Certification Periods

This rule has been amended to make grammatical corrections.

5101:4-6-01 - Food Stamps: Determining Eligibility of Drug Addicts and Alcoholics in Treatment Programs

This rule has been amended to make grammatical corrections.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment, or travel is involved.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 2000		
Food Stamps: Categorical Eligible AGs	5101:4-2-02 (effective 07/01/03)	5101:4-2-02 (effective 12/01/04)
Food Stamps: Authorized Representatives	5101:4-2-05 (effective 06/01/01)	5101:4-2-05 (effective 12/01/04)
Food Stamps: Timeliness Standard	5101:4-2-11 (effective 06/01/01)	5101:4-2-11 (effective 12/01/04)
Chapter 3000		
Food Stamps: Reporting Illegal Aliens	5101:4-3-08 (effective 06/01/01)	5101:4-3-08 (effective 12/01/04)
Chapter 4000		
Food Stamps: Resources Excluded by Law	5101:4-4-03.3 (effective 06/01/01)	5101:4-4-03.3 (effective 12/01/04)
Food Stamps: Determining Monthly Food Stamp Benefits	5101:4-4-27 (effective 06/01/01)	5101:4-4-27 (effective 12/01/04)
Chapter 5000		
Food Stamps: Establishing Certification Periods	5101:4-5-03 (effective 11/01/03)	5101:4-5-03 (effective 12/01/04)
Chapter 6000		
Food Stamps: Determining Eligibility of Drug Addicts and Alcoholics in Treatment Programs	5101:4-6-01 (effective 06/01/01)	5101:4-6-01 (effective 12/01/04)
Appendix		
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 259

Food Stamp Transmittal Letter No. 259

October 6, 2004

To: Food Stamp Certification Handbook Holders
From: Thomas J. Hayes, Director
SUBJECT: October 1, 2004 Mass Changes

These rules are proposed to be effective on an emergency basis October 1, 2004. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis, replacing the emergency version, on October 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October Mass Changes

Effective October 1, 2004, the following mass changes are applicable. *(Please note that the homeless shelter deduction is not listed because it has not changed.)*

Excess Shelter Deduction

\$388

Standard Telephone Allowance

\$29

Standard Utility Allowance

\$380

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$149
2	274
3	393
4	499
5	592
6	711
7	786
8	898
each additional	+112

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$ 776
2	1,041
3	1,306
4	1,571
5	1,836
6	2,101
7	2,366
8	2,631
each additional	+ 265

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$1,009
2	1,354
3	1,698
4	2,043
5	2,387
6	2,732
7	3,076
8	3,421
each additional	+ 345

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards - Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$1,281
2	1,718

3	2,155
4	2,592
5	3,030
6	3,467
7	3,904
8	4,341
each additional	+ 438

Implementation: All applications and reapplications being processed for October 2004 and after shall have the new amounts applied. All ongoing cases which are eligible for the new standards will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2004. CRIS-E tables will be updated with the changes effective October 2004. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Instructions: This transmittal letter obsoletes FACT No. 24. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2004. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: income standards.	5101:4-4-11 (effective October 1, 2003)	5101:4-4-11 (effective October 1,2004)
Food Stamps: deductions from income.	5101:4-4-23 (effective October 1, 2003)	5101:4-4-23 (effective October 1,2004)
Chapter 5000		
Food Stamps: determining the monthly allotment.	5101:4-5-01 (effective October 1, 2003)	5101:4-5-01 (effective October 1,2004)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 258

Food Stamp Transmittal Letter No. 258

August 31, 2004

To: Food Stamp Certification Handbook Holders
From: Thomas Hayes, Director
SUBJECT: September 2004 Five Year Rule Review

These rules are proposed to be effective September 1, 2004. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on September 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule Review

The following rules were reviewed in accordance with the Ohio revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of the rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rule 5101:4-1-05: Personnel standards, bilingual staff and materials, training, records and reports.

This rule was amended to expand explanation that program records can be maintained either manually or in an automated system.

Rule 5101:4-1-13: contains information related to availability of information, program administration, office operations, and income eligibility verification system (IEVS) information is being amended to correct capitalization and paragraph reference.

Rules 5101:4-8-17: Calculating the claim amount, and 5104:4-8-19: Initiating collection action and managing claims, and 5101:4-8-23: Retention rates and claims accounting procedures. Are being amended to make grammatical changes.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed to implement this policy. No additional supplies, equipment or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement this rule will be minimal. Clarification regarding this rule will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Service Section.

Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 1000		
Food Stamps: Personnel Standards, Bilingual Staff and Materials, Training, Records and Reports	5101:4-1-05 (effective August 27, 2001)	5101:4-1-05 (effective September 1, 2004)
Food Stamps: Availability of information, Program Administration, Office operations and Income Eligibility Verification System (IEVS) information	5101:4-1-13 (effective August 27, 2001)	5101:4-1-13 (effective September 1, 2004)

Chapter 8000		
Food Stamps: Calculating the Claim Amount	5101:4-8-17 (effective August 11, 2001)	5101:4-8-17 (effective September 1, 2004)
Food Stamps: Initiating Collection Action and Managing Claims	5101:4-8-19 (effective August 11, 2001)	5104:4-8-19 (effective September 1, 2004)
Food Stamps: Retention Rates and Claims Accounting Procedures	5101:4-8-23 (effective August 11, 2001)	5101:4-8-23 (effective September 1, 2004)

FSTL 257

Food Stamp Transmittal Letter No. 257

February 20, 2004

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: May 1, 2004 Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-4-31, 5101:4-7-03, 5101:4-7-11, and 5101:4-7-13.

Implementation

These rules are proposed to be effective May 1, 2004. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on May 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

5101:4-04-31 - Food Stamps: Anticipating Income

This rule has been amended to change a paragraph reference in paragraph (M) and (Q) of this rule.

5101:4-07-03 - Food Stamps: Mass Change During the Certification Period

This rule has been amended to change Disability Assistance (DA) to Disability Financial Assistance (DFA).

5101:4-07-11 - Food Stamps: Providing Replacement Issuance to AGs

This rule has been rescinded and created as a new rule to remove references to authorization documents and food stamp identification cards since they no longer apply in the food stamp benefit issuance process. References to alternate delivery systems are no longer applicable and have been removed.

References to coupons were removed in this rule where they are no longer relevant. Certain references to coupons were left in this rule due to the coupon conversion process used when converting EBT benefits to food stamp coupons for AG(s) who move out of state (reference Chapter 3 of the User's Guide to Food Stamp Delivery).

Other amendments to this rule include changing the agency name from Ohio Department of Human Services (ODHS) to Ohio Department of Job and Family Services (ODJFS), County Department of Human Services (CDHS) to County Department of Job and Family Services (CDJFS), and Form names from ODHS to JFS.

5101:4-07-13 - Food Stamps: Reducing, Suspending, or Cancelling Food Stamp Benefits

This rule has been amended to change the agency name from Ohio Department of Human Services (ODHS) to Ohio Department of Job and Family Services (ODJFS).

Procedure 16 - Case File Transfer Procedure for Food Stamps

The transfer procedures for AGs who are certified to receive food stamps have been amended to coincide with the Ohio Direction Card procedures.

Forms

JFS 04219 - "Request for Contact" has been amended to include medical assistance programs.

The following forms are now available in Spanish:

JFS 04218 "Notice of Missed Interview" (Appendix 18-A)

- JFS 04218S "Aviso De Entrevista Perdida" (Appendix 18-B)

JFS 04219 "Request for Contact" (Appendix 19-A)

- JFS 04219S "Solicitud Para Contactar" (Appendix 19-B)

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed. No additional supplies, equipment or travel is involved.

FSTL Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: Anticipating Income	5101:4-04-31 (effective 11/01/03)	5101:4-04-31 (effective 05/01/04)
Chapter 7000		
Food Stamps: Mass Change During the Certification Period	5101:4-07-03 (effective 05/01/99)	5101:4-07-03 (effective 05/01/04)
Food Stamps: Providing Replacement Issuance to AGs	5101:4-07-11 (effective 05/01/99)	5101:4-07-11 (effective 05/01/04)
Food Stamps: Reducing, Suspending, or Cancelling Food Stamp Benefits	5101:4-07-13 (effective 05/01/99)	5101:4-07-13 (effective 05/01/04)
Appendix		
Appendix Index	Appendix Index (effective 11/01/03)	Appendix Index (effective 05/01/04)
Appendix 18-B	N/A	JFS 04218S (effective 05/01/04)
Appendix 19-A	JFS 04219 (effective 11/01/02)	JFS 04219 (effective 05/01/04)
Appendix 19-B	N/A	JFS 04219S (effective 05/01/04)
Procedures	Procedure 16 (effective 07/15/99)	Procedure 16 (effective 05/01/04)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 256

Food Stamp Transmittal Letter No. 256

January 30, 2004

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Written Declaration of Citizenship/Alien Status and the Use of the Systematic Alien Verification for Entitlements (SAVE) Program

These rules are proposed to be effective April 1, 2004. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on April 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-3-07 and 5101:4-7-14

Background Information

The Immigration Reform and Control Act (IRCA) of 1986 was passed by Congress to establish a system for verifying the immigration status of non-citizen applicants for, or recipients of, certain types of federally funded benefits. In 1987, the Immigration and Naturalization Service (INS) established the SAVE program, an intergovernmental information-sharing initiative designed to aid benefit providers in verifying an applicant's immigration status to carry out the IRCA requirement.

The INS developed, and made accessible to federal, state and local government agencies, an efficient, secure, and cost effective system for verification, the Alien Status Verification Index (ASVI). Currently under the ASVI (Touch-Tone Telephone) system, there are two methods of verifying alien registration status: primary verification is an automated process used to provide alien verification within seconds of inquiry and manual secondary verification when the automated process is unable to provide information and under other specified circumstances.

Because of security safeguards and technological enhancements, the INS, now known as the Department of Homeland Security (DHS) can no longer support the current access method of the ASVI, the Touch-Tone Telephone system. A new system, the Automated Status Verification System (ASVS), a web-enabled, server-based Customer Processing System (CPS) has been developed to provide faster and better service. A transformation to this new system offers a fully automated means for verifying immigration status and can be accessed through the Personal Computer (Windows-Based) method. There will be a reduction in: response time for manual secondary verification queries, costs associated with filling out the Form G-845, (Document Verification Request), postal service, and costs per query.

The manual secondary verification process will not change and will continue to be available when needed. The Document Verification Request forms (G-845, G-845 S) shall still remain available for additional verification requests submitted. The response times may vary, depending on the workload of the DHS offices, the resources available to process additional verification requests, and the applicant's specific circumstances. Following is the address and phone number for sending Document Verification Request forms:

Department of Homeland Security

1240 East 9th Street

Room 1917

Cleveland, Ohio 44199

Attention: Status Verification Unit

Telephone: (216) 522-2268 or (216) 522-2612

Facsimile: (216) 522-7039

ACCESS

The Web-Based 1 system URL address will be available at the end of December, however agency access to the system will become effective April 1, 2004 for the OWF, PRC, RCA, Medicaid, and Food Stamp programs. Medicaid rules will be addressed in a separate transmittal letter. Further information regarding setting up user information will be forthcoming and will be provided to the CDJFSs' prior to the April 1, 2004 implementation date.

Passwords will be required by users and must be changed every forty-five (45) days. It is an eight (8) character password which can be either capital letters, lower case letters, or number of special characters. A user will have three (3) tries to enter into the system, then a Supervisor must unlock the system. If the system has to be reset, the password would also have to be reset. The CPS Help Desk will be available for assistance to all users from 7:00 AM EST to 9:00 PM EST except for Thanksgiving, Christmas, and New Year's Day.

5101:4-3-07: Citizenship and Alien Status

This rule is being amended to reflect the Department of Homeland Security as the agency administering the SAVE Program and the change to the new web-enabled service-based Custom Processing System.

5101:4-7-14: Systematic Alien Verification for Entitlements (SAVE) Program

This rule is being amended to reflect the Department of Homeland Security as the agency administering the SAVE Program. This rule also reflects the change from the Alien Status Verification Index through the use of a touch tone telephone to the new web-enabled, server based Automated Status Verification System.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement this FSTL. No additional staff will be needed. No additional supplies, equipment or travel is involved.

Training

Training for the ASVS system shall be provided to the counties through a website set up by the contractor of this service, Computer Sciences Corporation (CSC). This training will be available continuously on the CSC Web-Based 1 website, the same screen where actual queries will be completed. ODJFS will provide a technical Super User who will set up the County Security Coordinators at the county level. The County Security Coordinators will set up the agency supervisors who will set up the General Users who will be the ones who actually perform the inquiries on the Web-Based 1 system.

FSTL Instructions

Location	Remove And File As Obsolete	Insert/Replacement
Chapter 3000		
Food stamps: Citizenship and alien status	5101:4-3-07 (effective 10/1/02)	5101:4-3-07 (effective 4/1/04)
Chapter 7000		
Food stamps: Systematic alien verification for entitlements (SAVE) program	5101:4-7-14 (effective 3/1/02)	5101:4-7-14 (effective 4/1/04)

Appendix 63-A	Instructions for Completion of the "Document Verification Request", G-845S (effective 3/1/02)	Instructions for Completion of the "Document Verification Request", G-845S (effective 4/1/04)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal

FSTL 255

Food Stamp Transmittal Letter No. 255

November 25, 2003

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Additional Exemption for ABAWD Work Requirements

Background Information

Amended Sub. H.B. 95, effective July 1, 2003, required Ohio to request from the Food and Nutrition Service (FNS) a waiver of the applicability of the work requirements outlined in OAC rule 5101:4-3-20 for individuals defined as able-bodied adults without dependents who are residing in a county with an unemployment rate over ten percent in the four months prior to implementation of the waiver.

The waiver was approved for implementation for one year (through September 30, 2004) by FNS to exclude ABAWD individuals in Adams, Meigs, Morgan, and Vinton counties from the ABAWD work requirements because the unemployment rate for twelve recent calendar months, July 2002-June 2003, exceeded ten percent.

Approved Counties

The ABAWD waiver exemption is approved for Adams, Meigs, Morgan, and Vinton counties. In order for these counties to receive an extension of this waiver after September 30, 2004, ODJFS must provide unemployment rate data for the affected areas compiled by the Bureau of Labor Statistics (BLS) indicating an unemployment rate greater than ten percent for a recent twelve-month period.

Additional counties cannot be added to the existing waiver. ODJFS would be required to submit, for approval, a new waiver request to FNS with data from BLS confirming that the unemployment rate was greater than ten percent for a recent twelve-month period for a given county.

Implementation

The proposed rule is to be applied at applications or reapplications filed on or after January 1, 2004. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on January 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule Review

Rule 5101:4-3-20 of the Administrative Code was reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

5101:4-3-20 Food stamps: time limit for able-bodied adults without dependents (ABAWDS).

Paragraph (B)(1)(a) has been revised to include reference to paragraph (C)(1) to (C)(7) of this rule.

Paragraph (C)(7) - an individual is now exempt from the time limit if he or she is residing in a county where the time limit was waived because the average unemployment rate for twelve recent calendar months exceeded ten percent.

Individuals who are now exempt from the work requirements related to time-limited eligibility under paragraph (C)(7) of OAC rule 5101:4-3-20 are subject to the FSET work requirements in OAC rule 5101:4-3-11 unless an exemption under OAC rule 5101:4-3-11 exists.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

By waiving the work requirements for ABAWDS in the counties with an average unemployment rate for twelve recent calendar months exceeding ten percent, there should be a reduction in the amount of time spent by caseworkers to process cases. This will result in a reduction in administrative costs for the approved counties.

FSTL Instructions:

Location	Remove And File As Obsolete	Insert/Replacement
Chapter 3000		
Food stamps: time limit for able-bodied adults without dependents (ABAWDS).	5101:4-3-20 (effective 10/11/01)	5101:4-3-20 (effective 01/01/04)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 254

Food Stamp Transmittal Letter No. 254

November 25, 2003

To: Food Stamp Certification Handbook Holders
From: Thomas Hayes, Director
SUBJECT: February 1, 2004 Rule Review

These rules are proposed to be effective February 1, 2004. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on February 1, 2004. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-6-07, 5101:4-6-11, 5101:4-6-19, 5101:4-6-21, 5101:4-6-23, 5101:4-6-25, 5101:4-6-29, and 5101:4-6-32.

5101:4-6-07: Food Stamps: Strikers

This rule has been amended to correspond with the language in the Code of Federal Regulations (CFR). There are no changes to this rule which directly impact the eligibility of applicants/recipients or how any county agency will administer the program.

5101:4-6-11: Food Stamps: Determining Eligibility of AGs with Income from Self-Employment

This rule has been amended to add language regarding the treatment of exempt income of migrant farm laborers' children.

5101:4-6-19: Food Stamps: Determining Eligibility of SSI AGs

This rule has been amended to change the requirement that county agencies send a JFS 04219 - "Request for Contact (RFC)" to AGs whose SSI benefits are denied, advising the AG that work registration or completion of the Information Form may be required, rather than issuing a JFS 07404 - "Notice of Expiration" to shorten the certification period.

5101:4-6-21: Food Stamps: Determining Eligibility of Resident Farm Laborers

This rule is being rescinded because the language in this rule is a duplication of the language contained in 5101:4-6-11.

5101:4-6-23: Determining Eligibility of Migrant Farm Laborers

This rule is being rescinded because the language in this rule is a duplication of the language contained in 5101:4-6-11.

5101:4-6-25: Determining Eligibility of School Employees

This rule is being rescinded because the language in this rule is a duplication of the language contained in 5101:4-6-11 and 5101:4-4-31.

5101:4-6-29: Elderly, Disabled Individuals Living with Others

There are no changes to this rule which directly impact the eligibility of applicants/recipients or how any county agency will administer the program.

5101:4-6-32: Interim Disaster Procedures

This rule is being amended to add the date in which the Food Stamp Act was enacted (1977).

Fiscal Impact

There should be minimal or no fiscal impact for the county agencies to implement this FSTL. No additional staff will be needed. No additional supplies, equipment or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Instructions:

Location	Remove and File As Obsolete	Insert/Replacement
Chapter 6000		
	Outline of Contents	Outline of Contents
Food Stamps: Strikers	5101:4-6-07 effective 2/1/99	5101:4-6-07 effective 2/1/04
Food Stamps: Determining eligibility of AGs with income from self-employment	5101:4-6-11 effective 6/1/01	5101:4-6-11 effective 2/1/04
Food Stamps: Determining eligibility of SSI AGs	5101:4-6-19 effective 2/1/99	5101:4-6-19 effective 2/1/04
Food Stamps: Determining eligibility of resident farm laborers	5101:4-6-21 effective 2/1/99	
Food Stamps: Determining eligibility of migrant farm laborers	5101:4-6-23 effective 2/1/99	
Food Stamps: Determining eligibility of school employees	5101:4-6-25 effective 2/1/99	
Food Stamps: Determining eligibility of SSI AGs	5101:4-6-29 effective 2/1/99	5101:4-6-29 effective 2/1/04
Food Stamps: Interim Disaster Procedures	5101:4-6-32 effective 2/1/99	5101:4-6-32 effective 2/1/04

FSTL 253

Food Stamp Transmittal Letter No. 253

November 21, 2003

TO: Food Stamp Certification Handbook Holders
FROM: Tomas J. Hayes, Director
SUBJECT: Food Stamps: Treasury Offset Program Rule Review

Rule 5101:4-8-30 has been reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of this requirement is to ensure that rules are appropriately written, and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork is eliminated and local agencies are given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Effective January, 1, 2004, Rule 5101:4-8-30(B) is amended to clarify that a claim on which payment has not been received for 120 days, and the debtor has not responded to notice of default, is subject to referral to the Treasury Offset Program (TOP); and that claim cases referred for TOP must have had the initial demand letter issued to the debtor within ten years of the date on which offset occurs.

The form title, "Treasury Offset Program Referral Cancellation Form," has been changed to, "Offset Programs Referral Cancellation / Refund Request," to better reflect the form's dual purpose. The form number has been updated to conform to our current numbering system.

Outdated references to the Ohio Department of Human Services have been replaced with references to the Ohio Department of Job and Family Services.

Grammar and punctuation errors have been corrected.

Instructions

Remove and file as obsolete all pages headed 5101:4-8-30 and replace with the attached corresponding pages. (5101:4-8-30)

Remove and file as obsolete Appendix 80, "Treasury Offset Program Referral Cancellation Form," JFS 07430, dated October, 2000; and replace with the attached "Offset Programs Referral Cancellation / Refund Request," JFS 07430, dated January, 2004.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 252

Food Stamp Transmittal Letter No. 252

October 1, 2003

To: Food Stamp Certification Handbook Holders
From: Thomas Hayes, Director
SUBJECT: October 1, 2003 Mass Changes

These rules are proposed to be effective on an emergency basis October 1, 2003. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis, replacing the emergency version, on October 1, 2003. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October Mass Changes

Effective October 1, 2003, the following mass changes are applicable. *(Please note that the homeless shelter deduction is not listed because it has not changed.)*

Excess Shelter Deduction

\$378

Standard Telephone Allowance

\$28

Standard Utility Allowance

\$360

Maximum Coupon Allotments

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$141
2	259
3	371
4	471
5	560
6	672
7	743
8	849
each additional	+106

Net Income Standards (100% of poverty)

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$ 749
2	1,010
3	1,272
4	1,534
5	1,795
6	2,057
7	2,319
8	2,580
each additional	+ 262

Gross Income Standards (130% of poverty)

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$ 973
2	1,313
3	1,654
4	1,994
5	2,334
6	2,674
7	3,014
8	3,354
each additional	+ 341

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

Separate AG Income Standards - Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	1,235
2	1,667

3	2,099
4	2,530
5	2,962
6	3,394
7	3,826
8	4,254
each additional	+ 432

Implementation: All applications and reapplications being processed for October 2003 and after shall have the new amounts applied. All ongoing cases which are eligible for the new standards will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2003. CRIS-E tables will be updated with the changes effective October 2003. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Instructions: This transmittal letter obsoletes FACT No. 23. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2003. Remove it and file as obsolete.

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 4000		
Food Stamps: income standards.	5101:4-4-11 (effective October 1, 2002)	5101:4-4-11 (effective October 1,2003)
Food Stamps: deductions from income.	5101:4-4-23 (effective October 1, 2002)	5101:4-4-23 (effective October 1,2003)
Chapter 5000		
Food Stamps: determining the monthly allotment.	5101:4-5-01 (effective October 1, 2002)	5101:4-5-01 (effective October 1,2003)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 251

Food Stamp Transmittal Letter No. 251

September 26, 2003

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Anticipating Income and Reporting Changes

Background Information

A final rule was published in the April 29, 2003 Federal Register entitled "Food Stamp Program: Anticipating Income and Reporting Changes." This rule finalizes provisions of a proposed rule published December 17, 1996.

Implementation

The proposed rules are to be applied at applications or reapplications filed on or after November 1, 2003, or to changes reported on or after November 1, 2003. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on November 1, 2003. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

All food stamp AGs not subject to semi-annual reporting, except for AGs in which all members are elderly or disabled (as defined in 5101:4-1-03), must be converted to a **limit** of six month certification periods by January 1, 2004. If warranted, AGs under paragraph (A) of 5101:4-7-01 may have certification periods of less than six months (this conversion process may be handled through a CRIS-E mass change or some other method).

5101:4-2-09 Food stamps: verification procedure

Paragraph (O) has been amended to state that the county agency is not required to reverify unearned income if the source has not changed and the amount has changed by fifty dollars or less since the last time they were verified.

5101:4-4-31 Food stamps: anticipating income

Paragraph (A) has been amended to state that the county agency must average income in cases where the receipt of income is reasonably certain but the monthly amount may fluctuate.

Paragraph (I) has been amended to state that except for destitute AGs, income received on a monthly basis but whose amount fluctuates from month-to-month and income received less often than monthly **must** be averaged. In addition, an average must be recalculated at recertification and in response to changes in income, in accordance with rule 5101:4-7-01 (G) of the Administrative Code, and the county agency shall inform the AG of the amount of income used to calculate the allotment. The approval notice for SAR also indicates gross income amount. Conversion of income received weekly or biweekly in accordance with paragraph (H) of this rule does not constitute averaging

5101:4-5-03 Food stamps: establishing certification periods.

Paragraph (C)(2) has been amended to state that AGs subject to reporting requirements under paragraph (A) of 5101:4-7-01 shall be assigned certification periods of **no more than six months**. Exception: AGs in which all members are elderly and/or disabled and have no earnings may be certified up to 12 months.

5101:4-7-01 Food stamps: reporting requirements during the certification period.

Paragraph (A) has been amended to extend the time frame for reporting changes of income (earned and unearned) to within 10 days of the date the AG **receives** the first payment which results in a change.

Paragraph (A)(1) refers to AGs who have no countable earned income at application or reapplication but who gain employment (earned income) during the certification period. These AGs must report changes in their wage rate or salary or a change in full-time or part-time employment status.

- For example: A food stamp AG who is certified with no countable earned income reports new employment. The AG's certification period is unable to be lengthened or shortened to a six month certification period due to provisions listed in 5101:4-5-03 (E)(3). Consequently, the AG is still under the reporting requirements in 5101:4-7-01 (A) until the next certification period, at which time the AG will be subject to semi-annual reporting requirements in 5101:4-7-01 (B).

Paragraph (A)(2) refers to AGs with reportable changes in income (earned and unearned) who must report changes in sources of income including starting or stopping a job or changing jobs. In addition, these AGs are now only required to report a change in employment if accompanied by a change in income.

Paragraph (A)(3) has increased the reporting threshold from changes that are greater than twenty five dollars to changes greater than fifty dollars in the amount of gross monthly **unearned** income.

Paragraph (B) has been amended to state that certified AGs subject to semi-annual reporting (with countable earned income) are required to report their change(s) within ten days following the month in which the change first occurred, provided that the AG has at least ten days within which to report the change.

- For example: A food stamp AG experiences an increase in income which is required to be reported under semi-annual reporting. The AG is paid on October 29, 2003 but did not receive their check in the mail until November 3, 2003. The AG would have until November 13, 2003 to report the change.

Paragraph (G) has been amended to state that if an AG reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the county agency shall act on the change in accordance with paragraphs (G)(1) and (G)(2) of this rule. The time frames in paragraphs (G)(1) and (G)(2) of this rule apply to these actions.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support, Program Policy Services staff.

Fiscal Impact

By increasing the threshold for reporting changes by AGs, there should be a reduction in the amount of time spent by caseworkers to process cases. This will result in a reduction in administrative costs for the counties.

Forms

The following forms have been revised to reflect the above changes:

- JFS 04196 - Food Stamp Change Report for Assistance Groups with Earned Income
- JFS 07443 - Food Stamp Change Report for Assistance Groups with No Earned Income at the Time of Application
- JFS 07501 - Your Rights and Responsibilities

The Spanish version of the above forms will be available once the revisions are completed. Notification will be provided under separate cover when finalized.

FSTL Instructions:

Location	Remove And File As Obsolete	Insert/Replacement
Chapter 2000		
Food stamps: verification procedure	5101:4-2-09 (effective 6/1/01)	5101:4-2-09 (effective 11/1/03)
Chapter 4000		
Food stamps: anticipating income	5101:4-4-31	5101:4-4-31

	(effective 6/1/03)	(effective 11/1/03)
Chapter 5000		
Food stamps: establishing certification periods	5101:4-5-03 (effective 7/1/03)	5101:4-5-03 (effective 11/1/03)
Chapter 7000		
Food stamps: reporting requirements during the certification period	5101:4-7-01 (effective 7/1/03)	5101:4-7-01 (effective 11/1/03)

Food Stamp Certification Handbook Appendix

Food Stamp Certification Handbook Appendix		
Appendix Index	Appendix Index (effective 6/1/03)	Appendix Index (effective 11/1/03)
Appendix 23-A	JFS 04196 - Food Stamp Change Report for Assistance Groups with Earned Income (Rev. 7/2002)	JFS 04196 - Food Stamp Change Report for Assistance Groups with Earned Income (Rev. 11/2003)
Appendix 24-A	JFS 07443 - Food Stamp Change Report for Assistance Groups With No Earned Income (Rev. 7/2002)	JFS 07443 - Food Stamp Change Report for Assistance Groups with No Earned Income at the Time of Application (Rev. 11/2003)
Appendix 102-A	JFS 07501 - Your Rights and Responsibilities (Rev. 7/2002)	JFS 07501 - Your Rights and Responsibilities (Rev. 11/2003)
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 250

Food Stamp Transmittal Letter No. 250

Cash Assistance Manual Transmittal Letter No. 11

August 15, 2003

To: All Cash Assistance Manual and Food Stamp Certification Handbook Holders
From: Thomas J. Hayes, Director
Subject: LEAP - September 1, 2003 Changes

This letter transmits changes with the proposed effective date of September 1, 2003. If there are any changes made to the rules contained in this CAMTL/FSTL during the JCARR review period, corrected rules will be sent out in the next CAMTL/FSTL.

LEAP Program Changes

Due to the expiration of our federal 1115 waiver authority to operate LEAP in its existing form, the policy regarding LEAP participation is being modified to ensure that our OWF cash assistance policy comports with federal TANF provisions.

A letter was sent from the Office of Family Stability to county directors and administrators in February 2003 to provide advance notice of some of the LEAP policy changes being developed. Since the issuance of that letter, some modifications have been made to the policy changes listed in the February 2003 letter, including the date of implementation. Detailed descriptions of modifications made to the policy after clearance are included and noted as such in this letter. The policy changes have been made so that we adopt the simplest, most consistent and supportable approach to the treatment of teen parents within the parameters of federal and state law. The implementation date has been delayed until September 1, 2003, to ensure that system support for the policy changes is complete. Because September 1, 2003 is a state and federal holiday, the rules will show an effective date of August 29, 2003, however, the policy is effective September 1, 2003.

The changes to the LEAP policy and the modifications to the LEAP forms were sent out for comment in separate clearance packages. This letter contains the finalized LEAP policy as well as the modified LEAP forms. Through the clearance processes, we received several suggestions with respect to certain aspects of the draft policy and related forms, and have incorporated those recommendations in either the policy, the forms or in this cover letter as appropriate. We made every attempt to address and resolve all issues that were identified during the clearance process, and thank those who sent us their thoughtful recommendations.

A more detailed description of each of the major policy changes that are contained in the LEAP rule and related policies follow.

Rule 5101:1-23-50: OWF - The Learning, Earning, And Parenting (LEAP) Program (CCN 5080)

I. Ineligibility of minor parent not in school:

In accordance with federal TANF policy, a minor parent, under the age of 18, not married, who has a child in his/her care at least 12 weeks of age, and who has not successfully completed high school or the equivalent, is not eligible for OWF if he/she is not participating in educational activities directed toward the attainment of a high school diploma or its equivalent; or an alternative educational or training program that has been approved by the State.

Following further analysis of this federal provision and its effect on our LEAP population, we have slightly broadened the applicability of this ineligibility provision. Specifically, our policy provides that, **regardless of marital status**, a minor parent under the age of 18 who is not exempt, who has a child in his/her care at least 12 weeks old, and who has not successfully completed high school or the equivalent, is not eligible for OWF if he/she is not attending school or an alternative education program that has been approved by the CDJFS.

The determination of whether the minor parent meets these conditions resulting in ineligibility shall be made through the LEAP assessment process, so that the minor parent is advised of the school attendance requirement and that failure to do so results in the minor parent's ineligibility to participate in OWF until the

minor parent meets an exemption, or is otherwise determined to be no longer subject to this eligibility requirement. (Supporting changes to rules 5101:1-3-15, OWF: Penalties and Sanctions, and 5101:1-23-10 OWF: Standard Filing Unit, have also been made to reflect this policy. These amended rules are also included in this CAMTL.)

This specific policy change also eliminates the application of the \$62 enrollment sanction previously provided in LEAP policy. As of September 1, 2003, there is no \$62 enrollment sanction - instead, the minor parent is ineligible to participate in OWF until that minor parent enrolls in school (or is otherwise determined to be no longer subject to this requirement). Additionally, a minor parent who is enrolled in school who subsequently officially withdraws from school must be removed from the OWF assistance group until compliance or an exemption is met.

II. Removal of 19 year olds from LEAP participation

The LEAP target population has been revised to remove 19 year olds. The LEAP target population is applicable to pregnant and parenting teens who are under the age of 19. With this policy change, 19 year old parents are considered adults and subject to the work participation requirements set forth in sections 5107.40 to 5107.70 of the Revised Code.

III. LEAP Assessment

The LEAP assessment process is also being modified.

If a minor parent meets one of the three exemptions set forth in paragraph (D)(1) to (D)(3) of the rule and listed below, the teen does not have to attend a LEAP assessment and orientation interview, until or unless the teen's circumstances change and the teen no longer meets one of the three exemptions. At a minimum, these exemptions should be examined at each reapplication. The exemptions are:

- (1) the teen is a parent of a child under the age of twelve weeks;
- (2) the teen is excused from compulsory school attendance in accordance with Section 3321.04 of the Revised Code for the purpose of home education; and
- (3) the teen is participating in an internet or community-based computer school as defined in Section 3314.02 of the Revised Code.

All minor parents identified as potential LEAP teens who do not meet the three exemptions set forth in paragraphs (D)(1) to (D)(3) of the rule, must attend a LEAP assessment and orientation interview.

Because of the change in the eligibility requirements applicable to teen parents, the assessment of the teen must be conducted prior to approval of OWF. This is necessary because the teen may be ineligible to be included in the OWF assistance group if the teen fails to be assessed and enroll in school. During the LEAP assessment process, the teen will be advised of the LEAP program requirements, including the consequences for not enrolling in and attending school. Also, the determination of whether the teen meets any of the exemptions from LEAP participation set forth in paragraphs (D)(4) to (D)(10) of the rule, is made during the LEAP assessment process. (A brief description of the exemptions identified in paragraphs (D)(4) to (D)(10) of the rule is contained later in this cover letter.)

Failure to attend the LEAP assessment and orientation interview results in one of two consequences, depending upon the age of the teen parent, because the policy providing for the ineligibility to participate in OWF is specific to teen parents **under** the age of 18. Therefore, following are the two possible consequences:

- If the teen is under age 18, and not exempt from LEAP participation pursuant to the provisions set forth in paragraphs (D)(1) to (D)(3) of the rule, failure without good cause, to attend the assessment interview results in the ineligibility to participate in OWF for the teen. Reason code 471 has been modified to reflect the new policy.
- If the teen parent is age 18, and not exempt from LEAP participation pursuant to the provisions set forth in paragraphs (D)(1) to (D)(3) of the rule, failure without good cause, to attend the assessment interview results in a referral for work participation in accordance with the provisions set forth in sections 5107.40 to 5107.70 of the Revised Code.

During the clearance process, we received questions and recommendations regarding the treatment of 18 year old individuals and the LEAP assessment process. Because the ineligibility penalty for failure to attend the LEAP assessment is applicable only to minor parents under the age of 18, the rule provides for the referral of the 18 year old teen parent who fails to attend the LEAP assessment for participation in a work activity. Several commenters asked if it would be possible to schedule 18 year old teen parents for one assessment appointment that would include a LEAP assessment as well as the work activity appraisal interview pursuant to Section 5107.41 of the Revised Code, and completion of a self-sufficiency contract, if applicable, pursuant to Section 5107.14 of the Revised Code. Upon review, we agree that scheduling one appointment for teens who are 18 makes sense, and we support this approach to addressing this issue. We have determined that there is nothing in our rule nor in existing statute that would preclude a county from utilizing this approach for teen parents who are age 18, and encourage this approach to the treatment of 18 year old parents.

IV. Exemptions from participation

The reasons for exemption from LEAP participation have been modified due to the federal TANF provisions. As stated previously in this letter, if the CDJFS determines that the teen meets one of the exemptions set forth in paragraphs (D)(1) to (D)(3) of the rule, the teen parent does not have to be assessed. The exemptions are:

- (1) The teen is the caretaker of a child under 12 weeks old; or
- (2) The teen is excused from compulsory school attendance in accordance with section 3321.04 of the Revised Code for the purpose of home education; or
- (3) The teen is participating in an internet or community-based computer school as defined in section 3314.02 of the Revised Code.

A teen determined exempt in accordance with the provisions in numbers (1) through (3) above, is excused from the LEAP assessment and orientation requirement, and from LEAP program participation for as long as the teen meets the exemption. In evaluating whether the teen meets one of these three exemptions, the CDJFS must obtain verification for retention in the case record, document in CLRC (running record comments) that the teen is exempt due to one of these conditions, and that the CDJFS has verification to support the exemption. An exempt teen does not earn any of the LEAP bonuses or LEAP sanctions.

There are other exemptions from participation in LEAP, which are defined in paragraphs (D)(4) to (D)(10) of the rule. The exemptions identified in these paragraphs are exemptions contained in the previous LEAP policy, including situations where child care is needed, but child care is unavailable, or transportation to or from school or day care is necessary, but it is unavailable. Eligibility for these exemptions must be determined to exist through the LEAP assessment and orientation interview process. In addition, although the teen meets one of the exemptions in (D)(4) to (D)(10) of the rule, and is exempt from regular LEAP participation, the teen must be assigned to an alternative educational or training program defined by the CDJFS in order to be eligible to participate in OWF. A teen assigned to an alternative educational or training program defined by the CDJFS due to meeting one of the exemptions set forth in paragraphs (D)(4) to (D)(10) does not earn any of the LEAP bonuses or LEAP sanctions.

V. Enrollment

A teen who does not meet any of the exemptions defined in paragraph (D) of the rule, is required to enroll in and attend school in order to be eligible to participate in OWF.

VI. Consequences for failure to enroll or withdrawal from school

If a teen does not meet an exemption, and fails to provide proof of enrollment, or officially withdraws from school, the CDJFS must propose one of the following two actions:

- A teen who is under 18 who fails to enroll in school as assigned, or officially withdraws from school is ineligible to participate in OWF. Thus, if the teen fails to enroll as required, OWF assistance for the remaining members of the assistance group should be approved, excluding the needs of the teen. If the teen is initially determined eligible because the teen complied with the assessment and enrollment requirements, and subsequently

officially withdraws from school, the teen must be removed from the assistance group. Reason codes 472 and 473 have been modified to reflect the new policy.

- A teen who is age 18 who fails to enroll in school as assigned, or officially withdraws from school shall be referred for participation in a work activity and completion of a self-sufficiency contract as set forth in sections 5107.14, and 5107.40 to 5107.70 of the Revised Code.

VII. Consequences for failure to comply with alternative educational or training program

Teens who meet one of the exemptions in paragraphs (D)(4) to (D)(10) of the rule must be assigned to an alternative educational or training program defined by the CDJFS, in order to be eligible to participate in OWF. Failure by the teen to comply without good cause with this assignment will result in one of the following two consequences:

- A teen who is under the age of eighteen who fails without good cause to comply with the alternative educational or training program assignment defined by the CDJFS is ineligible to participate in OWF. This is a prospective change that is outside the LEAP retrospective cycle. New negative reason code 694 has been created to address this situation.
- A teen who is age eighteen who fails without good cause to comply with the alternative educational or training program assignment defined by the CDJFS shall be referred for participation in a work activity and completion of a self-sufficiency contract as set forth in sections 5107.14 and 5107.40 to 5107.70 of the Revised Code.

VIII. LEAP Attendance bonuses and sanctions

The policy regarding the payment of the LEAP attendance bonus for a teen who is not exempt remains unchanged. A \$62 attendance bonus shall be provided to each teen in the payment month who meets the attendance requirements in the attendance month set forth in the rule. A \$62 attendance sanction shall be applied in the payment month to the OWF payment for the teen's assistance group if the teen fails without good cause to meet the minimum attendance requirement in the attendance month.

IX. Elimination of the mandatory face-to-face interview requirement after 2 consecutive months of LEAP sanctions

The rule provides policy that the reassessment process is an ongoing process, and it is our position that the CDJFS case manager is in the best position to determine when to require that the teen be reassessed, or appear in the agency for an interview. Thus, we have removed this requirement from the rule.

X. Elimination of the more severe LEAP sanction after 6 consecutive months of LEAP sanctions

The more severe LEAP sanction (i.e, the OWF payment was reduced by not taking into account the needs of the mandatory LEAP participant and the participant's child(ren) after the imposition of 6 consecutive months of a \$62 LEAP sanction) has not provided counties with an effective tool for modifying LEAP teen behavior. As a result, this provision has been removed from the LEAP program policy. All existing sanctions under this provision will be end dated as of August 31, 2003.

Reason code 542 has been inactivated.

XI. Illustration chart

Following is a chart to illustrate the changes in the LEAP penalties:

Prior to 9/1/03			On or after 9/1/03
Age group	Failure	Penalty	Action Required
Less than 18	Assessment failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	OWF grant with teen parent excluded
	Enrollment	62 sanction	OWF grant with teen parent

	failure	Removal of teen parent and child(ren) after 6 months	excluded
	Attendance failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	\$62 sanction
	Withdrawal failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	OWF grant with teen parent excluded
18 - less than 19	Assessment failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	Full grant/refer to work activities
	Enrollment failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	Full grant/refer to work activities
	Attendance failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	\$62 sanction
	Withdrawal failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	Full grant/refer to work activities
19	Enrollment failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	Full grant/refer to work activities
	Attendance failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	Full grant/refer to work activities
	Withdrawal failure	\$62 sanction Removal of teen parent and child(ren) after 6 months	Full grant/refer to work activities

Related Changes

Rule 5101:1-1-01 Temporary Assistance for Needy Families (TANF) Definitions (CCN 5080)

Modification of the statutory definition of "minor head of household":

Federal TANF regulations require the imposition of time-limited assistance and participation in work activities for all adults and minor heads of households. There is no federal definition of minor head of household, and in our research we have found that some states have re-examined their previously automatic designation of head of household status to minor parents when there is no adult included in the assistance group.

In Ohio, statutory language requires that all unmarried minor parents live with a parent, specified relative or in an adult-supervised living arrangement, in order to be eligible to participate in OWF. While the OWF check may be sent in the unmarried minor parent's name, the minor parent must live in a household situation where there is also an adult-supervised living arrangement. Based on this living arrangement requirement, we have determined that it is permissible for us to further define minor head of household by removing all unmarried minor parents from consideration as minor heads of households. Therefore, an unmarried minor parent will not be considered to be a minor head of household.

The above statutory living arrangement does not apply to married minor parents. This means that the OWF benefit is paid to a married minor parent who is not required to reside in an adult-supervised living arrangement. As a result, a married minor parent must be considered to be a minor head of household. Amended Substitute House Bill 95 included a modification to the definition of minor head of household contained in section 5107.02 of the Revised Code. The minor head of household definition is modified as follows:

"Minor head of household" means a minor child who is either of the following:

- (1) Is married, at least six months pregnant and a member of an assistance group that does not include an adult;
- (2) Is married, and a parent of a child included in the same assistance group that does not include an adult.

The modification to the minor head of household definition serves to remove time limit provisions for all teen parents who are required to reside in an adult-supervised living arrangement (i.e., because they will no longer meet the new definition of minor head of household.) This will allow us to provide OWF to these teen parents while they attend school and work toward the achievement of a high school diploma, without imposing the additional burden of a lifetime time limit for receipt of cash assistance. Supporting changes to rule 5101:1-1-01 have been made to modify the definition of minor head of household.

NOTE: System changes are in place to correctly identify minor heads of household under the new definition effective September 1, 2003. Since the statutory definition changed effective July 1, 2003, we will be providing a list of individuals who no longer met the new definition of minor head of household as of July 1, 2003. The months of July and August 2003 will need to be removed manually from AEITL. Another view flash bulletin will be issued when the reports are generated.

Rule 5101:1-3-01 OWF: Definitions of Assistance Group Composition for Work Participation Rates (CCN 5080)

Removal of LEAP participation by teens who are not minor heads of households as countable in the work participation rate calculation:

Because of our approved waiver, we were permitted to count LEAP participation by any assistance group member toward the work participation rate, whether they met the definition of minor head of household or not. With the expiration of the waiver, federal regulations only permit work participation by minor heads of households as countable toward the work participation rate calculation. This means that only participation by minor heads of households in LEAP, home-schooling or internet or community-based computer schooling will count toward the federal and state work participation rate. LEAP participation, home schooling, and internet community-based computer school by teens who are not minor heads of households will not count toward the calculation of the federal or state work participation rate. Modifications to rule 5101:1-3-01 and to the federal TANF reporting subsystem have been made to support this change.

Rule 5101:1-3-15 OWF: Penalties and sanctions (CCN 5080)

In addition to modifying the rule to include the ineligibility of the teen who is not exempt from LEAP participation, and who fails to comply with the assessment and orientation and /or enrollment requirements, two additional and unrelated amendments to rule 5101:1-3-15 have been made.

The two additional changes made with this rule amendment are not related to the LEAP program changes. Rather, this rule is being amended to add the following provisions:

- New paragraph (A)(2) is being amended to add another penalty condition under which the assistance group is ineligible, but not subject to a sanction. Specifically, if a required member of the assistance group fails to appear or complete an appraisal or assessment interview as required by sections 5107.41 and 5107.70 of the Revised Code, the assistance group is ineligible to participate in OWF; and
- Paragraph (A)(3) is being amended to include language regarding the applicability of the voluntary termination of employment without just cause by a member of a transitional medicaid or transitional child care assistance group. Specifically, the paragraph now

includes language which requires that in order for the six month penalty to be appropriate, the transitional medicaid or transitional child care assistance group had to have been in receipt of OWF cash assistance on the day prior to the assistance group becoming eligible for transitional medicaid or transitional child care.

Rule 5101:1-23-10 OWF standard filing unit (CCN 5080)

This rule is being modified for two reasons. First, the rule is being amended to add language at paragraph (B)(11) that provides for the exclusion from the OWF standard filing unit of a minor parent under the age of eighteen who: has a child in his/her care at least 12 weeks of age; who has not successfully completed high school or the equivalent, is not eligible for OWF if he/she is not participating in educational activities directed toward the attainment of a high school diploma or its equivalent; or an alternative educational or training program that has been approved by the CDJFS.

The second reason that the rule is being amended is unrelated to the LEAP program changes. This additional amendment is being made to modify the process for creation of the standard filing unit in the specific and unique situation when an adult individual and his/her child is eligible for OWF, and the adult is also the legal custodian or guardian of another child(ren) who, while not related to the adult, is a half-sibling to the adult's child. Prior to this policy change, because of the relationship between the minor children, all of these individuals would have been included in the same OWF standard filing unit.

Ohio Revised Code Section 5107.11(C) provides that: "A guardian or custodian may not be a member of the assistance group of the minor child for whom the guardian or custodian is guardian or custodian, unless the guardian or custodian is a specified relative of the minor child." While the Revised Code language is silent with respect to the specific circumstance when a minor child residing with a guardian or custodian is a half-sibling to the minor child of the guardian or custodian, a literal application of the Revised Code language would result in the creation of two separate assistance groups - one with the adult guardian or custodian and his/her biological or adoptive child, and one with the minor child for whom the [unrelated] adult is the custodian or guardian. Because the Revised Code is silent on this specific circumstance, and after significant discussion and review, we have decided to modify our standard filing unit policy by adopting the literal application of section 5107.11(C).

This modification will have a positive outcome for those assistance groups that are affected. It will result in the provision of assistance separately for the children for whom the adult is the legal guardian or custodian, and will prevent the counting of the income of the unrelated adult toward the determination of eligibility for the children for whom the adult is the guardian or custodian, as well as prevent the termination of OWF for the unrelated children if/when the adult reaches the 36 or 60-month lifetime time limits for participation in OWF. This is also a positive change for the adult who has agreed to accept the role of guardian or custodian for the unrelated child, as the OWF eligibility for the child will be unaffected by the adult's OWF eligibility.

Rule 5101:1-23-40 OWF: Payments (No clearance)

This rule has been modified for two reasons related to the beginning date of aid. One reason is related to the LEAP program modifications, specifically to ensure that the LEAP-required individual is not eligible until the teen has enrolled in school. The beginning date of OWF cash assistance for a teen parent who is required to enroll in school as a condition of eligibility, is the date that the individual enrolls in school if all other eligibility factors were met on or before that date. Paragraph (B)(3)(d) has been added to the rule to address this issue.

Paragraph (B)(3)(a) is modified with a change unrelated to LEAP. This paragraph has been modified to provide clarification with respect to the beginning date of cash assistance for a pregnant woman. The new language that is added to paragraph (B)(3)(a) was language that was formerly contained in former PAM Section 3160.1.

Also, changes have been made in the rule at paragraphs (D) and (E) to replace references to DA with references to the DFA program.

LEAP Forms Modifications (CCN 5103)

The following forms have been modified to support the LEAP policy changes.

- JFS 06904, "LEAP - Learning, Earning, And Parenting Program Seven-Day Good Cause Notice"

- JFS 00569, "LEAP - Learning, Earning, And Parenting Program, An Agreement"
- JFS 06906, "LEAP - Learning, Earning, And Parenting Program Rules Booklet"
- JFS 06907, "LEAP - Learning, Earning, And Parenting Program School Information Release Form"

There have been no other significant modifications to the forms. All of them have been modified to remove any reference to the LEAP demonstration waiver requirements, references to the independent evaluator for the demonstration project, and updated to correctly reflect the policy modifications that are effective with the issuance of the LEAP policy changes.

FOOD STAMPS

Rule 5101:4-3-09 Food stamps: Ohio works first (OWF) appraisal, self-sufficiency contract requirements, and sanctions (CCN 5085)

This rule is being amended to add that the failure or refusal of a minor parent to attend the LEAP assessment, or to enroll in school, or withdrawal from school, will result in ineligibility for that individual. Rule 5101:4-3-09 is being modified with an effective date of September 1, 2003, to state that all minor parents who fail or refuse to complete the LEAP assessment, enroll in school, or withdraw from school, will be ineligible to participate in the food stamp program.

System changes

CRIS-E system modifications have been made to support the changes in the LEAP program policy, and related changes outlined in this cover letter. Specific CRIS-E actions and activities were outlined in detail in CLVB Titled "Changes to the LEAP Program" dated 7/23/03.

Instructions:

CASH ASSISTANCE MANUAL INSTRUCTIONS:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 2000 TANF: OWF and PRC		
Temporary Assistance for Needy Families (TANF) Definitions	5101:1-1-01 (effective July 1, 2002)	5101:1-1-01 (effective August 29, 2003)
OWF: Definitions of Assistance Group Composition for Work Participation Rates	5101:1-3-01 (effective January 1, 2001)	5101:1-3-01 (effective August 29, 2003)
Ohio Works First (OWF: Penalties and Three-tier Sanctions	5101:1-3-15 (effective December 1, 2002)	5101:1-3-15 (effective August 29, 2003)
OWF: Standard Filing Unit	5101:1-23-10 (effective December 1, 2002)	5101:1-23-10 (effective August 29, 2003)
OWF: Payments	5101:1-23-40 (effective March 1, 2002)	5101:1-23-40 (effective August 29, 2003)
Ohio Works First: the LEAP - Learning, Earning, And Parenting Program	5101:1-23-50 (effective October 1, 1999)	5101:1-23-50 (effective August 29, 2003)
CAM APPENDIX		
JFS FORMS - Outline of Contents	Outline of Contents (effective May 1, 2003)	Outline of Contents (effective August 29, 2003)
LEAP - Learning, Earning, And Parenting Program Seven-Day Good Cause Notice	ODHS 6904 (Revised October 1997)	JFS 06904 (Revised August 2003)

LEAP - Learning, Earning, And Parenting Program, An Agreement	ODHS 6905 (Revised July 1996)	JFS 06905 (Revised August 2003)
LEAP - Learning, Earning, And Parenting Program Rules Booklet	ODHS 6906 (Revised October 1997)	JFS 06906 (Revised August 2003)
LEAP - Learning, Earning, And Parenting Program School Information Release Form	JFS 06907 (Revised April 2001)	JFS 06907 (Revised August 2003)

FOOD STAMP MANUAL TRANSMITTAL INSTRUCTIONS:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Chapter 4000		
Food Stamps: Ohio works first (OWF) appraisal, self-sufficiency contract requirements, and sanctions.	5101:4-3-09 (effective October 1, 2001)	5101:4-3-09 (effective August 29, 2003)
Appendix 35		
Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 249

Food Stamp Transmittal Letter No. 249

May 29, 2003

To: Food Stamp Certification Handbook Holders
From: Thomas Hayes, Director
SUBJECT: July 1, 2003 Food Stamp Changes

These rules are proposed to be effective July 1, 2003. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on July 1, 2003. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule Review

Rule 5101:4-4-39 is being reviewed in accordance with the Ohio revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of the rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

There is no change to this rule.

Rules 5101:4-5-03: establishing certification periods, and 5101:4-7-01 - reporting requirements during the certification period, are both being amended to reflect the correct date used to determine certification periods for semi-annual reporting.

Rules 5101:4-2-02: categorical eligible AGs, and 5101:4-7-07: reapplication, are both being amended to add clarification language suggested by the Food and Nutrition Service.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement these rules. No additional staff will be needed to implement this policy. No additional supplies, equipment or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement this rule will be minimal. Clarification regarding this rule will be available to county staff by ODJFS through the regional offices.

Implementation

For rules 5101:4-5-03 and 5101:4-7-01, all applications and reapplications being processed on or after July 1, 2003 will now have the adverse action cut-off date used rather than the budget effective date to determine certification periods for semi-annual reporting AGs.

Instructions:

Location	Remove and File as Obsolete	Insert/Replacement
Chapter 2000		
Food Stamps: Categorical eligible AGs	5101:4-2-02 (effective September 30, 2001)	5101:4-2-02 (effective July 1, 2003)
Chapter 4000		
Food Stamps: Allotment computation	5101:4-4-39 (effective September	5101:4-4-39 (effective July 1, 2003)

	28, 1998)	
Chapter 5000		
Food Stamps: establishing certification periods	5101:4-5-03 (effective July 1, 2002)	5101:4-5-03 (effective July 1,2003)
Chapter 7000		
Food Stamps: reporting requirements during the certification period	5101:4-7-01 (effective July 1, 2002)	5101:4-7-01 (effective July 1,2003)
Food Stamps: reapplication	5101:4-7-07 (effective March 1, 2002)	5101:4-7-07 (effective July 1,2003)
Appendix 35		
Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 248

Food Stamp Transmittal Letter No. 248

April 11, 2003

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: 2002 Farm Bill: Simplified Definition of Income and Resources

Background Information

On May 13, 2002, the President signed Public Law 107-171, which includes the Food Stamp Program reauthorization. A number of provisions in that law affected the Food Stamp Program. This Food Stamp Transmittal Letter (FSTL) is dedicated to incorporate the new simplified optional provisions for Section 4102, Simplified Definition of Income and Section 4107, Simplified Definition of Resources. These rules are effective June 1, 2003 on an emergency basis and if no revisions are made to the proposed rules prior to JCARR, they will become effective June 16, 2003 on a permanent basis. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Implementation

The simplified definition of income and resources from the 2002 Farm Bill will be effective June 1, 2003. These provisions are to be applied at applications, reapplications, or changes processed on or after June 1, 2003.

Rule Review

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-4-01, 5101:4-4-03, 5101:4-4-07, 5101:4-4-13, 5101:4-4-19, and 5101:4-4-31.

5101:4-4-01: Food Stamps: Resource Eligibility Standards

This rule has been amended to remove the funds held in Individual Retirement Accounts (IRAs) and funds held in Keogh plans with no contractual obligation with non-assistance group members from the definition of resources.

5101:4-4-03: Food Stamps: Exempt Resources

The following resources are now included as exempt resources for determining the resources of an assistance group (AG):

- Individual Retirement Accounts (IRAs).
- Keogh plans that involve no contractual obligation with anyone who is not a household member.
- Simplified Employer Pension plans, often referred to as SEP-IRAs, which are operated like IRAs and in which employers make direct deposits in IRA-like retirement accounts for workers.
- Individual Development Accounts (IDAs), regardless of their funding source.

5101:4-4-07: Food Stamps: Special Resource Situations

This rule has been amended to remove Individual Retirement Accounts (IRAs) and Keogh plans from special resource situations.

5101:4-4-13: Food Stamps: Types of Excluded Income

All student financial assistance, including grants, scholarships, fellowships, educational loans on which payment is deferred, work study, veterans' educational benefits, and the like, which are awarded to an AG member enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, in a vocational or technical school, or in a program that provides for obtaining a secondary school diploma or the equivalent of a secondary school diploma shall be excluded from consideration as income for food stamp purposes.

The following miscellaneous income exclusions have been added:

- Income from blood and blood plasma sales;
- Income from garage sales;
- Interest income from savings or other financial accounts; and
- Income from bingo winnings.

5101:4-4-19: Food Stamps: Countable Income

This rule has been amended to remove all student financial assistance as countable income for food stamp purposes.

5101:4-4-31: Food Stamps: Anticipating Income

This rule has been amended to remove the requirements for mandatory income averaging for earned and unearned educational income since all student financial assistance shall be excluded from consideration as income for food stamp purposes.

Miscellaneous

The following forms are no longer applicable for student financial assistance and are being rescinded:

- JFS 07375 - Educational Information Sharing Form
- JFS 07370 - Record for Educational Expenses
- JFS 07440 - Student Financial Aid Worksheet and Instructions
- Example 8

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact

There should be little or no fiscal impact for the county agencies to implement this FSTL. By eliminating the complicated verification process, these changes will reduce the time spent by caseworkers to process cases and reduce administrative costs for the counties.

FSTL Instructions:

Location	Remove And File As Obsolete	Insert/Replacement
Chapter 3000		
Outline of Contents	Outline of Contents (effective 3/21/02)	Outline of Contents (effective 6/1/03)
Chapter 4000		
Food Stamps: Resource eligibility standards	5101:4-4-01 (effective 12/5/02)	5101:4-4-01 (effective 6/1/03)
Food Stamps: exempt resources	5101:4-4-03 (effective 12/26/02)	5101:4-4-03 (effective 6/1/03)

Food Stamps: Special resource situations	5101:4-4-07 (effective 12/26/02)	5101:4-4-07 (effective 6/1/03)
Food Stamps: types of excluded income	5101:4-4-13 (effective 12/5/02)	5101:4-4-13 (effective 6/1/03)
Food Stamps: countable income	5101: 4-4-19 (effective 6/1/01)	5101:4-4-19 (effective 6/1/03)
Food Stamps: anticipating income	5101:4-4-31 (effective 8/27/01)	5101:4-4-31 (effective 6/1/03)
Food Stamp Certification Handbook Appendix		
Appendix Index	Appendix Index (effective 5/1/2003)	Appendix Index (effective 6/1/2003)
Appendix 88	JFS 07375 - Educational Information Sharing Form	N/A
Appendix 89	JFS 07370 - Record for Educational Expenses	N/A
Appendix 103	JFS 07440 - Student Financial Aid Worksheet	N/A
Appendix 103-A	Instructions for Student Financial Aid Worksheet	N/A
Example 8	Calculation of Student Financial Aid	N/A
Appendix 35 Record of Changes to Handbook	N/A	Update with the number and date of this transmittal.

FSTL 247

Food Stamp Transmittal Letter No. 247

Cash Assistance Manual Transmittal No. 8

February 13, 2003

TO: Cash Assistance Manual Holders
Food Stamp Certification Handbook Holders

FROM: Tom Hayes, Director

SUBJECT: May 2003 Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-2-05.1, 5101:4-3-01, 5101:4-3-03, 5101:4-3-05, 5101:4-3-22, 5101:4-3-23, and 5101:4-6-04.

There will be no changes to these rules which directly impact on the eligibility of applicant/recipients or how any county agency will administer the program.

Training and Technical Assistance

Training and technical assistance needs to implement these rules will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Fiscal Impact

There will be no fiscal impact for the county agencies to implement this FSTL. The rules contain no substantive changes and no additional supplies, equipment or travel are needed.

Miscellaneous Changes

Rule 5101:4-6-04 has been revised to reflect the program name change under the Job Training Partnership Act to the Workforce Investment Act and a rule reference correction in paragraph (B)(11)(b) of this rule.

Forms

Spanish versions are now available for the following forms:

JFS 04196 "Food Stamp Change Report For Assistance Groups With Earned Income"

- JFS 04196S "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingresos Devengados"

JFS 07200 "Request for Cash, Medical and Food Stamp Assistance"

- JFS 07200S "Departamento de Trabajo y Servicios para Familias Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida"

JFS 07443 "Food Stamp Change Report For Assistance Groups With No Earned Income"

- JFS 07443S "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingreso No Devengado"

JFS 07501 "Your Rights and Responsibilities"

- JFS 07501S "Sus Derechos y Responsabilidades"

FSTL Instructions:

Remove and file as obsolete all pages headed 5101:4-2-05.1 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-01 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-03 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-05 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-22 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-23 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-04 and replace with the attached corresponding pages.

Remove and file as obsolete all pages of the Appendix Index dated December 1, 2002 and replace with the attached corresponding pages dated May 1, 2003.

Remove and file as obsolete Appendix 17, "Notice of Expiration," JFS 07404, and replace with the attached corresponding page.

Insert the attached "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingresos Devengados", JFS 04196S, as Appendix 23-B.

Insert the attached "Reporte de Cambios en Grupos Con Ayuda De Estampillas para Comida (Food Stamps) Con Ingreso No Devengado," JFS 07443S, as Appendix 24-B.

Remove and file as obsolete Appendix 27, "Receipt for Application for a Social Security Number," SSA-5028/SSA-5029, and replace with the attached corresponding page.

Remove and file as obsolete Appendix 56, "Quality Control Case Finding," JFS 04194, and replace with the attached corresponding page.

Remove and file as obsolete Appendix 57, "County Response to Quality Control Case Finding," JFS 04195, and replace with the attached corresponding page.

Remove and file as obsolete Appendix 65, "Registration Agreement for the Acceptance of Food Stamps by a Restaurant," JFS 07450, and replace with the attached corresponding pages.

Remove and file as obsolete Appendix 80, "Treasury Offset Programs Referral Cancellation/Refund Form," JFS 07430, and replace with the attached corresponding page.

Insert the attached "Departamento de Trabajo y Servicios para Familias Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida," JFS 7200S, as Appendix 101-B.

Insert the attached "Sus Derechos y Responsabilidades," JFS 7501S, as Appendix 102-B.

Remove and file as obsolete Procedure # 1, "Procedures for Application Processing," and replace with the attached corresponding pages.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

Cash Assistance Manual Instructions:

Remove and file as obsolete the Outline of Contents to the Forms Appendix dated November 1, 2002 and replace with the attached corresponding pages dated May 1, 2003.

Insert the JFS 07200S "Departamento de Trabajo y Servicios para Familias Solicitud para Ayuda en Efectivo, Médica y Estampillas para Comida" directly behind the JFS 07200. (JFS 07200S)

Insert the JFS 07501S "Sus Derechos y Responsabilidades" directly behind the JFS 07501. (JFS 07501S)

FSTL 246

Food Stamp Transmittal Letter No. 246

November 20, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: December 2002 Rule Review

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Rules reviewed include the following:

5101:4-3-28, 5101:4-3-30, 5101:4-3-31, 5101:4-3-33, 5101:4-3-34, 5101:4-3-35, 5101:4-3-36, 5101:4-3-37, and 5101:4-3-38.

There will be no changes to these rules which directly impact on the eligibility of applicant/recipients or how any county agency will administer the program.

Technical Corrections

Rules 5101:4-4-01, 5101:4-4-03, and 5101:4-4-07 have been revised to reflect corrections to the effective dates. There are no changes to the text of the rules as a result of this correction.

Instructions

Remove and file as obsolete all pages headed 5101:4-3-28 and replace with the attached corresponding pages (5101:4-3-28).

Remove and file as obsolete all pages headed 5101:4-3-30 and replace with the attached corresponding pages (5101:4-3-30).

Remove and file as obsolete all pages headed 5101:4-3-31 and replace with the attached corresponding pages(5101:4-3-31).

Remove and file as obsolete all pages headed 5101:4-3-33 and replace with the attached corresponding pages (5101:4-3-33).

Remove and file as obsolete all pages headed 5101:4-3-34 and replace with the attached corresponding pages (5101:4-3-34).

Remove and file as obsolete all pages headed 5101:4-3-35 and replace with the attached corresponding pages (5101:4-3-35).

Remove and file as obsolete all pages headed 5101:4-3-36 and replace with the attached corresponding pages (5101:4-3-36).

Remove and file as obsolete all pages headed 5101:4-3-37 and replace with the attached corresponding pages (5101:4-3-37).

Remove and file as obsolete all pages headed 5101:4-3-38 and replace with the attached corresponding pages (5101:4-3-38).

Remove and file as obsolete all pages headed 5101:4-4-01 and replace with the attached corresponding pages (5101:4-4-01).

Remove and file as obsolete all pages headed 5101:4-4-03 and replace with the attached corresponding pages (5101:4-4-03).

Remove and file as obsolete all pages headed 5101:4-4-07 and replace with the attached corresponding pages (5101:4-4-07).

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 245

Food Stamp Transmittal Letter No. 245

November 8, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: Work Provisions of the Personal Responsibility and Work Opportunity Act of 1996
Food Stamp Provisions of the Balanced Budget Act of 1997
Five-Year Rule Review

Rules 5101:4-1-15 and 5101:4-8-15 are proposed to be effective December 1, 2002. Rules 5101:4-3-11, 5101:4-3-19, and 5101:4-3-29 were proposed on October 22, 2002 to be effective January 9, 2003. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Background Information

This transmittal letter is dedicated to incorporating changes mandated by a final rule that was published in the June 19, 2002 Federal Register. This rule finalizes the provisions of the Personal Responsibility and Work Opportunity and Balanced Budget Acts relating to the work provisions of the Food Stamp Program.

Rule Review

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-1-15, 5101:4-3-11, 5101:4-3-19, 5101:4-3-29, and 5101:4-8-15.

Rule 5101:4-1-15: Nondiscrimination

New addresses have been provided for individuals who believe that they have been subject to discrimination to file a written complaint of discrimination.

Rule 5101:4-3-11: Exemptions, work registration, work requirements, and sanctions

Language has been added to paragraph (A)((7)(a) that students who enroll less than half-time in any recognized school, training program, or institution of higher education lose their exemption from work registration. Paragraphs (A)(9) and (G)(5) have been amended by adding the provision that an individual who voluntarily and without good cause reduces his or her work hours and after the reduction is **working less than 30 hours per week** is subject to the voluntary job quit disqualification. Clarifying language has been added to paragraph (P)(2) involving overpayment computations in months in which AG member(s) performed work activities.

Rule 5101:4-3-19: Voluntary quit and reduction of work effort

Paragraphs (A) and (B) have been amended by adding the provision that an individual who voluntarily and without good cause reduces his or her work hours and after the reduction is **working less than 30 hours per week** is subject to the voluntary job quit disqualification.

Rule 5101:4-3-29: Employment and training: Appraisal

Outdated references to the county department of human services (CDHS) have been replaced with the county department of job and family services (CDJFS). Additional references to rules regarding work activities have been added.

Rule 5101:4-8-15: Claims against AGs

The claim referral plan in paragraph (M) has been amended to change the time frames for entering claim referrals identified by quality control into CRIS-E from five business days to ten business days.

Miscellaneous

The "Determination of Food Stamp Benefits When OAC 5101:4-6-16 Applies" (Budget Method A/ Budget Method B)" which is used in determining the amount by which the food stamp allotment cannot increase due to an AG's decrease in a means-tested program (OWF, DA) for failure to comply in that program has been revised for clarity and is included as Appendix 20.

Appendix 76, Ohio Department of Job and Family Services Claim Referral Plan" and Appendix 79, "FS Claim Referral Guidelines - QC Findings" has been revised to reflect the change in time frames for entering claim referrals identified by quality control into CRIS-E.

Instructions:

Remove and file as obsolete all pages headed 5101:4-1-15 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-11 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-19 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-29 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-8-15 and replace with the attached corresponding pages.

Remove and file as obsolete all pages of the Appendix Index dated July 1, 2002 and replace with the attached corresponding pages dated December 1, 2002.

Insert the attached "Determination of Food Stamp Benefits When OAC 5101:4-6-16 Applies" as Appendix 20.

Remove and file as obsolete all 4 pages of Appendix 76 - "Ohio Department of Job and Family Services Claim Referral Plan" and replace with the attached corresponding pages.

Remove and file as obsolete Appendix 79, "FS Claim Referral Guidelines - QC Findings" and replace with the attached corresponding page.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 244

Food Stamp Transmittal Letter No. 244

September 24, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: Food Stamp Reauthorization Act of 2002 - Farm Bill

Background Information

On May 13, 2002, the President signed Public Law 107-171, which includes the reauthorization of the Food Stamp Program. This Food Stamp Transmittal Letter (FSTL) is dedicated to incorporate the new statutory requirements of the Food Stamp Program provisions of Title IV of Public Law 107-171, the Food Stamp Reauthorization Act of 2002 (Farm Bill). If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Implementation

The policy changes mandated by the Farm Bill are effective October 1, 2002, except for the following provisions:

- Effective April 1, 2003, eligibility is being restored to legal immigrants who have resided in the United States with a status within the meaning of the term "qualified alien" for a period of five years or more beginning on the date of the alien's entry into the United States.
- Effective April 1, 2003, there will no longer be a seven-year limit on food stamps for refugees, asylees, Amerasians, and Cuban or Haitian entrants. These non-citizens will be eligible as long as they qualify for food stamps based on income and resources.
- Effective October 1, 2003, eligibility is being restored to all legal immigrant children (under 18 years of age), regardless of the date of entry into the United States.
- Effective October 1, 2003, the deeming requirements will no longer be applied to alien children who are under eighteen years of age.

If, at the time of application, reapplication, or change the county agency discovers an ineligible alien who is now eligible under one of the above provisions, the county agency must take the appropriate action to add the individual, if otherwise eligible.

Rule Review

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-3-06, 5101:4-3-07, 5101:4-3-24, 5101:4-3-32, 5101:4-4-01, 5101:4-4-09, 5101:4-4-13, 5101:4-6-16, and 5101:4-6-31

5101:4-3-07: Citizenship and Alien Status

The Farm Bill restores food stamp benefits to certain legal immigrants on various effective dates.

Effective October 1, 2002, eligibility is restored to disabled legal immigrants who entered the United States after August 22, 1996 and who are receiving SSI or Federal categories of Medicaid. These qualified aliens who are otherwise eligible and who are receiving disability benefits are eligible for food stamps regardless of

the date of entry. The requirement that these individuals had to be in the country on August 22, 1996 has been removed.

Effective April 1, 2003, eligibility is being restored to legal immigrants who have resided in the United States with a status within the meaning of the term "qualified alien" for a period of five years or more beginning on the date of the alien's entry into the United States.

Effective April 1, 2003, there will no longer be a seven-year limit on food stamps for refugees, asylees, Amerasians, and Cuban or Haitian entrants. These non-citizens will be eligible as long as they qualify for food stamps based on income and resources.

Effective October 1, 2003, eligibility is being restored to all legal immigrant children, regardless of the date of entry into the United States.

5101:4-3-32: Food Stamp Employment and Training: Supportive Services

This rule has been amended to remove the federal cap of \$25 per month on the amount that counties may reimburse FSET participants for work-related expenses other than dependent care. The reimbursement amount for dependent care expenses must not exceed the limits outlined in Appendix A of 5101:4-4-23 of the Administrative Code.

5101:4-4-01: Resource Eligibility Standards

The resource limit for AGs containing a disabled member is being increased from \$2,000 to \$3,000 which is consistent with the resource limit for AGs containing an elderly AG member.

5101:4-6-31: Sponsored Aliens

Effective October 1, 2003, the deeming requirements will no longer be applied to alien children who are under eighteen years of age.

Miscellaneous

- 5101:4-3-06, Victims of Trafficking, is being revised to reflect the removal of the expiration date on the certification letters and letters for children of victims of a severe form of trafficking. The initial certification letters for adults and eligibility letters for children contained eight-month expiration dates. However, as of November 6, 2001, certification letters for adults and letters for children no longer contain expiration dates.

Individuals certified by the Office of Refugee Resettlement (ORR) on or after November 2, 2001 will receive notarized certification letters without an expiration date. A sample of the new certification letter without an expiration date is attached. Individuals who were certified before November 6, 2001 received certification letters with eight-month certification dates. As these letters begin to expire, the ORR will issue notarized recertification letters without expiration dates. The recertification letters will contain a lower case "r" beside the HHS tracking number. A sample of a recertification letter is attached. Please note that all original letters are printed on Health and Human Services (HHS) letterhead and will have a notary public stamp and seal at the bottom to help prevent fraudulent copies.

Recertification letters from ORR do not grant victims of a severe form of trafficking an additional eligibility period for any benefit or service. The recertification letter is a reissuance of the original letter without an expiration date confirming that the individual continues to meet the certification requirements. If an individual presents an expired certification letter when applying or reapplying for benefits, the county agency must call the ORR trafficking verification telephone number at (202)401-5510 for assistance.

Some victims of a severe form of trafficking may have moved since they received their first certification letter or letter for children. To aid ORR in the recertification process, county agencies should call the ORR trafficking verification line at the above telephone number when or if the agency is aware of any address changes for victims of a severe form of trafficking.

- 5101:4-3-24 was distributed through a separate clearance (Clearance Control Number 4946) as a result of the 5-year rule review mandated by ORC 119.032 and is included in this FSTL print packet.

- Minor changes were made to 5101:4-4-09, Transfers of Resources, as a result of the 5 year rule review process. The minor changes were made to parallel the language in this rule with the language contained in the Code of Federal Regulations.
- As a result of recent interpretation and clarification from the Food and Nutrition Service, rules 5101:4-4-13 and 5101:4-6-16 have been revised to remove Supplemental Security Income (SSI) from the definition of a "means-tested public assistance" as it relates to the Failure to Perform a Required Action Under a Federal, State, or Local Means-Tested Program regulation. This information was conveyed to county agencies in a memo dated June 14, 2002 and is effective immediately.
- The "Request For Contact" (JFS 04219) has been revised to include cash assistance for it's inclusion in a future Cash Assistance Manual Transmittal Letter.

Fiscal Impact

There should be little or no fiscal impact for the county agencies to implement this FSTL. No desk review will be required. These changes will not result in additional time spent for caseworkers to process cases. The expenditures of state funds for transportation and other participant expenses, excluding dependent care, will be reimbursed from federal funds at the 50 percent rate, up to the maximum level of reimbursement established by the county agency.

Training and Technical Assistance

Training and technical assistance needs to implement this rule will be minimal. Clarification regarding these rules will be available to county staff by ODJFS through the Bureau of County Oversight and Support program policy staff.

Instructions

Remove and file as obsolete all pages headed 5101:4-3-06 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-3-07 and replace with the attached corresponding pages.

Remove and file as obsolete the page headed 5101:4-3-24 and replace with the attached corresponding page.

Remove and file as obsolete the page headed 5101:4-3-32 and replace with the attached corresponding page.

Remove and file as obsolete all pages headed 5101:4-4-01 and replace with the attached corresponding pages.

Remove and file as obsolete the page headed 5101:4-4-09 and replace with the attached corresponding page.

Remove and file as obsolete all pages headed 5101:4-4-13 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-16 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-31 and replace with the attached corresponding pages.

Remove and file as obsolete all pages of the Appendix Index dated July 1, 2002 and replace with the attached corresponding pages dated October 1, 2002.

Remove and file as obsolete Appendix 19, "Request for Contact" and replace with the attached corresponding page. (JFS 04219)

Remove and file as obsolete Appendix 67, "Sample Certification Letter for Adult Victims of Severe Forms of Trafficking" and replace with the attached corresponding page.

Remove and file obsolete Appendix 68, "Sample Letter for Children Who Are Victims of Severe Forms of Trafficking" and replace with the attached corresponding page.

Insert the attached "Sample Recertification Letter for Adult Victims of Severe Forms of Trafficking " as Appendix 69.

Insert the attached "Sample Re-eligibility Letter for Children Who Are Victims of Severe Forms of Trafficking" as Appendix 70.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 243

Food Stamp Transmittal Letter No. 243

September 18, 2002

To: Food Stamp Certification Handbook Holders
From: Thomas Hayes, Director
SUBJECT: October 1, 2002 Mass Changes

These rules are proposed to be effective on an emergency basis October 1, 2002. If no revisions are made to the proposed rules prior to the finalization by JCARR, the regular filing will become effective on a permanent basis, replacing the emergency version, on November 11, 2002. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October Mass Changes

Effective October 1, 2002, the following mass changes are applicable. *(Please note that the standard telephone allowance and homeless shelter deduction are not listed because they have not changed. Also, please note that the standard utility allowance did not change. Due to economy and decrease in gas costs, the standard deduction would have normally decreased for 2002-2003. However, a waiver was granted to keep the allowance at the same amount.)*

Excess Shelter Deduction

\$367

Standard Utility Allowance

\$306 (No change)

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$139
2	256
3	366
4	465
5	553
6	663
7	733
8	838
each additional	+105

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$ 739

2	995
3	1,252
4	1,509
5	1,765
6	2,022
7	2,279
8	2,535
each additional	+ 257

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$ 960
2	1,294
3	1,628
4	1,961
5	2,295
6	2,629
7	2,962
8	3,296
each additional	+ 334

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

AG Size	Maximum Income
1	\$1,219
2	1,642
3	2,066
4	2,489
5	2,913
6	3,336
7	3,760
8	4,183

each additional	+ 424
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Implementation: All applications and reapplications being processed for October 2002 and after shall have the new amounts applied. All ongoing cases which are eligible for the new standards will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2002. CRIS-E tables will be updated with the changes effective October 2002. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Instructions: This transmittal letter obsoletes FACT No. 22. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2002. Remove it and file as obsolete.

Remove and file as obsolete the pages headed 5101:4-4-11 dated October 1, 2001, and replace with the attached corresponding pages dated October 1, 2002.

Remove and file as obsolete the pages headed 5101:4-4-23 dated October 1, 2001, and replace with the attached corresponding pages dated October 1, 2002.

Remove and file as obsolete the pages headed 5101:4-5-01 dated October 1, 2001, and replace with the attached corresponding pages dated October 1, 2002.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 242

Cash Assistance Manual Transmittal No. 3

Food Stamp Transmittal Letter No. 242

June 24, 2002

To: All Cash Assistance Manual Holders
All Food Stamp Certification Handbook Holders

From: Thomas J. Hayes, Director

Subject: Revision of JFS 07200 and JFS 07501

We have recently received guidance from the Office of Civil Rights within the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) regarding language that must be included on all applications. These changes have been incorporated into the attached 07200 "Request for Cash, Medical and Food Stamp Assistance" and the JFS 07501 "Your Rights and Responsibilities". A Service Request Form (SRF) has been generated to make the necessary changes to the CRIS-E generated Rights and Responsibilities document.

The following changes have been made to the 07200:

- "Primary language of the person you are applying for" has been added to page 1.
- Language has been added to section A on page 3 regarding not having to provide a social security number if an individual is not applying for benefits.
- Race and Ethnicity have been broken out on the chart in section A on page 3. The shaded box below the chart indicates the codes that would be entered into the boxes for race and ethnicity. A SRF has been written to capture this information in CRIS-E.
- The question on page 3 of the current 07200 regarding food stamp disqualifications has been removed as it is now asked on CRIS-E screen AEISD.
- The shaded box on page 4 contains nondiscrimination information for both the USDA and HHS. The current version only carried the USDA address.

The following changes have been made to the 07501:

- At the request of the Office of Civil Rights, the paragraphs on "Prohibition against discrimination on the basis of disability" and "Assisting persons who are limited English proficient" have been moved to the 1st page of the document.
- Minor language changes have been made to the section on "Release of information on social security number".
- The "Reporting Responsibilities" section has been separated according to program (e.g., food stamps, cash). As a result of the implementation of semi-annual reporting (SAR) effective July 1, 2002 for food stamp assistance groups, the food stamp reporting requirements are separated into two categories: "Households with no earned income" and "Households with earned income".

The Spanish versions of both documents will be revised and available in the warehouse.

Cash Assistance Manual Instructions:

Remove and file as obsolete from the Forms Appendix, the JFS 07200 "Request for Cash, Medical and Food Stamp Assistance", dated August 2001, and replace with the attached 07200 dated July 2002.

Remove and file as obsolete from the Forms Appendix, the JFS 07501 "Your Rights and Responsibilities", dated August 2001, and replace with the attached 07501 dated July 2002.

FSTL Instructions:

Remove and file as obsolete Appendix 101, "Request for Cash, Medical and Food Stamp Assistance", JFS 07200, dated August 2001 and replace with the attached JFS 07200 dated July 2002.

Remove and file as obsolete Appendix 102, "Your Rights and Responsibilities", JFS 07501 dated August 2001 and replace with the attached JFS 07501 dated July 2002.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

Attachments

JFS 07200 "Request for Cash, Medical and Food Stamp Assistance"

JFS 07501 "Your Rights and Responsibilities"

FSTL 241

Food Stamp Transmittal Letter No. 241

May 17, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: Food Stamp Program: Semi-Annual Reporting with Six-Month Certification Periods for Assistance Groups with Countable Earned Income

These rules were proposed to be effective July 1, 2002. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on July 1, 2002. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Background Information

This transmittal letter is dedicated to incorporating a Federal option offered to state agencies regarding semi-annual reporting requirements for food stamp assistance groups (AGs) with earned income. This option became available in January 2001 to state agencies under CFR 273.12(a)(1)(vii) with the November 21, 2000, publication of the Federal Register. AGs with countable earned income are subject to semi-annual reporting (SAR) with six-month certification periods and are required to report changes in income that result in their gross monthly income exceeding 130 percent of the monthly poverty income guideline for their AG size. In addition, if there is a working able-bodied adult without dependents (ABAWD) in the AG, the ABAWD individual must report if work hours fall below 20 hours per week, 80 hours monthly.

Implementation

The implementation effective date is July 1, 2002 for newly applying and reapplying AGs with countable earned income (i.e., the application sign date is on or after July 1, 2002).

AGs currently certified with earnings under the status reporting requirement with three-month certification periods and AGs that are certified for more than three months under the \$80 reporting requirement will be assigned to SAR with six-month certification periods at their next scheduled reapplication on or after July 1, 2002.

AGs reporting a change of new earned income on or after July 1, 2002 will be subject to SAR if the AGs certification period can be shortened or lengthened to six months from the budget effective date (in CRIS-E) as described under rule 5101:4-5-03, establishing certification periods, and rule 5101:4-7-01, reporting requirements during the certification period.

AGs Subject to SAR

AGs with countable earned income, including ABAWDs, individuals with self-employment or sheltered workshop earnings and AGs containing an ineligible AG member who has earned income that is prorated to the remaining AG members are subject to SAR.

AGs with no countable earned income and/or which contain ABAWDs who are meeting their work requirement by participating in a work activity only are not subject to SAR.

Rule 5101:4-5-03: Establishing Certification Periods

AGs with countable earnings must be assigned six-month certification periods. If an AG with earnings is also receiving OWF, DA, or Medicaid, the 6 month certification period for food stamps will be determined by the food stamp signature date that is entered in CRIS-E. It will not make a difference in the food stamp certification period if the eligibility worker enters a different signature date for other programs.

Once assigned six-month certification periods the AG must retain the six-month certification period until the next reapplication regardless of any subsequent AG changes. For example, if the AG no longer has countable earnings, the AG must remain on SAR requirements through the end of its current six-month certification period.

Paragraph (E) of this rule addresses adjusting the certification period for AGs reporting new countable earnings which subject the AG to SAR. If an AG is certified for six months or less and reports earnings, the certification period shall be lengthened to six months from the budget effective date, not to exceed twelve months. If an AG's certification period exceeds six months and the AG reports earnings, the certification period shall be shortened to six months from the budget effective date. If an AG's certification period cannot be lengthened or shortened to six months from the budget effective date, the AG's certification period shall not be changed and the AG shall not be subject to SAR until the next reapplication, if still applicable.

Note: Due to budgetary concerns, an administrative decision has been made by the Department to keep the cash programs at a six-month reapplication cycle. This would apply to all OWF, Refugee Cash Assistance, and DA (cash and medical) assistance groups. CRIS-E will calculate a six-month reapplication date for cases with or without earnings that have any of the above AG types **and** food stamps.

Rule 5101:4-7-01: Reporting Requirements During the Certification Period

Rule 5101:4-7-01(B) addresses the reporting requirements of AGs subject to SAR requirements. AGs who are subject to SAR are required to report changes in the amount of the actual gross monthly income that result in their gross monthly income exceeding 130 percent of the monthly poverty income guideline (gross monthly income standard) for their AG size. In addition, SAR AGs containing ABAWDs with earned income must report if the ABAWD's work hours fall below 20 hours in any week of the month, 80 hours monthly.

Actual gross monthly income reporting by SAR AGs is defined as earned and unearned income prior to any deductions such as taxes, garnishments, union dues, insurance, etc. and prior to conversion, averaging or proration.

AGs that have reported income exceeding the 130 percent gross monthly income standard for their AG size at application, reapplication, or change and who are categorically eligible up to 200 percent of the poverty level have met their 130 percent income reporting requirement until the next reapplication or subsequent change and would not be required to continue to report changes in income. If there is an ABAWD member in the AG, the AG would still be subject to report if that individual's work hours fall below 20 hours per week.

Mass changes due to adjustments to the eligibility income standards, allowable deductions, the standard deduction, the maximum food stamp allotment, the standard utility allowance, the periodic cost-of-living adjustment to retirement, survivors, and disability insurance (RSDI), SSI, and other adjustments of federal benefits will not affect the AG's 130 percent reporting requirement amount provided at the last application or reported change until the AG's next reapplication or subsequent change, at which time the AG will be provided the new 130 percent gross monthly income standard.

Although AGs subject to SAR are not required to report the addition or loss of an AG member, AGs are required to report if the earnings of a new AG member, combined with the AG's other countable income, exceed the 130 percent monthly poverty income guideline for their AG size that existed prior to the addition of the new AG member.

Reported changes, changes considered verified upon receipt, or changes that are known to the county agency which are not acted upon timely or reporting requirements not met by the AG may result in an underpayment or overpayment.

The county agency must act on all changes in accordance with the provisions of rule 5101:4-7-01(G) of the Administrative Code.

Reported changes include changes reported by the AG, changes considered verified upon receipt such as data matches through IEVS [5101:4-7-09(P)(1)] and changes known to the county agency such as changes in OWF/DA grant amounts or changes in PRC benefits and services.

In determining the AG's eligibility and monthly benefit, income and expenses shall be prospectively determined in accordance with rule 5101:4-4-31 of the Administrative Code.

AGs subject to SAR are not required to report any other changes in circumstances such as quitting employment or loss of employment. However, the county agency must investigate the loss of employment when it is discovered at application, reapplication, or reported change to determine if the job loss or a termination of employment by the individual was without good cause which may subject the individual to

disqualification and/or sanction as outlined in rules 5101:4-3-09, 5101:4-3-11, and 5101:4-3-19 of the Administrative Code.

Notification of SAR

AGs with countable earnings will be issued a manual change report form at application, reapplication, reported change, or when assigned to SAR. This manual notice will contain the AG's reporting requirements and reporting timeframe.

AGs subject to SAR will be provided their reporting requirements which include their actual gross monthly income amount and the applicable 130 percent gross monthly income standard for their AG size on the CRIS-E generated approval notices or change notices (increases and decreases). If a working ABAWD is in the AG, the notice will contain special language informing the AG that they must report if the ABAWD's work hours fall below 20 hours per week during any week in the month. AGs not containing an ABAWD(s) will not have the language specific to ABAWDs on their notice.

A CRIS-E "Reminder Notice" will be generated to AGs subject to SAR during cut-off in the third month of their certification period. This notice reminds the AG of its reporting requirements. The notice also provides the AG with their 130 percent gross monthly income standard, their actual gross monthly income, and the AG size used to determine the AG's benefit amount at the last application or reported change.

Change Reporting Time Frames

AGs subject to SAR must report changes in their gross monthly income that exceed the AG's reporting limit and if an ABAWD's work hours fall below 20 hours per week during any week in the month. Changes must be reported within 10 days of the last day of the month in which either of these changes first occur. FNS approved this change reporting time frame for SAR AGs because AGs may not know until the end of the month if their income has exceeded their reporting limit and/or an ABAWD may not know until the end of the month if their work hours fall below 20 hours per week.

AGs Not Subject to SAR

Rule 5101:4-7-01(A) addresses the reporting requirements for AGs that have no countable earned income. As a result of implementation of SAR, the waiver regarding status reporting and the \$80 reporting requirement are eliminated from paragraph (A) of this rule. The requirement that AGs report changes in wage rate, part-time to full-time employment status and the requirement that AGs report changes in gross earned income of more than \$80 have been removed from this rule. AGs with no countable earned income must report changes greater than \$25 in gross monthly income (earned and unearned) in addition to the other reporting requirements in paragraph (A).

The change reporting time frame for AGs with no countable earnings is within ten days of the date the change becomes known to the AG.

Action on all reported changes in accordance with the provisions of rule 5101:4-7-01(G) of the Administrative Code and determining eligibility and monthly benefits in accordance with rule 5101:4-4-31 of the Administrative Code are also applicable to AGs with no countable earned income.

Training and Technical Assistance

Training sessions on the implementation of semi-annual reporting with six-month certification periods will be conducted by the Bureau of County Oversight and Support technical assistance staff. The training sessions are scheduled for June 2002 in various locations throughout the State. CRIS-E support in establishing certification periods and issuing client notices will be in place effective July 1, 2002.

Fiscal Impact

There should be little or no fiscal impact for the county agencies to implement this FSTL. AGs will only be required to complete a face-to-face interview every six months, thus, reducing the eligibility workers' number of interviews for their caseload. The simplified reporting requirements will also result in fewer case changes for the eligibility workers to complete.

CRIS-E Support

CRIS-E generated notices will provide AGs subject to SAR with their actual gross monthly income and the 130% gross monthly income standard for their AG size on each approval or change notice. The changes in certification periods for AGs subject to SAR will be fully supported by CRIS-E.

Miscellaneous

Revisions to the JFS 07501, "Your Rights and Responsibilities" will be issued under separate cover.

Examples of AGs Subject SAR

Example #1: AG consists of mother and her two children on SAR. Mother is employed, grossing \$350 per week. The county agency **converts** the \$350 ($\$350 \times 4.3 = \1505) and uses a monthly income of \$1505 in determining the benefit amount. The AG is notified that it must report if their **actual** gross monthly income (currently \$1400) exceeds the \$1585 gross monthly income standard for their AG size. At the end of a month the AG realizes that it just received a fifth paycheck for \$350, for an actual gross monthly income of \$1750. Since the actual gross monthly income has exceeded the \$1585 limit, the AG reports this to the county agency. The county agency recalculates the monthly income by converting it ($\$350 \times 4.3 = \1505) and discovers that the AG's converted income amount has not changed. Therefore, the AG is still entitled to the same allotment. The county agency notifies the AG that the allotment amount is unchanged and advises the AG to report the next time its monthly income exceeds \$1585.

Example #2: AG consists of mother and her two children on SAR. Mother is employed, grossing \$350 per week. The county agency uses the converted monthly income of \$1505 and notifies the AG that it must report if their actual gross monthly income (currently \$1400) exceeds the \$1585 gross monthly income standard for their AG size. The AG's weekly income increases to \$400. At the end of the month the AG realizes that its actual gross monthly income was \$1600, which exceeds the \$1585 reporting threshold. The AG reports this to the county agency. The county agency recalculates the monthly income by converting \$400 ($\$400 \times 4.3 = \1720) and discovers that the AG's converted income has exceeded the 130 percent gross monthly income standard. The AG is ineligible. The county agency notifies the AG and proposes termination of the food stamp benefits. The AG is advised to re-apply if its income falls to \$1585 or less.

Example #3: AG consists of mother and her two children on SAR. Mother is employed, grossing \$300 per week. The county agency uses the converted monthly income of \$1290 and notifies the AG that it must report if actual gross monthly income (currently \$1200) exceeds the \$1585 gross monthly income standard for their AG size. The AG's weekly income increases to \$375. At the end of the month the AG adds up its wages and sees that its actual gross monthly income is \$1500. Since the actual gross monthly income does not exceed the \$1585 gross monthly income standard, the AG decides it is not required to report the increase. At the reapplication interview the county agency discovers this increase in wages, converts the income, and discovers that the AG's converted income is \$1612 ($\375×4.3). The \$1612 converted income exceeds the 130 percent gross monthly income standard of \$1585. The AG was not required to report this increase in income when the change occurred because the actual gross monthly income was still less than the 130 percent gross monthly income standard for their AG size. The county agency was correct in continuing benefits to the AG and no overpayment occurred as a result of this increase. However, the county agency now uses the converted income of \$1612 and finds the AG ineligible.

Example #4: AG consists of mother and her daughter. There is no countable earned income and the AG's certification period is April 1, 2002 through September 30, 2002. On July 3rd the mother reports earnings which subjects the AG to SAR. The county agency notifies the AG of the new reporting requirement(s) and the certification period is extended to January 31, 2003 (six months from the budget effective date of August 1, 2002).

Example #5: AG consisting of mother and her daughter is subject to SAR. The AG's gross monthly income is \$1120. The CRIS-E approval notice has provided the AG with their actual gross monthly income and the 130 percent gross monthly income standard of \$1258 for an AG size of two. The mother received a promotion and a pay increase in September. On October 1st, the mother adds up her income for September and realizes that her gross income for September was \$1376, which exceeds the 130 percent gross monthly income standard. She reports this to the county agency within 10 days after the last day of September. The county agency takes the appropriate action.

Example #6: AG consisting of a man, his wife, and their child are subject to SAR. Their actual gross monthly income of \$1120 and the 130 percent gross monthly income standard of \$1,585 have been provided to the AG on their approval notice. The wife's brother who is employed, earning \$200 per month moved into the AG in October. The brother purchases and prepares his meals with his sister's family. On November 1st the AG adds up their actual income which totals \$1320. Since the AG's income is within \$1585 gross monthly income standard, the AG is not required to report this change to the county agency.

Example #7: AG consists of husband and wife, both are age 64 and receive a total of \$800 per month social security disability benefits. They are certified from August 1, 2002 through July 31, 2003. Their 20 year old daughter who is employed, grossing \$824 per month, moves into the AG on December 2, 2002 and the AG reports this to the county agency. Since the daughter is employed, the AG is subject to SAR. The AG is notified of their new reporting requirements and is provided their actual gross monthly income amount and the 130 percent gross monthly income standard for their AG size of three. The AG's certification period is shortened to end effective June 30, 2003 (six months from the budget effective date of January 1, 2003).

Example #8: AG consists of husband and wife, both are age 64 and receive a total of \$800 per month social security disability benefits. They are certified from August 1, 2002 through July 31, 2003. Their 20 year old daughter who is employed, grossing \$824 per month, moves into the AG on May 3, 2003. The food stamp budget is adjusted to reflect the increase in AG size and income effective June 1, 2003. However, the certification period cannot be lengthened to 6 months from the budget effective date because the certification period would exceed the maximum limit of 12 months. The certification period remains unchanged and the AG would remain subject to the reporting requirements for AGs with no countable earned income until the next reapplication when the AG would be subject to SAR and given a 6-month certification period, if still applicable.

Example #9: AG consists of husband, wife, and their two children. The husband is employed, grossing \$1280 per month. The AG has no other countable income. The AG is subject to SAR and is certified from 10/1/02 through 3/31/03. The 130 gross monthly income standard for their AG size is \$1913. On 11/25/02 the husband quit his job without good cause. Since the AG is on SAR, this loss of income is not required to be reported to the county agency. On 2/5/03 the AG completes a reapplication interview and reports the loss of the earned income. The county agency determines a voluntary job quit without good cause occurred. The county agency initiates a voluntary job quit sanction for the husband. Since the AG is no longer subject to SAR, the remaining AG members are recertified effective 4/1/03 with the reporting requirements outlined in 5101:4-7-01(A). No overpayment results since the AG was not required to report the loss of income.

Instructions:

Remove and file as obsolete all pages headed 5101:4-5-03 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-7-01 and replace with the attached corresponding pages.

Remove and file as obsolete all pages of the Appendix Index dated March 1, 2002 and replace with the attached corresponding pages dated July 1, 2002.

Insert the JFS 04196, "Food Stamp Change Report For Assistance Groups With Earned Income" dated July 2002 as Appendix 23.

Remove and file as obsolete Appendix 24, JFS 07443, "Food Stamp Change Report" dated July 2001, and replace with the attached JFS 07443 dated July 2002.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 240

Food Stamp Transmittal Letter No. 240

March 20, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

- OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1996 (OCAAA)
- BALANCED BUDGET ACT OF 1997 (BBA)
- AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998 (AREERA)

Background Information

This transmittal letter is dedicated to incorporating changes mandated by a final rule that was published in the November 28, 2001 Federal Register titled "Noncitizen Eligibility and Certification Provisions of Public Law 104-193, as Amended by Public Laws 104-208, 105-33 and 105-185 (Announcement of Effective Date)." These rules were emergency rule filed effective March 1, 2002 and have been proposed for adoption on a permanent basis. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis before the emergency rules expire (90 days from now). If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

This rule provides an effective date for several provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and subsequent amendments to these provisions made by the Omnibus Consolidated Appropriation Act of 1996, the Balanced Budget Act of 1997 and the Agricultural Research, Extension and Education Reform Act of 1998 that were published in the Federal Register as final rules, November 21, 2000. Several amendments in the final rule contained information collection requirements that required the approval of the Office of Management and Budget (OMB) before they could become effective. These information collection requirements were approved by OMB on September 10, 2001.

Rule Review

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-2-01; 5101:4-2-07; 5101:4-5-03; 5101:4-5-07; 5101:4-6-03; 5101:4-6-17; 5101:4-6-31; 5101:4-7-01; and 5101:4-7-07.

5101:4-2-07: Interviewing AGs: Notice Of Missed Interview (NOMI)

The final rule published in the November 28, 2001 Federal Register mandates the use of a new notice to applicant AGs when the AG fails to appear for the face-to-face interview. This new letter, JFS 04218, "Notice of Missed Interview" (NOMI), advises the AG that it missed the scheduled interview, that the AG is responsible for rescheduling a missed interview, and the consequences of the AG's failure to complete the interview. This notice is provided as Appendix 18.

Language has been added to this rule regarding the face-to-face interview. Emphasis is added to paragraph (E) of this rule that the county agency must notify an applicant AG that a telephone interview may be substituted for a face-to-face interview due to AG hardship situations as determined by the county agency. Language was also added regarding information that must be provided to AGs applying for both OWF and food stamps.

5101:4-2-07 and 5101:4-5-03: Establishing Certification Periods

Language has been added to clarify that county agencies shall not require AGs to report for a face-to-face interview during the certification period though the county agency may request AGs to do so. For example, county agencies may not require AGs to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason.

5101:4-5-07: Providing notice of eligibility and denial, when to deny an application at the end of thirty days, and actions because of delayed eligibility determinations

Language has been added to this rule that applicant AGs who miss their scheduled face-to-face interview must be issued a JFS 04218, "Notice of Missed Interview" (NOMI).

5101:4-6-17: Determining eligibility of PA AGs

Paragraph (Q)(3) of this rule provides the procedure for counties to following when an AG's PA benefits are terminated and the AG needs to provide information to determine its food stamp eligibility. A JFS 04219, "Request for Contact" (RFC) notice as described in rule 5101:4-7-01 must be issued to the AG at the same time as the PA notice of adverse action advising the AG of the information needed to determine food stamp eligibility and the consequences of the AG's failure to provide the required verification. This notice is provided as Appendix 19.

5101:4-6-31: Sponsored Aliens

Another exemption has been added to the list of sponsored aliens who are not required to have any portion of their sponsor's income or resources deemed to the alien. Paragraph (I) of this rule states that the county agency may determine that the deeming of a sponsor's income and resources do not apply to an alien who is indigent and unable to obtain food and shelter. The phrase "is unable to obtain food and shelter" means that the sum of the sponsored alien AG's own income, cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide does not exceed 130% of the poverty income guideline for the appropriate AG size. The county agency must determine the amount of income and other in-kind assistance provided to the AG in the month of application. Only the amount that is actually provided to the AG must be deemed to the sponsored alien. This determination is effective for a 12 month period beginning on the date of the determination and is renewable for additional 12 month periods.

5101:4-7-01: Reporting Requirements During the Certification Period

The JFS 04219, "Request for Contact" (RFC) notice must be issued when the county agency receives unclear information about changes in an AG's circumstances which may affect it's food stamp eligibility or benefit amount during the certification period. This notice advises the AG of the information or actions needed, the time period in which the AG must respond to the agency, and the consequences of the AG's failure to respond to the notice.

5101:4-7-07: Reapplication

AGs who miss their scheduled face-to-face reapplication interview must be issued a JFS 04218, "Notice of Missed Interview" (NOMI) as described in rule 5101:4-2-07. This notice advises the AG of their responsibility to reschedule the missed interview and the consequences of the AG's failure to complete the interview.

Training and Technical Assistance

Training and technical assistance needs to implement this FSTL will be minimal. A Service Request form (SRF) has been submitted for CRIS-E to generate the NOMI and the RFC. Until this automation is complete, manual notices must be issued by the county agency. Clarification regarding this FSTL will be available to county staff by ODJFS through the regional offices.

Fiscal Impact

There should be no fiscal impact for the county agency to implement this FSTL. No additional staff will be needed to implement this policy. No additional supplies, equipment or travel are involved.

Implementation Effective Date

The implementation effective date is March 1, 2002 for newly applying AGs (i.e. AGs initially applying on or after March 1, 2002). County agencies must convert currently participating AGs no later than the next reapplication on or after March 1, 2002.

Miscellaneous

As with the ODJFS clearance review process, Food and Nutrition Service (FNS) has a clearance process for public comments on any of the proposed rules. Some of the commenters believe that some applicants for assistance may not be aware of the Food Stamp Program, or aware that they might be eligible, so they don't express interest in the specific program, even though they express concerns about food insecurity. In order to increase access to the program, language has been added to paragraph (F) of rule 5101:4-2-01 that AGs who express concerns about food insecurity must be encouraged to file a JFS 07200 or CAF on the same day they contact the food stamp office.

The Food and Nutrition Service (FNS) has clarified that the options provided for determining the cost of doing business for AGs deriving income from boarders and/or day care shall be the option of the county agency not the AG. However, the county option chosen for AGs deriving income from boarders and/or day care shall be consistently applied county-wide and readily available to the regional office technical assistance managers, if requested by FNS. Rule 5101:4-6-03 has been changed to reflect this clarification.

Clarification has been provided in paragraph (G)(2) of rule 5101:4-6-17 that if the county agency grants a waiver of the face-to-face interview for food stamps, the AG must still comply with face-to-face interview requirements for other public assistance programs.

Procedure #1, "Procedures for Application Processing" has been revised to reflect the updated verification examples and to include the "Notice of Missed Interview" (NOMI).

Procedure #2, "Procedures for Reapplication Processing" has been revised to include the "Notice of Missed Interview" (NOMI).

Procedure #3, "Procedures for Processing Reported Changes: Nonpublic Assistance (NA) AGs" and Procedure #4, "Procedures for Processing Reported Changes: Public Assistance (PA) AGs" have been revised to include the "Request for Contact" (RFC) notice.

Appendix #39, "Notice of Application for Social Security Number", DHS 7355 (revised March 1993) has been replaced with an updated version, JFS 07355 dated April 2001.

Instructions:

Remove and file as obsolete all pages headed 5101:4-2-01 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-2-07 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-5-03 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-5-07 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-03 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-17 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-6-31 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-7-01 and replace with the attached corresponding pages.

Remove and file as obsolete all pages headed 5101:4-7-07 and replace with the attached corresponding pages.

Remove and file as obsolete all pages of Procedure #1, "Procedures for Application Processing" dated July 2001 and replace with the attached corresponding pages dated March 2002.

Remove and file as obsolete all pages of Procedure #2, "Procedures for Reapplication Processing" dated July 2001 and replace with the attached corresponding pages dated March 2002.

Remove and file as obsolete all pages of Procedure #3, "Procedures for Processing Reported Changes: Nonpublic Assistance (NA) AGs" dated July 2001 and replace with the attached corresponding pages dated March 2002.

Remove and file as obsolete all pages of Procedure #4, "Procedures for Processing Reported Changes: Public Assistance (PA) AGs" dated July 2001 and replace with the attached corresponding pages dated March 2002.

Remove and file as obsolete all pages of the Appendix Index dated March 21, 2002 and replace with the attached corresponding pages dated March 1, 2002.

Insert the JFS 04218, "Notice of Missed Interview" dated March 2002 as Appendix 18.

Insert the JFS 04219, "Request for Contact" dated March 2002 as Appendix 19.

Remove and file as obsolete the DHS 7355, "Notice of Application for Social Security Number" dated March 1993 and replace with the attached JFS 07355 dated April 2001.

Update Appendix 35, "Record of Changes to Handbook" with the number and date of this transmittal.

FSTL 239

Food Stamp Transmittal Letter No. 239

February 7, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: Food Stamp Program: Systemic Alien Verification for Entitlement (SAVE) Program

This rule is proposed to be effective March 1, 2002. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will become effective on a permanent basis on March 1, 2002. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule Review

Rule 5101:4-7-14 is being reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Background Information

The Immigration Reform and Control Act (IRCA) of 1986, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires verification of immigration status of aliens applying for federally funded entitlements. The Food Stamp Program participates in a systematic verification alien documentation program. This rule is being revised as a result of updated policy received from the U.S. Department of Justice, Immigration and Naturalization Service.

Revisions are being provided to county departments of job and family services (CDJFSs) regarding situations in which secondary verification is necessary.

Rule 5101:4-7-14: Systematic alien verification for entitlements (SAVE) program

Paragraph (A)(2) of this rule provides situations in which county agencies must initiate secondary verification without completing primary verification through the Alien Status Verification Index (ASVI). One situation in which the county agency should initiate secondary verification is if an alien has no immigration documentation and the alien can show good cause for not providing this verification.

Appendix A of this rule provides the procedure for obtaining primary and secondary verification.

Appendix 62, "SAVE Document Verification Request, Form G-845S" is being replaced to provide county agencies a more legible copy of the INS form.

Appendix 63, "Completed U.S. Department of Justice, INS Document Verification Request G-845" is being removed and is replaced by Appendix 63, "Document Verification Request Supplement, Form G-845 Supplement".

Appendix 63-A, "Instructions for the Completion of the G-845" is being replaced with updated instructions issued by the Immigration and Naturalization Service (INS).

Fiscal Impact

There should be no fiscal impact for the county agencies to implement rule 5101:4-7-14. No additional staff will be needed to implement this policy. No additional supplies, equipment or travel is involved.

Training and Technical Assistance

Training and technical assistance needs to implement this rule will be minimal. Clarification regarding this rule will be available to county staff by ODJFS through the regional offices.

Miscellaneous

Appendix 64, "Consent of Disclosure", ODHS 7445 is being removed from the Appendix because the Immigration and Naturalization Service (INS) no longer requires the consent form.

Appendix 72, "Request for Disclosure of Information Obtained From Food Stamp Assistance Groups by Law Enforcement Officials" has been revised to reflect updated language.

Appendix 105, "Work Registration/Information Sharing Form", DHS 7449 has been updated to reflect current terminology.

To correct an error made in the appendices of rule 5101:4-4-11 in FSTL #237, this rule is being reissued.

Instructions

Remove and file as obsolete pages headed 5101:4-4-11 dated October 1, 2001 and replace with corresponding pages also dated October 1, 2001. Both versions of this rule are dated October 1, 2001 rule 5101:4-4-11 is being reissued to correct a printing error in FSTL 237.)

Remove and file as obsolete all pages headed 5101:4-7-14 dated May 1, 1999 and replace with the attached corresponding pages.

Remove and file as obsolete the Index to the Appendix page headed "Appendix 64 - Consent of Disclosure" dated October 1, 2001 and replace with the attached corresponding page headed "Appendix 64 - RESERVED" dated March 1, 2002.

Remove and file as obsolete Appendix 62, "SAVE, Document Verification Request", Form G-845S and replace with the attached corresponding page.

Remove and file as obsolete Appendix 63 "Document Verification Request Supplement", Form G-845 Supplement and replace with the attached corresponding page.

Remove and file as obsolete all pages of Appendix 63-A, "Instructions for Completion of the Document Verification Request, G-845S" and replace with the attached corresponding pages.

Remove and file as obsolete Appendix 64.

Remove and file as obsolete Appendix 72, "Request for Disclosure of Information Obtained From Food Stamp Households by Law Enforcement Officials", DHS 7251 dated February 1985 and replace with the attached JFS 07251 dated November 2001.

Remove and file as obsolete Appendix #105, "Work Registration/Information Sharing Form", DHS 7449 dated 10/93 and replace with the attached corresponding page.

Update Appendix 35, "Record of Changes to Handbook" with the number and date of this transmittal.

Attachments

FSTL 238

Food Stamp Transmittal Letter No. 238

January 17, 2002

TO: Food Stamp Certification Handbook Holders
FROM: Tom Hayes, Director
SUBJECT: Food Stamp Program: Trafficking Victims Protection Act of 2000

New Hire Reporting Program (W-4)

Rule 5101:4-3-06: Trafficking Victims Protection Act of 2000

The Trafficking Victims Protection Act of 2000 was enacted in October 2000. The federal guidance on this has been issued and the regulations explained in this Food Stamp Transmittal Letter (FSTL) have an effective date of March 21, 2002. If no revisions are made to the proposed rule prior to the finalization by JCARR, it will be effective March 21, 2002. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

This transmittal obsoletes FACT No. 21. The FACT was implemented with an immediate effective date.

Background Information

The Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, 114 Stat. 1464 (2000), makes adult victims of severe forms of trafficking who have been certified by the U.S. department of health and human services (HHS) eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act (INA). Victims of severe forms of trafficking who are under age 18 are also eligible for benefits to the same extent as refugees, but do not need to be certified by HHS as victims of severe forms of trafficking.

Section 103 (8) of the Act defines "severe forms of trafficking in persons" as sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or, the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The Trafficking Victims Protection Act aims to combat trafficking through increased law enforcement, to ensure effective punishment of traffickers, to protect victims and to provide Federal and State assistance to victims. This transmittal contains the procedure for county departments of job and family services (CDJFS) to follow and the acceptable documentation in determining eligibility for benefits.

HHS Process

HHS' office of refugee resettlement (ORR) will make certification determinations and issue letters of certification for adult victims of severe forms of trafficking. Children under 18 years of age who are determined to have been subjected to a severe form of trafficking do not need to be certified by HHS in order to receive benefits. ORR will issue letters, similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking. Victims of severe forms of trafficking are eligible for benefits and services to the same extent as refugees under section 207 of the INA. Other agencies may issue letters or other documents to victims of severe forms of trafficking. However, only the ORR certification letter or letter for children may be accepted as proof of certification. Victims of severe forms of trafficking are not required to provide any immigration documents to receive benefits.

County Agency Process

The county agency will follow their regular procedure for a refugee and treat the victim of a severe form of trafficking the same as a refugee. However, instead of requiring immigration and naturalization service (INS) documentation, such as the I-94 Arrival/Departure Card, a certification letter or letter for children shall be accepted as proof of status that confers eligibility for benefits. A sample copy of the certification letter is

provided in Appendix 67 and a sample of the letter for children is Appendix 68. Please note that the signature and make-up of the letters may change in the coming months.

Verification

The certification letter for adults and the letter for children have a phone number to call to verify their validity. The county agency must call the trafficking verification line at (202) 401-5510 for verification before providing benefits. During the verification phone call, the county agency must notify ORR of the benefits for which the victim of trafficking has applied. At this time, the INS Systematic Alien Verification for Entitlements (SAVE) program does not contain information about victims of severe forms of trafficking. ORR is working with INS on this issue and further instructions will be released as soon as possible. Until further notice, the county agency shall not contact the SAVE system to confirm eligibility for benefits for victims of a severe form of trafficking.

Rule 5101:4-3-06 outlines the procedures in processing these applications. Due to the nature of these individuals' situation, verification of identity and social security number may not be available. This rule provides the specific steps that the county agency must take to assist individuals in obtaining this information.

Individuals Without Certification

If a county agency encounters an individual that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification, the county agency should call Michael Jewell at (202) 401-4561 or Neil Kromash at (202) 401-5702.

If the county agency encounters a child believed to have been subjected to a severe form of trafficking and lacks a letter for children, the county agency should call Loren Bussert at (202) 401-4732.

Rule 5101:4-7-08: New Hire Reporting Program (W-4)

Senate Bill 180 repealed Ohio Revised Code Section 5101.312 that had contained the requirements for the New Hire Reporting Program. With the passage of S.B. 180, these requirements have been moved from Revised Code Section 3121.89 to 3121.891. Rule 5101:4-7-08 of the Administrative Code has been amended to correct the Revised Code section.

Training and Technical Assistance

Training and technical assistance needs to implement rule 5101:4-3-06 will be minimal. Eligibility for victims of severe trafficking is treated the same as eligibility for refugees as outlined in rule 5101:4-3-07 of the Administrative Code.

The revisions to rule 5101:4-7-08 require no training or technical assistance to the county agency staff. Clarification regarding these rules will be available to county staff by ODJFS through the regional offices.

Fiscal Impact

There should be no fiscal impact for the county agencies to implement rule 5101:4-3-06. No additional staff will be needed to implement this policy. The time to process these applications would be approximately the same time to process as those of refugees. No additional supplies, equipment or travel is involved.

The revisions to rule 5101:4-7-08 do not impose any new requirements on county agencies; therefore, the implementation should result in no fiscal impact on the county agencies.

CRIS-E Processing:

Manual budgeting must be completed to process cases involving victims of severe forms of trafficking under rule 5101:4-3-06. The county agency must fiat the individual's eligibility to pass on AEWIF and the assistance group on AEWFT.

Claim Referral Management

The Recipient Claim Establishment and Collection Standards Regulation 7 CFR 273.18, published on July 6, 2000 and effective August 1, 2001 required that each state implement a process for efficient and effective management of claim referrals. Ohio's Claim Referral Plan and accompanying flow charts for different types of claims were inadvertently omitted from the final print packet of FSTL #236 dated October 3, 2001 and are included in this transmittal letter.

Ohio's Claim Referral Plan is being provided as Appendix 76.

The flow chart for the "Food Stamp Claim Referral Process - Administrative Error and Inadvertent Household Referral - Non QC" (Referrals not identified in the quality control review process) is provided as Appendix 77.

The "Food Stamp Claim Referral Process - IPV Referrals" is being added as Appendix 78.

Appendix 79 is the "Food Stamp Claim Referral Process - Administrative Error and Inadvertent Household Error Referrals - Identified by QC" (Referrals identified in a quality control review).

Miscellaneous

An error in preparing the cover letter for FSTL #236 resulted in the omission of explaining the purpose of removing rule 5101:4-5-05, "Issuing identification (ID) cards" from the Administrative Code. Amended Substitute House Bill 94 eliminated the language from the Ohio Revised Code requiring identification cards be issued by the county agency to each household or household's authorized representative authorized to receive food stamp benefits. With the implementation of electronic benefit transfer payments, identification cards are no longer required.

Page 7, second paragraph, of the Instructions for FSTL #236 incorrectly contained directions to remove and file as obsolete the Appendix 64, "Consent of Disclosure" and replace with an attached corresponding page. This instruction is to be ignored. Appendix 64 will be addressed in a future transmittal letter.

The Table of Contents has been revised to reflect the addition of rule 5101:4-3-06, "Victims of Trafficking" and the removal of rules 5101:4-5-05, "Issuing Identification Cards" and 5101:4-10-01, "State Funded Food Stamp Program for Qualified Aliens". Rule 5101:4-10-01 was removed from the Administrative Code via FSTL #233-A.

The Outline of Contents to Chapter 3000 has been revised to reflect the addition of rule 5101:4-3-06. The Outline of Contents to Chapter 5000 has been revised to reflect the removal of rule 5101:4-5-05 from the Ohio Administrative Code.

Page 12 of the Index has been revised to reference the Victims of Trafficking rule.

The Part II, Procedural Section Index has been revised to reflect the correct revision date of October 2001.

The Appendix Index has been revised to reflect the removal of Appendix 19, "Authorization to Participate Card", Appendix 20, "Household Activity Card", Appendix 28, "Examples of Immigration Documentation", and Appendix 38, "Statement of Expected Income" which were removed from the Appendices with the issuance of FSTL #236.

Appendix 22, "Applicant/Recipient Authorization for Release of Information" and Appendix 49, "Work Registration" have been revised to reflect updated language.

Appendix 34, "Food Stamp Notice of Change (Model)" has been revised to correct an inadvertent numbering error as well as provide improved instructions regarding the calculation of farm losses.

New Ohio Administrative Code Format

In accordance with Senate Bill 11 (which is now incorporated into Chapter 119 and section 111.15 of the Revised Code), the Legislative Service Commission (LSC) is mandated to implement a new format for the rule filing process. This format is similar to the new style for drafting bills for the General Assembly, which was recently adopted by the LSC. The old style of all capital letters to reflect new language in the rule is being replaced with underlined lower-case characters to reflect the new portion of the rule. This new format will commence with the issuance of this transmittal letter.

Instructions

Remove and file as obsolete the entire Table of Contents dated October 1, 2001 and replace with the attached corresponding pages.

Remove and file as obsolete the Outline of Contents to Chapter 3000 dated October 1, 2001 and replace with the attached corresponding page dated March 21, 2002.

Insert all pages headed 5101:4-3-06 directly behind the last page of rule 5101:4-3-05 dated June 4, 1998.

Remove and file as obsolete the Outline of Contents to Chapter 5000 dated February 1, 1999 and replace with the attached corresponding page dated March 21, 2002.

Remove and file as obsolete the page headed 5101:4-7-08 dated August 1, 1998 and replace with the attached corresponding pages.

Remove and file as obsolete page 12 of the Index which begins with the word "deductions" and replace with the attached corresponding page.

Remove and file as obsolete Part II Procedural Section Index dated July 2001 and replace with the attached corresponding page dated October 2001.

Remove and file as obsolete all pages of the Appendix Index dated October 1, 2001 and replace with the attached corresponding pages dated March 21, 2002.

Remove and file as obsolete Appendix 22, "Applicant/Recipient Authorization for Release of Information", DHS 7341 dated November 1995 and replace with the attached JFS 07341 dated October 1, 2001.

Remove and file as obsolete page headed Appendix 34, "Food Stamp Notice of Change (Model)" dated July 2001 and replace with corresponding page November 2001.

Remove and file as obsolete Appendix 49, "Work Registration", DHS 7446, dated July 1993 and replace with the attached JFS 07446 dated May 2001.

Insert the "Sample Certification Letter for Adult Victims of Severe Forms of Trafficking" as Appendix 67.

Insert the "Sample Letter for Children Who are Victims of Severe Forms of Trafficking" as Appendix 68.

Insert all pages of the Ohio Department of Job and Family Services Claim Referral Plan" as Appendix 76.

Insert the "Food Stamp Claim Referral Process - AE and IHE Referrals - Non QC" as Appendix 77.

Insert the "Food Stamp Claim Referral Process - IPV Referrals" as Appendix 78.

Insert the "Food Stamp Claim Referral Process - AE and IHE Referrals - Identified by QC" as Appendix 79.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 237

Food Stamp Transmittal Letter No. 237

November 20, 2001

To: Food Stamp Certification Handbook Holders

From: Thomas J. Hayes, Director

SUBJECT: October 1, 2001 Mass Changes

These rules were proposed to be effective October 1, 2001. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on October 1, 2001. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October Mass Changes

Effective October 1, 2001, the following mass changes are applicable. *(Please note that the standard deduction, standard telephone allowance, and homeless shelter deduction are not listed because they have not changed.)*

Excess Shelter Deduction

\$354

Standard Utility Allowance

\$306

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$135
2	248
3	356
4	452
5	537
6	644
7	712
8	814
each additional	+102

Net Income Standards (100% of poverty)

AG Size	Maximum Income
1	\$ 716
2	968
3	1,220

4	1,471
5	1,723
6	1,975
7	2,226
8	2,478
each additional	+ 252

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$ 931
2	1,258
3	1,585
4	1,913
5	2,240
6	2,567
7	2,894
8	3,221
each additional	+ 328

Separate AG Income Standards -- Elderly and Disabled AGS Only (165% of poverty)

AG Size	Maximum Income
1	\$1,182
2	1,597
3	2,012
4	2,427
5	2,843
6	3,258
7	3,673
8	4,088
each additional	+ 416

Implementation: All applications and reapplications being processed for October 2001 and after shall have the new amounts applied. All ongoing cases which are eligible for the new \$354 excess shelter deduction will

have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 2001. CRIS-E tables will be updated with the changes effective October 2001. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

Fiscal Impact: The revisions to rules 5101:4-4-11, 5101:4-4-23, and 5101:4-5-01 do not impose any new financial requirements on county agencies; therefore, the implementation should result in no fiscal impact on the county agencies.

Training Impact: The revisions to rules 5101:4-4-11, 5101:4-4-23, and 5101:4-5-01 require no training or technical assistance to the county agency staff. There has been no change in policy as the changes are routine annual cost-of-living adjustments. CRIS-E has been updated to reflect the changes. Clarification regarding this rule will be available to county staff through the Regional Offices.

Instructions: This transmittal letter obsoletes FACT No. 20. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2001. Remove it and file as obsolete.

Remove and file as obsolete the pages headed 5101:4-4-11 dated December 10, 2000 and replace with the corresponding pages dated October 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-23 dated June 1, 2001 and replace with the corresponding pages dated October 1, 2001.

Remove and file as obsolete the pages headed 5101:4-5-01 dated December 10, 2000 and replace with the corresponding pages dated October 1, 2001.

FSTL 236

Food Stamp Transmittal Letter No. 236

Public Assistance Manual Transmittal Letter No. 427

October 3, 2001

TO: Food Stamp Certification Handbook Holders
Public Assistance Manual Holders

FROM: Tom Hayes, Director

SUBJECT: Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

- TIME LIMIT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)
- REDUCTION OF PUBLIC ASSISTANCE BENEFITS DUE TO AG'S FAILURE TO PERFORM AN ACTION REQUIRED UNDER A FEDERAL, STATE, OR LOCAL MEANS TESTED PROGRAM
- OHIO WORKS FIRST FOOD STAMP ASSISTANCE GROUPS SANCTIONS AND DISQUALIFICATIONS
- OCTOBER 1, 2001 RULE REVIEW
- MISCELLANEOUS

These rules were proposed to be effective October 1, 2001. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on October 1, 2001. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

This transmittal letter amends Food Stamp Program regulations to implement several provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and reflects changes in the final rule that was published in the January 17, 2001 Federal Register.

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-1-03, 5101:4-2-03, 5101:4-2-07, 5101:4-3-09, 5101:4-3-11, 5101:4-3-20, 5101:4-5-15, 5101:4-6-15, 5101:4-6-16, 5101:4-8-03

5101:4-2-03: AG definition, non-AG members eligible to participate as separate AGs, non-AG members ineligible to participate as separate AGs, and ineligible AGs

Individuals who are serving a sanction/disqualification in accordance with rule 5101:4-3-09 and individuals who are ineligible due to reaching the time limit for able-bodied adults without dependents have been added to the list of non-AG members ineligible to participate as separate AGs.

5101:4-2-07: Interviewing AGs

Language is being added to require county agencies to inform applicants of situations in which the face-to-face office interview can be waived due to hardship. Hardship includes illness, transportation problems, care of a household member, prolonged severe weather, or work or training hours which prevent the AG from completing an in-office interview.

Rule 5101:4-3-09: Ohio works first food stamp assistance group sanctions and disqualifications

At the time the PRWORA was enacted, the law allowed states to use the rules and procedures that apply under Title IV-A to impose the same sanctions for OWF food stamp AGs which was interpreted to mean that the OWF applicant could be subjected to the sanction process. However, the final rule published in the January 17, 2001 Federal Register contains directives on the treatment of applicants in the sanction process. The requirements of CFR 273.11(k)(2) do not allow sanctions or disqualifications of an initial applicant under the provisions of this rule. The individual must be receiving OWF and food stamp benefits in order for a sanction or disqualification to be imposed.

Clarification has been provided on situations which would **not** result in a sanction or disqualification. Those situations include AGs reaching the OWF time limit, failing to complete the reapplication process, and failing to perform a purely procedural requirement such as signing the self-sufficiency contract or providing required verification.

Situations which **would** result in a sanction or disqualification are called substantive requirements which are defined as a behavioral requirement in the OWF program designed to improve the well-being of the recipient family such as participating in job search activities or compliance with another provision of the self-sufficiency contract.

FNS has clarified that the county agency must end the food stamp sanction or disqualification if it becomes aware that the individual has become ineligible for OWF for some other reason. For example, if an AG is serving a sanction for failing to comply with a provision of the self-sufficiency contract and during that sanction period the children are removed from the home, the county agency must end the food stamp sanction because there is no longer potential eligibility for OWF. If a sanction or disqualification is still in effect at the end of one year, the county agency must review the case to determine if the sanction or disqualification continues to be appropriate. Sanctions or disqualifications that extend beyond one year must be reviewed at least annually but may be ended at any time by the county agency. If, for example, an AG is sanctioned in the OWF program and the AG subsequently decides that they do not wish to participate with OWF after serving the minimum sanction period, the county agency should reevaluate the AG's food stamp situation.

Rule 5101:4-3-20: Able-Bodied Adults Without Dependents

Section 824 of the PRWORA limits the receipt of food stamps for certain able-bodied adults without dependents (ABAWDs) to three months in a thirty six months period unless the individual is either working at least half-time, participating in an approved work program for at least 20 hours per week or participating in a workfare program. The rules and regulations published in the Federal Register on January 17, 2001 permit unpaid work and work for in-kind services to count as "work" for purposes of fulfilling the work requirement. An example of in-kind services is working in exchange for commodities.

The regulations now allow county agencies to determine good cause for missing work for circumstances beyond the AG member's control. These conditions include, but are not limited to, illness, illness of another AG member requiring the presence of the member, an AG emergency, or the unavailability of transportation.

Previously, hours spent on Job Search and Job Search Training activities could not be considered in meeting the 20 hour per week minimum. Effective 10/1/01 Job Search and Job Search Training can now be included as a **subsidiary** component of the requirement as long as the activity is less than half of the requirement. Job search and Job Search Training hours are only allowable as a subsidiary component in an employment and training program. Workfare such as WEP and self-initiated community services should not contain these subsidiary components.

The Food and Nutrition Service (FNS) has clarified that all adults in an AG where there is a child under age 18 are exempt. This provision applies even if the individual who is under 18 years old is not eligible for food stamps in that AG. The child's presence in the AG exempts those adults who are members of the AG.

Individuals who are ineligible due to the time limit for able-bodied adults can regain eligibility if the individual works at least 80 hours in a 30 day period. Rule 5101:4-3-20(D)(2) addresses the beginning date of benefits for individuals regaining eligibility. For individuals who are working and/or participating in a work program, benefits are prorated back to the date the eighty hours are completed. For individuals who are participating in WEP whose assigned hours are based on the allotment must have benefits prorated back to the date of application.

One of the exceptions to the work requirement for ABAWDs is for an individual to be certified as physically or mentally unfit for employment. FNS has determined that verification of a disability is not necessary if it is obvious to the eligibility worker that an individual is unfit for employment. Medical certification is only required in cases where the unfitness is not evident to the county agency. In these cases, a statement from a nurse, nurse practitioner, designated representative at a doctor's office, social worker, or other medical personnel the county agency deems appropriate would suffice as a medical certification.

5101:4-6-15: Determining eligibility of households with other non-AG members

Fleeing felons and parole/probation violators are being removed from this rule; they were added to rule 5101:4-6-13 effective June 1, 2001. The income and resources of these individuals are to be counted in their entirety to the remaining AG members.

Rule 5101:4-6-16: Reduction of public assistance benefits due to AG's failure to perform an action required under a Federal, State, or local means-tested program

Section 829 of the PRWORA provides that, if the benefits of an AG are reduced under a federal, state, or local law relating to a means-tested public assistance program (OWF, SSI, or DA) for the failure of a person to perform an action required under the assistance program or for fraud, the AG may not receive an increased food stamp allotment as the result of that decrease for the duration of the reduction. Rule 5101:4-6-16(B) reiterates this language to clarify that the ban on increased benefits includes cases of fraud.

The ban on increased benefits does not apply to individuals reaching the time limit for OWF benefits, failing to reapply or complete the reapplication process for continued assistance under the other program, or failure to perform a purely procedural requirement. A procedural requirement which would not trigger a food stamp penalty is a step that an individual must take to continue receiving benefits in the public assistance program such as providing verification of circumstances or signing the self-sufficiency contract.

A substantive requirement which would trigger a food stamp penalty is a behavioral requirement designed to improve the well-being of the recipient family, such as participating in job search activities or ensuring that the children receive the proper vaccinations or complying with other provisions of the self-sufficiency contract. A substantive action must be within the power of the individual in order to trigger a food stamp penalty. For example, an individual is required to attend parenting classes as specified in the self-sufficiency contract in order to continue receiving assistance. The individual is willing to take the class but the individual is unable to because the classes are full. Therefore, failing to perform an action because the individual is unable to perform, as opposed to refusing, shall not be considered failure to perform a required action.

Further clarification has been provided that the ban on increasing food stamps only applies to individuals who are receiving food stamps and cash assistance at the time of the failure to perform a required action in a means-tested assistance program.

FNS has expanded the language regarding the length of the ban on not increasing food stamp benefits for failure to take required action or for fraud. The ban on increasing food stamps is for the duration of the reduction in the assistance program. If the ban on increased food stamps is still in effect at the end of one year, the county agency must review the case to determine if the penalty continues to be appropriate. If, for example, the AG is still not receiving assistance, it may not be appropriate to continue the penalty. The county agency must lift the ban on increasing food stamp benefits when it becomes aware that the individual is ineligible during the penalty period for some other reason.

Guidance is provided in paragraph (H)(3) of rule 5101:4-6-16 regarding AG movement within the state or if an individual moves out of state once the ban on increasing benefits is imposed. If the individual moves within the state, the prohibition on increasing benefits shall be applied to the gaining AG unless that person is ineligible for the assistance program for some other reason. If the individual moves to another state, the prohibition on increasing benefits shall not be applied.

Implementation

These provisions are effective no later than October 1, 2001 and must be implemented no later than October 1, 2001.

Rule 5101:1-2-29: Ohio works first (OWF) and DA: Failure to comply with OWF and/or DA eligibility requirements

This rule is being rescinded and the policy contained in this rule will no longer be included in the Public Assistance Manual. This rule was created to support the food stamp policy provision requiring that food stamp benefits not be increased when an assistance group lost income due to the imposition of a penalty or sanction due to a failure to comply with the cash program's eligibility requirements. The provisions contained in this rule are fully addressed in food stamp rule 5101:4-6-16.

Claim referral management

The Recipient Claim Establishment and Collection Standards Regulation 7 CFR 273.18, published on July 6, 2000, and effective August 1, 2001, requires that each state implement a process for efficient and effective management of claim referrals. Ohio's Claim Referral Plan establishes the required time lines for each step in the processing of overpayment claims. It is important that each CDJFS follow all sections of the plan and ensure that at least ninety percent of its claim complaints result in established claims, or are appropriately disposed of, according to the applicable time lines. The rule supporting this process is at Section 5101:4-8-15 of the Administrative Code. The Claim Referral Plan is being placed in the FSCH as Appendix 76. The food stamp claim process for Administrative Error (AE) and Inadvertent Household Error (IHE) referrals is Appendix 77. Appendix 78 is the process for Intentional Program Violation referrals and the process for AE and IHE referrals identified in a Quality Control Review is Appendix 79.

Miscellaneous

The definitions in rule 5101:4-1-03 have been updated to reflect current terminology. Language that is obsolete and that is no longer appropriate has been deleted.

Rule 5101:4-8-03 has been revised to remove language addressing overpayment claims "held in suspense" since overpayment claims are no longer held in suspense status.

Rule 5101:4-3-11 has been updated to reflect the change from Ohio Bureau of Employment Services to Employment Services and to add clarifying language.

Procedure 5, "Procedures for Work Registration" outlines the work registration referral process between the Ohio Bureau of Employment Services and the Ohio Department of Human Services. Since these agencies have merged, this procedure is no longer needed and is being eliminated.

Appendix 19, ODHS 7406, which is an example of an Authorization to Participate (ATP) card and Appendix 20, "Household Activity Card" are obsolete because of the EBT process.

Appendix 28, "Examples of Immigration Documentation" is no longer needed since the United States Department of Justice (DOJ) information is available on the Dynaweb version of the FSCH (available through the ODJFS Innerweb).

Appendix 38, "Statement of Expected Income" (for migrant farm workers) is outdated and no longer needed.

Appendix 48, "Notice of Food Stamp Work Registration Responsibility" has been revised to reflect updated language.

Appendix 107, "Food Stamp Worksheet Supplement" is not needed since this worksheet has been incorporated into the Application Worksheet, JFS 7402-WS

MTL Instructions:

Remove and file as obsolete all pages headed 5101:1-2-29 dated January 1, 1999.

FSTL Instructions

Remove and file as obsolete the entire Table of Contents dated November 30, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-1-03 dated July 15, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-2-03 dated March 1, 2001 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-2-07 dated May 2, 1998 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete the Outline of Contents to Chapter 3000 dated 11/30/99 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-3-09 dated December 1, 1997 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-3-11 dated December 1, 1997 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-3-20 dated October 1, 1997 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-5-05.

Remove and file as obsolete all pages headed 5101:4-5-15 dated February 1, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete the Outline of Contents to Chapter 6000 dated November 30, 1999 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-6-15 dated February 9, 1999 and replace with the attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-6-16 dated January 2, 1998 and replace with attached pages dated October 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-03 dated May 1, 1999 and replace with attached pages dated October 1, 2001.

Remove and file as obsolete all pages of the Index and replace with the attached pages.

Remove and file as obsolete page headed Part II - Procedural Section Index dated July 1, 2001 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete Procedure 5 dated July 15, 1999.

Remove and file as obsolete all pages of the Appendix Index dated October 1, 2001 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete the Appendix Index page headed Appendix 64, "Consent of Disclosure" dated July 15, 1999 and replace with the attached page dated October 1, 2001.

Remove and file as obsolete Appendix 19 [example of an Authorization to Participate (ATP) card].

Remove and file as obsolete Appendix 20, "Household Activity Card".

Remove and file as obsolete Appendix 28, "Examples of Immigration Documentation".

Remove and file as obsolete Appendix 38, "Statement of Expected Income".

Remove and file as obsolete Appendix 48, "Notice of Food Stamp Work Registration Responsibility" and replace with the attached corresponding page.

Insert all pages of the "Ohio Department of Job and Family Services Claim Referral Plan" as Appendix 76.

Insert the "Food Stamp Claim Referral Process - AE and IHE Referrals - Non QC" as Appendix 77.

Insert the "Food Stamp Claim Referral Process - IPV Referrals" as Appendix 78.

Insert the "Food Stamp Claim Referral Process - AE and IHE Referrals - Identified by QC" as Appendix 79.

Remove and file as obsolete Appendix 107, "Food Stamp Worksheet Supplement".

Update Appendix 35, "Record of Changes to Handbook", with the number and date of this transmittal.

FSTL 235

Food Stamp Transmittal Letter No. 235

September 25, 2001

TO: Food Stamp Certification Handbook Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Modification of the Expansion of Categorical Eligibility
Elimination of Suspension Status of Categorically Eligible AGs
Updates to the Procedural Section

The policy changes in this FSTL are effective September 30, 2001. This cover letter includes a statement of the policy to aid in your understanding. The statements reference clearance control number (CCN) 4748 which was assigned when the policy change was placed in the clearance process. Clearance comments have been evaluated and where appropriate, incorporated into the rule.

Background Information

Effective August 1, 1999, in an effort to support working families and to help those leaving the public assistance system retain their jobs and succeed in the workforce, a policy amendment was issued by ODJFS in response to an announcement made earlier by the President which related to categorical eligibility for food stamp benefits. The policy change expanded categorical eligibility to needy and low-income families who were authorized to receive or receiving benefits funded primarily through TANF (Title IV-A or MOE) whether the benefits were cash or services. Since the Prevention, Retention, and Contingency (PRC) Program in Ohio is funded primarily using TANF or MOE monies, categorical eligibility was conferred to AGs authorized to receive or receiving PRC benefits or services.

Modification of Expansion

The initial expansion of categorical eligibility met the four purposes of TANF to (1) provide assistance to needy families to care for their children in their own homes or in the homes of relatives; (2) end needy parents' dependence on governmental programs; (3) prevent and reduce out-of-wedlock pregnancies; and (4) encourage the formation and maintenance of two-parent households.

Rule 5101:4-2-02 has been amended to clarify the policy which expanded categorical eligibility to these AGs.

Effective September 30, 2001, categorical eligibility for food stamp benefits conferred to AGs in which any member(s) is authorized to receive or is receiving benefits or services under the PRC program that assists them in the prevention and reduction of out-of-wedlock pregnancies or benefits or services which encourage the formation and maintenance of two-parent families must meet income eligibility criteria that requires their gross monthly income to be at or below two hundred per cent (200%) of the federal poverty level according to their AG size.

In general, the Food and Nutrition Service (FNS) believes that states have designed their TANF cash assistance programs and support services for families who meet income eligibility criteria. However, it has since been determined that not all TANF services apply income eligibility criteria. FNS had decided that it is inappropriate to confer categorical eligibility without income eligibility criteria. Therefore, policy has been modified to confer categorical eligibility to all AGs in which a member is authorized to receive TANF funded benefits and services designed to further TANF purposes one and two, which by statute must be targeted to "needy families." In addition, categorical eligibility is conferred to all AGs in which a member is authorized to receive TANF funded benefits and services designed to further TANF purposes three and four, as long as those services have income eligibility criteria set at 200 percent of the Federal poverty level or lower. The decision to apply income eligibility criteria to benefits and services for purposes three and four of TANF was made in order to (1) ensure that only TANF benefits and services with income eligibility criteria confer categorical eligibility, and (2) maximize the usefulness of categorical eligibility based upon an analysis by Health and Human Services which determined that for services with income eligibility criteria, such criteria

tend to be set at 200 percent of the Federal poverty level or lower (although some states may have income eligibility criteria at higher levels).

Elimination of Suspensions

For AGs of three or more which are entitled to no benefits (except in the case of prorations and issuances of less than \$10 in an initial month), the county agency must deny the application based on the fact that its net income exceeds the level at which benefits are issued.

Optional language covering the suspension of benefits in rule 5101:4-2-02 (L) has been removed.

NOTE: *As is true of the initial expansion, the modification of categorical eligibility under the PRC program does not change the policy and procedure in determining eligibility for OWF/SSI/DA AGs or a combination of OWF, SSI, and/or DA members categorically eligible for food stamp benefits due to all members of the AG being authorized to receive or receiving OWF, SSI, and/or DA benefits.*

Updates/revisions in the Procedural Section of the FSCH

Due to the changes generated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) as well as language changes necessitated due to the conversion to benefit issuance using the Ohio Direction Card, language changes to several updates/revisions have been made in the Procedural Section of the FSCH. Some of these changes were issued earlier in FSTL 233-A. Additional updates to the procedures are being issued with this FSTL.

Instructions

Remove and file as obsolete pages headed 5101:4-2-02 dated August 1, 2000 and replace with the attached pages headed 5101:4-2-02 dated September 30, 2001.

Remove and file as obsolete Procedures 1, 2, 3, 4, and 6 and replace with corresponding procedures dated July 1, 2001 (Procedures 1, 2, 3, 4, and 6).

Update Appendix 35, Record of Changes to Handbook with the date and number of this transmittal.

Services Provided Under the Prevention, Retention, and Contingency Program

Automobile down payment/Loan or lease

Automobile repair

Clothing expenses

Computers/ internet access

Counseling

Disaster assistance

Diversion payment

Domestic violence services

Education expenses (tuition, books, fees, etc.)

Emergency medical services

Expenses for non-custodial parent

Family budgeting services

Homemaker services

Home ownership down payment assistance

Home repair expenses

Household expenses

Individual development account (IDA) match

Job related expenses

Job retention service/bonus

Job support services

Life skills

Pregnancy prevention services

Relocation assistance

Respite care

Shelter expenses

Short term education expenses

Substance abuse treatment services

Transportation expenses

Work subsidy to employer/employee

*** Other benefits and services**

* Each county department of job and family services (CDJFS) has statutory authority to establish or specify assistance or services to be provided under the program.

FSTL 234

Public Assistance Manual Transmittal Letter No. 424

Food Stamp Transmittal Letter No. 234

August 2, 2001

TO: ALL PUBLIC ASSISTANCE MANUAL HOLDERS
ALL FOOD STAMP CERTIFICATION HANDBOOK HOLDERS

FROM: GREGORY L. MOODY, DIRECTOR

SUBJECT: Revisions to the JFS 07200 and JFS 07501

As a result of required food stamp and Civil Rights changes, the JFS 07200 (formerly the ODHS 7200) and the JFS 07501 (formerly the ODHS 7501) have been revised, with an effective date of August 1, 2001. Rule 5101:1-2-01 has been revised to reflect the name change and is being issued in MTL 425.

ODJFS 07200

It is now titled "Request for Cash, Medical and Food Stamp Assistance". The CRIS-E generated Printed Copy of Information (PCI) is now considered the application for assistance. This allows the removal of certain items from the JFS 07200 that are federally required to be contained in an application document. These items are being added to the PCI. This change does not affect the current application processing provisions contained in the Public Assistance Manual or Food Stamp Certification Handbook.

All references to ODHS and CDHS have been changed to ODJFS and CDJFS.

The following changes have been made to the JFS 07200:

The Food Stamp Fact Sheet has been removed.

The question regarding whether the assistance group has outstanding medical bills has been removed. This information is captured on the AEFMQ and AEFME screens.

The questions regarding whether the assistance group has group health coverage have been removed. This information is captured on the AEFMQ and AEFMC screens.

The question regarding pregnancy has been added to the box that captures the individuals at the address.

The question regarding whether a household member is a student has been removed. This information is captured on the AEISA screen.

The Child Support Services request if OWF is denied has been removed. This has been moved to the last page of the PCI (before the rights and responsibilities).

Questions regarding self-declaration have been removed. This information is currently captured on the AEISD screen.

The rights and responsibilities pages have been removed, since the CRIS-E generated rights and responsibilities pages are issued at the face-to-face interview or a hardcopy JFS 07501 is provided to individuals who have not completed a face-to-face interview or where CRIS-E is not available.

A Primary Language field for the person completing the form has been added.

A question regarding the need of an interpreter if the assistance group member does not speak English or is hearing-impaired, has been added. If an interpreter is needed at the interview, the CDJFS shall offer an interpreter and if one is provided, it will be done so at no charge to the assistance group.

A question regarding the receipt of benefits in other states in the past has been added. This will allow better tracking for TANF assistance issued in other states that is countable towards Ohio's 36-month time limit, as well as to identify individuals who have participated in the Food Stamp Program in other states as "able-bodied adults without dependents" (ABAWDS).

A box with non-discrimination information, has been added. This information is required by the United States Department of Agriculture.

The following changes have been made to the JFS 07501 "Rights and Responsibilities":

Information has been added to the "Release of Information on Social Security Number" section of the form as a result of Federal Guidance issued jointly by the Office of Civil Rights, the Department of Health and Human Services and the Department of Agriculture. Specifically, it indicates when a social security number is required.

A new section titled "Information on Citizenship and Immigration Status" has been added as a result of Federal Guidance issued jointly by the Office of Civil Rights, the Department of Health and Human Services and the Department of Agriculture. Specifically, it indicates when verification of citizenship and immigration status is required.

Minor changes have been made to the "Food Stamp Penalty Warning" section, primarily to add the word "benefit" after "Food Stamp", since EBT has replaced the issuance of coupons.

Information has been added regarding voluntarily providing the social security number and other requested information for the Food Stamp Program. Information has been added regarding release of information collected on the applicant, including social security number to Federal, State, and private collection agencies for claims collection action.

A "Civil Rights Information" section has been moved from the JFS 07200 to the JFS 07501.

A new section titled "Prohibition Against Discrimination on the Basis of Disability" has been added as a result of Federal Guidance issued by the Department of Health and Human Services Office for Civil Rights regarding the obligations that Title II and Section 504 of the Rehabilitation Act impose on state and local governments, and on recipients of Federal financial assistance involved in TANF activities. Specifically, this required language will be used by the Office for Civil Rights for compliance reviews and/or investigations of complaints of discrimination on the basis of disability in TANF programs. These requirements are not new and have been part of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

A new section titled "Assisting Persons Who Are Limited English Proficient" has been added to include language that an interpreter will be provided for individuals whose primary language is not English or for hearing-impaired individuals.

A new section titled "Questions or Complaints About Your Civil Rights" has been added along with addresses where individuals can file complaints.

PRINTED COPY OF INFORMATION (PCI)

A Service Request Form (SRF) has been written for the following changes to the Printed Copy of Information:

To add the 2nd phone number that is captured on the AEICI screen.

To move the signature lines from the Rights and Responsibilities page to the last page of the actual PCI (the page before the Rights and Responsibilities).

To add another signature line on the last page of the PCI before the Rights and Responsibilities, indicating whether the assistance group wants child support services if the OWF is denied.

To change the CRIS-E generated "Rights and Responsibilities" pages to match the hard-copy JFS 07501.

These changes are expected to be in production by August 1, 2001. A view flash bulletin will be provided when these changes have been made.

CHANGES TO CRIS-E

Additional Service Request Forms (SRF) have been submitted to MIS that may change the JFS 07200 in the future. One SRF has been submitted to add language to the AEINH screen which would remove question B from page 3 of the revised JFS 07200. A second SRF has been submitted to add the Food Stamp disqualification questions and responses which is Question C on page 3 of the revised JFS 07200. This will affect the AEISD screen. A view flash bulletin will be provided when these changes are in production and the JFS 07200 will be revised to remove these questions. **(CCN 4708)**

INSTRUCTIONS:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
PUBLIC ASSISTANCE MANUAL - CHAPTER 1000		
Outline of Contents to Chapter 1000		
Appendix to Chapter 1000	Outline of Contents (effective July 1, 2000)	Outline of Contents (effective August 1, 2001)
Appendix to Chapter 1000	ODHS 7200 (effective July 1, 1999)	JFS 07200 (effective August 1, 2001)
	ODHS 7501 (effective July 1, 1999)	JFS 07501 (effective August 1, 2001)
FOOD STAMP CERTIFICATION HANDBOOK - APPENDIX		
Appendix 101	ODHS 7200 (effective July 1, 1999)	JFS 07200 (effective August 1, 2001)
Appendix 102	ODHS 7501 (effective July 1, 1999)	JFS 07501 (effective August 1, 2001)

FSTL 233-A

Food Stamp Transmittal Letter No. 233-A

July 24, 2001

TO: Food Stamp Certification Handbook Holders
FROM: Gregory L. Moody, Director
SUBJECT: Procedure and Appendix Changes Resulting from:

- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
- Omnibus Consolidated Appropriations Act of 1996 (OCAAA)
- Balanced Budget Act of 1997 (BBA)
- Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA)

As stated in Food Stamp Transmittal Letter #233, recent amendments to federal Food Stamp Program regulations created the need to update or obsolete material contained in Part II - Procedural Section (includes procedures, charts and examples) and Part III - Appendix of the Food Stamp Certification Handbook (FSCH). The FSCH must be updated by replacing or obsoleting material currently in the handbook with the material attached to this FSTL.

County agencies may requisition items having an ODJFS form number, e.g., JFS 07404, The remaining items are for use and/or reproduction by the county agency.

This transmittal obsoletes FACT No. 19. The FACT was implemented under emergency rule-filing with an effective date of July 1, 2001.

INSTRUCTIONS:

Remove and file as obsolete page headed "Outline of Contents - Chapter 1000" dated October 1, 1998 and replace with corresponding page dated June 1, 2001.

Remove and file as obsolete page headed "Outline of Contents - Chapter 2000" dated October 1, 1998 and replace with corresponding page dated June 1, 2001.

Remove and file as obsolete page headed "Outline of Contents - Chapter 10000" dated April 1, 1998.

Remove and file as obsolete pages headed 5101:4-10-01 dated November 1, 1998.

Remove and file as obsolete page headed Part II - Procedural Section Index headed July 15, 1999 and replace with the corresponding page dated July 2001.

Remove and file as obsolete Procedure 8, "Procedure for Calculating Self-Employment Income" headed July 15, 1999 and replace with corresponding Procedure 8 dated July 2001.

Remove and file as obsolete Chart 3 "Verification Requirements" headed July 15, 1999 and replace with corresponding Chart 3 dated July 2001.

Remove and file as obsolete Chart 4, "Processing Standards for Expedited Service" dated July 15, 1999 and replace with corresponding Chart 4 dated July 2001.

Remove and file as obsolete Example 1, "Treatment of Licensed Vehicles" dated July 15, 1999.

Remove and file as obsolete Example 2, "Work Registration for Self-Employed AGs" headed July 15, 1999 and replace with corresponding Example 2 dated July 2001.

Remove and file as obsolete Examples 4 and 5, "State-Funded Food Stamp Program for Qualified Aliens Calculation of Benefits" dated July 15, 1999.

Remove and file as obsolete Example 8, "Calculation of Student Financial Aid - Effective 9/1/94" headed July 15, 1999 and replace with corresponding Example 8 dated July 2001.

Remove and file as obsolete Example 9, "Budgeting - Change Reporting Cases" dated July 15, 1999 and replace with corresponding Example 9 dated July 2001.

Remove and file as obsolete page headed Appendix 15, "Application Worksheet" (ODHS 7402-WS) Rev. 9/94 and replace with corresponding pages (revised form number JFS 07402-WS) revised June 2001.

Remove and file as obsolete page headed Appendix 16, "Instructions for Completing the Application Worksheet (ODJFS7492-WS)" Rev. 9/94 and replace with corresponding pages dated July 2001.

Remove and file as obsolete page headed Appendix 17, "Notice of Expiration" (ODHS 7404) and replace with corresponding page (revised form number JFS 07404) dated July 2001.

Remove and file as obsolete page headed Appendix 24, "Food Stamp Change Report" (ODHS 7443) dated 6/98 and replace with corresponding page (revised form number JFS 07443) dated July 2001.

Remove and file as obsolete page headed Appendix 34, "Food Stamp Notice of Change (Model)" and replace with corresponding page dated July 2001.

Remove and file as obsolete page headed Appendix 67, "Application for State-Funded Food Stamp Program for Qualified Aliens" (ODHS T-206).

Remove and file as obsolete page headed Appendix 68, "Worksheet for State-Funded Food Stamp Program for Qualified Aliens" (ODHS T-207).

Update Appendix 35, Record of Changes to Handbook with the date and number of this transmittal.

FSTL 233

FOOD STAMP TRANSMITTAL LETTER NO. 233

June 15, 2001

TO: Food Stamp Certification Handbook Holders
FROM: Gregory L. Moody, Director
SUBJECT: Food Stamp Program Amendments Resulting from

- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
- Omnibus Consolidated Appropriations Act of 1996 (OCAAA)
- Balanced Budget Act of 1997 (BBA)
- Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA)

With the exception of changes in policy detailing the treatment of a licensed vehicle as a resource found in rules 5101:4-4-01; 5101:4-4-03 and 5101:4-4-07, the policy changes in this Food Stamp Transmittal Letter (FSTL) are effective June 1, 2001. Policy dealing with the treatment of vehicles is effective at certification or recertification on or after July 1, 2001. This cover letter includes a brief statement of the policy changes to aid in your understanding. This statement references clearance control number (CCN) 4710 which was assigned when the policy changes were placed in the clearance process. The clearance comments were evaluated and where appropriate, incorporated into the rule(s).

These rules were proposed to be effective June 1, 2001 and July 1, 2001. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will be effective on a permanent basis on June 1, 2001. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule Review

All rules in this FSTL were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-1-05; 5101:4-1-13; 5101:4-2-01; 5101:4-2-05; 5101:4-2-09; 5101:4-2-11; 5101:4-3-07; 5101:4-3-08; 5101:4-4-01; 5101:4-4-03; 5101:4-4-033; 5101:4-4-07; 5101:4-4-13; 5101:4-4-19; 5101:4-4-23; 5101:4-4-27; 5101:4-4-31; 5101:4-5-03; 5101:4-5-07; 5101:4-6-01; 5101:4-6-03; 5101:4-6-09; 5101:4-6-11; 5101:4-6-13; 5101:4-6-17; 5101:4-6-26; 5101:4-6-27; 5101:4-6-31; 5101:4-7-01; 5101:4-7-07; and 5101:4-7-09.

Background Information

The United States Department of Agriculture's Food and Nutrition Service (FNS) issued policy guidance on November 21, 2000 in Federal Register, Volume 65, No. 225 which finalized rules amending Food Stamp Program regulations to implement several provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and subsequent amendments made by the Omnibus Consolidated Appropriations Act of 1996 (OCAAA), the Balanced Budget Act of 1997 (BBA), and the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA).

Several rules have been amended to remove outdated language that speaks of "Authorization to Participate" cards (ATP) as well as "coupons" due to the use of the electronic benefit transfer (EBT) system of issuance.

The acronym "EW" (eligibility worker) has been changed to read "county agency" to conform with terminology used in the Federal Register which speaks of the agency rather than specific positions or individuals within the agency.

Outdated references to the Ohio Department of Human Services (ODHS) and/or the Ohio Bureau of Employment Services (OBES) have been replaced with the Ohio Department of Job and Family Services (ODJFS).

Due to time constraints, updates to the Part II - Procedural Section and Part III - Appendix of the FSCH will be issued in the near future.

With this FSTL and future FSTLs, updated pages to be inserted in the FSCH will no longer have headers. The rules shall appear exactly as they do in the Ohio Administrative Code (OAC).

Implementation: All amendments contained in this transmittal letter are effective June 1, 2001 with the exception of the changes to the vehicle policy found in rules 5101:4-4-01; 5101:4-4-03 and 5101:4-4-07 which is effective at certification or recertification on or after July 1, 2001.

All changes except changes to the vehicle policy are to be applied to assistance groups newly applying for Program benefits on or after June 1, 2001. County agencies must apply the changes to the current caseloads no later than the next reertification following the implementation date, June 1,2001.

Rule 5101:4-1-05: Personnel standards, bilingual staff and materials, training, records and reports - Amendments have been made to accommodate issuance of benefits by electronic benefit transfer (EBT). Prescriptive language regarding training programs for staff who determine Food Stamp Program eligibility has been eliminated. In most situations, the county agency may provide food stamp program training when it determines the need exists and train in the subject area(s) it feels necessary.

Rule 5101:4-1-13: Availability of information, program administration, office operations, and income eligibility verification system (IEVS) information - As a result of PWRORA, each county agency is required to establish office procedures that best serve the AGs in their particular community. This includes the hours of operation, program administration, and the availability of information. The "And Justice for All" poster emanating from the Food and Nutrition Service (FNS) must be posted in all certification offices. Corresponding changes to rules 5101:4-31-05 and 5101:4-31-15 of the Food Stamp Supervisors's Handbook will be made in a future update.

Rule 5101:4-2-01: Application process - To improve program accessibility, amendments have been made to make applications readily available for anyone who requests an application form as well as permit applicants to fax applications to the county agency, have telephone interviews, and utilize other electronic methods of filing an application for food stamp benefits. In addition, emphasis has been placed on encouraging individuals being diverted from cash assistance to continue their application for food stamps.

Rule 5101:4-2-05: Authorized representatives - The rule has been rewritten removing unnecessary language.

Rule 5101:4-2-09: Verification procedure - Language has been added which provides the county agency with policy regarding the time an AG must be allowed to provide necessary verifications, the results of an AG member failing to provide a Social Security number, verifying shelter expenses for homeless AGs, guidelines for obtaining and the use of collateral contacts used for verification purposes, and the appropriate use of doing a home visit as a method of verification.

For ABAWDs, county agencies are now required to verify the number of hours worked for individuals who are satisfying the work requirement by working, participating in a work program or workfare, or a combination of work and a work program or work and a workfare program that is not operated or supervised by the state or county agency. Since participation as an ABAWD in other states apply to individuals who move to Ohio, county agencies are required to verify the number of countable months attributed to that individual from the other state. Another state's assertion as to the number of countable months an individual has used in another state is acceptable for qualify control purposes. Verification of ABAWD hours worked or met by participation in a work or workfare program must also be verified at reapplication.

Rule 5101:4-2-11 : Timeliness standard - Clarifying language to explain the appropriate time frames for sending notices to AGs who are being denied or have failed to attend a scheduled interview has been added. A reference has been added regarding the appropriate procedures to determining the program eligibility of residents of public institutions.

Rule 5101:4-3-07: Citizenship and alien status - The rule has been rewritten eliminating unnecessary and overly prescriptive language. Links on the Dynaweb version of the FSCH (available through the ODJFS Innerweb) are planned to facilitate convenient access to resource material such as immigration and naturalization information originating from the United States Department of Justice (DOJ).

Rule 5101:4-3-08: Reporting illegal aliens - The county agency is required to report when it "knows" an alien is presently illegal. County agencies are referred to the Interagency Notice which provides guidance for compliance with PRWORA and defines the term "knowing" with regard to the presence of illegal aliens.

Rule 5101:4-4-01: Resource eligibility standards - Policy statements regarding licensed and unlicensed vehicles have been removed from the definition of "nonliquid resource" for food stamp purposes. *This change is effective at certification or recertification on or after July 1, 2001.*

Rule 5101:4-4-03: Exempt resources - Vehicles are now excluded as they are in the provisions of OWF. This exclusion is permitted *effective at certification or recertification on or after July 1, 2001* by the Agriculture, Rural Development, and Food and Drug Administration and Related Agencies Appropriations Act of 2001.

Any nonliquid resource that would provide the AG with an insignificant rate of return due to the AG's minimal interest in the resource or the costs of selling the resource would be relatively high, shall be considered "inaccessible."

Rule 5101:4-4-033: Resources excluded by law - Clarification has been added to specify that the resources of all members of a PRC food stamp AG are excluded since these members are considered categorically eligible when receiving or authorized to receive PRC benefits or services.

Rule 5101:4-4-07: Special resource situations - References to determining the value of licensed and unlicensed vehicles have been removed from this rule. *This change is effective at certification or recertification on or after July 1, 2001.*

Rule 5101:4-4-13: Types of excluded income - Income (including reimbursements) to individuals participating in WIA are excluded as income. This language replaces the prior exclusion of allowances, earnings and payments received through JTPA participation. In addition, nonrecurrent, short-term PRC payments paid to divert an AG from cash assistance are excluded as income in the food stamp budget.

Federal energy assistance payments (except those provided by Title IV-A of the Social Security Act) are excluded as income. One-time payments issued on an as-needed basis under federal or state law for weatherization or repair of heating or cooling devices are also excluded.

Rule 5101:4-4-19 : Countable income - Earnings of AG members participating in on-the-job training programs under WIA is countable for income unless the AG member is under nineteen years of age and under the parental control of another adult AG member.

Income of an alien's sponsor (including the sponsor's spouse) must be deemed; therefore, it is considered countable income to the alien. The deeming process is further explained in rule 5101:4-6-31.

Rule 5101:4-4-23: Deductions from income - Clarification has been added to specify that when determining eligibility of AGs who do not contain an elderly or disabled member, the shelter deduction cannot exceed the maximum shelter deduction. Condominium fees and condominium association fees, costs of well installation and maintenance, septic tank system installation and maintenance have been designated as shelter costs which are deductible from the AG's income. The list of AGs entitled to the use of the SUA has been amended. AGs are now permitted to choose between the actual utility costs and the SUA at the time of initial application, reapplication, and when the AG moves to another residence. Appropriate use of the homeless shelter deduction is explained.

Rule 5101:4-4-27 : Determining monthly food stamp benefits - For migrant/seasonal farm workers, the term "initial month" has been defined as the first month the AG is certified following any period of more than one month during which the AG was not certified for participation. For all other AGs, the "initial month" is the month following the expiration of the current certification. In addition, further clarifications are provided to assist in the determination of when an AG's certification starts according to the circumstances of the AG.

Rule 5101:4-4-31: Anticipating income - Clarification has been added which specifies that an AG containing a student with excluded income who turns eighteen years of age during the month of application shall have

this income excluded in the month of application and counted in the following months. If a student turns eighteen during the certification period, the income shall be excluded until the month following the month in which the student turns eighteen.

Clarification has been added to indicate the maximum of the homeless shelter deduction and further explanation has been added regarding the determination of the excess shelter cost.

Rule 5101:4-5-03: Establishing certification periods - Clarification has been added concerning the determination of the length of the AG's certification period. Instructions regarding when it is appropriate to shorten a certification and how to do so have been added. The county agency may no longer end an AG's current certification period unless information has been obtained that states the AG has become ineligible or has not complied with the requirements of rule 5101:4-7-01. The ODJFS 7404 "Notice of Expiration" may not be used to shorten a certification period. An adverse action notice is required according to Chapter 5101:6 of the OAC.

Rule 5101:4-5-07: Providing notice of eligibility and denial, when to deny an application at the end of thirty days, and actions because of delayed eligibility determinations - AGs are responsible for rescheduling a missed interview within the thirty day application processing period. Upon the AG's request, the county agency shall schedule a second interview. If no request to schedule a second interview is made or if the second interview is postponed past the thirtieth day after application at the AG's request, the delay is determined to be the fault of the AG. In this situation, the AG loses its entitlement to benefits for the month of application.

Rule 5101:4-6-01: Determining eligibility of drug addicts and alcoholics in treatment programs - Language has been updated to reflect issuance using the electronic benefit transfer (EBT) card with regard to the return of benefits to the AG when the AG leaves the treatment center.

Rule 5101:4-6-03: AGs with income from boarders and day care - To simplify the certification process, AGs with income from boarders have the option to exclude as income the maximum monthly food stamp benefit for an AG size that is equal to the number of boarders in the home. The option still exists that the AG with income from boarders may use actual documented costs of providing rooms and meals if such costs exceed the maximum monthly benefit amount.

Rule 5101:4-6-09: Expedited service - References to the "authorization to participate" (ATP) card and coupons have been replaced with updated language to reflect the use of the electronic benefits transfer method issuing benefits.

Provisions for providing the Social Security numbers have been revised.

Rule 5101:4-6-11: Determining eligibility of AGs with income from self-employment - Paragraph (A) "Areas of Concern" has been removed from the rule. Additional information has been provided to assist with eligibility determinations on AGs who may have capital gains and/or allowable exclusions to income for the AG which contains a member who is self-employed. Policy specifically dealing with farm losses has been included in the policy dealing with determining monthly self-employment income. Allowable exclusions now include payment on the principal of the purchase price of income-producing real estate and capital assets; equipment, machinery, and other durable goods.

Rule 5101:4-6-13: Determining eligibility of AGs with ineligible members - The rule has been amended to more clearly define who is an ineligible AG member and the eligibility determination process for AGs containing an ineligible member. The individual may be ineligible based on his/her alien status, having been disqualified for an IPV, a fleeing felon, an ineligible ABAWD, failure to perform an action required under rule 5101:4-3-09, or for failure or refusal to comply with a work requirement or to provide a social security number. Information regarding ineligible aliens has been expanded.

Rule 5101:4-6-17: Determining eligibility of PA AGs - To encourage program participation, the rule has been rewritten requiring county agencies notify AGs applying for OWF that time limits or other requirements that apply to the receipt of OWF do not apply to the receipt of food stamp benefits. Processing food stamp changes when PA benefits are terminated language has been modified.

Rule 5101:4-6-26: Residents of group homes - Residents of group living arrangements (GLA) may apply on their own behalf using the same provisions that apply to all other AGs. In addition, if the Food and Nutrition

Service (FNS) disqualifies the GLA as an authorized retail food store, the county agency must suspend its authorized representative status at the same time, but residents applying on their own behalf will still be able to participate in the program if otherwise eligible. Language in the rule has been updated replacing the terms "ATP card" and "coupons" with current EBT terminology.

Language regarding an AG leaving the group home has been revised.

Rule 5101:4-6-27: Shelters for battered women and their children - Emphasis has been added to existing policy that county agencies must act promptly to ensure the former AG's eligibility or allotment reflects changes in the AG's composition. Reported changes must be acted on promptly. The language in the rule concerning ATP cards and coupons has also been amended to reflect the use of the EBT system of issuance.

Rule 5101:4-6-31: Sponsored aliens - The rule has been amended to specify that county agencies shall exclude the sponsor from the liability of any claims made for food stamp benefits which were over paid to the sponsored alien. Any claims existing against sponsors due to incorrect sponsor information remain valid claims; however, after June 1, 2001, any recipient claims arising from overissuances to an AG which included an eligible sponsored alien will be the sole responsibility of that AG.

Appropriate deeming of the sponsor's (and sponsor's spouse) income and resources to an alien is described in a step-by-step process.

Rule 5101:4-7-01: Reporting requirements during the certification period - Language regarding the acquisition of a licensed vehicle has been removed due to previously discussed changes in the handling of vehicles as a resource. The rule has been amended to reflect the federal decision that the ODJFS 7404 "Notice of Expiration" can no longer be used to shorten an AG's certification period.

Section 824 of PRWORA limits for certain ABAWDS to 3 months of benefits in a 36-month period unless the individual is either working at least 20 hours per week or participating in an approved work or workfare program for at least 20 hours per week. Individuals subject to the ABAWD time limit are now required to report to the county agency if their number or hours worked fall below 20 hours per week, averaged monthly (80 hours per month). The ABAWD individual must report this information according to the income reporting system to which he/she is subject.

Rule 5101:4-7-07: Reapplication - Language has been added to the rule to explain the county agency's responsibility to obtain adequate information from the applicant so that a determination of eligibility can be made. The county agency must also provide a request for verification necessary to determine the AG's eligibility as well as provide the applicant with his/her rights and responsibilities as well as permit the use of fax or electronic transmission, and on-line submission of reapplications. When an AG misses its scheduled interview, the county agency is not required to schedule a second interview unless the AG requests a second interview.

If an AG files an application before the end of the certification period, but fails to take a required action, the county agency may deny the application at that time, at the end of the certification period, or at the end of thirty days. Whichever option is chosen by the county agency, it shall be followed consistently.

Delayed processing of reapplications language has been expanded for clarity.

Rule 5101:4-7-09: State income and eligibility verification system (IEVS) - The rule has been amended to explain that ODJFS as well as the county agency shall continue to exchange data with other state agencies administering other programs using the IEVS. These exchanges are made through data exchange agreements which specifically state what information will be exchanged, the purpose and use of the information, and the procedures used in the exchange of the information. Information received as a result of data exchange shall be acted upon and completed within ninety days from receipt with some exceptions.

This transmittal letter obsoletes FACT No. 18. The FACT was implemented under emergency rule-filing with an effective date of March 1, 2001.

Instructions:

Remove and file as obsolete the pages headed 5101:4-1-05 dated October 1, 1998 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-1-13 dated November 1, 1998 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-2-01 dated July 15, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-2-03 dated November 30, 1999 and replace with the attached corresponding pages dated 5101:4-2-03 dated March 1, 2001.

Remove and file as obsolete the pages headed 5101:4-2-05 dated May 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-2-09 dated June 1, 1998 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-2-11 dated May 2, 2000 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-3-07 dated May 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the page headed 5101:4-3-08 dated June 4, 1998 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-01 dated September 28, 1998 and replace with the attached corresponding pages dated July 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-03 dated July 15, 1999 and replace with the attached corresponding pages dated July 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-033 dated September 28, 1998 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-07 dated September 29, 1998 and replace with the attached corresponding pages dated July 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-13 dated November 30, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-19 dated July 15, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-23 dated December 10, 2000 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-27 dated May 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-4-31 dated May 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-5-03 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-5-07 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-01 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-03 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-09 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-11 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-13 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-17 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-26 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-6-27 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001. (*Instructions for replacing rule 5101:4-6-27 was omitted from hard copy*)

Remove and file as obsolete the pages headed 5101:4-6-31 dated February 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-7-01 dated August 1, 1998 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-7-07 dated May 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

Remove and file as obsolete the pages headed 5101:4-7-09 dated May 1, 1999 and replace with the attached corresponding pages dated June 1, 2001.

May 29, 2001

TO: Food Stamp Certification Handbook Holders
FROM: Jo Ann Davidson, Interim Director
SUBJECT: Food Stamp Program: Recipient Claim Establishment and Collection Standards

- Claims Against Assistance Groups
- Claims Threshold
- Claim Referral Management
- Initiating Collection Action
- Claims Accounting Procedures

These rules were proposed to be effective August 1, 2001. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on August 1, 2001. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

This transmittal letter is dedicated to incorporating changes mandated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Recipient Claim Establishment and Collection Standards Regulation 7 CFR 273.18 was published on July 6, 2000 with an effective date of August 1, 2001. This rule creates new standards for establishing and collecting food stamp overpayments and reflects a major reorganization of the current claims rules. This rule conforms to President Clinton's memorandum of June 1, 1998 requiring states to write new regulations in plain and understandable language. Due to the reorganization of Chapter 8000, references to the former Food Stamp Certification Handbook (FSCH) sections (prior to the conversion to Ohio Administrative Code format) are no longer beneficial and will gradually be removed beginning with this FSTL.

Due to extensive changes to previous rules 5101:4-8-15, 5101:4-8-17, 5101:4-8-19, 5101:4-8-23, and 5101:4-8-25, all of these rules have been replaced or replaced in part. These rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose. Rules reviewed include the following:

5101:4-8-15; 5101:4-8-17; 5101:4-8-19; 5101:4-8-23; and 5101:4-8-25.

Recipient Claims

Rule 5101:4-8-15 (A) defines a recipient claim as an amount owed because of benefits that are overpaid or benefits that are trafficked. Trafficking is defined in Rule 5101:4-8-17 (J) as fraudulently using, transferring, altering, acquiring or possessing food stamp benefits or presenting food stamp benefits for payment or redemption knowing the same to have been fraudulently obtained or transferred for cash or consideration other than eligible food. Paragraph (E) of Rule 5101:4-8-17 defines the amount of trafficked benefits as the value as determined by the individual's admission, adjudication, or the documentation that forms the basis for the trafficking determination.

Rule 5101:4-8-17 provides the specific steps in calculating the claim amount and the method of calculating claims related to trafficking. The Food and Nutrition Service (FNS) has clarified that when calculating a claim, county agencies are expected to only use new data that it becomes aware of due to circumstances regarding the claim. County agencies are not required to re-verify all factors pertaining to the assistance group (AG).

Language has been added to Rule 5101:4-8-15 that food stamp benefits are Federally funded and claims established from overpayments are Federal debts. The purpose of this provision is to make clear that food

stamp recipient claims are included in many of the collection authorities and methods available for other Federal claims. The term "overissuance" is being replaced by the word "overpayment" to coincide with the language used in the Federal Register to maintain consistency.

Rule 5101:4-8-17(A) repeats the Federal language that counties may establish claims that exceed 12 months up to 6 years. For an agency error or inadvertent household error, if the overpayment has existed 12 months or longer, the county must go back at least 12 months. Obviously, if the overpayment is less than 12 months, the claim would be calculated for the number of months it existed.

The language in 5101:4-8-19 (I) that personal contact be made with an AG when an IPV is established has been removed. An AG affected by an IPV claim has ample opportunity during the hearing and demand letter process to discuss the overpayment as well as future collection action.

Individuals who are responsible for paying a claim now include an adult person connected to the AG, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.

Claim Referral Management

FNS is requiring time frames for the establishment of claims. State agencies could either use the standards established by FNS or develop their own standards and procedures subject to approval by FNS. Ohio submitted a claim referral management plan which was approved.

Rule 5101:4-8-15 (M) provides the time frames for establishing claims. The county agency must establish a claim within one month of the date the overpayment or trafficking incident was discovered. A claim referral is the identification of a potential overpayment that needs to be investigated and established as a claim. The date of discovery is defined as the date in which all needed verification related to the claim is received. The claim is considered established as of the date of the initial demand letter or written notification of the overpayment. County agencies must ensure that no less than ninety percent of all claim referrals are either established or disposed of according to this time frame.

Cost-Effectiveness Determination Policy: Claims Threshold:

A claims threshold is the overpayment dollar amount under which county agencies do not need to establish and pursue an overpayment for those AGs that are **NOT** participating in the Food Stamp Program. The claims threshold is being increased from \$35.00 to \$125.00. This policy does not apply to overpayments that are already established or overpayments discovered in a quality control review. Pursuit of claims discovered in a quality control review ensures the chance that any overpayment, regardless of size, may be subject to establishment and collection.

Acceptable methods of payment on claims

Rule 5101:4-8-19 (K) requires that allotment reduction be invoked on AGs participating in the program unless the claim is being collected at regular intervals at a higher amount than can be achieved by allotment reduction. County agencies must not use additional involuntary collection methods against individuals in AGs that are already having their benefits reduced.

Allotment reduction for IPV claims shall be the greater of \$20.00 per month or 20 percent of the AG's monthly entitlement rather than the AG's actual allotment. Entitlement is what the AG would have received if the individual who received the IPV was still participating. It should be noted that the \$20.00 per month allotment reduction was increased from \$10.00 with the publication of this final rule of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Rule 5101:4-8-19 (K)(3) requires county agencies to allow AGs to pay its claim using benefits from its electronic benefit transfer (EBT) account. Repayments made by EBT benefits are to be entered on CRIS-E as a coupon payment. Payment on a claim using EBT benefits is strictly voluntary for the AG as the AG is already subject to allotment reduction. County agencies must obtain a written statement from the AG authorizing the collection from its EBT account. This section also address the disposition of coupons used in the EBT conversion process. Coupons used in the conversion process must go back into inventory. Coupons used in the conversion process remain "intact" because they have never been in public circulation. Coupons issued and then submitted by the recipient for repayment of a claim will continue to be destroyed.

Rule 5101:4-8-19 (J)(5) allows AGs to repay a claim by performing public service. This form of payment must be ordered by a court and specifically be in lieu of paying any claim. If the court does not order a rate of pay, the federal minimum wage shall be used. This regulation obsoletes Policy Question/Answer (PQ/A) titled "Claims" dated 8/12/86 which addresses AGs performing public service to repay their claims. Clarification has been received from FNS that the retention rates do not apply to this form of payment.

Compromising claims

Language in Rule 5101:4-8-19(G) allows a claim or any portion of a claim to be compromised if the county agency determines that the claim will not be paid in three years due to the AG's economic circumstances. With compromising authority, county agencies can manage their outstanding receivables better by pursuing amounts that they can expect to collect.

Terminating and writing-off claims

Rule 5101:4-8-19(H) describes the criteria for terminating and writing-off claims. A terminated claim is a claim in which all collection action has stopped. A written-off claim is no longer considered a receivable subject to continued Federal, State and county agency collection and reporting requirements. Federal regulations mandate the termination of claims that are delinquent for three years or more unless the claim is being pursued through the Treasury Offset Program (TOP). The purpose of the three year time frame is to dispose of receivables that are laying idle and the likelihood of further collection action is relatively low.

An invalid claim is one of the criteria for terminating and writing off claims. An invalid claim is one in which the county agency becomes aware of factual information that negates an already established claim.

Claims that have been terminated and written-off may be reactivated if the AG provides a voluntary payment. County agencies should only reactivate an amount which is equal to the offset or voluntary payment amount rather than reactivating the full value of the outstanding claim. More information regarding reinstating a terminated and written-off claim is found in paragraph (I) of Rule 5101:4-8-19.

Claims accounting procedures

Rule 5101:4-8-23 paragraph (C) provides the required accounting procedures for claims, some of which will be manual and others will be automated. The purpose of this section is to incorporate the updated language from the Code of Federal Regulations on the information needed for Federal reporting. There is no change to the current accounting procedures.

Paragraph (D) addresses the procedures to be followed for correlating claim repayments with food stamp billings and the food stamp coupon destruction process until the food stamp coupons are totally replaced by the electronic benefit transfer process.

Collecting claims against aliens and sponsors of aliens

Paragraph (I) of Rule 5101:4-8-17 has been deleted. Claims against alien sponsors will be addressed in a future FSTL clearance.

Miscellaneous

Rule 5101:4-8-19(D) defines when a claim becomes delinquent.

Procedure 11, "Determination of an AG's Eligibility during an IPV Disqualification Period", Procedure 13, "Calculation of Claims: Month of Overpayment Involves Work Program Activity", and Example 3, "Incentives Due County/Monies Due State" have been revised to reflect the updated claims language.

Appendix 21, "Report of Claim Determination/Lost Benefits", ODJFS 7424; Appendix 21-A, "Instructions for Completing ODJFS 7424 Report of Claim Determination/Lost Benefits"; Appendix 21-B, "Summary Sheet Claim Determination/Lost Benefits" Model; Appendix 42, "Food Stamp Overpayment Report" Model; and Appendix 61, "Compromise Agreement" Model have all been revised to reflect the updated claims language and to add references to claims related to trafficking.

Appendix 80, "Treasury Offset Program Referral Cancellation Form" has been obsoleted and replaced by a revised ODJFS 7430 developed by the Fraud Control Section.

Since the majority of client notices have been transferred to the State Hearings Manual (ODHS 7240), Appendix 23 "Food Stamp Repayment Agreements" ODHS 7442 and Appendix 87 "Important Notice About Your Food Stamp Benefits Notice of Mass Change" model are being removed from the Food Stamp Certification Handbook and the revisions will be added to the State Hearings Manual.

The Policy Question/Answer (PQ/A) titled "Claims" dated 8/12/86 which addresses AGs performing public service to repay their claims is obsolete with the implementation of this policy.

Implementation

These provisions are effective August 1, 2001 and must be implemented effective August 1, 2001.

Instructions

Remove and file as obsolete the Table of Contents page headed Chapter 6000 (continued) dated November 30, 1999, and replace with the attached corresponding page dated August 1, 2001.

Remove and file as obsolete the Outline of Contents to Chapter 8000 dated November 30, 1999, and replace with the attached page dated August 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-15 dated May 1, 1999, and replace with the attached corresponding pages headed 5101:4-8-15 dated August 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-17 dated May 1, 1999, and replace with the attached corresponding pages headed 5101:4-8-17 dated August 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-19 dated May 1, 1999, and replace with the attached corresponding pages headed 5101:4-8-19 dated August 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-23 dated May 1, 1999, and replace with the attached corresponding pages headed 5101:4-8-23 dated August 1, 2001.

Remove and file as obsolete all pages headed 5101:4-8-25 dated July 15, 1999.

Remove and file as obsolete pages 2, 3, 6, and 11 of the Index and replace with the attached corresponding pages.

Remove and file as obsolete Procedure 11, "Determination of an AG's Eligibility During an IPV Disqualification Period" dated November 30, 1999, and replace with the attached corresponding pages.

Remove and file as obsolete Procedure 13, "Calculation of Claims: Month of Overissuance Involves Work Program Activity" dated July 15, 1999, and replace with the attached corresponding pages.

Remove and file as obsolete Example 3, "Incentives Due County/Monies Due State" dated July 15, 1999, and replace with the attached corresponding pages.

Remove and file as obsolete the Appendix Index page headed Appendix 23, "Food Stamp Repayment Agreements" dated July 15, 1999, and replace with the attached corresponding page dated August 1, 2001.

Remove and file as obsolete the Appendix Index page headed Appendix 84. "Reserved" dated July 15, 1999, and replace with the attached corresponding page dated August 1, 2001.

Remove and file as obsolete Appendix 21, "Report of Claim Determination/Lost Benefits", ODHS 7424 (Revised 10/96), and replace with the attached Appendix 21 (Revised 08/01).

Remove and file as obsolete Appendix 21-A, "Instructions for Completing ODHS 7424 Report of Claim Determination/Lost Benefits" and replace with the attached Appendix 21-A.

Remove and file as obsolete Appendix 21-B, "Summary Sheet Claim Determination/Lost Benefits" (Model 10/96) and replace with the attached Appendix 21-B (Model 8/01).

Remove and file as obsolete Appendix 23, "Food Stamp Repayment Agreements" ODHS 7442 (Revised 12/90).

Remove and file as obsolete Appendix 42, "Model Food Stamp Overissuance Report" and replace with the attached Appendix 42 "Model Food Stamp Overpayment Report (County Reproduces).

Remove and file as obsolete Appendix 61, "Model Compromise Agreement (County Reproduces) and replace with the attached Appendix 61.

Remove and file as obsolete Appendix 80, "Treasury Offset Program Referral Cancellation Form", ODHS 7430 (Revised 9/98) and replace with the attached Appendix 80, (Revised 10/00).

Remove and file as obsolete Appendix 87, "Important Notice About Your Food Stamps Notice of Mass Change (Model 3/91) and file as obsolete.

Update Appendix 35, Record of Changes to Handbook, with the number and date of this transmittal.

FSTL 231**FOOD STAMP TRANSMITTAL LETTER NO. 231**

October 27, 2000

TO: Food Stamp Certification Handbook Holders
 FROM: Jacqueline Romer-Sensky, Director
 SUBJECT: October 1, 2000 Mass Changes

These rules were proposed to be effective November 16, 2000. If no revisions are made to the proposed rules prior the finalization by JCARR, they will become effective on a permanent basis on November 16, 2000. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October 2000 Mass Changes

Effective October 1, 1999 the following mass changes are applicable. (Please note that the standard deduction and homeless household shelter estimate are not listed because they have not changed.)

Excess Shelter Deduction**\$300****Standard Utility Allowance****\$244****Standard Telephone Allowance****\$27****Maximum Coupon Allotments**

AG Size	Maximum Allotment
1	\$130
2	238
3	341
4	434
5	515
6	618
7	683
8	781
each additional	+98

Net Income Standards (100% of poverty)

AG Size	Maximum Allotment
1	\$ 696

2	938
3	1,180
4	1,421
5	1,663
6	1,905
7	2,146
8	2,388
each additional	+242

Gross Income Standards (130% of poverty)

AG Size	Maximum Income
1	\$ 905
2	1,219
3	1,533
4	1,848
5	2,162
6	2,476
7	2,790
8	3,104
each additional	+315

Separate AG Income Standards - Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Allotment
1	\$1,149
2	1,547
3	1,946
4	2,345
5	2,744
6	3,142
7	3,541
8	3,940

each additional	+399
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Implementation: All applications and reapplications being processed for October 2000 and after shall have the new amounts applied. All ongoing cases had these new amounts applied during the mass change run over Labor Day weekend, effective October 1, 2000. CRIS-E tables will be updated with the changes applied October 2000. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

This transmittal obsoletes FACT No. 17. The FACT was implemented under emergency rule-filing with an effective date of October 1, 2000.

FSTL 230

FOOD STAMP TRANSMITTAL LETTER NO. 230

July 14, 2000

TO: Food Stamp Certification Handbook Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Expansion of Categorical Eligibility

The policy changes in this FSTL are effective August 1, 2000. This cover letter includes a statement of the policy to aid in your understanding. The statement references clearance control number (CCN) 4598 which was assigned when the policy change was placed in the clearance process. The clearance comments have been evaluated and where appropriate, incorporated in the rule.

Rule Review

Rule 5101:4-2-02 was reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Background Information

On July 14, 1999, in an effort to provide support to working families and to help those leaving the welfare rolls retain their jobs and succeed in the workforce, the President announced a policy clarification related to categorical eligibility for food stamps along with other options to simplify complex food stamp rules. After the President's announcement, the United States Department of Agriculture (USDA) launched a campaign to better serve low-income working families and to better ensure adequate child nutrition through the Food Stamp program. USDA has made this campaign a high priority in an effort to address these food stamp changes.

The USDA Food and Nutrition Service (FNS) Regional Administrator immediately issued policy guidance to the States for implementation. This announcement and guidance was the most expedient way to address problems in the program without introducing legislation to amend the Food Stamp Act. FNS has encouraged states to move quickly on implementation, especially in the area of expanding categorical eligibility.

Categorically Eligible Assistance Groups

Current food stamp law provides that assistance groups (AGs) authorized to receive or receiving benefits under a program funded under Title IV-A of the Social Security Act (SSA) are categorically eligible for food stamps. The law also provides that the resources of individuals who are receiving such benefits are not counted for the purpose of determining food stamp eligibility.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 did not change categorical eligibility rules; however, it introduced a new, more flexible block grant program called Temporary Assistance for Needy Families (TANF). State TANF programs can be programs primarily funded with Federal money under Title IV-A and programs primarily funded with State money that are counted for maintenance of effort (MOE) purposes under the TANF program. In Ohio, the TANF program based on cash eligibility criteria is called the Ohio Works First (OWF) program. Ohio also administers the Prevention, Retention and Contingency (PRC) program under Title IV-A Federal regulations, State law, and the Title IV-A State plan, as amended. The PRC program is designed to provide benefits and services to needy families and low-income employed families who are in need of help with essential supports to move out of poverty and become self-sufficient.

Because the intent of the categorical eligibility provision in the Food Stamp Act is to deem eligibility for food stamp families, FNS has clarified that any time a member of an AG is authorized to receive or receiving benefits under a program for needy families and low-income employed families funded primarily (50% or more) through TANF (Title IV-A or MOE), whether cash or other benefits such as services, the State must

confer categorical eligibility to those food stamp AGs. In Ohio, all PRC benefits and services are primarily funded through TANF or MOE.

Ohio is expanding categorical eligibility to include families transitioning off of cash assistance or low-income families not receiving OWF who are receiving or who are authorized to receive PRC benefits or services. Any PRC benefit or service authorized under the county's PRC plan would confer categorical eligibility to a food stamp applicant/recipient AG.

Purpose of PRC Benefits and Services

PRC by design has been developed to provide benefits and services that are not considered "assistance" in accordance with 45 CFR 260.31. More detailed information regarding the PRC program operation such as the use of PRC funds, PRC benefits and services, PRC program guidance, PRC program restrictions, AG composition, eligibility criteria, applicant responsibility, application processing, and notice of approval/denial has been published in OWF/PRC Guidance Letter #13.

PRC Family Defined

PRC benefits and services are available to a family AG which includes, at a minimum, a minor child or a pregnant individual. A minor child means an individual who has not attained 18 years of age or has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training). Beyond the minimum requirements, PRC benefits and services may also be provided to other members of the household who could significantly enhance the family's ability to achieve economic self-sufficiency. In addition, PRC benefits and services may be provided to noncustodial parents of a minor child as defined in 45 CFR 260.30.

Examples of PRC Families and Their Affect on the Food Stamp AG

Example #1-A The AG consists of a mother and her two children. On January 3rd, the mother applies for PRC services and is authorized for continuing counseling services. On February 2nd, the children go to live with their father and on the same date the mother applies for food stamp benefits and reports that the children are now living with their father. The father is not on food stamps currently. The mother has her PRC approval notice for counseling services with her on the date of application. She is categorically eligible for at least the minimum food stamp benefit for a one-person AG because she was authorized for PRC counseling services which began on January 3rd and will continue until it is determined the counseling services are no longer needed. Continuing authorization of the counseling services must be verified at each food stamp reapplication.

Example #1-B On February 20th, the father of the children comes into the agency to apply for food stamps because he is not earning enough money to buy food for his children. He has with him a copy of the January 3rd PRC approval notice for counseling services for the mother of his children. The children were living with their mother at the time of her approval for PRC counseling services but when the children moved in with their father the PRC categorical eligibility did not confer to the father's AG because neither of the children were authorized to receive a PRC benefit or service. No members of this food stamp AG are authorized to receive a PRC benefit or service and therefore, the food stamp AG is not considered to be PRC categorically eligible.

NOTE: Only an authorized PRC member can confer PRC categorical eligibility to the food stamp AG. For example, if a new member(s) moving into an existing food stamp AG is not authorized to receive a PRC benefit or service and no other members of the existing food stamp AG are authorized to receive a PRC benefit or service, the food stamp AG is not PRC categorically eligible. If a new member(s) who has no approval for PRC benefits or services moves into a food stamp AG that has an authorized PRC member then PRC categorical eligibility is conferred to the new member(s). If there are no members in the food stamp AG authorized to receive a PRC benefit or service then no PRC categorical eligibility exists for that AG.

Example #2 An unemployed noncustodial father living alone is authorized for six months of parenting classes, as specified in the county's PRC plan, effective January 3rd . On March 6th, he comes into the agency to apply for food stamps and reports that his girlfriend and her four children moved in with him on March 2nd . He states that they all purchase and prepare their food together. He provides his eligibility worker with a written statement from the PRC program eligibility worker (signed and dated by the worker and a phone number) that he was authorized for PRC parenting class services on January 3rd for six months. Since the

noncustodial parent is authorized for PRC parenting class services through June 30, 2000, the six-person AG is categorically eligible for food stamps.

Example #3 A mother is authorized for homemaker services for the period of time specified in the case plan. She is hoping to be reunited with her child who is currently in a foster home. During the time she is authorized for PRC homemaker services, if an application for food stamps is filed, she is categorically eligible for at least the minimum food stamp benefit for the period specified in the case plan.

NOTE: In the above examples, with the exception of #1-B, even though the AG is considered categorically eligible and not subject to the deemed eligibility factors such as the gross and net income test or the resource limits, the AG must meet all other food stamp eligibility and benefit determination requirements.

Requirements of PRC Categorical Eligibility

As described in the section of this cover letter titled, "PRC Family Defined", an AG as defined in the previous paragraph shall be categorically eligible for food stamps only for the number of months the PRC benefit or service is authorized. For example, a member of the AG is authorized for a one-time/one month PRC benefit or service, the food stamp AG would be considered categorically eligible for that one month. If a member of the AG is authorized for a PRC benefit or service that is intended to cover up to four months but it is authorized to be received in a one-time payment, the AG is categorically eligible for one month unless subsequent PRC benefits or services are authorized. PRC benefits and services may be authorized on a continuing basis with no set end date. In those situations the PRC categorical eligibility would continue through the food stamp certification period and the PRC authorization verified at each reapplication unless there is a reported or known change in the authorization of the PRC benefits or services during the certification period. Any reported or known change would require action in accordance with paragraph (G) of rule 5101:4-7-01. For purposes of conferring categorical eligibility to a food stamp AG in which a member has been "authorized" to receive a PRC benefit or service, "authorization" is defined as the "date of approval."

NOTE: If the authorization for PRC benefits or services ends during the food stamp certification period, the food stamp AG loses their categorical eligibility. There is no option to allow the AG to continue their categorical eligibility until the next reapplication. All reported or known changes during the certification period including those related to PRC benefits or services must be acted on timely.

An ODHS Account Managers memo was issued on September 28, 1998, titled, "Individuals Disqualified from a Federal, State, or Local Means-Tested Program Due to Failure to Comply." This memo allowed the continuation of categorical eligibility until the next reapplication, if the county chose to do so, rather than redetermine eligibility at the time of the loss of the categorical eligibility **due to a failure to comply with the other program's requirements resulting in a penalty/disqualification from that program.**

FNS has clarified that if a one-time PRC benefit payment is: 1) not expected to be received again within a 12-month period, 2) does not cover needs that extend beyond four months, 3) is designed to address barriers to achieving self-sufficiency rather than provide assistance for normal living expenses, and 4) the AG did not receive a regular OWF payment in the **prior month or current month**, then the payment is considered a nonrecurring lump sum payment for food stamp purposes and is excluded as income.

Certification periods for food stamps shall continue to be assigned in accordance with rule 5101:4-5-03; earned income cases subject to status reporting requirements are to be certified for no more than three months. If the authorized PRC benefit or service renders the food stamp AG categorically eligible for less than three months, it would be prudent to certify the AG for one or two months and redetermine food stamp eligibility at the end of the one- or two-month certification period. In situations where the county is authorizing a one-time only benefit or service, it may be administratively easier and less error prone for a county to authorize case management services, counseling, or other continuing services at the same time as the one-time only benefit or service is authorized. For example, an individual with earned income has applied for assistance with the payment of a gas shut-off and is also applying for food stamps. The county is going to authorize the PRC payment for the gas shut-off which is a one-time only benefit payment that will render the food stamp AG categorically eligible for one month. While authorizing the one-time only benefit payment for the gas shut-off, the county may choose to also authorize a money management class for a period of three, six, nine, twelve months or on a continuing basis to allow the period of PRC categorical eligibility to align with the appropriate food stamp certification period(s). PRC benefits or services authorized on a continuing basis

with no specified end date must be verified at each food stamp reapplication and any changes during the certification period acted on timely.

If **any** member of the food stamp AG is authorized to receive or receiving a PRC benefit or service, the AG is categorically eligible for food stamps, if otherwise eligible. Although the AG is considered "categorically eligible," an ineligible member (as defined in rule 5101:4-2-03) of the food stamp AG authorized to receive or receiving a PRC benefit or service cannot be included in the food stamp AG size when determining the benefit amount. The income and resources of the ineligible member shall be determined in accordance with rules 5101:4-6-13 and 5101:4-6-15.

For OWF AGs, eligibility factors which are deemed for food stamp eligibility without the verification required in accordance with rule 5101:4-2-09 of the Administrative Code (because of their OWF status) are resource, gross and net income limits, social security number information, sponsored alien information, and residency. For those applicant/recipient food stamp AGs gaining categorical eligibility under an authorized PRC benefit or service, these deemed eligibility requirements may or may not have been documented/verified prior to authorizing the PRC benefit or service. The PRC application and approval process differs from county-to-county and may have different verification requirements than the OWF application process. The OWF application process requires earned and unearned income verification, social security number information, sponsored alien information, and residency information. (Note: There is no resource limit for OWF.) Due to this difference, all earned and unearned income, social security number information, sponsored alien information and residency of an AG determined to be categorically eligible due to the authorization or receipt of an authorized PRC benefit or service **must be verified** in accordance with rule 5101:4-2-09 if it has not been documented and verified under the PRC application process. The food stamp AG containing a member with an authorized PRC benefit or service is not subject to the food stamp gross and net income standards or the resource limits. Any other required verification such as allowable expenses and factors that are questionable shall be verified in accordance with rule 5101:4-2-09.

Detailed verification of income as outlined in rule 5101:4-4-31 is especially important in determining the correct allotment for the food stamp AG. It should not be assumed that the income has been verified for the authorized PRC benefit or service. For example, some counties may accept a client's statement or declaration of income when authorizing a PRC benefit or service; this would not be sufficient to determine the food stamp allotment.

Even though an AG is categorically eligible for food stamps, an AG of three or more members may not be entitled to an allotment because the net income exceeds the level at which benefits are issued. All categorically eligible AGs of one or two persons must be provided the minimum benefit as required by rule 5101:4-4-39. **Any** AG determined to be categorically eligible is subject to all other Food Stamp program eligibility and benefit determination requirements.

The county eligibility worker should encourage applicants/recipients of PRC to apply for food stamps. It is our recommendation to advise an authorized PRC AG that although they are not subject to the 130% and 100% income eligibility standards or the resource limits for food stamps, if their gross income prior to any deductions is close to the gross and/or net income eligibility standard for their AG size and the AG has little or no allowable food stamp deductions, eligibility for a food stamp allotment may not exist after the budgeting process is complete. One- and two-person AGs may be advised that if their gross income is close to the income eligibility standards for an AG size of one or two, they may only be eligible for the "minimum benefit."

A model PRC approval notice has been developed for use when authorizing PRC benefits or services. The model notice was developed from the Notice of Approval of Your Application for Assistance, ODHS 4074. The language content of the ODHS 4074 notice was not changed; a sentence was added to the notice to inform AG members who are authorized to receive PRC benefits or services that they may be eligible for food stamps and if interested, to contact their local county department of job and family services. The model FSTL No. 230 notice will be issued under separate cover.

Any PRC benefits or services authorized by the county as specified in the county's PRC plan shall meet the requirements of conferring categorical eligibility to the food stamp applicant/recipient AG. This can be documented in the casefile with a copy of the approval notice from the PRC Program or other written documentation from the PRC Program confirming authorization of a PRC benefit or service. If the authorized PRC benefit or service has been entered on the SFPR screen in CRIS-E and documented in CLRC to

connect the two, this would also be acceptable verification of authorization of the PRC benefit or service. The period of authorization must be verified if it is not included on the approval notice or on other written documentation. PRC benefits or services authorized on a continuing basis must be verified at each food stamp reapplication. Any changes during the certification period must be acted upon in accordance with rule 5101:4-7-01(G).

Funds Not Conferring Categorical Eligibility

TANF funds transferred to Title XX or Child Care Development Block Grant (CCDBG) for child care services are no longer considered funding under Title IV-A of the SSA, and are thus not subject to categorical eligibility. All other TANF funds are considered funded under Title IV-A of the SSA, regardless of which agency administers the funds.

Opportunity to Apply for Food Stamps

The county departments of job and family services (CDJFS) shall ensure that all individuals contacting the agency are given an opportunity to file an application for food stamps on the date of contact with the CDJFS. Individuals diverted from applying for OWF shall **not** be diverted from applying for food stamp benefits and other support services. OWF AGs going off of cash assistance may still qualify for food stamps. A greater number of OWF food stamp AGs transitioning off OWF who are authorized to receive PRC benefits or services rendering them categorically eligible for food stamps is expected to increase the food stamp caseload which is the goal of the Food Stamp program.

Implementation

Policy conferring categorical eligibility to a food stamp AG in which a member is authorized to receive or receiving a PRC benefit or service is effective August 1, 2000. Implementation of this policy shall be at the time of application, reapplication, or a reported change. A casefile review is not necessary.

Quality Control Reviews

Quality Control Reviews of PRC categorical eligibility will be based upon Ohio's identification of the PRC benefits and services in our State. A list of generic PRC benefits and services has been developed and submitted to the Food and Nutrition Service. For your information, a copy of the list is included with this transmittal. Reviewers will accept documentation of eligibility for benefits/services which would result in categorical eligibility without seeking verification that such benefits/services were received. Documentation in the case file may consist of a copy of the PRC approval notice, other written documentation from the PRC Program confirming authorization of a PRC benefit or service, or documentation in CLRC of the authorized PRC benefit or service entered on SFPR. The documentation must contain the period of authorization or specify continuing authorization of benefits or services.

The Quality Control Review process of OWF/SSI/DA AGs categorically eligible for food stamps shall remain unchanged.

CRIS-E PROCEDURE

There will be a question/statement added to screen AEISD in CRIS-E. "PRC AUTH" , "Y/N" (yes/no) to prompt the worker to ask if the applicant/recipient is authorized to receive a PRC benefit or service which confers categorical eligibility for food stamps. A "Y" will prompt the CRIS-E driver to bypass/ignore the gross and net income tests and the resource limits for eligible members of the food stamp AG. The begin and end date fields for the authorized PRC benefit or service must be entered on the new field under "Categorical PRC" on the AEISD screen. If there is more than one benefit or service authorized, enter the one that is authorized for the longest period of time. If the PRC benefit or service has a specific end date or the end date is known, enter the end date. If the PRC benefit or service is authorized on an ongoing basis enter an end date of no greater than the certification end date. If the PRC end date is before the certification end date, the EW will receive an alert that PRC authorization is ending. At reapplication/certification, CRIS-E will blank out the "Y/N" and the begin and end dates under " Categorical PRC." At reapplication, the EW must verify the status of PRC benefits or services authorized on a continuing basis or that extend beyond the original food stamp certification period. If the PRC benefit or service is not authorized to continue for the new certification period, enter a "N" under "PRC AUTH" and enter an end date. If a change occurs during the certification period related to the PRC authorization end date, the EW must end date the PRC benefit or service

appropriately before rerunning eligibility. Ineligible members in the food stamp AG will continue to have their income/resources counted in determining the net adjusted income and the food stamp allotment in accordance with rules 5101:4-6-13 and 5101:4-6-15.

Rule Amendment

Rule 5101:4-2-02 has been amended to include the policy regarding PRC program categorical eligibility. Other changes have been incorporated into the rule to reflect new provisions that were implemented under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

It should be noted that the implementation and expansion of categorical eligibility under the PRC program does not change the policy and procedure in determining categorical eligibility for OWF/SSI/DA AGs or a combination of OWF, SSI and/or DA member AGs categorically eligible for food stamps due to all members of the AG being authorized to receive or receiving OWF, SSI and/or DA benefits.

FSTL 229

FOOD STAMP TRANSMITTAL LETTER NO. 229

March 3, 2000

TO: Food Stamp Certification Handbook Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Update of Benefits/Issuance Language

Expiring Food Stamp Certifications of AGs Also Receiving Medicaid

The statewide implementation of the electronic benefit transfer (EBT) system for the issuance of food stamp benefits has created a need to update the language used in the Food Stamp Certification Handbook (FSCH) as well as that in the Ohio Administrative Code (OAC). Where appropriate in rule 5101:4-2-11, references to food stamp coupons, authorization to participate (ATP) cards, and issuance offices have been amended to accommodate the EBT system now in use. Miscellaneous updates to other rule language have also been made and are explained below. (CCN 4541)

Chapter 2000

Rule 5101:4-2-11 has been amended to accommodate the issuance of benefits using the EBT system which is a "direct access" system. Paragraph (D) redefines the "opportunity to participate" as providing the AG with an EBT card and having a loading facility open and available to obtain the allotment. Paragraphs (E) and (F) provide policy regarding the duration of availability of benefits based on the authorization date when using a "direct access" system.

Language has been added to paragraph (A) of this rule which specifically addresses how AGs containing individuals in receipt of Medicaid, OWF and/or DA shall be handled when the food stamp certification period has expired and the CDHS has been unable to complete a reapplication review due to lack of response from the AG.

References to General Assistance (GA) have been deleted and Disability Assistance (DA) added.

FSTL 228**FOOD STAMP TRANSMITTAL LETTER NO. 228**

October 14, 1999

TO: Food Stamp Certification Handbook Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: October 1, 1999 Mass Changes

Rule Review

Miscellaneous

These rules were proposed to be effective November 30, 1999. If no revisions are made to the proposed rules prior the finalization by JCARR, they will become effective on a permanent basis on November 30, 1999. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

October 1999 Mass Changes

Effective October 1, 1999 the following mass changes are applicable. (Please note that the standard deduction, standard telephone allowance, excess shelter deduction and homeless household shelter estimate are not listed because they have not changed.)

Standard Utility Allowance

\$241

Maximum Coupon Allotments

AG Size	Maximum Allotment
1	\$127
2	234
3	335
4	426
5	506
6	607
7	671
8	767
each additional	+96

Net Income Standards (100% of poverty)

AG Size	Maximum Allotment
1	\$ 687
2	922
3	1,157

4	1,392
5	1,627
6	1,862
7	2,097
8	2,332
each additional	+235

Gross Income Standards (130% of poverty)

AG Size	Maximum Allotment
1	\$ 893
2	1,199
3	1,504
4	1,810
5	2,115
6	2,421
7	2,726
8	3,032
each additional	+306

Separate AG Income Standards-Elderly and Disabled AGs Only (165% of poverty)

AG Size	Maximum Allotment
1	\$1,133
2	1,521
3	1,909
4	2,297
5	2,684
6	3,072
7	3,460
8	3,848
each additional	+388

Implementation: All applications and reapplications being processed for October 1999 and after shall have the new amounts applied. All ongoing cases had these new amounts applied during the mass change run

over Labor Day weekend, effective October 1, 1999. CRIS-E tables will be updated with the changes applied October 1999. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in OAC rule 5101:4-7-03 (A).

This transmittal obsoletes FACT No. 16. The FACT was implemented under emergency rule-filing with an effective date of October 1, 1999.

Rule Review

Rule 5101:4-5-01 was reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

This transmittal requested review and comments of rule 5101:4-5-01. There were no comments on the rule review; therefore the rule, as published in clearance, will remain unchanged.

Note: The allotment tables that were issued with FACT #16 were in error. FNS inadvertently issued the chart with the Monthly Net Income broken down into cents, rather than dollars. With the final publication of this transmittal we are issuing the correct version of the allotment tables with the Monthly Net Income broken down into dollars. The Basis of Coupon Issuance Table (allotment tables) is located in Appendix B of rule 5101:4-5-01. Please ensure that all FACT#16 versions of the allotment tables are destroyed.

Miscellaneous

Rule 5101:4-2-03(C) has been revised to reference correct paragraphs A(2), A(3), and A(4). Paragraph D(2) of this rule corrected the reference of rule 5101:4-9-15 to Chapter 5101:6-20 of the Administrative Code.

Rule 5101:4-4-13 (D)(1)(v) has had text added to clarify that Youthbuild program payments are to be treated like JPTA payments.

Rule:5101:4-4-23(F) (1) has a reference correction from 5101:4-4-15 to 5101: 4-4-13. In paragraph (L) of this rule text has been added in the first sentence for clarity. In paragraph (M) of this rule text has been added to clarify the use of actual utilities in a shared residential situation ineligible for the standard utility allowance.

The Table of Contents and the Outline of Contents to Chapters 3000, 6000, and 8000 have been revised to correct omissions and the order of rules.

FSTL 227

ADMINISTRATIVE PROCEDURE MANUAL TRANSMITTAL LETTER NO. 407

FOOD STAMP TRANSMITTAL LETTER NO. 227

September 30, 1999

TO: All Public Assistance Manual Holders
All Food Stamp Certification Handbook Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: ODHS 7200 "Application for Cash, Medical and Food Stamp Assistance" ODHS 7501 "Rights and Responsibilities"

The policy changes in this MTL/FSTL are effective October 1, 1999. This cover letter includes a statement of the policy change to aid in your understanding. The statement references the clearance control number (CCN) assigned when the policy change was placed in the clearance process.

Section 5107.05 of Amended Substitute House Bill 283 requires that ODHS applications must contain, if available, at least two phone numbers that a CDHS can call to contact an assistance group. This may be an individual who can contact an assistance group member for the CDHS. The ODHS 7200 has been revised to include this requirement. A SRF (Service Request Form) has been completed to add another phone number field on AEICI. We anticipate that this field will be added prior to 10/1/99.

At the request of the Office of Legal Services, language has been added to the ODHS 7200 and ODHS 7501 regarding the use of the social security number. The CRIS-E generated rights and responsibilities section of the Printed Copy of Information (PCI) document has been revised to include this language.

Requests have been processed to have the ODHS 7200 and 7501 reproduced and available for ordering from Forms Distribution. If the revised forms are not available on the effective date of this transmittal, the CDHS should reproduce copies of the attached forms. **(CCN 4498)**

FSTL 226

FOOD STAMP TRANSMITTAL LETTER NO. 226

June 30, 1999

TO: Food Stamp Certification Handbook Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: Intercounty Transfer

IEVS

Miscellaneous

These rules were proposed to be effective July 15, 1999. If no revisions are made to the proposed rules prior to the finalization by JCARR, they will become effective on a permanent basis on July 15, 1999. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Intercounty Transfer

The intercounty transfer procedure involves the inclusion of all original hard copy verifications which relate to a case or assistance group/participant being transferred to another county. Language in Procedure #16 and rule 5101:4-8-25 has been revised at the request of the Fraud Control Section to allow the overissuance claim case to remain in the county in which the overissuance was originally established even though the associated assistance group (AG) case file may be transferred to another county. Appendix #33 has also been updated. Effective July 15, 1999, only copies of documentation that a claim exists shall be included in the case file transfer.

Counties which transferred requested cases with established or pending unassigned claims prior to July 15, 1999, will need to deal with these claims on a case-by-case basis. The original county has the option to retrieve control of a claim which it had previously transferred. The hard copy overissuance claim can be returned to the original county. The original county has the capability of entering information into the CRIS-E system even though the current location of the case may reside in another county. Counties involved in these situations should come to a mutual agreement concerning which county will process the claim.

A one-time ad hoc report has been created to identify claims already transferred but not assigned.

IEVS

Policy language in rule 5101:4-7-09 has been revised to reflect an electronic interface between the Ohio Department of Human Services (ODHS) and the Social Security Administration (SSA). Benefits Earnings Exchange Record (BEER) information available from the SSA and ODHS' State Verification and Exchange System (SVES) will allow the electronic transfer of benefit information for applicants/participants of the Ohio Works First (OWF), Medicaid and Food Stamp programs. This exchange of benefit information will enhance the eligibility determination requirements for state participation in the IEVS program.

Updates of FSCH Table of Contents, Index, Procedural Section Index Part II and Appendices

Due to the fact that the entire FSCH is now converted to rule format and because this FSTL issues material which prepares the handbook for online conversion to the ODHS Innerweb, the Table of Contents has been converted to rule format.

In addition, the Index has also been converted to rule format due to Innerweb conversion; FSCH section numbers will eventually be removed from the actual rules. Procedures, charts, and examples of the Procedural Section have been reviewed and updated for conversion. FSCH section numbers have been changed to rule reference numbers on the procedures.

The flow charts to Procedure 5 have been updated to reflect current regulations for work registration/work programs/noncompliance with work registration and work program activity. A separate flow chart has been redesigned for work registration/referral to OBES for work activity as this is still valid per federal law, thus there may be potential individuals to be served and it is still a recognized procedure. Due to the anticipated

agency merger of ODHS and OBES, it is a procedure to be maintained for future use. The reference to Chapter 10000 of the Public Assistance Manual has been changed to "Ohio Revised Code". In terms of sanctioning, language pertaining to "AG name for noncompliance " has been removed due to obsolescence.

The Appendix Index has been updated to reflect numerous changes. Appendix #19 is now ODHS 7406 from ODPW 7406. Appendix #22 has had the word "Information" added to its title as it was previously omitted in error. Appendices #32, 50, 51, 52, 53, 85, and 86 are now reserved as they are obsolete.

Implementation

This policy is effective July 15, 1999. No desk review is required.

Miscellaneous

The Table of Contents, Index, and the Procedural Sections have been updated to reflect rule references. Due to the numerous changes these sections have not been lined in the left margin as we have done in the past. There were no significant policy changes in the Procedural Section.

The word "household" has been changed to "AG" in various places.

Rule 5101:4-1-03, the definition of "Food and Consumer Service (FCS)" now refers the reader to "Food and Nutrition Service (FNS)" for the definition.

The word "recertification" has been changed to "reapplication" in the Procedural Section Index, Procedure 2 title and throughout Procedure 2.

The word "JOBS" has been changed to "work" in the title of Procedure 13 of the Procedural Section Index and "work program unit" and "work activity" throughout Procedure 13.

In Procedure 1, a hyphen has been added between the words "legally" and "obligated".

The word "checklist" is now correctly spelled in Procedure 1.

In the Example to Procedure 1, Verification Request Letter, the word "binding" has been changed to "obligated". In the Example, Verification Checklist, the word "you" has been changed to "your" under the "Proof of Citizenship or Alien Status" block.

In Procedure 5, the words "Information Form" have been replaced with the number "7449".

Also, the word "failed" has been changed to "fails".

A hyphen has been added between the words "income" and "producing" in Procedure 8.

The period in Procedure 9, #1, dot #3, has been changed to a semi-colon. The words " or its CRIS-E equivalent" have been added.

The reference to "Public Assistance Policy" has been changed to "Bureau of Program Integrity" in Procedure 10.

Appendix #19 has been updated. Due to the upcoming millenium change, the year field will now be indicated by "YY". If necessary for CDHS to use this form may be hand-written. Due to EBT conversion, only small supplies of this form should be ordered to be kept on hand.

Nonsubstantive corrections have been made to the following rules due to errors made in some of the May 1999 FSTL rules: 5101:4-2-03, 5101:4-7-03, 5101:4-7-07, 5101:4-7-09, 5101:4-7-11, 5101:4-7-13, 5101:4-8-03, 5101:4-8-15, 5101:4-8-17, 5101:4-8-19, and 5101:4-8-25.

Other minor changes were have been made to rules 5101:4-2-01, 5101:4-2-02, 5101:4-4-13 and 5101:4-4-19.

FSTL 225

FOOD STAMP TRANSMITTAL LETTER NO. 225

April 5, 1999

TO: Food Stamp Certification Handbook Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: May 1999 Rule Review

Miscellaneous

The following rules were reviewed in accordance with the Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

This rule review consisted of Chapters 7000 and 8000 of the Food Stamp Certification Handbook (FSCH). The Ohio Administrative Code (OAC) rules included were: 5101:4-7-01, 5101:4-7-03, 5101:4-7-07, 5101:4-7-08, 5101:4-7-09, 5101:4-7-092, 5101:4-7-093, 5101:4-7-094, 5101:4-7-095, 5101:4-7-11, 5101:4-7-13, 5101:4-7-14, 5101:4-8-03, 5101:4-8-05, 5101:4-8-09, 5101:4-8-15, 5101:4-8-17, 5101:4-8-19, 5101:4-8-23, 5101:4-8-231, and 5101: 4-8-25. Where appropriate, the clearance comments were incorporated into the rules. There will be no changes to these chapters which directly impact on the eligibility of applicants/recipients or how any county agency will administer the program.

These rules were proposed to be effective May 1, 1999. If no revisions are made to the proposed rules prior the finalization by JCARR, they will become effective on a permanent basis on May 1, 1999. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule 5101:4-7-01 was converted to rule format with FSTL #218 effective August 1, 1998. Even though the rule was reviewed, there were no changes, therefore, we are not issuing the rule with this transmittal letter.

Rule 5101:4-7-03 replaces sections 7130 through 7133.3.

Rule 5101:4-7-07 replaces sections 7300 through 7322.

Rule 5101:4-7-08 was converted to rule format with FSTL #218 effective August 1, 1998. Even though the rule was reviewed, there were no changes, therefore, we are not issuing the rule with this transmittal letter.

Rules 5101:4-7-09, 5101:4-7-092, 5101:4-7-093, 5101:4-7-094 and 5101:4-7-095 have been rescinded and combined into one new rule, 5101:4-7-09. This rule replaces sections 7400 through 7450.

Rule 5101:4-7-11 replaces sections 7500 through 7560.

Rule 5101:4-7-13 replaces sections 7600 through 7633.

Rule 5101:4-7-14 replaces sections 7700 through 7740.

Rules 5101:4-8-03, 5101:4-8-05, and 5101:4-8-09 have been rescinded and combined into one new rule, 5101:4-8-03. This rule replaces sections 8000 through 8170.

Rule 5101:4-8-15 replaces sections 8200 through 8215.

Rule 5101:4-8-17 was converted to rule format with FSTL #218 effective August 1, 1998.

Rule 5101:4-8-19 was converted to rule format with FSTL #218 effective August 1, 1998.

Rules 5101:4-8-23 and 5101:4-8-231 have been rescinded and combined into one new rule, 5101:4-8-23. This rule replaces sections 8240 through 8244 and rule 5101:4-8-231 issued with FSTL #218 effective August 1, 1998.

Rule 5101:4-8-25 was converted to rule format with FSTL #206 effective upon receipt of the transmittal letter.

The FSCH section number that corresponds to the new OAC language format will be entered into the left-hand margin.

Miscellaneous

OAC rule 5101:4-2-03, paragraph (D)(1) has been amended by adding text referring the reader to rule 5101:4-6-13 for how to treat the income, resources, and expenses of ineligible aliens not meeting citizenship or eligible alien status. This text had been inadvertently omitted in a prior FSTL. Also, in paragraph (A)(5), the rule reference to (A)(2) has been changed to "(A)(1)". Also, in paragraph (D)(5) and (6), the rule reference was changed from 5101:4-6-13 to 5101:4-6-15.

A correction has been made to update the rule reference in rule 5101:4-2-05, paragraph (D). In the last sentence of the text, the referral made to rule 5101:4-9-03 has been changed to rule 5101:6-3-02 (A). Also, the word "authorized" in this paragraph's title is now correctly spelled.

Several changes have been made to rule 5101:4-3-07. Under the definition of qualified alien, paragraph (C)(2)(a), paragraphs (viii), (ix) and (x) have been removed as these are not definitions for qualified alien status but rather "qualified aliens" eligible for an indefinite time period as outlined under paragraph (C)(2)(e). A reference has also been added to paragraph (C)(2)(c) to advise of cite (C)(2)(e) as an exception. For clarity, in paragraph (C)(2)(c), the text beginning with "...for a period of five years...meaning of the term qualified alien" has been stricken and replaced with the new text that reads: "Unless he or she has become a United States citizen." Additionally, the parenthetical phrase "(i.e., not subject to the five-year eligibility

limitation)" has been stricken from paragraphs (C)(2)(f) and (C)(2)(f)(ii). This language has caused confusion in determining alien eligibility for food stamps.

In rule 5101:4-4-27 the denominator of the prorated allotment formula contains the number "30" in error. It has been removed.

In rule 5101:4-4-31, paragraph (O), the reference to paragraph (B)(1) and (B)(2) of rule 5101:4-7-01 have been changed to paragraphs (G)(1) and (G)(2) of rule 5101:4-7-01.

OAC rule 5101:4-6-04 was inadvertently omitted from the Outline of Contents in a previous FSTL. The Outline of Contents now reflects the listing of this rule. There are also misspellings in several rule titles which have been corrected.

In completing the rule review of Chapter 8000, the word "bonus" in rule 5101:4-8-15 has been removed and replaced with the words "dollar amount of" as the concept of bonus coupons has been obsoleted for quite some time.

In rule 5101:4-8-17, for clarification purposes and at the request of advocacy groups, a note has been added to advise that involuntary allotment reduction for the collection of administrative error claims shall not be applied to such claims that occurred or were established prior to September 22, 1996.

In the Appendix Index page headed Appendix 23, the form number has been corrected from "ODHS 7443" to "ODHS 7442".

Implementation

These changes are effective May 1, 1999. No desk review is required.

FSTL 224

FOOD STAMP TRANSMITTAL LETTER NO. 224

January 8, 1999

TO: Food Stamp Certification Handbook Holders
FROM: Wayne W. Sholes, Director
SUBJECT: February 1999 Rule Review

Miscellaneous

The following rules were reviewed in accordance with Ohio Revised Code Section 119.032. Each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's scope and purpose.

Ohio Administrative Code (OAC) rules 5101:4-5-01, 5101:4-5-03, 5101:4-5-05, 5101:4-5-07, 5101:4-5-11, 5101:4-5-13, 5101:4-5-15, 5101:4-6-01, 5101:4-6-03, 5101:4-6-04, 5101:4-6-07, 5101:4-6-09, 5101:4-6-11, 5101:4-6-13, 5101:4-6-15, 5101:4-6-16, 5101:4-6-17, 5101:4-6-18, 5101:4-6-19, 5101:4-6-20, 5101:4-6-21, 5101:4-6-23, 5101:4-6-25, 5101:4-6-26, 5101:4-6-27, 5101:4-6-29, 5101:4-6-31, and 5101:4-6-32, contained in Chapters 5000 and 6000 of the FSCH were sent for review and comment. The comments have been evaluated and, where appropriate, incorporated into the rule.

These rules were proposed to be effective February 1, 1999. If no revisions are made to the proposed rules prior the finalization by JCARR, they will become effective on a permanent basis on February 1, 1999. If changes are necessary, a copy of the revised rules will be forwarded to you at that time.

Rule 5101:4-5-01 was converted to rule format with FSTL #208 effective October 1, 1997 and revised with FSTL #221 effective October 1, 1998. With this publication minor revisions were made to the headings of pages one and eighty-four of Appendix A. All other pages of Appendix A remain unchanged and are not being reissued at this time.

Rule 5101:4-5-03 replaces sections 5120 through 5125.7.

Rule 5101:4-5-05 replaces sections 5130 through 5135.

Rules 5101:4-5-07, 5101:4-5-11, and 5101:4-5-13 have been rescinded and combined into one new rule, 5101:4-5-07. This rule replaces sections 5140 through 5350.

Rule 5101:4-5-15 replaces the sections 5400 through 5435.

Rule 5101:4-6-01 was converted to rule format with FSTL #207 effective October 1, 1997.

Rule 5101:4-6-03 replaces sections 6200 through 6220.

Rule 5101:4-6-04 replaces sections 6300 through 6350.

Rule 5101:4-6-07 replaces sections 6400 through 6440.

Rule 5101:4-6-09 was converted to rule format with FSTL #207 effective October 18, 1997.

Rule 5101:4-6-11 replaces sections 6600 through 6650.

Rule 5101:4-6-13 was converted to rule format with FSTL #207 effective September 3, 1997.

Rule 5101:4-6-15 replaces sections 6720 through 6721.

Rule 5101:4-6-16 has no changes identified per the rule review and is already converted to rule format in the FSCH. Therefore, the rule will not be issued to certification handbook holders.

Rule 5101:4-6-18 has been consolidated into rule 5101:4-6-17 thus rescinding rules 5101:4-6-17 and 5101:4-6-18. This new rule replaces sections 6810 through 6835.

Rules 5101:4-6-19 and 5101:4-6-20 have been rescinded and consolidated into new rule 5101:4-6-19. This rule replaces sections 6840 through 6860.

Rule 5101:4-6-21 replaces sections 6910 through 6912.2.

Rule 5101:4-6-23 replaces sections 6920 through 6924.

Rule 5101:4-6-25 replaces sections 6930 through 6937.

Rule 5101:4-6-26 replaces sections 6940 through 6944.

Rule 5101:4-6-27 replaces sections 6950 through 6958.1.

Rule 5101:4-6-29 replaces sections 6960 through 6964.

Rule 5101:4-6-31 has been converted to rule format.

Rule 5101:4-6-32 replaces section 6980.

In the text of the rule, an FSCH section number is cited immediately after a reference to an OAC rule only if the section has not been converted to OAC format. The FSCH section number that corresponds to the new OAC language format will be entered into the left-hand margin.

Implementation

These changes are effective February 1, 1999. No desk review is required.

Miscellaneous

OAC rule 5101:4-3-07 of the Administrative Code has had nonsubstantive changes made to it. The rule is being reissued in this FSTL.

The ODHS 3900, "Notice of Intercounty Transfer" form has been revised to remove reference to ADC and to reflect the OWF and Prevention, Retention, and Contingency (PRC) programs. It is included in this FSTL.

Appendices #83, Calculation of Student Financial Aid Income Effective 10/86 - 8/87, and #84, Calculation of Student Financial Aid Income Effective 9/1/87 - 1/31/92, have become outdated and are obsoleted with this FSTL.

The Outline of Contents pages to Chapters 4000, 5000 and 6000 have been converted to rule format to coordinate with the rules which have been converted from FSCH section format.

FSTL 223

FOOD STAMP TRANSMITTAL LETTER NO. 223

October 6, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Exceptions to Meeting Exemptions from Work Registration Requirements for Voluntary Quit/Work Reduction Sanctions

Effective for November 1, 1998, policy was issued via FACT No. 14 which advised of an inadvertent deletion of text from the Ohio Administrative Code (OAC) rule, 5101:4-3-19. The rule speaks to voluntary quit and reduction of work effort. The text deleted dealt with exceptions to meeting an exemption from the work registration requirements. FACT No. 14 corrected this error.

Effective with the issuance of this transmittal, the FSCH text format in rule 5101:4-3-19 has been corrected to reflect the OAC rule format corrections made in FACT No. 14.

Implementation

This change is effective November 1, 1998, and was implemented via FACT No. 14. No desk review is required.

This transmittal letter obsoletes FACT No. 14.

October 7, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Alien Eligibility

November 1998 Rule Review of Rule 5101:4-3-07

Alien Eligibility

Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and Public Law 105-33, the Balanced Budget Act of 1997, restricted eligibility of aliens to those who meet the definition of "qualified alien." An alien who meets the definition of qualified alien has various criteria that must be met before he/she is eligible to participate in the Food Stamp Program.

Public Law 105-185, the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA), amends sections 401 and 403 of PRWORA which (1) expands the definition of qualified alien, (2) extends the eligibility for certain qualified aliens from 5 years to 7 years after being admitted to the United States or granted status, and (3) adds two classifications of lawfully admitted aliens who do not meet the definition of qualified alien but who nonetheless may be eligible for food stamps for an indefinite period of time. These changes result in a change to Ohio's State-Funded Food Stamp Program for Qualified Aliens (SFSPQA). The change is that a qualified alien must have resided in the United States for 7 years (formerly 5 years) and be in the process of naturalization or be unable to naturalize because of age or disability, including language disability. Obviously, these changes result in revisions to the verification requirements of SFSPQA. (Please note that rule 5101:4-10-01 does not include a requirement that the alien has to have been at least 60 years old but no older than 65 years old as of August 22, 1996 to qualify for the SFSPQA. Subsequent to the issuance of FACT 15, it was determined that this specific age group would meet the SFSPQA eligibility criteria under paragraph (D) of rule 5101:4-10-01 without adding the additional language.)

Qualified aliens who meet one of the following criteria may now be eligible for federal food stamp benefits:

Refugees, asylees, deportees, Cubans, Haitian, and Amerasians may be eligible for 7 years (instead of 5 years) after admitted or granted status;

An alien who is receiving payments or assistance for blindness or disability, as defined in the Food Stamp Act [Section 3(r)], **and** who was lawfully residing in the United States on August 22, 1996;

An individual who was lawfully residing in the United States on August 22, 1996, **and** was 65 years of age or older as of August 22, 1996; and

A child who was lawfully residing in the United States on August 22, 1996, and is now under the age of 18.

The following aliens are eligible even if they are not qualified aliens, and they are eligible for an indefinite period of time:

American Indians born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (8 U.S.C. 1359) apply and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)). This provision is intended to cover Native Americans who are entitled to cross the United States border into Canada or Mexico. It is intended to include, among others, the St. Regis Band of the Mohawk in New York State, the Micmac in Maine, the Abanaki in Vermont, and the Kickapoo in Texas.

An individual who is lawfully residing in the United States and was a member of the Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975. The spouse or unremarried surviving spouse and unmarried dependent children of such individual may also be eligible for food stamps. (FNS is to provide additional verification guidance on this provision at a later date.)

OAC rules 5101:4-3-07 and 5101:4-10-01 have been revised. The Application for State-Funded Food Stamp Program for Qualified Aliens (T-206) and Worksheet for State-Funded Food Stamp Program for Qualified Aliens (T-207) have also been revised.

Implementation: The alien provisions in this law are effective on November 1, 1998. County agencies must implement these provisions no later than November 1, 1998, for newly applying assistance groups. A county agency may want to suggest to aliens made eligible by AREERA and who do not qualify for the State-Funded Food Stamp Program for Qualified Aliens that they may wish to wait to file applications for food stamp benefits until October 1, 1998, because they must be denied before then. If an assistance group applies in October and is not eligible until November, the assistance group should be certified for November, provided necessary verification is submitted. The current caseload shall be converted to these provisions at the assistance group's request, at the time of recertification or when the case is next reviewed, whichever occurs first. The county agency must provide restored benefits, as may be appropriate under Chapter 8000 of the FSCH, back to November 1, 1998, or the date of application, whichever is later.

Aliens participating under Ohio's State-Funded Food Stamp Program for Qualified Aliens are to be converted to the federal program without making the assistance group reapply if: (1) there is an application on file; (2) the county agency has sufficient information to determine eligibility and benefits; and (3) the assistance group's certification period extends beyond November 1, 1998. If the assistance group's certification period ends before November 1, 1998, the county agency should recertify the individual under the state-funded program and then convert the person to the federal program November 1, 1998, but in no event any later than March 1, 1999.

This transmittal obsoletes FACT No. 15.

November 1998 rule review of rule 5101:4-3-07

Effective September 26, 1996, Substitute House Bill 473 (Sub. H.B. 473) required each state agency to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated and local agencies will be given increased flexibility. The purpose of the rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's purpose and scope.

The rule review has been conducted in conjunction with the changes mandated by PL 104-193. Changes made as a result of the review are: the addition of headings to many paragraphs, breaking down lengthy paragraphs into ranked lists, and restoring language, which appears in paragraph (F), that provides a summary of aliens who are ineligible to participate in the Food Stamp Program (federally funded and state-funded).

FSTL 221**FOOD STAMP TRANSMITTAL LETTER NO. 221**

October 12, 1998

TO: Food Stamp Certification Handbook Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: October 1, 1998, Mass Changes

Changes Due to Creation of the State Hearings Manual

LEAP Attendance Bonus Payment

Miscellaneous

October 1998 Mass Changes

Effective October 1, 1998, the following mass changes are applicable. (Please note that the standard utility allowance decreased. Also note that the standard deduction, standard telephone allowance, and homeless household shelter estimate are not listed because they have not changed.)

Standard Utility Allowance**\$236****Excess Shelter Deduction****\$275****Maximum Coupon Allotments:**

Maximum Coupon Allotments	
AG Size	Maximum Allotment
1	\$125
2	230
3	329
4	419
5	497
6	597
7	659
8	754
each additional	+94

Net Income Standards:

Net Income Standards (100% of poverty)	
AG Size	Maximum Income

1	\$ 671
2	905
3	1,138
4	1,371
5	1,605
6	1,838
7	2,071
8	2,305
each additional	+234

Gross Income Standards

Gross Income Standards (130% of poverty)	
AG Size	Maximum Income
1	\$ 873
2	1,176
3	1,479
4	1,783
5	2,086
6	2,389
7	2,693
8	2,996
each additional	+304

Separate AG Income Standards -- Elderly and Disabled AGS Only

Separate AG Income Standards - Elderly and Disabled AGS Only (165% of poverty)	
AG Size	Maximum Income
1	\$1,107
2	1,492
3	1,877

4	2,262
5	2,647
6	3,032
7	3,417
8	3,802
each additional	+385

Implementation: All applications and reapplications being processed for October 1998 and after shall have the new amounts applied. All ongoing cases will have these new amounts applied during the mass change to be run over Labor Day weekend, effective October 1, 1998. CRIS-E tables will be updated with the changes to be applied October 1998. Alerts will be generated for all cases which CRIS-E cannot update automatically and the eligibility determiner will be required to run ED/BC for these cases to implement these changes. Notice requirements are found in Section 7131.2.

This transmittal obsoletes FACT No. 13.

Changes Due to the Creation of the State Hearings Manual (ODHS 7240)

As a result of the removal of Chapter 9000 (see State Hearings Manual Transmittal Letter No. 1), the following changes have been made. References to Chapter 9000 have been removed from various sections of the manual. Twenty-one (21) forms which will be housed in the State Hearings Manual have been removed from the Appendix. The Index has been updated to remove references to Chapter 9000 and any rule in that chapter. (Please note that the effective date of rule 5101:4-8-25 attached to this rule has not changed from the version it replaces. The only change was the deletion of a cross-reference to an FSCH section number which appeared only in the FSCH version of the rule.)

LEAP Attendance Bonus Payment

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 made significant changes to food stamp certification policy and demonstration authority. As a result, the Food and Nutrition Service (FNS) has determined that the LEAP attendance bonus payment waiver is not cost neutral for the Food Stamp Program and can no longer be considered excluded income. This change does not result in any change to how the no increase in food stamps due to a failure to comply with another program's requirement is handled. If the \$62 attendance bonus is not paid to an assistance group not meeting the minimum attendance requirements, but no sanction is imposed, food stamps will continue to count the amount of the Ohio Works First (OWF) benefit actually received. If, in addition to not being paid the attendance bonus, the assistance group is sanctioned (i.e., the OWF benefit is decreased for failure to comply), food stamps will continue to count the amount of the OWF benefit, minus the attendance bonus, received prior to the OWF failure to comply with LEAP program requirements.

Implementation: This change was effective July 1, 1998, and was implemented via FACT No. 12. FACT 12 contained the following instructions. FNS has granted Ohio a three-month window to accomplish this change. To ensure that an assistance group does not experience any interruption of benefits and to allow for a smooth transition to the new policy, no AG shall be held responsible for any overissuance caused by excluding the attendance bonus payment for the period July through September 1998, provided the AG was certified or recertified prior to July 1, 1998, until the earlier of (1) the expiration of the assistance group's most recent certification period or (2) September 30, 1998. Benefits issued to an AG certified or recertified on or after July 1, 1998, shall have a LEAP attendance bonus payment counted as unearned income. CRIS-E has been reprogrammed to count the LEAP attendance bonus payment as unearned income in the food stamp budget.

The two rules affected by this change which were attached to FACT 12 were OAC rules 5101:4-4-17 and 5101:4-4-19. Please note that subsequent to the issuance of FACT 12, rule 5101:4-4-17 was rescinded and its language now appears as paragraph (M) in rule 5101:4-4-13. The up-to-date versions of 5101:4-4-13 and 5101:4-4-19 are not being issued in this FSTL; they were issued in FSTL No. 219.

This transmittal letter replaces FACT 12.

Miscellaneous

The Outline of Contents for chapters 1000, 2000, 3000 have been updated to reflect the number and title of each Ohio Administrative Code rule.

FSTL 220

FOOD STAMP TRANSMITTAL LETTER NO. 220

September 4, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Treasury Offset Program (TOP)

Effective September 26, 1996, Substitute House Bill 437 required each state agency to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork is eliminated and local agencies are given increased flexibility. The purpose of the review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's purpose and scope.

Pursuant to the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, states are mandated to refer delinquent federal debts to the United States Department of the Treasury (Treasury) for administrative offset. For this purpose, Treasury administers the Treasury Offset Program (TOP).

This letter transmits changes to the TOP, formerly known as the Federal Tax Refund Offset Program (FTROP) and the Federal Salary Offset Program. Former Ohio Administrative Code rules 5101:4-8-30, 5101:4-8-31, 5101:4-8-32, 5101:4-8-33, and 5101:4-8-34 have been combined into one rule, 5101:4-8-30, which replaces sections 8300 through 8312.

In addition to federal income tax refunds and federal salaries, other eligible federal payments which are due the debtor are withheld to offset applicable food stamp claims. These include federal retirement income, contractor / vendor payments, certain federal benefit payments, and certain federal loans.

All food stamp claim categories (IPV, IHE, and AE) may be referred to the TOP, so reference to claim category has been eliminated in the new rule.

Claims may be referred throughout the year whenever they are found to meet necessary criteria, rather than just once each program year, so reference to certain dates for mailing of notices and certification of debts has been eliminated. Eventually, a calendar of claim selection, notice, and certification dates will be sent to each CDHS.

After certification, the TOP will offset from all eligible federal payments until the debt is satisfied or the referral is canceled. Once a claim is certified to the TOP, it will remain certified until paid in full through offset, or until ODHS requests that the debt be removed for some other reason. Consequently, reference to "program year" has been eliminated.

Notices, program timetables, and "acceptable repayment arrangements" are applied identically for all TOP debtors, regardless of whether or not they are federal employees. Therefore, this rule no longer includes separate instruction for federal salary offset cases.

Forms

The ODHS 7430 Treasury Offset Program Referral Cancellation Form (Appendix 80), and the Model Treasury Offset Program Review Decision forms (Appendices 81 and 82) have been revised to incorporate the change in the program's name.

The automated 60-day notice form BV60A1 has been revised to comply with new federal TOP notice requirements.

The automated notice forms BV61A1, BV62A1, and BV63A1 have been revised to incorporate the change in the program's name.

The automated notice form BV65A1 (Salary Offset) has been eliminated.

Implementation

These changes are effective September 1, 1998.

FSTL 219

FOOD STAMP TRANSMITTAL LETTER NO. 219

September 28, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: September 1998 Rule Review

In accordance with Ohio Revised Code Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's purpose and scope.

Ohio Administrative Code (OAC) rules 5101:4-4-01, 5101:4-4-033, 5101:4-4-05, 5101:4-4-07, 5101:4-4-09, 5101:4-4-13, 5101:4-4-15, 5101:4-4-17, 5101:4-4-19, 5101:4-4-21, 5101:4-4-23, 5101:4-4-25, 5101:4-4-27, 5101:4-4-31, 5101:4-4-33, 5101:4-4-35, 5101:4-4-37, and 5101:4-4-39, comprising the majority of Chapter 4000 of the Food Stamp Certification Handbook (FSCH), were sent out for review and comment. The comments have been evaluated and, where appropriate, incorporated in the rule. There are no changes to Chapter 4000 which directly impact on the eligibility of applicants/recipients or how any county agency is to administer the program.

Rules 5101:4-4-01 and 5101:4-4-05 have been combined into one rule, 5101:4-4-01, and replace sections 4000 through 4113 and 4130 through 4132 respectively.

Rule 5101:4-4-033 is replacing the same rule issued effective February 1, 1998, with FSTL #213.

Rule 5101:4-4-07 is replacing sections 4140 through 4145.

Rule 5101:4-4-09 is replacing sections 4150 through 4154.

Rules 5101: 4-4-13, 5101:4-4-15, and 5101:4-4-17 have been combined into one rule, 5101:4-4-13, replacing sections 4220 through 4229 issued as rule 5101:4-4-13 effective February 1, 1998, 4230 through 4235 and 4240 through 4244 issued effective February 1, 1998.

Rules 5101:4-4-19 and 5101:4-4-21 have been combined into one rule, 5101:4-4-19, replacing sections 4250 through 4253 issued effective February 1, 1998, in rule 5101:4-4-19, and sections 4260 through 4265.

Rules 5101: 4-4-23 and 5101:4-4-25 have been combined into one rule, 5101:4-4-23, replacing sections 4270 through 4279 issued effective June 1, 1998, in rule 5101:4-4-23, and sections 4280 through 4284 issued effective June 1, 1998, in rule 5101:4-4-25.

Rule 5101:4-4-27 replaces sections 4310 through 4312.

Rules 5101:4-4-31, 5101:4-4-33, 5101:4-4-35, and 5101:4-4-37 have been combined into one rule, 5101:4-4-31, replacing sections 4321 through 4333.2, 4341 through 4346.3, 4350 through 4353.3, and 4400 through 4413.

Rule 5101:4-4-39 replaces sections 4420 through 4450.

Rules 5101:4-4-03, 5101:4-4-031, 5101:4-4-032, 5101:4-4-035 and 5101:4-4-036 were combined into one rule, 5101:4-4-03, effective August 1, 1998. Therefore, rule 5101:4-4-03 was not rule reviewed at this time as this process occurred with the August FSTL #218.

Rule 5101:4-4-11 was rule reviewed in October 1997 and will not be required to be rule reviewed prior to November 20, 2002.

In the text of the rule, an FSCH section number is cited immediately after a reference to an OAC rule only if the section has not been converted to the OAC format. The FSCH section number that corresponds to the new OAC language format will be entered into the left-hand margin.

Implementation

These changes are effective September 29, 1998. No desk review is required.

June 18, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Processing Changes which Result in an Increase of Benefits

Applying Voluntary Payments to Previously Suspended, Terminated or Compromised Claims

Terminating Collection of Inadvertent Household Error, Administrative Error and Intentional Program Violation Claims

Changes to the New Hire Reporting Program

August 1998 Rule Review

State-Funded Food Stamp Program for Qualified Aliens

Miscellaneous

Processing Changes Which Result in an Increase of Benefits

Prior policy: Changes within a certification period which result in an increase of benefits are processed under "normal processing" or "expedited processing" standards (Food Stamp Certification Handbook [FSCH] sections 7121.1 and 7121.2, respectively). Normal processing requires the increase to be effective in the month following the report of the change. Expedited processing requires the increase to be effective in the month that the change is reported. These processing standards were adopted from the minimum federal requirements to ensure uniform processing throughout the state.

New policy: The Ohio Human Services Directors Association has made a recommendation to the department to adopt the processing of increases language as it appears in the Code of Federal Regulations which allows greater latitude in processing changes for the county agencies. The recommendation was made in an effort to further reduce Ohio's food stamp error rate. Federal regulations require an increase in benefits caused by a change within a certification period to be effective no later than the first allotment issued 10 days after the date the change was reported and verified to the county agency.

However, an increase caused by a new assistance group member who is not a member of another certified assistance group or the loss of \$50 or more in gross monthly income must be effective not later than the first allotment issued 10 days after the date the change was reported. In no event shall these changes (i.e., an increase in benefits caused by a new AG member or a \$50 or more loss of gross income) take effect any later than the month following the month in which the change was reported. Any such increase that cannot be included in the routine issuance must be issued via a supplemental issuance no later than the 10th calendar day of the month following the month in which the change was reported and verified, or by the assistance group's normal issuance cycle in that month, whichever is later. The terms "normal processing" and "expedited processing," when referring to the processing of increase due to a reported change, have been removed from the FSCH.

What were Sections 7121.1 and 7121.2 have been revised and now appear as 5101:4-7-01(G)(1)(a) and (G)(1)(b) in the Ohio Administrative Code (OAC) format. What was Section 7121.4 is now the second paragraph in section (G)(1)(b) of rule 5101:4-7-01. Chart 2 has been revised.

Examples of processing increases:

On August 25, 1998, assistance group A and assistance group B both report an increase in a shelter expense. Assistance group A's next issuance is September's allotment, which is authorized for pick-up (or are to be mailed) on September 4, 1998. Ten days from the date the change was reported is September 4, 1998. The first allotment to be issued 10 days after the change was reported will be for September 1998. Assistance

group A's September benefits must be increased. However, the county agency can opt to make the increase effective earlier than September. Assistance group B's September benefits are authorized for pick-up (or are to be mailed) September 2, 1998. Ten days from the date the change was reported is September 4, 1998. The first allotment to be issued 10 days after the change was reported will be for October 1998. Assistance group B's October benefits must be increased; however, the county agency can opt to make the increase effective earlier than October.

On September 1, 1998, assistance group C reports a new member. The assistance group's September allotment becomes available for pick-up (or will be mailed) on September 11. Ten days from the date the change was reported is September 11. The first allotment issued 10 days after the change was reported is September's allotment. Assistance group C must receive an increase in its September food stamp benefits.

On September 1, 1998, assistance group D reports a new member. The assistance group's September allotment becomes available for pick-up (or will be mailed) on September 2. Ten days from the date the change was reported is September 11. The first allotment issued 10 days after September 1 will be October's allotment. Assistance group D's October allotment must be increased. However, the county agency may increase September's allotment.

On August 30, 1998, assistance group E reports a new member. The assistance group's September allotment must be increased regardless of the date of the assistance group's next issuance. The increased benefits for September must be issued by September 10 or by the assistance group's normal issuance cycle, whichever is later. However, the county agency may make the change effective in August.

Please note that the verification requirements for processing increases have not changed [in accordance with OAC 5151:4-7-01(G)(1)(c)].

Implementation

All changes reported on or after August 1, 1998, shall be processed in accordance with OAC rule 5101:4-7-01.

Applying Voluntary Payments To Previously Suspended, Terminated or Compromised Claims

The Food Stamp/TEFAP Section received written clarification from the Food and Nutrition Service regarding the processing of voluntary payments received from assistance groups with previously suspended, terminated or compromised claims. Language has been incorporated into Ohio Administrative Code rule 5101:4-8-231 and former section 8250 in the Food Stamp Certification Handbook (FSCH) has been converted to rule format.

Implementation

These changes are effective August 1, 1998, with the issuance of this transmittal. No desk review is required.

Terminating Collection of Inadvertent Household Error, Administrative Error and Intentional Program Violation Claims

It was brought to the attention of the Food Stamp/TEFAP Section that the text in FSCH Sections 8226 and 8237 contrasts with the text for this policy in 7 CFR 273.18 (e). The FSCH uses the words: " A claim *shall* (emphasis added) be determined uncollectible after it is held in suspense for three years." The code of federal register text states: " A claim *may* (emphasis added) be determined uncollectible after it is held in suspense for three years." This discrepancy has prevented counties from reactivating claims which have been in suspense for three years and collecting on them. The word "*shall*" has been changed to "*may*" in rules 5101:4-8-17 and 5101:4-8-19. Former sections 8226 and 8237 in the FSCH have been converted to rule format.

Implementation

These changes are effective August 1, 1998, with the issuance of this transmittal. No desk review is required.

Changes to the New Hire Reporting Program

The regulations governing the New Hire Reporting Program (W-4) have been revised to support the requirements contained in Section 453A of Public Law 104-193 (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and amended in House Bill 352.

All employers (except the federal government) are required to provide information to ODHS regarding employees who are newly hired, rehired, or who have returned to work. Also, the time limit for employers to report has been changed from thirty days to twenty days.

Currently, the language for this requirement is found in FSCH Section 7340. A new OAC rule, 5101:4-7-08, will replace the language in FSCH Section 7340.

Implementation

These changes are effective August 1, 1998, with the issuance of this transmittal. No desk review is required.

August 1998 Rule Review

Effective September 26, 1996, Substitute House Bill (Sub. H.B.) 473 required each state agency to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's purpose and scope.

Because a miscellaneous change was made to Section 4123 and its corresponding OAC rule 5101:4-4-03, the mandated five-year rule review is being completed on the rule. The review results in OAC rules 5101:4-4-03, 5101:4-4-031, 5101:4-4-032, 5101:4-4-035, and 5101:4-4-036 being combined into one rule (5101:4-4-03). FSCH sections that are now included in OAC rule 5101:4-4-03 are 4120 through 4125 and 4127 through 4129.

The language that appeared in the FSCH Section 4123 has been revised for clarity and is now included in paragraph (C) of rule 5101:4-4-03.

What was Section 4127 in the FSCH has been deleted because its language was not regulatory.

State-Funded Food Stamp Program for Qualified Aliens

Effective April 1, 1998, Ohio implemented a program to provide state-funded food stamp benefits to certain qualified aliens who do not qualify for the federal Food Stamp Program but who do qualify for Supplemental Security Income (SSI) and meet other eligibility criteria. This program was implemented via Food Assistance Change Transmittal (FACT) No. 11. The program is titled the State-Funded Food Stamp Program for Qualified Aliens (SFSPQA).

Program Standards

Individuals who may qualify for food stamp benefits under this program are qualified aliens who meet all the criteria listed below. The qualified alien must:

- be currently eligible to receive SSI,
- have been a resident of the state of Ohio on August 22, 1996, and maintained his/her residency since that date,
- have been in the United States for five years,
- be in the process of naturalization or unable to naturalize because of age or disability, including language disability,
- not meet any of the exceptions for limited eligibility for qualified aliens as outlined in 5101:4-3-07 of the Administrative Code, and
- otherwise be eligible to participate (e.g., not be disqualified for an intentional program violation [IPV]; not have income or resources in excess of the allowable standards [does not purchase and prepare with others whose income or resources make the AG ineligible]).

Verification requirements unique to the SFSPQA are found in paragraph (E) of rule 5101:4-10-01 of the Administrative Code.

The inability to naturalize may be verified through a letter or statement from an attending physician stating the alien is unable to naturalize due to age or disability. The inability to naturalize due to a language disability may

be verified through a letter or statement from a resettlement caseworker stating the alien is unable to naturalize due to a language disability.

Eligibility standards, benefit calculations, and benefit levels will be determined using rules under the federal Food Stamp Program. The method for calculating benefits is described under the section headed Benefit Calculation.

Sanctions, disqualifications, fines, or other penalties prescribed under the federal Food Stamp Program will apply to violations in connection with the SFSPQA. For example, an IPV may be established against someone who received benefits under the SFSPQA. The same procedures are used to establish the IPV under the SFSPQA as those for the federal Food Stamp Program.

Federal laws pertaining to food stamp trafficking will apply to state-purchased federal food stamps purchased by Ohio for the SFSPQA.

Federal food stamps purchased by Ohio for the SFSPQA are to be issued by counties, used by program recipients, and accepted by retailers under the same rules as federal Food Stamp Program rules. Food stamps issued under the SFSPQA shall not be considered income or resources for any purpose under any federal, state, or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating state or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals.

Those counties not yet converted to electronic benefit transfer (EBT) will continue to issue state-purchased federal food stamp coupons to recipients of the SFSPQA until the EBT system is implemented in their county. Those counties already converted to EBT will serve state-funded recipients through EBT.

Federal Reporting

Federal reporting requirements for benefits issued under the SFSPQA will be distributed in a Food Stamp Supervisor's Handbook Transmittal Letter.

Benefit Calculation

Benefits to be issued under the SFSPQA will be calculated as follows:

Step 1 - Determine AG composition and determine eligibility as you normally would under the federal Food Stamp Program; include any qualified alien who is eligible to participate under the SFSPQA as an eligible AG member.

Step 2 - Determine the amount of benefits that the AG would be eligible to receive under the federal Food Stamp Program (i.e., the qualified alien who is potentially eligible under the SFSPQA is not included in this budget).

Step 3 - Subtract benefits calculated in step 2 from those calculated in step 1. The difference will be the allotment that will be issued under the SFSPQA.

If there is no eligibility for state-funded benefits, then the eligibility for those who have potential eligibility under the federal Food Stamp Program are determined in accordance with rule 5101:4-6-13 of the Administrative Code.

An individual that becomes ineligible for federally funded food stamps may become eligible for state-funded food stamps. There will be no months of proration when going from federal eligibility to state eligibility or vice versa. For example: A qualified alien is certified under the federal Food Stamp Program for the period July through December. You discover that the alien will have been in the United States five years effective September 15, which ends the alien's five years of eligibility under rule 5101:4-3-07(H) of the Administrative Code. Since the alien was eligible for the federal Food Stamp Program on September 1, he/she cannot be eligible for the SFSPQA any earlier than October (i.e., no supplement can be issued under the SFSPQA to cover September 15 to September 30). Another example: A qualified alien is certified under the SFSPQA for the month of September. On September 7 he reports that he has now gained his U.S. citizenship (which makes him eligible under the federal Food Stamp Program). Allowing proper notice, this person is removed from the SFSPQA and added to the federal program effective October (no benefits under the federal program are issued for this person for the month of September).

Examples 4 and 5 in the Procedural Section demonstrate how these budgets are to be done.

Application Form and Worksheet

The ODHS T-206, Application for State-Funded Food Stamp Program for Qualified Aliens, shall be completed by each person applying for state-funded benefits in addition to the ODHS 7200 Application for Income, Medical and Food Stamp Assistance, ODHS 7100 Application for Income, Medical and Food Assistance - Common Application Form, or the Printed Copy of Information.

The ODHS T-207 Worksheet for State-Funded Food Stamp Program for Qualified Aliens is to be used to document eligibility determinations. (Note that the version of this form issued with FACT 11 contained a typographical error in step 2. of section D. that has been corrected. The word "ineligible" has been corrected to "eligible" in the language in parenthesis immediately after the title of the step.)

See Appendix 67 and Appendix 68 for the T-206 and T-207, respectively.

Issuance of Benefits

An authorization for benefits shall not include benefits under both the federal Food Stamp Program and the SFSPQA. When some members of the same food stamp AG are to receive benefits under the federal Food Stamp Program and others under the SFSPQA, benefits will be issued under separate authorizations. If for some reason the authorization under the state-funded program is made outside the CRIS-E system, the county agency shall annotate the issuance in a readily identifiable manner in order to facilitate record keeping. The authorization for SFSPQA benefits shall be in the name of a person who is eligible under the SFSPQA.

Federal Quality Assurance Review

An AG which receives only state-purchased federal food stamps is not subject to federal quality assurance review. Federal quality assurance will exclude the value of state-purchased federal food stamps issued under the SFSPQA from any sample taken for purposes of calculating the state's error rate under the enhanced payment accuracy system.

Claims

Claims for food stamp benefits issued under the SFSPQA are not federal debts. Accordingly, any SFSPQA claims will not be reported to the Food and Nutrition Service (FNS) by ODHS. Any claims for SFSPQA benefits will be subject to the same claims procedures as under the federal program, except that SFSPQA benefits will not be subject to collection through FTROP or FSOP and there are no incentive payments to county agencies for collections of IPV or IHE claims.

Implementation

This change was effective April 1, 1998 and was implemented via FACT 11. No desk review is required.

This transmittal letter replaces FACT No. 11.

Miscellaneous

Language was inadvertently omitted from paragraph (A)(5) of rule 5101:4-2-03 in the Ohio Administrative Code; the same paragraph in the FSCH contained the complete language. Rule 5101:4-2-03 has been amended. Despite the fact that paragraph (A)(5) of rule 5101:4-2-03 of the FSCH appears to contain new language, there are no substantive changes.

Appendix 23 was accidentally deleted from the Appendix Index. This error has been corrected. On the last page of the Appendix Index the following errors have been corrected: The title and form number have been entered for Appendix 97; Appendix 99 is identified correctly as reserved; Appendix 106 has been added to the list and is identified as reserved.

The pages of Appendix 35, Record of Changes to Handbook, should be nearly full. A new page for Appendix 35 is included with this transmittal.

The terms "TANF" and "ADC" have been changed to "OWF" where appropriate.

The term "FCS" (the abbreviation for Food and Consumer Service) has been changed to "FNS" (the abbreviation for Food and Nutrition Service), where appropriate.

FSTL 217

FOOD STAMP TRANSMITTAL LETTER NO. 217

MANUAL TRANSMITTAL LETTER NO. 393

May 15, 1998

TO: Food Stamp Certification Handbook Holders
Public Assistance Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Application for Cash, Medical and Food Stamp Assistance - ODHS 7200
Your Rights and Responsibilities - ODHS 7501

Changes in the ODHS 7200 "Application for Cash, Medical and Food Stamp Assistance" and ODHS 7501 "Your Rights and Responsibilities" effective June, 1, 1998:

Ohio Works First, Disability Assistance, Medicaid, and ADC-Related Medicaid

The Self-Declaration Information section of the ODHS 7200 has been modified with the removal of the question "Have you or anyone else in your family who is living with you now been convicted any time after August 22, 1996 under a federal or state law of any offense which is classified as a felony and which includes possession, use or distribution of a controlled substance?" since there is no longer a requirement that this be a self-declaration.

The inclusion of the "Voter Registration Form" within the ODHS 7200 has resulted in some confusion by applicants as to where they should return their applications. Some applications have been incorrectly mailed to the Secretary of State and have had to be rerouted back to the CDHS. In order to alleviate this confusion, the "Voter Registration Form" has been removed from the ODHS 7200. However, in order to continue to provide the applicants an opportunity to register to vote, the "Voter Registration Form" and "Notice of Rights" are still considered **required items** to be included with the application packet. This is delineated in PAM Section 1012.

Language changes have been made within the ODHS 7200 and the ODHS 7501 to change "TANF" to "OWF" and to remove references to the \$50 child support disregard payment.

MTL Instructions

Remove and file as obsolete from the appendix of Chapter 1000 the form headed ODHS 7200 "Application for Cash, Medical and Food Stamp Assistance" (Rev. 7/97) and replace with the attached ODHS 7200 (Rev. 6/98).

Remove and file as obsolete from the appendix of Chapter 1000 the form headed ODHS 7501 "Your Rights and Responsibilities" (Rev. 7/97) and replace the attached ODHS 7501 (Rev. 6/98).

Food Stamps

The Self-Declaration Information section of the ODHS 7200 has been modified with the removal of the question, "Have you or anyone else in your family who is living with you now been convicted any time after August 22, 1996 under a federal or state law of any offense which is classified as a felony and which includes possession, use or distribution of a controlled substance?" There is no longer a requirement that this be a self-declaration.

The "Voter Registration Form" has been removed from the ODHS 7200, although OAC 5101:4-2-01 **still requires** that individuals be given the opportunity to register to vote when applying for assistance. (Reference second paragraph of "Ohio Works First, Disability Assistance, Medicaid, and ADC-Related Medicaid" section of this cover letter for additional information relating to this removal.)

A statement has been added to the ODHS 7200 and the ODHS 7501 to inform applicants/recipients of the mandatory verification requirement of expenses for food stamp deductions and that failure to report or verify any deductible expense will be seen as a statement that the household does not want to receive a deduction.

Implementation

All revisions to the ODHS 7200 and the ODHS 7501 outlined in this transmittal are effective June 1, 1998.

A Customer Service Request (CSR) has been submitted to Management Information Services (MIS) to request the corresponding revisions to the CRIS-E automated application and rights and responsibilities.

FSTL 216

FOOD STAMP TRANSMITTAL LETTER NO. 216

May 5, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Mandatory Verification of Expenses for Food Stamp Deductions

Verification of Expenses

With the issuance of Food Assistance Change Transmittal (FACT) Number 10, effective March 1, 1998, counties were given the option to mandate verification of the deductible expenses for shelter, utility, and dependent care costs. This option, which was to be applied for the interim period of 3/1/98 through 5/31/98, was based on a recommendation by the Ohio Human Services Directors Association (OHSDA) that Food Stamp Program policy be changed to require households to provide verification of these expenses before a deduction could be allowed. Effective June 1, 1998, verification of all expenses for food stamp deductions is mandatory on a statewide basis.

Language has been added to rules 5101:4-2-09, 5101:4-4-23, and 5101:4-4-25 of the Administrative Code to mandate the verification of expenses for food stamp deductions. Notes which allowed county agencies not to apply the option during the interim period have been removed.

Procedure 1 (Procedures for Application Processing), step number 16, has been updated with instructions to explain to applicants that failure to report or verify deductible expenses within the time frames allowed will result in the assistance group's eligibility and benefit level being determined without providing a deduction for a claimed but unverified expense. Similar language has been added to the second page of the Food Stamp Verification Checklist, also included in Procedure 1. The verification request lists on CRIS-E notices CS01-C2 (application appointment) and CS02-03 (reapplication appointment) will be revised accordingly. Procedures 3 (Processing Reported Changes in NA Households) and 4 (Processing Reported Changes in PA Households) have been updated to reference the mandatory verification requirement for food stamp deductions. Chart 3 (Verification Requirements) has been revised to reflect these changes.

A statement has been added to the ODHS 7200 (APPL) and ODHS 7501 (Your Rights and Responsibilities) to inform applicants/recipients of the verification requirement and that failure to report or verify any deductible expense will be seen as a statement that the household does not want to receive a deduction. These revisions will be included in Food Stamp Transmittal Letter (FSTL) #217 and Manual Transmittal Letter (MTL) #393. The CRIS-E automated application and rights and responsibilities language will be updated to mirror these forms.

Implementation

All policy changes in this Food Stamp Transmittal Letter (FSTL) are effective June 1, 1998, and are to be applied to all new applications, reapplications, and ongoing case changes on or after this date. No desk review is required. This FSTL obsoletes FACT No. 10.

FSTL 215

FOOD STAMP TRANSMITTAL LETTER NO. 215

May 11, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: June 1998 Rule Review

Effective September 26, 1996, Substitute House Bill (Sub. H.B.) 473 required each state agency to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of the rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's purpose and scope.

Ohio Administrative Code (OAC) rules 5101:4-3-01, 4-3-03, 4-3-05, 4-3-08, 4-3-22, 4-3-23, and 4-3-25, rules for Chapter 3000 of the Food Stamp Certification Handbook (FSCH), were sent out for review and comment. The comments have been evaluated and, where appropriate, incorporated in the rule. There are no changes to Chapter 3000 which directly impact on the eligibility of applicants/recipients or how any county agency is to administer the program.

Rule 5101:4-3-01 is replacing Sections 3000 and 3010.

Rule 5101:4-3-03 is replacing Sections 3100 through 3130.

Rule 5101:4-3-05 was not replaced but updated to include the rule's effective and certification dates, promulgation, statutory authority, rule amplification, review date and prior effective dates. No changes were made to the actual text.

Rule 5101:4-3-08 is replacing Section 3360.

Rule 5101:4-3-22 is replacing Sections 3600 through 3660. In addition, the language from rule 5101:4-3-25 was incorporated into rule 5101:4-3-22. Thus, rule 5101:4-3-25 has been rescinded. Section 3660 is now located in rule 5101:4-3-22.

Rule 5101:4-3-23 is replacing Sections 3630 through 3640.

The aforementioned rules are effective June 4, 1998.

Sections 3650 et seq. are being issued in rule format at this time as OAC rule 5101:4-3-24. The effective date for this rule is June 6, 1997.

In the left-hand margin the former FSCH section number that corresponds with the new OAC language format has been entered. The primary reason for this dual numbering is that for the time being CRIS-E will continue to use the FSCH numbering system; this will allow caseworkers to locate specific language in the manual.

In the text of the rule, an FSCH section number is cited immediately after a reference to an OAC rule only if the section has not been converted to the OAC format in this manual.

FSTL 214

FOOD STAMP TRANSMITTAL LETTER NO. 214

April 1, 1998

TO: Food Stamp Certification Handbook Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: April 1998 Rule Review

Effective September 26, 1996, Substitute House Bill (Sub. H.B. 473) required each state agency to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended, or be rescinded, taking into consideration each rule's purpose and scope.

Ohio Administrative Code (OAC) rules 5101:4-2-01, 4-2-02, 4-2-03, 4-2-034, 4-2-035, 4-2-036, 4-2-05, 4-2-051, 4-2-07, and 4-2-11, the rules for Chapter 2000 of the Food Stamp Certification Handbook (FSCH), were sent out for review and comment. The comments have been evaluated and, where appropriate, incorporated in the rule. There are no changes to Chapter 2000 which directly impact on the eligibility of applicants/recipients or how any county agency is to administer the program.

Rule 5101:4-2-01 is replacing Sections 2000 through 2180.

Rule 5101:4-2-02 is replacing Sections 2190 through 2195.3.

Rules 5101:4-2-03, 4-2-034, 4-2-035, and 4-2-036 have been rescinded. A new rule 5101:4-2-03 has been created which consolidates all of these rules into one rule. This rule replaces Sections 2220 through 2222, 2230 through 2231.3, Sections 2232 through 2232.8 listed in the left-hand margin of rule 4-2-035 dated September 3, 1997, and 2240 through 2243.

Rule 5101:4-2-05 replaces Sections 2250 through 2259.1.

Rule 5101:4-2-051 replaces Sections 2260 through 2266.

Rule 5101:4-2-07 replaces Sections 2300 through 2350.2.

Rule 5101:4-2-11 replaces Sections 2500 through 2542.2.

In the left-hand margin the former FSCH section number that corresponds to the new OAC language format will be entered. The primary reason for this dual numbering is that for the time being CRIS-E will continue to use the FSCH numbering system; this allows caseworkers to locate specific language in the manual.

In the text of the rule, an FSCH section number is cited immediately after a reference to an OAC rule only if the section has not been converted to the OAC format in this manual.

Implementation

These changes are effective May 2, 1998. No desk review is required.

Alphabetical Index

The table below is an alphabetical index of FSCH policies and procedures.

Alphabetical Index of FACH Policies and Procedures

(Click on policy number to read policy section.)

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FATL 396

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- (A) This rule describes the terms and meanings used to administer the supplemental nutrition assistance program (SNAP), formerly known as the food assistance program. These definitions are not intended to fully explain or to limit the scope of any action in the administration of the program.
- (B) Definition:
- (1) "Alien status verification index (ASVI)" means the automated database maintained by the department of homeland security, United States (U.S.) citizenship and immigration services (USCIS) office which may be accessed by county agencies to verify immigration status.
 - (2) "Allotment" means the total value of SNAP benefits an assistance group is authorized to receive during each month or other time period. The allotment may be issued in the form of a check (cash-out) or electronic benefit transfer (EBT).
 - (3) "Assessment" means an in-depth evaluation of employability skills coupled with counseling on how and where to search for employment.
 - (4) "Assistance group" means those persons potentially eligible or determined eligible to receive benefits together under one assistance group name. This was formerly referred to as the SNAP household. The assistance group is also known as the standard filing unit (SFU) in the statewide automated eligibility system.
 - (5) "Assistance group name" means the case name. All assistance groups will have an assistance group name. The assistance group name may or may not be the applicant. The person designated as the assistance group name will be the person to receive all notices and will assume all responsibilities such as reviewing the application form for completeness and validity, signing and dating the application, participating in the interactive interview and accepting the program rights and responsibilities unless the assistance group has designated an authorized representative to apply on their behalf.
 - (6) "Assistance group payee" means a person who is designated to receive the benefits for an assistance group. The person who is the assistance group name will be the payee unless the assistance group has an authorized representative to receive the benefits. There will only be one assistance group payee per assistance group and benefits will only be issued to this person.
 - (7) "Beneficiary and earnings data exchange (BENDEX)" means the system that is used to verify social security benefit information.
 - (8) "Case" means all assistance groups who live in the same household. The county agency shall make every effort to assign all assistance groups contained in the same case to one eligibility worker.
 - (9) "Case Worksheet-Cash, Food Stamp, and Medical Assistance Interview (JFS 01846)" (5/2005) means the document which is utilized by the state of Ohio to gather data for the cash, food, and medical assistance programs for home visits and telephone interviews when the statewide automated eligibility system is unavailable. The applicant must acknowledge the information on the form by signing and dating the form.
 - (10) "Code of Federal Regulations (CFR)" means the codification of the rules published in the Federal Register by the U. S. government.
 - (11) "Date of entry" means the date established by U.S. citizenship and immigration services (USCIS) as the date an alien was admitted into the United States.

- (12) "Department of housing and urban development (HUD)" means a governmental agency that provides housing to low-income households.
- (13) "Disability financial assistance (DFA)" means the state-funded program which provides cash assistance to individuals in accordance with Chapter 5101:1-5 of the Administrative Code.
- (14) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution, or publicly operated community mental health center, under part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x) (1992).
- (15) "Elderly or disabled member" means a member of an assistance group who:
- (a) Is sixty years of age or older;
 - (b) Receives supplemental security income benefits under Title XVI of the Social Security Act of 1935 or disability or blindness payments under Title I, II, X, XIV, or XVI of the Social Security Act;
 - (c) Is a veteran with a service-connected or nonservice-connected disability rated by the veterans' administration as total or paid as total under Title 38 of the United States Code (U.S.C.) (2002);
 - (d) Is considered in need of regular aid and attendance or permanently housebound under such title of the code;
 - (e) Is a surviving spouse of a veteran and considered by the veterans' administration to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the veterans' administration to be permanently incapable of self-support under Title 38 of the U.S.C.;
 - (f) Is a surviving spouse or surviving child of a veteran and considered by the veterans' administration to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not receiving them;
 - (g) Receives federally or state-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;
 - (h) Receives disability retirement benefits from a governmental agency because of disability considered permanent under section 221(i) of the Social Security Act;
 - (i) Received an annuity payment under section (2)(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive medicare by the railroad retirement board; or section (2)(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act;
 - (j) Is a recipient of interim assistance benefits pending the receipt of supplemental security income; or
 - (k) Receives federally or state administered supplemental benefits under section 212(a) of P.L. No. 93.66, 42 U.S.C. 1382, (12/2013).
- (16) "Eligibility determination/benefit calculation (ED/BC)" means the automated process of determining eligibility and the level of benefits by the statewide automated eligibility system which is based on data entered into the system.
- (17) "Eligibility worker" means an employee of the county agency responsible for determining eligibility for SNAP.

- (18) "Eligible foods" means:
- (a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, hot food products prepared for immediate consumption;
 - (b) Seeds and plants to grow foods for the personal consumption of eligible assistance groups;
 - (c) Meals prepared and delivered by an authorized meal delivery service;
 - (d) Meals served by a communal dining facility for the elderly and their spouses, disabled recipients who receive social security or supplemental security income (SSI) and their spouses, and to homeless assistance groups;
 - (e) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them;
 - (f) Meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined in paragraphs (B) (15)(b) to (B) (15)(k) of this rule;
 - (g) Meals prepared and served by a shelter for battered individuals and children to its eligible residents;
 - (h) Meals prepared and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter), as determined by the county agency, which provides meals on a regular basis to homeless persons; and
 - (i) Container deposit fee required to purchase any food or food product contained in a returnable bottle, can or other container, regardless of whether the fee is included in the shelf price posted for the food or food product, as long as the amount does not exceed the state's container deposit fee.
- (19) "Employment and training component" means a work experience, work training or supervised job search program as described in section ~~6(d)(4)(B)(iv)~~ 6(d)(4)(B)(i)(I) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015), (7/2014) designed to help SNAP recipients move promptly into unsubsidized employment.
- (20) "Employment and training mandatory participant" means a SNAP program applicant or participant who is required to be work-registered according to rule 5101:4-3-11 of the Administrative Code.
- (21) "Employment services" means the agency responsible for work registration and job search activities.
- (22) "SNAP employment and training program" means a program operated by each county agency consisting of one or more work, training, education or job search components.
- (23) "Food and nutrition service (FNS)" means the federal agency responsible for the overall administration of the SNAP program.
- (24) "SNAP program" means a program designed to promote general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households.
- (25) "Group home" means a public or private nonprofit residential setting that provides its residents with a majority of their meals (over fifty per cent of their meals daily), has no more than sixteen residents, and is certified by a public agency of the state of Ohio under section 1616(e) of the Social Security Act, or under standards determined by the secretary of the United States department of agriculture to be comparable to standards implemented by appropriate state agencies under section 1616(e) of the Social Security Act.
- (26) "Group living arrangement" means the same as a group home.
- (27) "Homeless individual" means an individual who lacks a fixed and regular night time residence or an individual whose primary night time residence is:

- (a) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - (b) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - (c) A night time residence which is a temporary accommodation for no more than ninety days from the date the temporary accommodation began in the residence of another individual; or
 - (d) A place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).
- (28) "Homeless meal provider" means an authorized public or private establishment (e.g., soup kitchen, temporary shelter), which provides meals on a regular basis to homeless persons, as determined by the county agency.
- (29) "Household" means a personal place of residence where persons live together at the same common address. The persons may or may not be related. Group homes and commercial establishments such as hotels or boarding houses are not included in this definition of household. The entire household will be referred to as the case. A household may contain more than one assistance group.
- (30) "Income and Eligibility Verification System (IEVS)" means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act.
- (31) "Interactive interview" means the interview between the eligibility worker and the applicant to discuss eligibility information to determine benefits. The interview may be conducted face-to-face, by telephone or a home visit.
- (32) "Internal revenue service (IRS)" means the federal agency responsible for the administration of governmental income from taxes.
- (33) "Management evaluation (ME) review," means an analysis conducted to determine if a county is administering and operating the SNAP program in accordance with program requirements.
- (34) "Minimum benefit" means the lowest full monthly amount of SNAP that an eligible one or two person assistance group may receive. By law, this amount is eight per cent of the maximum allotment for an assistance group containing one member, rounded to the nearest dollar.
- (35) "Non-assistance" means an assistance group that participates in the SNAP program but at least one of its members does not receive public assistance.
- (36) "Ohio works first (OWF)" means a program funded under Title IV-A of the Social Security Act. This program was formerly referred to as the "TANF program" and the "ADC program."
- (37) "Ohio works first (OWF) recipient" means any person who receives an OWF payment, in accordance with paragraph (E) of rule 5101:1-23-01 of the Administrative Code.
- (38) "Overpayment" means the amount by which benefits issued to an assistance group exceed the amount the assistance group was eligible to receive.
- (39) "Public assistance (PA)" means any of the following programs authorized by the Social Security Act: old-age assistance; TANF funded under Title IV-A of the Social Security Act; aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind, or disabled. Public assistance also refers to DFA, except for purposes of the employment and training program and for purposes of resource exclusions in accordance with rule 5101:4-4-03.3 of the Administrative Code.
- (40) "Quality control (QC) review" means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the SNAP allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend or terminate cases are correct.

- (41) "Retail food store" means an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume as determined by visual inspection, sales records, or other methods that are customary or reasonable in the retail food industry, is more than fifty per cent staple food items for home preparation and consumption; public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; publicly operated community mental health centers for drug addicts and/or alcoholics; public or private nonprofit group living arrangements; public or private nonprofit shelters for battered women and children; public or private establishments approved by an appropriate state or local agency that feeds homeless persons; any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and a farmer's market.
- (42) "Request for Cash, Food, and Medical Assistance (JFS 07200)" ~~(10/2016)~~(10/2018) means the document (formerly referred to as the APPL) utilized by the state of Ohio as an application for cash, food, and medical assistance. It is also a screening device for determining entitlement to expedited SNAP benefits. It is the beginning step in the application process and is used in conjunction with the interactive interview.
- (43) "Shelter for battered individuals and children" means a public or private nonprofit residential facility that serves battered individuals and their children. When such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered individuals and their children.
- (44) "Social security administration (SSA)" means the federal agency responsible for the administration of benefits for old age, unemployment, or disability.
- (45) "Spouse" means:
- (a) Those defined as married to each other under applicable state law and those required to be recognized as married pursuant to the United States supreme court decision in Obergefell v. Hodges, 576 U.S., 135 S. Ct. 2584 (2015); or
 - (b) Those who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople. Since October 10, 1991 Ohio has not recognized common law marriages so only couples established as a common law marriage prior to October 10, 1991 fall under this definition.
- (46) "Standard filing unit (SFU)" means the automated process of determining which persons shall comprise an assistance group based on data entered into the statewide automated eligibility system.
- (47) "State agency" means the Ohio department of job and family services, including the local offices, which have the responsibility for the administration of the federally aided public assistance programs within the state.
- (48) "State data exchange (SDX)" means the system used to verify supplemental security income (SSI) benefits.
- (49) "Statewide automated eligibility system" means the centralized automated system that supports all eighty-eight county agencies.
- (50) "Supplemental security income (SSI)" means cash payments made under the authority of Title XVI of the Social Security Act, to the aged, blind, and disabled; or section 1616(a) of the Social Security Act.
- (51) "Supplemental security income (SSI) recipient" means a person who receives SSI payments, whose entire SSI grant is being recouped, whose SSI case is in suspended status, or whose SSI has been authorized but payment has yet to be received.

- (52) "Systematic alien verification for entitlements (SAVE)" means the U.S. citizenship and immigration services (USCIS) whereby county agencies may verify the validity of documents provided by aliens applying for SNAP benefits by obtaining information from a central data file.
- (53) "Temporary assistance for needy families (TANF)" means a program funded under Title IV-A of the Social Security Act. This is the title used in federal legislation and regulations. Ohio has adopted the title "Ohio works first (OWF)" for its Title IV-A cash assistance program and the "prevention, retention, and contingency program (PRC)" for its benefits and services program.
- (54) "Thrifty food plan" means the diet required to feed a family of four persons consisting of a man and a woman ages twenty through fifty, a child ages six through eight, and a child ages nine through eleven determined in accordance with the secretary of agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all assistance groups regardless of their actual composition. In order to develop maximum SNAP allotments, the secretary of agriculture shall make assistance group size and other adjustments in the thrifty food plan taking into account economies of scale and other adjustments as required by law.
- (55) "U.S. citizenship and immigration service (USCIS)" (formerly known as the immigration and naturalization service) is an agency under the department of homeland security.
- (56) "United States department of agriculture (USDA)" means the federal agency responsible for overseeing the SNAP program.
- (57) "Workforce Innovation and Opportunity Act (WIOA)" means the legislation providing funding for job training, adult education, education for youths, employment for dislocated workers, and vocationally vocational rehabilitation. This legislation was formerly administered by the Workforce Investment Act of 1998.
- (58) "Work program" means:
- (a) A program under the Workforce Innovation and Opportunity Act of 2014 (Pub. L. No. 113-128);
 - (b) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296)(7/2014); and
 - (c) A program of employment and training operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 6 (d)(4) of the Food and Nutrition Act.

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FAH.1000. General Provisions

FATL 362

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(A) How are supplemental nutrition assistance program (SNAP) benefits issued?

SNAP benefits ~~Food assistance benefits~~ are issued to assistance groups on an electronic benefit transfer (EBT) card using a direct access system known as an EBT on-line system.

(B) What can assistance groups use SNAP ~~food assistance~~ benefits for?

SNAP ~~Food assistance~~ benefits can be used by assistance group members to purchase eligible foods, including seeds and plants, for home consumption and use. Items allowed to be purchased with the EBT card are established by the United States department of agriculture (~~UDSA~~) (USDA) food and nutrition service (FNS) and are described in rule 5101:4-1-03 of the Administrative Code ~~and are set forth in rule 5101:4-1-03 of the Administrative Code.~~

(C) Must an applicant have a place to prepare food to be eligible for SNAP benefits?

Assistance groups are not required to have cooking facilities or access to cooking facilities to be eligible for SNAP benefits ~~the program~~.

(D) Where can an EBT card be used?

Local FNS field offices are responsible for the licensing and monitoring of retail food stores participating in the SNAP ~~food assistance~~ program. FNS will authorize participation of:

- (1) Retail food outlets;
- (2) Communal dining facilities;
- (3) Meals on wheels programs;
- (4) Drug and alcohol treatment centers;
- (5) Residents of group living arrangements;
- (6) Cooperatives;
- (7) Homeless meal providers;
- (8) Shelters for battered ~~women~~ persons and children; and
- (9) Soup kitchens.

(E) What is a communal dining facility?

A communal dining facility is a public or nonprofit establishment, approved by FNS, which prepares and serves meals for elderly persons or supplemental security income (SSI) recipients and their spouses. It also includes senior citizens' centers, apartment buildings occupied primarily by the elderly or SSI recipients and their spouses, or private nonprofit establishments (eating or otherwise) that feed elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents.

(F) When is it allowable to use an EBT card for a meals on wheels program?

Eligible assistance group members, sixty years of age or over, or members who are housebound, physically handicapped, or otherwise disabled to the extent they are unable to adequately prepare all their meals, and their spouses, may use benefits issued to them to purchase meals from a nonprofit meal delivery service authorized by FNS.

(G) When can an EBT card be used at a cooperative?

Benefits may be used to purchase food at any private nonprofit cooperative authorized by FNS, including those whose members pay for food prior to its receipt.

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FATL 352**Effective Date: August 1, 2015****Most Current Prior Effective Date: December 1, 2009****(A) ~~Personnel standards~~ What are the personnel standards?**

- (1) County agency personnel used in the certification process shall be employed in accordance with the current standards for the merit system of personnel administration or any standards later prescribed by the United States civil service commission under section 208 of the Intergovernmental Personnel Act of 1970. County agency employees meeting the above requirements shall perform the interview required by rule [5101:4-2-07](#) of the Administrative Code. Supplemental security income (SSI) assistance groups certified under the joint processing requirements and disaster victims applying under emergency eligibility standards authorized by the United States department of agriculture food and nutrition service (FNS) may be certified by personnel who are not under the state merit personnel system.
- (2) Volunteers and other non-county agency employees shall not conduct certification interviews or certify food assistance applicants. County agencies are encouraged to use volunteers in related activities such as outreach, prescreening, assisting applicants in completing the application, and securing needed verification. Individuals and organizations who are parties to a strike or lockout may not be used in the certification process except as a source of verification of information supplied by the applicant. Only authorized employees of the state and county agencies, electronic benefit transfer (EBT) card issuers, and federal employees involved in administration of the program shall be permitted access to issuance documents. FNS has further clarified that work experience program (WEP) participants who work at the county agency shall be fully informed of confidentiality provisions and shall sign a nondisclosure pledge. In addition, any individuals involved in a work activity program who have access to the ~~client registry information system enhanced (CRIS-E)~~ statewide automated eligibility system shall be subject to existing confidentiality regulations. County agencies shall follow their own policies and procedures regarding confidentiality issues. For example, some county agencies require that employees pass police background checks prior to ~~CRIS-E~~ statewide automated eligibility system access.
- (3) The county agency shall employ sufficient staff to certify and issue benefits to eligible assistance groups and process fair hearing requests within the timeliness standards. Outreach activities and other program functions must also be performed as specified.

(B) ~~Bilingual staff and materials~~ What are the requirements for bilingual staff and certification materials?

- (1) Based on the estimated total number of low-income assistance groups in a county speaking the same non-English language (a single language minority), the county agency shall provide bilingual program information and certification materials, and staff or interpreters. "Single language minority" refers to assistance groups speaking the same non-English language and do not contain adult(s) fluent in English as a second language.
- (2) The county agency shall provide certification materials used in program informational activities in the appropriate language(s) as follows:
 - (a) In counties with less than two thousand low-income assistance groups, if approximately one hundred or more of those assistance groups are of a single language minority;
 - (b) In counties with two thousand or more low-income assistance groups, if five per cent or more of those assistance groups are of a single language minority; or
 - (c) In counties with bilingual county agency staff.
- (3) The county agency shall provide both certification materials in the appropriate language and bilingual staff or interpreters if they provide service to over one hundred single language minority

low-income assistance groups, or if the county has a total of less than one hundred low-income assistance groups and a majority of those assistance groups are of a single language minority.

- (a) Certification materials shall include the food assistance application form, change report form, and notices to assistance groups.
 - (b) If notices are required in only one language other than English, notices may be printed in English on one side and in the other language on the reverse side. If the county agency is required to use several languages, the notice may be printed in English and may contain statements in other languages summarizing the purpose of the notice and the telephone number (toll-free number or a number where collect calls will be accepted for assistance groups outside the local calling area) the assistance group may call to receive additional information.
- (4) In counties with a seasonal influx of non-English speaking assistance groups, the county agency shall provide bilingual materials and staff or interpreters as required if, during the seasonal influx, enough single language minority, low-income assistance groups move into the area to trigger the requirements.
 - (5) The county agencies subject to the requirements of paragraph (B)(2) or (B)(3) of this rule shall provide sufficient bilingual staff or interpreters for the timely processing of non-English speaking applicants.

(C) ~~Records and reports~~ What are the requirements for maintaining records and reports?

- (1) Each county agency shall keep such records and submit such reports and other information as required by the Ohio department of job and family services (ODJFS). Each county agency shall retain all program records in an orderly fashion for audit and review purposes.
- (2) Program records shall be retained in an automated system or manually for a period of three years from the month of origin of each record. These records include applications for certification or recertification, including required FNS or state agency forms: work sheets used in the computation of income for eligibility and benefit level; documentation including verification techniques employed by the eligibility worker; copies of forms sent to the issuance unit authorizing or changing participation or basis of issuance; and copies of notices of adverse action and other notices sent to the client. County agencies shall also retain responses received from applicants, fair hearing decisions, reconsiderations, and copies of compliance reports completed by the county agency.
- (3) The county agency shall retain fiscal records and accountable documents in an automated system or manually for three years from the date of fiscal or administrative closure. Such records include, but are not limited to, claims and documentation of lost benefits. "Fiscal closure" means the obligation for or against the federal government has been liquidated. "Administrative closure" means no further action to eliminate the obligation is appropriate. Acceptable alternative retention methods for issuance documents are provided in rules ~~5101-9-24~~ 5101:9-9-21 to ~~5101-9-21.1~~ 5101:9-9-21.1 of the Administrative Code.
- (4) All other records and reports not otherwise mentioned above shall be retained indefinitely unless prior approval for destruction has been received from the ODJFS office of legal services.
- (5) All county-published forms that do not exactly duplicate the format of state-approved forms require the approval of the ODJFS, food assistance policy section prior to their use. No state hearing form shall deviate from copies of forms in the "State Hearings Manual," or their ~~CRIS-E~~ statewide automated eligibility system equivalents, unless prior approved by ODJFS.
- (6) In order to safeguard certification and issuance records, the county agency shall establish an organizational structure dividing responsibility for eligibility determinations and food assistance benefit issuance among certification, data management, and issuance units.
- (7) Under the Food and Nutrition Act of 2008, each state agency is responsible for determining and reporting certification error rates as calculated by the state's quality control subsystem which is one part of the performance reporting system (along with the management evaluation program).

State quality control reviews must be conducted in accordance with the provisions of 7 CFR sections 275.10 (~~07/1999~~) to 275.14 (~~12/1984~~) (6/2010) as well as the material contained in the "FNS Handbook" ~~sections~~ section 310 ~~and 311~~.

Effective:

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FATL 375

Effective Date: *March 1, 2017*

Most Current Prior Effective Date: September 1, 2010

(A) How should the county agency make supplemental nutrition assistance program (SNAP) information available?

(1) Required information to be made available.

(a) State agency certification handbooks shall be available for examination upon request at each local county agency.

(b) The following posters are required to be displayed in all county agencies:

(i) The **"And Justice for All" poster (Form AD-475B)** (rev. 12/2015). This poster may be downloaded from the United States department of agriculture food and nutrition service (FNS) web site at <http://www.fns.usda.gov/cr/justice.htm>.

(ii) The **JFS 07207** "Your Food Assistance Rights" (rev. 9/2016) poster.

(iii) The **JFS 08048** "Your Civil Rights" (rev. 1/2014) poster.

(iv) The **JFS 00209** "Attention Ohio Works First and Food Assistance Applicants/Participants with Disabilities" (rev. 4/2015) poster.

(2) Optional information to be made available.

County agencies may make printed materials available such as pamphlets, fliers and posters that contain current basic information about the following items: eligibility requirements and program benefits; application procedures including how to obtain and file applications; the documentation required for completing applications; applicants' rights to receive applications when they are requested, file applications the day they are received, and receive benefits (if determined to be eligible) within thirty days of filing applications; expedited service; fair hearings; out-of-office interview provisions; procedures for filing a complaint; and the locations and hours of operation of the county agency. When this material is made available, it shall be available in languages other than English as required in rule **5101:4-1-05** of the Administrative Code and shall include the SNAP program nondiscrimination statement. County agencies may provide a telephone number where information on filing complaints and the location and hours of service may be obtained in lieu of providing this information in printed form.

(B) What procedures shall a county agency establish to administer the SNAP program?

(1) County agencies are responsible for setting their hours of operation. In doing so, county agencies shall take into account the special needs of the populations they serve, such as, but not limited to assistance groups:

(a) Containing a working person;

(b) With elderly, disabled, or medically fragile members;

(c) Residing in rural areas with low-income members;

(d) Containing homeless individuals;

(e) Residing on reservations; and

(f) With adult members who are not proficient in English.

(2) The county agency shall have a procedure for informing persons who wish to apply for SNAP about the application process and their rights and responsibilities.

(3) The county agency shall provide timely, accurate, and fair service to applicants and participants of the SNAP program. The county agency shall base SNAP eligibility solely on the criteria

contained in the Food and Nutrition Act of 2008 and this certification handbook. The county agency shall not impose additional application or application processing requirements as a condition of eligibility.

- (4) County agencies are encouraged to inform applicant and participant assistance groups about the importance of a nutritious diet and the relationship between diet and health. The Ohio department of job and family services (ODJFS) contracts with a vendor to provide nutrition education in several counties throughout the state.

(C) What are the requirements for the use or disclosure of case file information to persons not part of the assistance group?

Persons not part of the assistance group shall be restricted to information based on the following conditions:

- (1) The following persons are provided case file information without being required to make a written request:

- (a) Persons directly connected with the administration or enforcement of the provisions of the Food and Nutrition Act or regulations, other federal assistance programs, or federally assisted state programs which provide assistance on a means-tested basis to low-income individuals or local or state Ohio works first (OWF) assistance programs. Examples are medicaid, supplemental security income (SSI) and disability financial assistance (DFA) program personnel, persons directly connected with nutrition education and program information efforts, state and local personnel connected with the emergency food assistance program (TEFAP), local county prosecutors investigating possible SNAP fraud, officials from the office of inspector general, auditor of state's office, ODJFS bureau of external audits, and management evaluation (ME) and quality assurance (QA) reviewers;
- (b) Employees of the comptroller general's office of the United States for audit examination authorized by any other provision of law;
- (c) Persons directly connected with the administration or enforcement of the programs that are required to participate in the income and eligibility verification system (IEVS), to the extent the SNAP information is useful in establishing or verifying eligibility or benefit amounts under those programs;
- (d) Persons directly connected with the administration of the child support program under part D, Title IV (42 USC 651, 8/1996) of the Social Security Act of 1935 in order to assist in the administration of that program, and employees of the secretary of health and human services as necessary to assist in establishing or verifying eligibility or benefits under Titles II (42 USC 401, 3/2004) and XVI (42 USC 1381, 3/1995) of the Social Security Act; and
- (e) Persons directly connected with the verification of immigration status of aliens applying for SNAP benefits, through the systematic alien verification for entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes.

- (2) The following persons are provided case file information upon written request:

- (a) Persons indirectly connected with the enforcement of the provisions of the Food and Nutrition Act of 2008 or regulations, such as local, state or federal law enforcement officials, upon their written request for the purpose of investigating an alleged violation of the Food and Nutrition Act of 2008 or regulations. Examples include: officials of the federal bureau of investigation, the United States secret service, department of homeland security (DHS) (unless the county agency initiated contact with DHS in accordance with rule [5101:4-3-07](#) of the Administrative Code), or other law enforcement agencies, if the investigation concerns an assistance group fraudulently obtaining benefits or otherwise violating the Food and Nutrition Act of 2008 or regulations. The written request shall

include the identity of the individual requesting the information and his or her authority to do so, the violation being investigated, and the identity of the person on whom the information is requested. These requests must be made in writing prior to the disclosure.

- (b) Local, state, or federal law enforcement officers, may present a request in writing for the address, social security number or photograph of any assistance group member who is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the state of New Jersey, a high misdemeanor) in accordance with rule 5101:4-2-03 of the Administrative Code; or is violating a condition of probation or parole imposed under a federal, state, or county law in accordance with rule 5101:4-2-03 of the Administrative Code.
- (i) The written request shall include the identity of the individual requesting the information and his or her authority to do so. The written request shall also include the identity of the individual who is suspected of fleeing, including but not limited to, the full name, date of birth, and documentation indicating the person is fleeing to avoid prosecution or custody for a felony (i.e. factual details, copies of the police incident report and a copy of the felony warrant that was issued), or has violated a condition of probation or parole (i.e. a copy of the alleged infraction and arrest warrant issued).
- (ii) The county agency shall provide information regarding an assistance group member when a law enforcement officer is acting in his or her official capacity and presents a request in writing that includes the name of the person being sought, if the other assistance group member has information necessary for the apprehension or investigation of the other assistance group member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole imposed under federal or state law. The county agency shall disclose only such information as is necessary to comply with a specific written request of a law enforcement agency.
- (iii) The county agency shall accept any document that reasonably establishes the identity of the assistance group member being sought by law enforcement authorities.
- (iv) If a law enforcement officer provides written documentation indicating an assistance group member is fleeing for any of the reasons listed in this rule, the county agency shall determine the individual's eligibility in accordance with rule 5101:4-2-03 of the Administrative Code.
- (3) In all other cases (including requests from law enforcement officials conducting non-SNAP related investigations), a waiver signed by the recipient on whom the information is requested must be secured by the county agency and retained in its files. The waiver shall be dated, include to whom the information is to be released, state what information is to be released (either itemizing or stating a general release of any information requested), and the period of time the release is intended to cover. The written request shall include the same information as specified in paragraph (C)(2) of this rule.
- (4) When there is a written request by a responsible member of the assistance group, its currently authorized representative, or a person acting on its behalf, to review materials and information contained in its case file, the material and information contained in the case file shall be made available for inspection during normal business hours. However, the county agency may withhold confidential information, such as the names of individuals who have disclosed information about the assistance group without the assistance group's knowledge, or the nature or status of pending criminal prosecutions.

(D) How shall information be protected?

Recipients of information released under paragraph (C) of this rule must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in paragraph (C)

of this rule. In addition, information received through IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to the county agency pursuant to 26 U.S.C. 6103 (1/2013) shall be subject to the safeguards established by the secretary of the treasury in 26 U.S.C 6103 (1/2013) and implemented by the internal revenue service in its publication, "Tax Information Security Guidelines for Federal, State, and Local Agencies", Publication 1075 (rev. 10/2014).

(E) What is IEVS information and how is it used by the county agency?

An IEVS information match is a collection of wage and benefit information that has been requested by the ODJFS or county agencies.

- (1) ODJFS has the authority to request benefits and wage information from the social security administration under provisions of 26 U.S.C. 6103 (1)(7)(A), the state wage information collection agency, the IRS pursuant to 26 U.S.C. 6103 (1)(7)(B), and the agency administering unemployment compensation benefits subject to the provision and limitations of 42 U.S.C. 503 (12/2013) and 7 CFR 272.8 (2/2013).
- (2) The county agency shall use information obtained through IEVS in verifying eligibility and to determine the amount of SNAP benefits due to eligible assistance groups in accordance with rule [5101:4-7-09](#) of the Administrative Code.
- (3) If not otherwise documented, the county agencies must obtain written agreements from these information provider agencies affirming that they must not record any information about individual SNAP assistance groups and that staff in those agencies are subject to the disclosure restrictions of the information provider agencies and 7 CFR 272.1(c)(8/2010).

Replaces: 5101: 4-1-13

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FATL 373**Effective Date: February 28, 2017****Most Current Prior Effective Date: October 1, 2011**

- (A) What is the nondiscrimination policy for ~~food assistance~~ the supplemental nutrition assistance program (SNAP)?

Discrimination in any aspect of program administration is prohibited by program regulations, the Food and Nutrition Act of 2008 ~~as amended~~, the Age Discrimination Act of 1975 (PL 94-135) ~~as amended~~, Title VI of the Civil Rights Act of 1964 (42 U. S. C. 2000d) ~~as amended~~, and Section 504 of the Rehabilitation Act of 1973, ~~as amended~~ and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101).

Enforcement action may be brought under any applicable federal law. Title VI complaints shall be processed in accord with 7 ~~CFR~~C.F.R. Part 15 (5/2003), United States department of agriculture's (USDA) regulations on nondiscrimination.

County agencies shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to:

- (1) The certification of assistance groups;
- (2) The issuance of benefits;
- (3) The conduct of fair hearings; or
- (4) The conduct of any other program service for reasons of race, color, national origin, sex, age, disability, ~~religion~~ religious creed, ~~or~~ political beliefs.

- (B) What steps shall be followed if an individual feels they were subjected to discrimination?

~~Individuals~~ An individual who ~~believe~~ believes he or she ~~they have~~ has been subject to discrimination may file a written complaint ~~with:~~

- (1) To file a program complaint of discrimination with the USDA, an individual may:
 - (a) Complete the USDA "Program Discrimination Complaint Form", (AD-3027) (1/19/12) found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office; or
 - (b) Submit a written letter or completed USDA "Program Discrimination Complaint Form" which may be requested from the USDA by calling (866) 632-9992. An individual may submit the letter or completed form to USDA by:
 - (i) Mail: "U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW Washington, D.C. 20250-9410"; or
 - (ii) Fax: (202) 690-7442; or
 - (iii) Email: program.intake@usda.gov.

- ~~(1)~~(2) To file a written complaint with the Ohio department of job and family services, an individual may submit a written letter to "The Ohio Department of Job and Family Services, Bureau of Civil Rights, 30 East Broad Street, 37th Floor, Columbus, Ohio 43215- 3414." ~~"The United States Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C., 20250-9410," telephone number (866)632-9992, (202)260-1026, or (202)401-0216 (TDD), and/or~~

- ~~(2)~~ "The Ohio Department of Job and Family Services, Bureau of Civil Rights, 30 East Broad Street, 37th Floor, Columbus, Ohio 43215- 3414."

- (C) What needs to be included in a ~~formal~~ written complaint to facilitate an investigation?

- (1) Name, address, telephone number, or other means of contacting the person alleging discrimination.
- (2) Location and name of the organization or office which is accused of discriminatory practices.
- (3) The nature of the incident or action of program administration that led the person to allege discrimination.
- (4) The reason for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin, or political ~~belief~~beliefs).
- (5) The names, titles (if appropriate), and addresses of persons who may have knowledge of the alleged discriminatory acts.
- (6) The date or dates on which the alleged discrimination occurred.

(D) What shall happen if the individual is unable to put the complaint in writing?

~~If~~ When an individual makes allegations verbally and is unable or is reluctant to put the allegations in writing, the person to whom the allegations are made shall document the complaint in writing. Every effort shall be made by the individual accepting the complaint to have the individual filing the complaint provide the information listed in paragraph (C) of this rule.

(E) What department accepts the written complaints?

Written complaints will be accepted by the secretary of agriculture or the administrator of food and nutrition service (FNS) even if the above information is not complete. However, investigations will be conducted only if the information in paragraphs (C)(1), (C)(2), (C)(3), and (C)(4) of this rule is provided.

(F) Is there a deadline for filing a complaint?

A complaint must be filed no later than one hundred eighty days from the date of the alleged discrimination; however, the time for filing may be extended by the United States secretary of agriculture.

(G) What are the county agencies required to do?

County agencies ~~must~~ shall:

- (1) Provide information on the nondiscrimination clause.
 - (a) Publicize the procedures described in paragraphs (B) and (C) of this rule, and, if applicable, the county agency's complaint procedures.
 - (b) Ensure that all offices involved in administering the program and that also serve the public display the "And Justice For All" nondiscrimination poster form ~~AD-475A~~AD-475B (~~revised 3-98~~effective December 1, 2015) provided by ~~food and nutrition service~~ (FNS).
 - (c) Ensure that participants and other low-income assistance groups have access to information regarding nondiscrimination statutes and policies, complaint procedures, and their rights, within ten days of the date of a request for the information.
- (2) Obtain data on the assistance groups by race/ethnicity.
 - (a) The race/~~ethnicity~~ categories are: "American Indian" or ~~Alaskan~~"Alaska Native", "Asian", "Native Hawaiian" or "Pacific Islander", ~~black~~"Black" or "African American", (~~not of Hispanic origin~~), Hispanic, and ~~white~~"White" (~~not of Hispanic origin~~). The ethnicity categories are "Hispanic or Latino", and "Not Hispanic or Latino."
 - (b) The ~~food assistance~~ SNAP application requests that applicants voluntarily identify their race/ethnicity on the application form. The application clearly indicates that the information is voluntary, that it will not affect eligibility or the level of benefits, and that the reason for the information is to ensure that program benefits are distributed without regard to race, color, or national origin.

- (c) In order to comply with required reporting of racial/ethnic data, the county agency shall collect the racial and ethnic data from observation during the interview when the information is not voluntarily provided by the assistance group on the application form.
- (3) Establish and maintain a system for complaints.
 - (a) The county agency shall make information on the complaint system and how to file a complaint available to participants, potential participants, and other interested persons. The county agency may make the information available through written materials or posters at certification offices or other appropriate means.
 - (b) Each county agency shall establish and maintain a system for handling program complaints filed by participants, potential participants, or other concerned individual or groups. This includes but is not limited to the following:
 - (i) Processing standards;
 - (ii) Services to participants and potential participants;
 - (iii) Long waiting lines;
 - (iv) Location and hours of service;
 - (v) Availability of applications; and
 - (vi) Availability of twenty-four hour service.
- (4) After a complaint is received the county agency **must** shall:
 - (a) Obtain as much information as possible to get a clear understanding of what the complaint is;
 - (b) Establish a corrective action plan in an effort to correct the issue;
 - (c) Respond to the individual who submitted the complaint explaining how the issue will be resolved; and
 - (d) Maintain records of complaints received and their disposition, and shall review records at least annually to assess whether patterns of problems may be present. The county agency shall make these records available for review by the state agency and FNS upon request.

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FATL 402

Effective Date: July 1, 2020

Most Current Prior Effective Date: May 1, 2015

This rule describes the statewide project area and the approved county collaborations for the purposes of administering the ~~food assistance program~~ supplemental nutrition assistance program (SNAP). County collaborations allow multiple county departments of job and family services to come together under a common agreement and operate as a single entity for the purposes of administering ~~food assistance~~ SNAP benefits. Agreements between counties may be formalized under section 329.40 of the Revised Code or they may be informal agreements subject to review and approval by the Ohio department of job and family services (ODJFS). Throughout division 5101:4 of the Administrative Code, the term "county agency" should be read to include an approved county collaboration.

(A) What is a project area?

The entire state of Ohio has been designated as a single project area responsible for program operations. Within the statewide project area, county collaboration have been designated as certification offices responsible for program operations ~~which~~ that includes, but is not limited to: application processing; eligibility determinations; and the operation of employment and training programs.

(B) What are the approved county collaborations?

~~The Ohio department of job and family services (ODJFS)~~ ODJFS issues the names of the approved county collaborations via a food assistance change transmittal letter, ~~which~~ that can be found in the food assistance certification handbook at the ODJFS website.

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FAH.2000. Application Process

FATL 389

Effective Date: September 1, 2018

Most Current Prior Effective Date: August 1, 2016

- (A) How does an individual apply for ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits?
- (1) The application process begins with a request for ~~food assistance~~SNAP. Upon request to apply, the county agency shall provide the individual with all of the following forms:
 - (a) A JFS 07200, "Request for Cash, Food, and Medical Assistance" (rev. ~~9/2014~~10/2016);
 - (b) A JFS 07217 "Voter Registration Notice of Rights and Declination" (8/2009) and a voter registration form (for requirements and procedures of the National Voter Registration Act of 1993 refer to rule 5101:1-2-15 of the Administrative Code); and
 - (c) A JFS 07501 "Program Enrollment and Benefit Information" (rev. ~~11/2014~~4/2018).
 - ~~(2)~~ ~~The JFS 07200 requires the individual making the request to provide his or her name, address and signature.~~
 - ~~(3)~~(2) Assistance groups wishing to participate in the program shall file a complete application ~~JFS 07200 or the electronic equivalent.~~

For purposes of division 5101:4 of the Administrative Code:

 - (a) An "application" is a JFS 07200 or its telephonic or electronic equivalent; and
 - (b) A "complete application" is an application that includes, at a minimum, the name, address and signature of the person completing the application.
 - ~~(4)~~(3) The county agency shall assist an assistance group in the completion of its ~~JFS 07200~~ application and offer to provide a copy of a completed application to the assistance group. The county agency shall provide an electronic copy of the completed application when the applicant requests an electronic copy.
 - ~~(5)~~(4) The county agency shall provide a means for the applicant to immediately begin the application process whether the process is paper, ~~or~~ electronic, or telephonic.
- (B) What are the methods for filing ~~a JFS 07200~~ an application?
- (1) An assistance group ~~Assistance groups shall be able to file~~ may submit a JFS 07200 an application by submitting the form to the county agency:
 - (a) In person;
 - (b) Through an authorized representative;
 - (c) By fax;
 - (d) By electronic transmission; ~~or~~
 - (e) By mail; or
 - (f) By telephone.
 - (2) Assistance groups shall have the right to apply for SNAP in writing. The county agency shall make the JFS 7200 readily accessible and available even if the county agency accepts applications using other means as described in paragraph (B)(1) of this rule.
 - ~~(2)~~(3) Pure supplemental security income (SSI) assistance groups, in which all members are applicants for or recipients of SSI, may apply at either the social security administration (SSA) district office or the county agency.

~~(3)~~(4) Individuals scheduled for release from a public institution who are applying for SSI benefits will also be permitted to apply for ~~participation in the food assistance program~~ SNAP in accordance with rule 5101:4-6-19 of the Administrative Code.

(C) Who shall sign the ~~JFS 07200~~ application?

(1) The ~~JFS 07200~~ application shall be signed by all individuals who helped complete the ~~form~~ application. This includes the ~~assistance group~~ primary applicant's name, the authorized representative when one has been designated, an interpreter or a social worker.

(2) The types of signatures include:

(a) Handwritten signatures (including handwritten signatures that are transmitted by facsimile or other electronic submission). When the signatory cannot sign with a name, an 'X' is a valid signature. The county agency may require a witness to attest to an 'X' signature. An employee of the county agency may serve as a witness.

(b) Electronic signatures through the online application; and

(c) Telephonic signatures obtained in accordance with procedures approved by the Ohio department of job and family services (ODJFS).

(3) A handwritten signature shall not be required when there is an electronic or telephonic signature. Electronic and telephonic signatures shall have the same legal effect and are enforced in the same way as a handwritten signature.

~~(2)~~(4) When an application is not signed by the necessary individuals then the application for benefits for that assistance group is considered incomplete. The county agency shall contact the individuals listed and attempt to obtain a valid signature. The county agency shall not certify an assistance group without a signed application.

~~(3)~~(5) The signature of a responsible adult person on the application certifies, under penalty of perjury, the truth of the information contained on the application, including the information concerning citizenship and alien status of the members applying for benefits.

(D) When can ~~the JFS 07200~~ an application be filed?

(1) An assistance group ~~Assistance groups~~ shall be advised of the right to file ~~a JFS 07200~~ an application on the same day ~~they contact~~ it contacts the county agency during office hours. The county agency:

(a) Shall encourage an assistance ~~groups~~ group to file ~~a JFS 07200~~ an application the same day the assistance group or its representative contacts the county agency in person or by telephone and expresses interest in obtaining ~~food assistance~~ SNAP or expresses concerns that indicate food insecurity.

(b) Shall post signs that explain the application processing standards and the right to file ~~a JFS 07200~~ an application on the day of initial contact.

(c) Shall include information about same-day filing in outreach materials ~~and on the JFS 07200~~.

(2) The assistance group shall also be advised that it does not have to be interviewed before filing ~~the JFS 07200~~ an application and that it may file an ~~incomplete JFS 07200~~ application as long as the ~~form~~ application contains the applicant's name, address, and the signature of the appropriate individuals as defined in paragraph (C)(1) of this rule.

(E) Where shall an application be filed?

An application shall be filed with the county agency that serves the county in which an applicant resides.

(1) When an application is filed with a county agency that does not serve the county where an applicant resides, the following shall occur:

(a) When the application is filed in person, the county agency shall provide the applicant with the address and telephone number of the county agency that serves the county in which the applicant resides and shall offer to forward the application to the county agency that same day. The county agency shall forward the application on the same day or forward it the next day by any means that ensures the application arrives at the county agency the same day it is forwarded.

(b) When the application is filed by mail or electronically, the county agency shall mail, fax or electronically send the application to the appropriate county agency on the same day or forward it the next day by any means that ensures the application arrives at the county agency the same day it is forwarded.

(2) When an applicant contacts a county agency by telephone and declines to go to the county agency to file an application that same day and instead prefers to receive an application by mail, the county agency shall mail an application on the same day the telephone request is received. The county agency shall include with the application the name and address of the county agency where the application shall be filed (when known) and remind the applicant eligibility for benefits is based on the date the application is received.

(F) What is the date of application?

(1) The date of application is the date the agency receives the ~~JFS-07200~~ completed application ~~either in person, mail or via electronic transmission with a name, address, and signature. When the completed application is received after business hours, the date of the application shall be the next business day.~~ When an assistance group is determined eligible, benefits shall be provided from the date ~~the~~ of application ~~was received~~ to the end of the month.

~~(2) When an assistance group is currently receiving cash assistance and decides to apply for food assistance at reapplication, the JFS 07204 "Request to Reapply for Cash and Food Assistance" (rev. 1/2013) with a name, address and signature shall establish the date of application.~~

~~(3)~~(2) County agencies shall document the date the ~~JFS-07200~~ application was ~~filed~~ received by recording the date of receipt on the application.

~~(4)~~(3) The filing date of the ~~JFS-07200~~ application to be recorded by the county agency is the date of release of the applicant from the institution when a resident of an institution is applying for ~~food assistance~~ SNAP benefits prior to leaving the institution. When a resident of an institution is jointly applying for SSI and SNAP benefits prior to leaving the institution, the date of release of the applicant from the institution will be considered the date of application.

(G) How many applications can be filed by a household?

(1) One application can be submitted for all assistance groups within a household although there may be situations in which more than one application will be completed.

(2) When more than one assistance group resides in a household, each assistance group has the right to complete its own separate application. Rule 5101:4-2-03 of the Administrative Code shall be followed to determine the composition of assistance groups within the residence.

(3) The household shall not be required to complete more than one application when it is indicated that the household is applying for medicaid, cash and/or ~~food assistance~~ SNAP simultaneously.

(H) What happens when an assistance group refuses to cooperate with the application process?

(1) When the assistance group refuses to cooperate with the county agency in completing any part of the application process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the assistance group must be able to cooperate, but clearly demonstrate it will not take the actions required to complete the application process. For example, to be denied for refusal to cooperate, an assistance group must refuse to be interviewed, not merely fail to appear for the interview.

- (2) When there is any question as to whether the assistance group has merely failed to cooperate, as opposed to refused to cooperate, the assistance group shall not be denied, and the agency shall provide assistance in obtaining required verification.
 - (3) The assistance group shall also be determined ineligible when it refuses to cooperate in any subsequent review of eligibility, including reviews generated by reported changes and ~~reapplications~~recertifications.
 - (4) Once denied or terminated for refusal to cooperate, the assistance group may reapply but shall not be determined eligible until it cooperates with the county agency.
 - (5) The county agency shall not determine the assistance group ineligible when a person outside the assistance group fails to cooperate with a request for verification. The county agency shall not consider individuals identified as non-assistance group members under rule 5101:4-2-03 of the Administrative Code as individuals outside the assistance group.
- (I) How are assistance groups handled when they reapply after refusing to cooperate with a quality control review?
- (1) When the assistance group refused to cooperate with a state quality control reviewer and reapplies within one hundred twenty-five days after the annual review period ended, the assistance group shall cooperate with the quality control reviewer before being determined eligible.
 - (2) When the assistance group refused to cooperate with a state quality control reviewer and reapplies after one hundred twenty-five days of the annual review period, the assistance group shall provide verification as required in rule 5101:4-2-09 of the Administrative Code prior to being determined eligible to participate.
 - (3) When the assistance group refused to cooperate with a federal quality control reviewer and reapplies within nine months after the annual review period, the assistance group shall cooperate with the quality control reviewer before being determined eligible.
 - (4) When the assistance group refused to cooperate with a federal quality control reviewer and reapplies after nine months of the annual review period, the assistance group shall provide verification as mandated in rule 5101:4-2-09 of the Administrative Code prior to being determined eligible to participate.
- (J) What is the time limit for processing an application?
- (1) The assistance group shall be given an opportunity to participate no later than thirty days after the ~~JFS-07200~~application is filed. Expedited service shall be available to assistance groups in immediate need in accordance with rule 5101:4-6-09 of the Administrative Code.
 - (2) The county agency shall determine the eligibility and benefit amount within the first thirty days based on the circumstances for the entire month. Even when the application is filed late in the month, the assistance group's circumstances for the entire month shall be considered.
- (K) How is a voluntary withdrawal of ~~a JFS-07200~~an application processed?
- An assistance group may voluntarily withdraw the ~~JFS-07200~~application at any time before the county agency determines it to be eligible. "Voluntary withdrawal" means the assistance group, on its own initiative, has contacted the county agency, either orally or in writing, and requested that the ~~JFS 07200~~application not be processed any further. The county agency shall document in the case file the reason for withdrawal, if given, and that contact was made with the assistance group to confirm the withdrawal. The county agency shall advise the assistance group of its right to reapply at any time and shall notify the assistance group via a statewide automated eligibility system generated notice of the denial of benefits due to voluntary withdrawal.
- (L) How is an application for ~~food assistance~~ SNAP processed when the assistance group is applying for other benefits?

- (1) All ~~food-assistance~~SNAP applications, regardless of whether they are joint applications or separate applications, shall be processed in accordance with ~~food-assistance~~SNAP procedural timeliness standards, notice requirements, and fair hearing requirements specified in Chapters 5101:4-2, 5101:4-5, 5101:4-6, and 5101:6-2 of the Administrative Code. No assistance group shall have ~~food-assistance~~SNAP benefits denied solely on the basis that an application to participate in another program has been denied or benefits under another program have been terminated without a separate determination that the assistance group failed to satisfy a ~~food-assistance~~SNAP eligibility requirement.
- (2) ~~An assistance group~~ Assistance groups that ~~file a joint application for food assistance~~ simultaneously requests SNAP and another program and ~~are~~ is denied benefits for the other program shall not be required to resubmit another application for ~~food assistance~~SNAP but shall have ~~food-assistance~~SNAP eligibility determined in accordance with the ~~food-assistance~~SNAP processing time frames from the date the joint application was initially accepted by the county agency.
- (3) To facilitate participation in the program, the county agency shall notify assistance groups in which members are applying for other types of assistance that they may file a separate application for ~~food-assistance~~SNAP benefits independent of the application for benefits for any other program.

(M) When is an application considered an inquiry?

An application is considered an inquiry when it is signed by one assistance group containing multiple potential assistance groups:

- (1) And the individual signing the application is not the authorized representative for all the assistance groups, and thirty days have passed; or
- (2) The potential assistance group does not complete the interactive interview and thirty days have passed.

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FATL 349

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There are assistance groups that have eligibility factors waived due to receiving specific public benefits or services. These assistance groups are considered categorically eligible for the food assistance program. **If** When each assistance group member receives or is authorized to receive Ohio works first (OWF), supplemental security income (SSI), disability financial assistance (DFA) or a temporary assistance to needy families (TANF) funded service as defined in this rule, or any combination of these benefits the assistance group is categorically eligible.

(A) Who is considered an OWF or SSI recipient?

An OWF or SSI recipient is any person:

- (1) Who receives an OWF or SSI money payment;
- (2) Whose entire grant is being recouped;
- (3) Whose grant is in suspended status;
- (4) Who is eligible for the benefit but is not receiving it because the monthly grant is below a minimum amount for a check to be issued; or
- (5) Whose OWF or SSI has been authorized and the individual has been notified of the decision but payment has yet to be received.

(B) Who is considered a DFA recipient?

A person is considered to be in receipt of DFA benefits if:

- (1) The person receives a money payment;
- (2) The person's entire DFA grant is suspended or recouped; or
- (3) The person has been authorized for DFA and has been notified of the decision but has yet to receive benefits.

(C) Who is considered an assistance group receiving a TANF-funded service or benefit?

(1) Ohio benefit bank:

- (a) An assistance group in which any member has been provided information of the services available through the Ohio benefit bank is categorically eligible for the food assistance program. The Ohio benefit bank offers application assistance and outreach for low and moderate income Ohioans for existing benefits and services, including cash assistance, food assistance, medicaid, child care, income tax credits, student financial aid, and fatherhood programs.
- (b) Assistance groups without an elderly or disabled member shall pass the gross income test as defined in rule [5101:4-4-11](#) of the Administrative Code to be authorized to receive information about Ohio benefit bank services. The gross income of assistance groups with an elderly or disabled member, as defined in rule [5101:4-1-03](#) of the Administrative Code, shall be at or below two hundred per cent of the federal poverty level according to their assistance group size to be authorized to receive information about Ohio benefit bank services.
- (c) All applicants and recipients are provided information about the Ohio benefit bank services on approval notices received at application and reapplication. The approval notice includes information about the services offered and how they can access those services.

(2) Prevention, retention, and contingency (PRC) benefits:

- (a) An assistance group in which any member is authorized to receive or is receiving benefits or services under the PRC program is categorically eligible for the food assistance program. An assistance group is considered authorized to receive PRC as of the date of approval and/or notification of approval.
- (b) An assistance group that is authorized to receive or receiving PRC benefits or services shall be categorically eligible for food assistance benefits only for the number of months any member of the assistance group is authorized to receive or is receiving PRC benefits or services. Certification periods for food assistance benefits shall continue to be assigned in accordance with rule [5101:4-5-03](#) of the Administrative Code.
- (c) An ineligible member of the assistance group authorized to receive or receiving PRC benefits or services cannot be included in the assistance group size when determining the benefit amount. The income and resources of the ineligible member shall be determined in accordance with rules [5101:4-6-13](#) and [5101:4-6-15](#) of the Administrative Code.

(3) Other TANF-funded services:

- (a) TANF funds transferred to Title XX or child care development block grant (CCDBG) for child care services are not considered funded under Title IV-A of the Social Security Act of 1935 as amended (SSA), and are thus not subject to categorical eligibility.
- (b) All other TANF funds are considered funded under Title IV-A of the SSA, regardless of which agency administers the funds and may grant categorical eligibility to assistance groups receiving benefits or services from these agencies.

(D) What eligibility factors are waived for assistance groups determined categorically eligible?

- (1) For an assistance group determined categorically eligible because of receipt of OWF, SSI, PRC or DFA the following factors are waived and do not require verification as ~~set forth~~ described in rule [5101:4-2-09](#) of the Administrative Code:
 - (a) Resources;
 - (b) Gross and net income limits;
 - (c) Social security number;
 - (d) Sponsored alien information; and
 - (e) Residency.
- (2) For an assistance group determined categorically eligible because of the notification of the Ohio benefit bank services the following factors are waived and do not require verification as ~~set forth~~ described in rule 5101:4-2-09 of the Administrative Code:
 - (a) Resources; and
 - (b) Net income limit.
- (3) Any other required verification such as allowable expenses and factors that are questionable shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

(E) What are the exceptions to categorical eligibility for OWF, SSI, PRC and Ohio benefit bank assistance groups?

- (1) No person shall be included as a member in an assistance group which is otherwise categorically eligible ~~if~~ when that person is:
 - (a) An ineligible alien as defined in rule [5101:4-3-07](#) of the Administrative Code;
 - (b) An ineligible student as defined in rule [5101:4-6-04](#) of the Administrative Code;
 - (c) Institutionalized in a non-exempt facility as defined in rule [5101:4-2-03](#) of the Administrative Code;

- (d) Ineligible because of violating a condition of probation or parole or fleeing to avoid prosecution, custody or confinement as defined in rule 5101:4-2-03 of the Administrative Code; or
- (e) Ineligible under the able-bodied adults without dependents provisions in rule [5101:4-3-20](#) of the Administrative Code.

- (2) Under no circumstances shall an assistance group be considered categorically eligible **if** when:
 - (a) Any member of the assistance group is disqualified for an intentional program violation in accordance with division 5101:6 of the Administrative Code;
 - (b) Any member of the assistance group is ineligible because of a failure to comply with an employment and training requirement of rules [5101:4-3-11.1](#) and [5101:4-3-19](#) of the Administrative Code and the requirements of rule [5101:4-3-09](#) of the Administrative Code.
 - (c) The assistance groups defined in paragraphs (F)(2)(a) and (F)(2)(b) of this rule are subject to all food assistance eligibility requirements and cannot be reinstated in the program on the basis of categorical eligibility.

(F) What are the exceptions to categorical eligibility for DFA assistance groups?

- (1) No person shall be included as a member of an otherwise categorically eligible assistance group **if** when that person is:
 - (a) An ineligible alien as defined in rule 5101:4-3-07 of the Administrative Code;
 - (b) An ineligible student as defined in rule 5101:4-6-04 of the Administrative Code;
 - (c) Disqualified for failure to provide or apply for a social security number as required by rule [5101:4-3-22](#) of the Administrative Code;
 - (d) An assistance group member disqualified for failure to comply with a work requirement as **set forth** described in rules 5101:4-3-09, [5101:4-3-11](#) and 5101:4-3-19 of the Administrative Code;
 - (e) Disqualified for an intentional program violation as required by division 5101:6 of the Administrative Code;
 - (f) An individual who is institutionalized in a nonexempt facility as defined in rule 5101:4-2-03 of the Administrative Code;
 - (g) Ineligible because of violating a condition of probation or parole or fleeing to avoid prosecution, custody or confinement as defined in rule 5101:4-2-03 of the Administrative Code; or
 - (h) Ineligible under the able-bodied adults without dependents provisions in rule 5101:4-3-20 of the Administrative Code.
- (2) Under no circumstances shall an assistance group be considered categorically eligible **if** when:
 - (a) The assistance group refuses to cooperate in providing information to the county agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility as described in rule [5101:4-2-01](#) of the Administrative Code;
 - (b) The assistance group is ineligible under the striker provisions of rules 5101:4-2-03 and [5101:4-6-07](#) of the Administrative Code;
 - (c) The assistance group is ineligible because it knowingly transferred resources for the purpose of qualifying or attempting to qualify for the program as provided in rule [5101:4-4-09](#) of the Administrative Code.

(G) How is the monthly benefit determined?

Categorically eligible assistance groups shall have their level of benefits calculated using the method described in paragraphs (A) and (B) of rule [5101:4-4-39](#) of the Administrative Code using the assistance group's net monthly income.

(H) How is a potentially categorically eligible assistance group handled?

An assistance group is considered to have potential categorical eligibility **if when** all members of the assistance group have applied for benefits that would make the assistance group categorically eligible.

- (1) **if When** all the assistance group members have applied for benefits that will make the assistance group categorically eligible and the county agency determines that the assistance group is ineligible for food assistance benefits because it does not meet the gross or net income tests, or exceeds the resource limits, the county agency shall pend the assistance group until it is established that all assistance group members have gained categorical eligibility. **if When** categorical eligibility has not been established by the thirtieth day from the date of application, the county agency shall deny the assistance group the following day.
- (2) **if When** the assistance group establishes categorical eligibility within the thirty days from the date of application, the agency shall determine the level of benefits from the date of application. **if When** the assistance group's net income is high enough to result in ineligibility for a monthly allotment, the county agency shall indicate on the denial notice that the net income exceeds the level at which benefits are issued.

(I) What happens when a potentially categorically eligible assistance group is denied food assistance benefits?

- (1) A potentially categorically eligible assistance group shall be informed on the denial notice that its application can be reopened **if when** it gains categorical eligibility. The assistance group shall be provided a change reporting form in accordance with rule [5101:4-7-01](#) of the Administrative Code.
- (2) **if When** the application of a potentially categorical eligible assistance group was denied because of failure to meet the gross or net income test, or being over resources, and the assistance group later reports that all assistance group members have become recipients of benefits which make the assistance group categorically eligible the county agency shall have the assistance group update their application. The assistance group shall provide any required verification or information on the change since the previous application was completed and have the application signed again by an assistance group member or authorized representative.
- (3) **if When** the application was made via an interactive interview and there are open public assistance benefits with the food assistance benefit being denied, the county agency shall enter the reported changes on the appropriate ~~GRIS-E~~ statewide automated eligibility system screens and determine eligibility using the date the assistance group gained categorical eligibility as the signature date. A new interactive interview or [JFS 07200](#) "Request for Cash, Food, and Medical Assistance" (~~rev. 12/12~~) (9/2014) may be requested **if when** deemed necessary by the eligibility worker but is not a requirement.
- (4) When an assistance group gains categorical eligibility status, restored benefits shall be paid from the date the assistance group was authorized to receive OWF, SSI, DFA, or TANF-funded services or benefits (e.g. Ohio benefit bank or PRC) or the date of the food assistance application whichever is later. See rule [5101:4-4-23](#) of the Administrative Code regarding SSI recipients who may be eligible for use of excess medical expenses and the uncapped shelter deduction in determining restored benefits. The county agency shall issue restored benefits within ten days, if necessary, and begin regular issuances. A certification period shall be established ~~in accordance with~~ as described in rule 5101:4-5-03 of the Administrative Code.
- (5) **if When** the assistance group has not complied with the requirements listed in paragraphs (I)(1) to (I)(4) of this rule, the county agency shall issue a denial notice on the day after the assistance group was to have complied, and issue a new change report form if necessary.

(6) **#** When an assistance group reports a change which results in the assistance group becoming eligible for food assistance, but the change does not result in categorical eligibility, the assistance group shall be advised it must file a new application before benefits can be approved.

(J) What happens when an assistance group is approved for benefits while awaiting a determination of categorical eligibility?

When an assistance group is approved for food assistance benefits within the thirty-day processing time and later gains categorical eligibility, the assistance group may be eligible for restored benefits in a situation where an SSI recipient incurs excess medical expenses and/or shelter expenses. Restored benefits shall be paid from the beginning of the period for which SSI benefits are paid or the original food assistance application date, whichever is later.

Note: [Click here to view the Categorical Eligibility Desk Aid.](#)

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(A) What is an assistance group?

An assistance group is composed of one of the following individuals or groups of individuals provided they are not residents of an institution, are not residents of a commercial boarding house, or are not boarders, except as otherwise specified in paragraphs (E) to (H) of this rule.

- (1) Individual: An individual living alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others.
- (2) Groups: a group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
- (3) Spouses: a person living with his or her spouse, as defined in rule 5101:4-1-03 of the Administrative Code, shall be considered as customarily purchasing food and preparing meals together, even if they do not do so.
- (4) Children living with their parents: any person under the age of twenty-two who lives with the parent(s) (natural, adopted, or step) must be included in the same assistance group with the parent(s). If a person under the age of twenty-two has a spouse and/or child(ren) of his or her own, the spouse and child(ren) of the person must also be included in the same assistance group.
- (5) Person under parental control: persons (excluding foster children) under eighteen years of age and unmarried living with and are under the parental control of another household member who is not their natural, adoptive, or step parent shall be treated as customarily purchasing and preparing meals together for home consumption even if they do not do so. Note: "parental control" refers to unmarried minors who are dependents-financial or otherwise-of another household member as opposed to independent units. Persons under age eighteen who are married are considered emancipated and are not to be automatically considered as customarily purchasing and preparing meals together unless they state they are actually doing so.
- (6) Elderly and disabled individual: although a group of individuals living together and purchasing and preparing meals together constitutes a single assistance group based on paragraph (A) (2) of this rule, an otherwise eligible member of such an assistance group who is sixty years of age or older and unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act of 1935 ~~as amended~~ or suffers from a non disease-related, severe, permanent disability may be a separate assistance group from the others, other than his spouse, provided the income (all income included in rule 5101:4-4-19 of the Administrative Code) of the others with whom the individual resides (excluding the income of the spouse of the elderly and disabled individual) does not exceed one hundred sixty-five per cent of the poverty level (FSP-14 "Separate Assistance Group Income Standards-Elderly and Disabled Assistance Groups Only").

(B) What shall the county agency do when an individual claims to be in a separate assistance group from those with whom they reside?

Individuals who claim to be a separate assistance group from those with whom they reside shall be responsible for providing verification that they are a separate assistance group to the satisfaction of the county agency. Final determinations of living arrangements shall be made on a case-by-case basis, using reasonable judgment based on the circumstances of the particular living arrangement, and need not be reflective of these guidelines should other more conclusive factors be involved. For the purpose of determining whether people are living together, consideration shall be given to, but not limited to the following:

(1) Separate address

The county agency shall consider whether the persons involved have addresses that are commonly recognized as separate in the community.

(2) Separate utilities

The county agency shall consider whether the persons involved have separate utility meters and are, therefore, billed separately by the utility companies.

(3) Separate entrances

The county agency shall consider whether the persons involved have separate entrances to their living quarters, and whether such entrances require passing through one living quarter in order to gain access to another.

(4) Opinion of the landlord

The county agency shall consider whether the owner of the property considers the property to contain separate units.

(C) Which non-assistance group members are eligible to participate as separate assistance groups?

For the purpose of defining an assistance group under paragraph (A) of this rule, the following individuals shall not be included as a member of the assistance group unless specifically included as an assistance group member under paragraph (A)(3) (spouses), (A)(4) (parents living with their children), or (A)(5) (person under parental control) of this rule, and shall not be included as a member of the assistance group for the purposes of determining assistance group size, eligibility, or benefit level. The income and resources of such individuals shall be handled in accordance with rule [5101:4-6-15](#) of the Administrative Code. The following individuals (if otherwise eligible) may participate as separate assistance groups:

(1) Roomers

Individuals to whom an assistance group furnishes lodging for compensation, but not meals.

(2) Live-in attendants

Individuals who reside with an assistance group to provide medical, housekeeping, child care, or other similar personal services.

(3) Other

Other individuals who share living quarters with the assistance group but who do not customarily purchase food and prepare meals with the assistance group. For example, when an applicant family shares living quarters with another family to save on rent, but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant assistance group.

(D) Which non-assistance group members are ineligible to participate as separate assistance groups?

Some assistance group members are ineligible to receive benefits under the provisions of the Food and Nutrition Act of 2008. Others may become ineligible for such reasons as being disqualified for committing an intentional program violation or refusing to comply with a regulatory requirement. These individuals shall be included as a member of the assistance group for the purpose of defining an assistance group in accordance with this rule. However, such individuals shall not be included as eligible members of the assistance group when determining the assistance group's size for the purpose of comparing the assistance group's monthly income with an income eligibility standard or assigning a benefit level by assistance group size. These individuals are not eligible to participate as separate assistance groups. Ineligible individuals include the following:

- (1) Ineligible aliens are those individuals who do not meet the citizenship or eligible alien status. See rule [5101:4-6-13](#) of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

- (2) A person disqualified for intentional program violation is one who has been disqualified in accordance with Chapter 5101:6-20 of the Administrative Code. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (3) Persons who have been disqualified for failure to provide a social security number as provided for in rule [5101:4-3-24](#) of the Administrative Code are ineligible to participate. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (4) An individual who is disqualified for refusing or failing to comply with a work requirement of rule [5101:4-3-11](#) of the Administrative Code. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (5) Persons enrolled in an institution of higher education on at least a half-time basis who fail to meet the eligibility criteria in accordance with rule [5101:4-6-04](#) of the Administrative Code are ineligible to participate. See rule [5101:4-6-15](#) of the Administrative Code for how to treat the income, resources, and expenses of these individuals.
- (6) No member of an assistance group who is otherwise eligible to participate in the ~~food assistance program~~ supplemental nutrition assistance program (SNAP) shall be eligible to participate as a member of that or any other assistance group during any period during which the individual is determined to be a fleeing felon or a probation or parole violator, in accordance with this paragraph~~fleeing to avoid prosecution or custody for a crime, or attempt to commit a crime, that would be classified as a felony (or in the state of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under a federal or state law for a felony~~. See rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

~~The county agency will utilize the following procedure when it has information that an individual may be ineligible under this paragraph:~~

- (a) When the county agency has information that an individual may be fleeing to avoid prosecution or arrest for a felony, the county agency shall obtain documentary evidence of the following before imposing ineligibility under this rule:
 - (i) There is an outstanding felony warrant for the individual issued by a federal, state, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or a high misdemeanor under the law of New Jersey;
 - (ii) Considering all the relevant facts and circumstances, a reasonable person would conclude that the individual is aware of, or should reasonably have been able to expect that, the felony warrant has already or would have been issued;
 - (iii) Considering all the relevant facts and circumstances, a reasonable person would conclude that the individual has taken some action to avoid being arrested or jailed; and,
 - (iv) A federal, state, or local law enforcement agency is actively seeking the individual as provided in paragraph (D)(6)(c) of this rule.
- (b) When the county agency has information that an individual may have violated a condition of probation or parole imposed under a federal or state law, the county agency shall obtain documentary evidence of the following before imposing ineligibility under this rule:
 - (i) A court of competent jurisdiction or the adult parole authority has determined that the individual has violated a condition of his or her probation or parole imposed under a federal or state law; and,

- (ii) A federal, state, or local law enforcement agency is actively seeking the individual to enforce the conditions of the probation or parole as described in paragraph (D)(6)(c) of this rule.
- (c) The county agency shall obtain documentary evidence of whether the law enforcement agency is actively seeking the individual when determining the eligibility of a fleeing felon or an individual who has violated a condition of his or her probation or parole imposed under a federal or state law.

 - (i) For purposes of this rule, "actively seeking" is defined as follows:

 - (a) A federal, state, or local law enforcement agency informs the county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within twenty days of submitting a request for information about the individual to the county agency;
 - (b) A federal, state, or local law enforcement agency presents a felony arrest warrant that conforms to one of the following national crime information center uniform offense classification codes to the county agency to obtain information on the location of and other information about the individual named in the warrant:

 - (i) Escape (4901);
 - (ii) Flight to avoid (4902); or,
 - (iii) Flight-escape (4999); or,
 - (c) A federal, state, or local law enforcement agency informs the county agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within thirty days of the date of a request from a county agency about a specific outstanding felony warrant or probation or parole violation.
 - (ii) When the law enforcement agency indicates that it does intend to enforce the felony warrant or arrest the individual for the probation or parole violation within thirty days of the date of the county agency's inquiry, the county agency will postpone taking any action on the case until the thirty day period has expired and shall verify with the law enforcement agency after the thirty days whether it has attempted to execute the felony warrant or arrest the probation or parole violator.

 - (a) When the law enforcement agency has attempted to execute the felony warrant or arrest the probation or parole violator within the thirty days, the county agency shall deny an applicant or terminate a participant who has been determined to be a fleeing felon or a probation or parole violator in accordance with paragraph (K)(4) of rule **5101:4-7-01** of the Administrative Code. If law enforcement subsequently indicates that it no longer intends to enforce the felony warrant or arrest the individual for the probation or parole violation, the county agency shall not consider the individual a fleeing felon or probation or parole violator as of the date law enforcement made its decision and shall document the case file accordingly.
 - (b) When the law enforcement agency has not taken any action within the thirty days, the county agency shall not consider the individual a fleeing felon or probation or parole violator and shall document the case file accordingly.
 - (iii) When the law enforcement agency indicates that it does not intend to enforce the felony warrant or arrest the individual for the probation or parole violation within thirty days of the date of the county agency's inquiry about the warrant, the county agency shall determine that the individual is not a fleeing felon or a probation or parole violator and document the case file accordingly.

(d) When awaiting verification and/or determining if an individual is a fleeing felon or probation or parole violator, the county agency shall continue to process the application in accordance with the timeframes described in rule [5101:4-2-11](#) of the Administrative Code. The county agency shall verify fleeing felon or probation or parole violator status in accordance with paragraph (D)(6)(a) or (D)(6)(b) of this rule. Once verification is received and it is determined that an individual is a fleeing felon or probation or parole violator, the county agency shall impose ineligibility for the individual and redetermine the assistance group's eligibility. For purposes of processing a change in benefits in accordance with paragraph (K)(4) of rule 5101:4-7-01 of the Administrative Code or calculating claims, an individual is not considered to be a fleeing felon or probation or parole violator until the date the county agency has made a determination in accordance with paragraph (D)(6) of this rule.

~~(a) The county agency will contact the appropriate law enforcement agency to give the law enforcement agency thirty days to determine if the individual is fleeing and to arrest or extradite the individual.~~

~~(b) If within the thirty days the law enforcement agency arrests or extradites the individual, the county agency will take appropriate action to remove the individual from the assistance group if he or she is no longer a member of the household.~~

~~(c) If by the end of the thirty days the law enforcement agency has not been able to arrest or extradite the individual, the county agency will take appropriate action to impose ineligibility under this paragraph for as long as the law enforcement agency continues to take appropriate action to arrest or extradite the individual.~~

~~(d) If within the thirty days the law enforcement agency indicates it will not attempt to arrest or extradite the individual or that the individual is not fleeing, the county will not impose ineligibility under this paragraph.~~

(7) For individual(s) who have failed to perform an action required under rule [5101:4-3-09](#) of the Administrative Code, see rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(8) For persons ineligible under rule [5101:4-3-20](#) of the Administrative Code, the time limit for able-bodied adults without dependents, see rule 5101:4-6-13 of the Administrative Code for how to treat the income, resources, and expenses of these individuals.

(E) Which individuals or groups are ineligible for ~~food assistance~~ SNAP?

(1) Boarders and individuals in foster care

Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals (excluding residents of a commercial boarding house). Boarders are also defined as adults or children who have been placed in foster care by a government agency. Boarders are ineligible to participate in the program as independent assistance groups. They may, however, participate as members of the assistance group providing the boarder services to them, at such assistance group's request pursuant to rule [5101:4-6-03](#) of the Administrative Code. In no event shall boarder status be granted to those individuals or groups of individuals described in paragraphs (A)(2) to (A)(5) of this rule.

(2) Residents of institutions

Residents of public institutions who apply for SSI prior to their release from an institution under the social security administration's prerelease program for the institutionalized shall be permitted to apply for ~~food assistance~~ SNAP at the same time they apply for SSI. Individuals shall be considered residents of an institution if the institution provides them with the majority of their meals (over fifty per cent of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the program, with the following exceptions:

- (a) Residents of federally subsidized housing for the elderly built under either section 202 of the Housing Act of 1959 (12 U.S.C. 1701) (2013) or section 236 of the National Housing Act (12 U.S.C 1701).
 - (b) Narcotic addicts or alcoholics together with their children who, for the purposes of regular participation in a drug or alcohol treatment and rehabilitation program, reside at a facility or treatment center.
 - (c) Disabled or blind individuals, as defined in rule [5101:4-1-03](#) of the Administrative Code, who are residents of group homes, as described in rule 5101:4-1-03 of the Administrative Code. (See rule [5101:4-6-26](#) of the Administrative Code for full details on certification of group home residents.)
 - (d) Women or women with their children temporarily residing in a shelter for battered women and children. Such persons temporarily residing in shelters for battered women and children shall be considered individual assistance group units for the purpose of applying for and participating in ~~the food assistance program~~ SNAP.
 - (e) Residents of public or private shelters for homeless persons.
- (3) Strikers

Assistance groups with striking members shall be ineligible to participate unless the assistance group was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Assistance groups where the member on strike is exempt from work registration requirements the day prior to the strike (other than those exempt solely on the grounds that they are employed) would not be affected by the striker provisions and could be eligible for program benefits.

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FATL 348

Effective Date: June 1, 2015

Most Current Prior Effective Date: [March 1, 2010](#)

(A) What is an authorized representative?

An authorized representative is a person/entity who the assistance group chooses to act on its behalf in some capacity. The assistance group may have more than one authorized representative selected to do one or more of the following:

- (1) Act on the assistance group's behalf, including but not limited to:
 - (a) Completing the application process;
 - (b) Carrying out responsibilities during the certification period, such as reporting changes in the assistance group's circumstances;
 - (c) Requesting a state hearing and representing the assistance group at a state hearing; and
 - (d) Receiving all notices and correspondence issued by the county agency on behalf of the assistance group. The county agency shall issue notices and correspondence to both the authorized representative and the assistance group.
- (2) Obtaining food assistance benefits on behalf of the assistance group, i.e. receive the electronic benefit transfer (EBT) card. Even if the assistance group is able to obtain its own food assistance benefits, it should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in the inability to obtain benefits.
- (3) Use food assistance benefits on behalf of the assistance group.

(B) How is an authorized representative identified?

An adult member of the assistance group may identify and use an authorized representative at any time.

(1) An assistance group shall identify in writing an authorized representative who is authorized to act on their behalf as described in paragraph (A)(1) of this rule. The name of the authorized representative shall be recorded in the case record.

A nonhousehold member may be designated as an authorized representative provided that the person is an adult who is sufficiently aware of relevant household circumstances.

- (2) An assistance group shall name an authorized representative who is authorized to obtain food assistance benefits on behalf of the assistance group as described in paragraph (A)(2) of this rule. The name of the authorized representative shall be recorded in the case record.
- (3) An assistance group may name an authorized representative authorized to use food assistance benefits on its behalf, as described in paragraph (A)(3) of this rule, but is not required to do so.
- (4) The county agency must develop a system that allows an assistance group to select an emergency authorized representative in writing for a particular month's benefits. An assistance group may identify and use an authorized representative for a one time emergency situation. A separate written designation is needed each time an emergency authorized representative is used.

(C) What are the restrictions on designations of authorized representatives described in paragraphs (A)(1) and (A)(2) of this rule?

The county agency may set a limit on the number of households an authorized representative can represent. The county agency shall impose the following restrictions for authorized representatives described in paragraphs (A)(1) and (A)(2) of this rule:

- (1) County agency employees who are involved in the certification or issuance processes and retailers who are authorized to accept food assistance benefits shall not act as authorized representatives without the specific written approval of a county agency official after determining that no one else is available to serve as an authorized representative.
- (2) An individual who is disqualified for an intentional program violation cannot act as an authorized representative during the disqualification period unless the county agency has determined that no one else is available to serve as an authorized representative. The county agency must separately determine whether the individual is needed to apply on behalf of the assistance group or to obtain benefits on behalf of the assistance group.
- (3) When the county agency has confirmed that an authorized representative has knowingly provided false information or improperly used food assistance benefits, the authorized representative may be disqualified to serve as an authorized representative for up to one year. The assistance group and authorized representative must be notified in writing thirty days prior to the date of disqualification. The notification must include the reason for the proposed action and include the assistance group's right to a state hearing. This provision is not applicable in the case of drug and alcoholic treatment centers and those group homes which act as authorized representatives for their residents.
- (4) Homeless meal providers cannot act as authorized representatives for homeless food assistance recipients.
- (5) In the event an employer such as those that employ migrant or seasonal farm workers are designated as authorized representatives or a single authorized representative has access to a large number of authorization documents, the county agency should exercise caution to ensure that each assistance group has freely requested the assistance of the authorized representative, the assistance group's circumstances are correctly represented, and that the authorized representative is properly using the benefits.

(D) How are authorized representatives utilized in drug and alcohol treatment centers and group living arrangements?

- (1) Residents of drug or alcohol treatment centers must apply and be certified through the use of an authorized representative. Residents shall be responsible for complying with requirements described in rule [5101:4-6-01](#) of the Administrative Code.
- (2) Residents of group living arrangements have the option to apply and be certified through the use of an authorized representative as described in rule [5101:4-6-26](#) of the Administrative Code.
- (3) Drug or alcohol treatment centers and group living arrangements that act as authorized representatives for residents of the facilities must use food assistance benefits for food prepared and served to those residents participating in the food assistance program except when a resident leaves the facility as specified in rules [5101:4-6-01](#) and [5101:4-6-26](#) of the Administrative Code.
- (4) The representatives of the drug and alcohol treatment centers or group living arrangements that act as authorized representatives for their residents, and intentionally misrepresent an assistance group's circumstances, may be prosecuted under applicable federal and state statutes for their acts.

(E) What are the responsibilities of the county agency?

- (1) When an applicant or recipient indicates that he or she may have difficulty completing the application process, the county agency shall explain that a non-assistance group member may be designated as the authorized representative for the application process.
- (2) Except for those situations in which a drug and alcohol treatment center or other group living arrangement acts as the authorized representative, the county agency must inform the household that the household will be held liable for any overissuance that results from erroneous information given by the authorized representative.

Replaces: 5101:4-2-05

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FATL 379

Effective Date: July 1, 2017

Most Current Prior Effective Date: January 1, 2017

- (A) What is the process for an initial interview?
- (1) Upon receipt of the **JFS 07200** "Request for Cash, Food, and Medical Assistance" (rev. ~~9/2014~~10/2016), the county agency shall conduct an interactive interview with a member of the assistance group or an authorized representative for the assistance group making application.
 - (2) The county agency shall schedule an interview for all applicant assistance groups who are not interviewed on the day they submit an application. The interview notice shall contain the date and time of the interview. The notice shall also list the phone number the county agency will call when completing a phone interview, or the phone number the applicant will call to complete the interview with the county agency.
 - (3) When separate applications are filed for assistance groups residing in the same household, each assistance group that has applied on a separate application shall be interviewed or scheduled for an interview.
 - (4) When scheduling an interview, the county agency shall consider and attempt to accommodate any special circumstances or requests from an assistance group, including the assistance group's work schedule.
 - (5) The county agency shall schedule all interviews as promptly as possible to ensure eligible assistance groups receive an opportunity to participate within thirty days after the application is filed.
- (B) What are the options for conducting an initial interview?
- (1) The county agency may conduct an:
 - (a) Office interview;
 - (b) Telephone interview; or
 - (c) Home visit (as long as it is scheduled in advance with the assistance group).
 - (2) The type of interview conducted is left to the county agency's discretion unless the applicant requests a face-to-face interview. The county agency shall grant a face-to-face interview to any assistance group that requests one.
- (C) What are the standard interview practices?
- (1) The interview may be conducted with the head of the assistance group, spouse, any other responsible member of the assistance group or an authorized representative.
 - (2) When it is obvious the applicant is not mentally competent and is not able to understand the hearing rights, the applicant shall be required to name an authorized representative to receive notices.
 - (3) An applying assistance group shall report all changes related to its supplemental nutrition assistance program (SNAP) eligibility and benefits at the certification interview.
 - (4) The **JFS 01846**, "Case Worksheet- Cash, Food Stamp, and Medical Assistance Interview" (5/2005), shall be completed by the county agency when the statewide automated eligibility system is down for an extended period of time or a home visit is necessary.
- (D) What are the county agency's responsibilities during an interview?
- (1) Review the information appearing on the application, and explore and resolve unclear and incomplete information.

- (2) Perform necessary collateral contacts and collect required verifications.
- (3) Advise assistance groups of their rights and responsibilities during the interview, including the appropriate application processing standard and the assistance group's responsibility to report changes. The rights and responsibilities include:
 - (a) For all work registrants, the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code;
 - (b) For all work registrants required to participate in the SNAP employment and training program (E&T), the requirements described in rule 5101:4-3-30 of the Administrative Code;
 - (c) For all able-bodied adults without dependents, the work requirement, time-limit and process for regaining eligibility described in rules 5101:4-3-20 and 5101:4-3-20.1 of the Administrative Code.
 - (d) The households's responsibility to report changes in accordance with rule 5101:4-7-01 of the Administrative Code; and
 - (e) The application processing standards described in rule 5101:4-2-11 of the Administrative Code.
- (4) Conduct the interview as an official and confidential discussion of assistance group circumstances.
- (5) Protect the applicant's right to privacy during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.
- (6) Advise assistance groups that are also applying for or receiving Ohio works first (OWF) cash assistance benefits that time limits and other requirements that apply to the receipt of OWF benefits do not apply to the receipt of SNAP, and that assistance groups which stop receiving OWF benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits.
- (7) Confirm the assistance group is not subject to an intentional program violation.
- (8) In accordance with rule 5101:9-2-02 of the Administrative Code, the county agency shall comply with the Americans with Disabilities Act (ADA) (1990) plan adopted by the county agency. This includes, but is not limited to, providing the assistance group with an explanation of their rights under the amendments to Title II of the Americans with Disabilities Act (ADAAA) and section 504 of the Rehabilitation Act (2008) and offering additional screening to any individual that discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.
- (9) Determine if each member of the household is required to register for work in accordance with rule 5101:4-3-11 of the Administrative Code.

(E) What happens when an assistance group misses its interview?

- (1) The county agency shall notify an assistance group of its missed interview appointment by using the [JFS 04218](#) "Notice of Missed Interview" (rev. ~~9/2011~~11/2016) or the statewide automated eligibility system equivalent, in accordance with rule 5101:4-5-07 of the Administrative Code and inform the assistance group they are responsible for rescheduling a missed interview.
- (2) When the assistance group contacts the county agency within the thirty-day application processing period, the county agency shall schedule a second interview.
- (3) The county agency shall not deny an assistance group's application prior to the thirtieth day when the assistance group fails to appear for the first scheduled interview.
- (4) When the assistance group requests a second interview during the thirty-day application processing period and is determined eligible, the county agency shall issue prorated benefits from the date of application.

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FATL 355**Effective Date: October 1, 2015****Most Current Prior Effective Date: September 1, 2012**

(A) What is verification?

Verification is used to support and document what was reported on the **JFS 07200**, "Request for Cash, Food, and Medical Assistance" (~~rev. 11/09~~) (rev. 9/2014) during the application process and to provide clarification on any questionable information. The county agency shall allow assistance groups at least ten days to provide required verification.

(B) Whose responsibility is it to provide verification?

- (1) The assistance group has primary responsibility for providing verification to support its statements on the application and resolve any questionable information. An assistance group may supply verification in person, through the mail, by fax, electronically, or through an authorized representative. The county agency shall not require the assistance group to present verification in person.
- (2) The county agency shall assist the assistance group in obtaining verification provided the assistance group has not refused to cooperate as specified in rule **5101:4-2-01** of the Administrative Code. If it would be difficult or impossible for the assistance group to obtain verification in a timely manner, or the county agency can obtain the verification faster, the county agency shall offer assistance in obtaining the verification.
- (3) The county agency is not required to assist an assistance group in obtaining verification of alien status except when the documentation is unclear and the county agency receives the applicant's permission to contact the U.S. citizenship and immigration service (USCIS). The county agency is also not required to assist the assistance group in obtaining verification of shelter costs for an unoccupied home if verification would have to be obtained from sources outside of the county.

(C) What are the mandatory verifications for expedited service certifications?

- (1) Identity is the only verification required prior to the authorization of expedited benefits. All other verifications can be postponed if they cannot be submitted within the expedited timeframe. **If** When an authorized representative applies on behalf of the assistance group, the identity of both the authorized representative and the assistance group name shall be verified.
- (2) The county agency shall require the applicant to register for work **if** when an exemption is not met. The agency may attempt to register other assistance group members, but it shall not prevent the authorization of an eligible expedited assistance group.

(D) What verification is necessary for normal application processing?

Assistance groups certified under normal processing standards (as opposed to expedited processing standards) shall provide verification of all the following items:

- (1) Gross income.
- (2) Rent or mortgage payment. Homeless assistance groups claiming shelter expenses shall provide verification of their shelter expense to qualify for the homeless shelter deduction. **If** When a homeless assistance group has difficulty in obtaining traditional types of verification of shelter costs, the county agency shall obtain alternate types of verification that accurately verify the expense.
- (3) Utility and shelter expenses.
- (4) Non-reimbursable medical expenses. Non-reimbursable medical expenses only apply to assistance group members who are age sixty or over, or who meet the definition of disabled as defined in rule **5101:4-1-03** of the Administrative Code.

- (5) Dependent care expenses.
- (6) Eligible alien status as defined in rule [5101:4-3-07](#) of the Administrative Code.
- (7) Social security numbers (SSN). Providing a social security number for each assistance group member is voluntary. However, failure to provide a SSN will result in the denial of food assistance benefits for that individual. SSNs provided will be used in accordance with rule [5101:4-3-22](#) of the Administrative Code. **If** When a SSN has been verified, the county agency shall document the information in the assistance group's file to prevent the unnecessary re-verification of the SSN in the future. The county agency shall accept that a SSN is verified if it was already verified through the OWF or medicaid programs. A verified SSN shall be re-verified only if the identity of the individual or the SSN becomes questionable.
- (8) Residency. Residency shall be verified except in unusual cases such as homeless assistance groups, some migrant farm worker assistance groups, or an assistance group just moving into the county where verification of residency cannot reasonably be provided.
- (9) Identity. Identity applies to the person making the application. Where an authorized representative applies on behalf of an assistance group, the identity of both the authorized representative and the assistance group name shall be verified. Identity may be verified through readily available documentary evidence or, **if** when unavailable, through a collateral contact. Any documents reasonably establishing the applicant's identity must be accepted, and no requirement for a specific type of document may be imposed.
- (10) Disability. The county agency shall verify disability as defined in rule 5101:4-1-03 of the Administrative Code.
- (11) Student income. Student income shall be verified in accordance with rule [5101:4-4-13](#) of the Administrative Code.
- (12) Physical or mental disability: student exemption. **If** When a person claims to be physically or mentally unfit for purposes of the student exemption contained in paragraph (B)(2) of rule [5101:4-6-04](#) of the Administrative Code, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or a statement from a physician or licensed or certified psychologist. If the individual's physical or mental disability is evident to the county worker verification is not required but the disability should be noted in the case record.
- (13) Child support payments. The county agency shall obtain verification of the assistance group's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the assistance group actually pays. Documents accepted as verification of the assistance group's legal obligation to pay child support shall not be accepted as verification of the assistance group's actual monthly child support payments. County agencies are strongly encouraged to obtain information regarding an assistance group member's child support obligation and payments from child support enforcement agency files. The county agency shall give the assistance group an opportunity to resolve any discrepancy between assistance group verification and child support enforcement agency records.
- (14) Able-bodied adults without dependents (ABAWDs): hours worked. For individuals subject to the food assistance time limit in rule [5101:4-3-20](#) of the Administrative Code who are satisfying the work requirement by working, by combining work and participation in a work program, or by participating in a work program that is not operated or supervised by the state or county agency, the individuals' work hours shall be verified.
- (15) ABAWDs: countable months in another state. For individuals subject to the food assistance time limit of rule 5101:4-3-20 of the Administrative Code, the county agency must verify the number of countable months an individual has used in another state if there is an indication the individual participated in that state as defined in rule 5101:4-3-20 of the Administrative Code. The normal processing standards of paragraph (A) of rule [5101:4-2-11](#) of the Administrative

Code apply. The county agency may accept another state agency's assertion as to the number of countable months an individual has used in another state.

- (16) Assistance group composition: the county agency shall verify factors affecting the composition of an assistance group only if questionable.

(E) What is the standard verification for categorically eligible assistance groups?

- (1) For an assistance group determined categorically eligible because of receipt of Ohio works first (OWF), supplemental security income (SSI), prevention retention contingency (PRC) or disability financial assistance (DFA) the following factors are waived and do not require verification as **set forth** described in paragraph (D) of this rule (gross and net income are waived factors for benefit determination but still must be verified):

- (a) Resources;
- (b) Social security number;
- (c) Sponsored alien information; and
- (d) Residency.

- (2) For an assistance group determined categorically eligible because of the notification of the Ohio benefit bank services resources are waived from the benefit determination and do not require verification as **set forth** described in paragraph (D) of this rule. Net income is a waived factor for benefit determination but still must be verified.

(F) When may an application be approved without verification?

The county agency shall not delay the certification for benefit issuance beyond thirty days:

- (1) To an otherwise eligible assistance group to only verify the SSN of an assistance group member.
- (2) To verify a claimed but unverified expense as described in paragraph (J) of rule [5101:4-4-23](#) of the Administrative Code. As soon as all other steps necessary to certify an assistance group are completed, the county agency shall certify the benefits.

(G) What should be done when questionable information is received?

- (1) If the applicant provides information that is questionable and may affect the eligibility or benefit level, the county agency shall require verification. The information may be determined to be questionable if what is reported on the JFS 07200 is different from what the applicant reported during the interview, different from the information the agency had already obtained, or different from what may have been reported on a previous JFS 07200.
- (2) An example of something that may be determined questionable is if the applicant's expenses exceed the assistance group's income. The county agency shall request additional verification to determine how the expenses are being met. If the applicant does not submit supporting documentation on how the expenses are being met, that alone is not grounds to deny the application. The county agency shall then explore if the applicant receives any additional income or if there are resources from which they may be paying the expense. The agency shall verify how long the applicant has been managing their finances in this manner and then document the verification in the case file.

(H) What type of verification shall be documented in the case file?

The county agency shall include all information in the case file documenting and supporting the actions taken in determining eligibility. All requests for additional verification shall be documented in the case file. Any actions taken because of the additional verification shall also be included.

(I) What are acceptable forms of verification?

There are four types of verification: documentary evidence, collateral contacts, client statements and home visits. **If** When documentary evidence is not able to be obtained a collateral contact should be acceptable if available. In the event a collateral contact is not available a client statement or home visit

may be used. A client statement or home visit should be a county agency's last option; however, when determining benefits the best available information should be used. Further information explaining each verification is below:

(1) Documentary evidence

- (a) Documentary evidence can be used as a primary source of verification. Documentary evidence consists of a written confirmation of the applicant's circumstances. Examples of documentary evidence include but are not limited to: pay stubs, rent receipts, utility bills, etc. If the agency uses pay stubs and they are not included in the case file, the agency must include the name, address, dates, and gross amounts listed on the pay stubs in the case file.
- (b) Although documentary evidence shall be a primary source of verification, acceptable verification shall not be limited to any single type of document. The verification may be obtained through the applicant or another source. **If** When documentary evidence cannot be obtained or **if** when what was obtained is insufficient to be able to make a determination, the county agency shall pursue a collateral contact.

(2) Collateral contact

- (a) A collateral contact is an oral confirmation of the assistance group's circumstance by a person not included in the assistance group. The confirmation could be made in person or over the phone. The contact cannot be limited to any one particular person but may be anyone who can provide an accurate third-party verification.

Examples of acceptable collateral contacts include but are not limited to: employers, community action groups, migrant service agencies, landlords, social services agencies, neighbors of the applicant, or other persons not included in the assistance group.

- (b) When the county agency is attempting to obtain information from a collateral contact they shall only disclose the necessary information in order to obtain the verification without disclosing the applicant has applied for food assistance. The agency cannot disclose any information the applicant provided nor can there be any information provided to the collateral contact suggesting that the applicant provided any incorrect information.
- (c) The county agency shall rely on the applicant to provide the name for a collateral contact. The county agency may select a collateral contact if the applicant fails to select one. A signed release is not required. The applicant may request assistance in selecting a collateral contact. The county agency is not required to use the collateral contact provided by the applicant if there is reason to believe they will be unable to provide accurate third party verification. The county agency may request an alternate collateral contact from the applicant, select an alternate collateral contact themselves, use another method in obtaining the necessary verification, or conduct a home visit.

(3) Client statement

- (a) On a case-by-case basis client statement may be acceptable verification when no other verification is available.
- (b) When client statement is used as verification, it must be documented in the case record.

(4) Home visits

- (a) Home visits may be used on a case-by-case basis as verification only when documentary evidence is insufficient, a collateral contact is unavailable and the client statement is insufficient or questionable.
- (b) The home visit must be scheduled in advance with the applicant.
- (c) **If** When the assistance group's circumstances appear to be error prone, that alone does not mean a home visit is the most appropriate method of verification.

(J) How are discrepancies in information handled?

- (1) **If** When the agency receives unverified information from a source other than the assistance group, the agency shall allow the assistance group a reasonable opportunity to resolve the discrepancy prior to taking any action on the case.
- (2) The county agency may attempt to verify the information with a third party and contact the assistance group only **if** when the agency cannot obtain the verification.
- (3) **If** When the county agency is notified of information by the income eligibility verification system, the county agency may obtain verification from a third party as specified in rule [5101:4-7-09](#) of the Administrative Code.

(K) What verification is required at reapplication?

At reapplication the county agency does not have to verify unchanged information unless the information is questionable. The county agency shall verify:

- (1) Income **if** when the source has changed or the amount has changed by fifty dollars or more;
- (2) Utility expenses **if** when they were not verified previously;
- (3) Medical expenses **if** when they were not reported and verified previously, or **if** when the amount changed by twenty-five dollars or more. The county agency is not required to verify medical expenses if the source has not changed and the amount has changed by twenty-five dollars or less since the last time they were verified;
- (4) Newly obtained social security numbers;
- (5) Any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member is ordered to pay to a non-household member;
- (6) Work hours for individuals subject to the food assistance time limit of rule 5101:4-3-20 of the Administrative Code who are satisfying the work requirement by working, by combining work and participation in a work program, or by participating in a work program that is not operated or supervised by a state or county agency.

(L) What verification is needed for reported changes?

Changes reported during the certification period shall be subject to the same verification procedures that apply at initial certification.

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FATL 357**Effective Date: November 1, 2015****Most Current Prior Effective Date: [June 1, 2015](#)**

- (A) What are the general standards for application processing?
- (1) An assistance group's eligibility shall be determined and benefits shall be authorized for an eligible assistance group as soon as possible but no later than thirty calendar days after the assistance group or its representative files the application. Applications for residents of public institutions ~~must~~shall follow the standards described in rule [5101:4-2-01](#) of the Administrative Code.
 - (2) Assistance groups who apply for benefits after the fifteenth day of the month shall receive their prorated allotment for the initial month of application and their first full month allotment at the same time. Assistance groups not entitled to a combined allotment are as follows:
 - (a) An assistance group whose initial month prorated benefits are less than ten dollars.
 - (b) An assistance group determined ineligible to receive benefits for the initial month of application.
 - (c) An assistance group determined ineligible to receive benefits the month following the initial month's prorated benefits.
 - (d) An assistance group ~~which~~that has not provided necessary verification to determine eligibility.
 - (3) Each assistance group within a case will have the same reapplication date. When different reapplication dates are found within a case, the earliest reapplication date will become the date for all categories of assistance in that case. For example, ~~if~~when a case contains assistance groups with different categories of assistance such as Ohio works first (OWF) cash assistance, medicaid, disability financial assistance (DFA) and food assistance, the reapplication date follows the shortest certification timeframe.
- (B) When should a case be denied?
- (1) An assistance group found to be ineligible shall be sent a notice of denial as soon as possible, but no later than thirty days following the date the application was filed. If the assistance group failed to appear for a scheduled interview and has made no contact with the county agency to express interest in pursuing the application, after being issued a [JFS 04218](#) "Notice of Missed Interview" (rev. 9/2011) in accordance with paragraph (E) of rule [5101:4-2-07](#) of the Administrative Code, the county agency shall send the assistance group a notice of denial on the thirtieth day following the date of application.
 - (2) ~~In cases when~~When the county agency conducted an interview, with an assistance group and the requested verifications requested in accordance with as described in rule [5101:4-2-09](#) of the Administrative Code were not received, within ten calendar days of the request and the applicant did not ask for assistance in obtaining the verifications, the county agency may deny the application on the first business day immediately following the tenth day, but no later than the thirtieth day following the date of application. ~~The county agency must assist the assistance group with obtaining verifications if requested.~~
 - (a) When all the requested verifications are received after the date of the denial but before the thirtieth day following the date of application, the county agency shall rescind the denial and determine eligibility from the date of application.
 - (b) The county agency shall offer assistance in obtaining the verifications if requested by the assistance group.
- (C) How are benefits issued?

Food assistance benefits will be issued to assistance groups on an electronic benefit transfer (EBT) card using a direct access system known as an EBT on-line system. The county agency shall inform an assistance group of the date the benefits will be available in accordance with Chapter [5101:6-2](#) of the Administrative Code.

- (D) How are adjustments made when an error has occurred in a benefit transaction?
- (1) The assistance group shall request an adjustment through the EBT vendor within ninety calendar days of the error transaction. A recipient requests an adjustment by contacting the vendor through the customer service department ~~which~~that is listed on the back of the EBT card.
 - (2) Adjustments requested within ninety calendar days shall be investigated, have a decision made and funds moved within ten business days of the error being reported.
- (E) How does the assistance group dispute a decision from the adjustment request?
- (1) The assistance group has ninety days from the date of the notice to request a fair hearing.
 - (2) When the assistance group disputes an adjustment and requests a hearing within ten days of the notice, a provisional credit ~~must~~shall be made to the assistance group's account.
- (F) What happens when the assistance group's EBT card is lost, stolen or not received?
- The assistance group ~~must~~shall contact the EBT card vendor's customer service center to request a replacement card. The vendor under contract with Ohio department of job and family services (ODJFS) shall replace EBT cards within five business days.

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FAH.3000. Non Financial Eligibility Standards

FATL 378

Effective Date: July 1, 2017

Most Current Prior Effective Date: May 1, 2015

(A) What is the residency requirement?

An applicant must file an application for participation with the county agency that services the county in which the applicant resides. The county agency shall not impose any durational residency requirements. Residency shall not mean an intent to permanently reside in the state or county; however, individuals in a county solely for vacation shall not be considered residents. A fixed residence is not required; for example, migrant campsites satisfy the residency requirement. The county agency shall not require an otherwise eligible assistance group to have a permanent dwelling or have a fixed mailing address as a condition of eligibility.

(B) May an individual participate in more than one household in a month?

An individual may not participate as a member of more than one assistance group or in more than one county or household in any month. The only exception is ~~if~~ when the individual is a resident of a shelter for battered ~~women~~ persons and their children as defined in rule 5101:4-6-27 of the Administrative Code and was a member of an assistance group containing the individual who had abused him or her. Residents of shelters for battered ~~women~~ persons and their children shall be handled in accordance with rule 5101:4-6-27 of the Administrative Code.

(C) What residency information is requested on an application?

The application asks for both a physical address and a mailing address. ~~if~~ When the two are different, the county agency shall request that both addresses be given. ~~if~~ When the address is a rural route, information shall be given ~~which~~ that will provide directions to the home. Addresses on an application shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

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FATL 372

Effective Date: January 1, 2017

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(A) What is considered a severe form of trafficking?

Under section 103(8) of the Trafficking Victims Protection Act of 2000 Public Law No. 106-386, the term "severe forms of trafficking in persons" is defined as:

- (1) Sex trafficking: the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act induced by force, fraud or coercion, or in which the person is forced to perform such an act is under the age of eighteen years; or
- (2) Labor trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(B) Who may be eligible for benefits as a result of being a victim of a severe form of trafficking?

- (1) Adult victims who have been certified by the United States office of refugee resettlement are eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act of 1952 **as amended**.
- (2) Victims who are under age eighteen are also eligible for benefits to the same extent as refugees, but do not need to be certified by the office of refugee resettlement; however, they do need a letter of eligibility. ~~Reference rule 5101:4-3-07 of the Administrative Code for determining citizenship and alien status of individuals who are not victims of severe forms of trafficking.~~
- (3) Certain family members of victims of a severe form of trafficking may be eligible for benefits and services to the same extent as refugees under the Trafficking Victims Protection Reauthorization Act of 2003, Public Law No. 108-193. Victims of severe forms of trafficking as defined in paragraph (A) of this rule are issued "T" visas by the United States immigration and citizenship services. Certain eligible relatives of trafficking victims are entitled to visas designated as "T-2", "T-3", "T-4", or "T-5" (collectively referred to as "Derivative T Visas") and after the issuance of the visas are eligible for ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits to the same extent as direct victims of severe trafficking, provided that they meet the other eligibility criteria for the program. County agencies shall follow the procedures outlined in paragraphs (D) and (E) of this rule in determining eligibility for these individuals. The eligible relatives of trafficking victims includes:
 - (a) In the case of an alien who is awarded a "T" visa and who is under twenty-one years of age on the date the "T" visa application was filed, derivative "T" visas are available to the alien's parents, spouse, children, unmarried siblings under eighteen years of age on the date on which the alien's visa application was filed.
 - (b) In the case of an alien who is awarded a "T" visa and was twenty-one years of age or older on the date the "T" visa application was filed, the derivative "T" visas are available to the alien's spouse and children.

(C) Do certification letters expire?

- (1) Certification letters for adults and eligibility letters for children no longer contain expiration dates.
- (2) Expired letters are being reissued by the office of refugee resettlement with a lowercase "r" beside the tracking number confirming that the individual continues to meet certification requirements.

(D) What are the procedures for determining eligibility for victims of trafficking?

The county agency shall:

- (1) Accept the original certification letter or eligibility letter for children and retain a photocopy in the case file. Victims of severe forms of trafficking are not required to provide any other immigration documents to receive benefits.
- (2) Call the trafficking victims verification toll-free number, (866) 401-5510, to confirm the validity of the certification letter before providing benefits. During the verification telephone call, the county agency **must shall** notify the office of refugee resettlement of the benefits for which the victim of trafficking has applied.
- (3) Confirm identity. Benefits shall not be automatically denied if the individual is unable to provide verification of identity. The county agency **must shall** call the trafficking verification telephone number for assistance.
- (4) Assist in obtaining a social security number (SSN). The county agency shall not delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a SSN. If an individual is required to provide or apply for a SSN for another benefit program, such as medicaid or Ohio works first, or the victim of severe forms of trafficking does not yet have or is unable to obtain a SSN for work purposes, assistance must be given to these individuals in obtaining non-work SSN's as follows:

The individual must present a letter which:

- (a) Is on county agency letterhead;
- (b) Includes the applicant's name;
- (c) States that the applicant meets the requirements to receive the benefit except for the SSN; and
- (d) Cannot be a generic application, form letter, or photocopy.

- (5) Note the "entry date" for refugee benefits purposes in the **CRIS-E** case record of the statewide automated eligibility system. Once the certification letter or letter for children is received and the validity of the document is verified by calling the trafficking verification telephone number, the county agency shall note the individual's "entry date" for refugee benefit purposes. The entry date is the date of certification. The certification date appears in the body of the certification letter for adults or eligibility letter for children.
- (6) Determine eligibility or redetermine eligibility in accordance with division 5101:4 of the Administrative Code. **¶ When** an individual presents an expired certification letter when applying for benefits or when a reapplication is being completed and the county agency finds that a certification letter has expired, the county agency shall call the office of refugee resettlement trafficking victims verification toll-free number, (866) 401-5510, for assistance.
- (7) Issue benefits. If the applicant meets other program eligibility criteria (e.g., income levels) in accordance with division 5101:4 of the Administrative Code, the individual shall receive benefits and services to the same extent as a refugee.

(E) How is an individual handled who does not have a certification letter or a letter for a child from the office of refugee resettlement?

¶ When a county agency encounters an individual or a child that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification letter or letter in the case of a child, the county agency shall contact the office of refugee resettlement at (866) 401-5510 for assistance.

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FATL 347

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Most Current Prior Effective Date: July 1, 2010

This rule describes the nonfinancial eligibility standards used to determine citizenship and alien status of individuals applying for or receiving food assistance benefits. Unless an individual meets the criteria described in rule 5101:4-3-06 of the Administrative Code for victims of severe forms of trafficking, the individual must meet the requirements of this rule to receive food assistance.

(A) Who is eligible for food assistance?

(1) A United States (U.S.) citizen or non-citizen national,

The "United States" is defined as the fifty states, the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, and the Virgin Islands. In addition, non-citizen nationals from American Samoa or Swain's Island are considered U.S. citizens for purposes of the food assistance program.

(2) An individual who is:

(a) An American Indian who:

(i) Was born in Canada and possesses at least fifty per cent of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act of 1952 (INA), 8 U.S.C. 1359 (06/1952), apply; or

(ii) Is a member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act of 1951, 25 U.S.C. 450b(e) (12/2000), which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians.

(b) A member of the Hmong or Highland Laotian tribe who is:

(i) An individual lawfully residing in the U.S. and who was a member of the Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;

(ii) The spouse, or surviving spouse of such Hmong or Highland Laotian described in paragraph (A)(2)(b)(i) of this rule; or

(iii) An unmarried dependent child, or surviving dependent child of such Hmong or Highland Laotian described in paragraph (A)(2)(b)(i) of this rule who is under the age of eighteen or if a full-time student under the age of twenty-two provided the child was dependent upon him or her at the time of his or her death; or an unmarried disabled child age eighteen or older if the child was disabled and dependent on the person prior to the child's eighteenth birthday. Child means the legally adopted or biological child of the person described in paragraph (A)(2)(b)(i) of this rule.

(3) An alien determined to be a qualified alien as described in paragraph (B) of this rule. A qualified alien is a federal term referring to a pool of non-U.S. citizens eligible to receive food assistance, provided all other eligibility requirements are met.

(B) Who is considered a qualified alien?

An alien that meets the criteria described in paragraph (B)(1) of this rule is considered to be a qualified alien for the food assistance program. An alien that meets the criteria described in paragraph (B)(2) of this rule must also meet at least one of the additional criteria listed in paragraph (B)(3) of this rule to be considered a qualified alien for the food assistance program.

- (1) An alien with an alien status listed below is a qualified alien for the purposes of the food assistance program:
- (a) An alien who is granted asylum under section 208 of the INA, 8 U.S.C 1158 (12/2008);
 - (b) A refugee who is admitted to the U.S. under section 207 of the INA, 8 U.S.C. 1157 (5/2008);
 - (c) An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C 1101 (1/2014);
 - (d) An alien whose deportation or removal is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA, 8 U.S.C 1231 (1/2006);
 - (e) An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980, 8 U.S.C. 1522 note (10/1980);
 - (f) An Amerasian admitted pursuant to section 584 of Public Law (Pub. L. No.) 100-202 (6/2008), as amended by Pub. L. No. 100-461 (10/1988); or
 - (g) A lawful alien with one of the following military connections:
 - (i) A veteran honorably discharged for reasons other than alien status, who fulfills the minimum active-duty service requirements of 38 U.S.C. 5303A(d), (8/1991) including an individual who died in active military, naval or air service duty. The definition of veteran includes an individual who served before July 1, 1946, in the organized military forces of the government of the commonwealth of the Philippines while such forces were in the service of the armed forces of the U.S. or in the Philippine scouts, as described in 38 U.S.C 107 (10/2010).
 - (ii) An individual on active duty (other than training) in the armed forces of the U.S.
 - (iii) The spouse and unmarried dependent children of a person described in paragraph (B)(1)(g)(i) or (B)(1)(g)(ii) of this rule, including the spouse of a deceased veteran, provided the marriage fulfilled the requirements of 38 U.S.C. 1304 (8/1991) and the spouse has not remarried. An unmarried dependent child is: a child who is under the age of eighteen or, if a full-time student, under the age of twenty-two; an unmarried dependent child of a deceased veteran provided the child was dependent upon the veteran at the time of the veteran's death, or an unmarried disabled child age eighteen or older if the child was disabled and dependent on the veteran prior to the child's eighteenth birthday. Child means the legally adopted or biological child of the person described in paragraph (B)(1)(g)(i) or (B)(1)(g)(ii) of this rule.
- (2) The following aliens must also meet at least one of the additional criteria listed in paragraph (B)(3) of this rule in order to be considered a qualified alien for the food assistance program:
- (a) An alien lawfully admitted for permanent residence under the INA;
 - (i) An alien battered or subjected to extreme cruelty in the U.S by a spouse or a parent or by a member of the spouse's or parent's family residing in the same residence as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered. Verification and documentation procedures for this status are defined in exhibit B of attachment 5 of the department of justice (DOJ) interim guidance dated November 17, 1997 (62 FR 61344).
 - (b) An alien paroled into the U.S. under section 212(d)(5) of the INA, 8 U.S.C 1182 (3/2013) for a period of at least one year;
 - (c) An alien granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(d) An alien battered or subjected to extreme cruelty in the U.S by a spouse or a parent or by a member of the spouse's or parent's family residing in the same residence as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered. Verification and documentation procedures for this status are defined in exhibit B of attachment 5 of the department of justice (DOJ) interim guidance dated November 17, 1997 (62 FR 61344).

(3) The additional criteria for aliens listed in paragraph (B)(2) of this rule are:

(a) Has resided in the U.S. for a period of five years or more beginning on the date of the alien's entry into the U.S. The status as a qualified alien, as defined in paragraph (B)(2) of this rule, must be maintained during the five year period;

(b) Is under eighteen years of age, regardless of the date of entry;

(c) Is in receipt of federal government benefits or assistance for disability or blindness regardless of the date of entry, or;

(d) Is an alien lawfully admitted for permanent residence under the INA who has forty qualifying quarters as determined under Title II of the Social Security Act (8/1996).

(C) How does a county agency determine if a qualified alien has forty qualifying quarters?

The county agency shall:

(1) Include qualifying quarters from the work of a parent (natural, adoptive and step) of the alien before the alien became eighteen years of age (including quarters worked before the alien was born or adopted);

(2) Include qualifying quarters credited from the work of a spouse of the alien during their marriage if they are still married or the spouse is deceased;

(3) Exclude quarters of a spouse when the couple divorces prior to a determination of food assistance eligibility. However, if the county agency determines eligibility of an alien based on the quarters of coverage of the spouse, and then the couple divorces, the alien's eligibility continues until the next reapplication. At that time, the county agency must determine the alien's eligibility without crediting the alien with the former spouse's quarters of coverage;

(4) Exclude quarters in which the alien actually received any federal means-tested public benefit, such as Ohio works first, supplemental security income or medicaid, or actually received food assistance benefits. Likewise, a parent's or spouse's quarter is not creditable if the parent or spouse actually received any federal means-tested public benefit or actually received food assistance benefits in that quarter;

The county agency must evaluate quarters of coverage and receipt of federal means-tested public benefits on a calendar year basis. The county agency must first determine the number of quarters creditable in a calendar year, then identify those quarters in which the alien (or parent or spouse of the alien) received federal means-tested public benefits and then remove those quarters from the number of quarters of coverage earned or credited to the alien in that calendar year. However, if the alien earns the fortieth quarter of coverage prior to applying for food assistance benefits or any other federal means-tested public benefit in that same quarter, the county agency must allow that quarter toward the forty qualifying quarters total.

(5) Verify whether a lawful permanent resident has earned or can receive credit for a total of forty qualifying quarters. However, the quarters of coverage history system (QCHS) of the social security administration (SSA) may not show all qualifying quarters. For instance, SSA records do not show current year earnings and in some cases, the last year's earnings, depending on the time of the request. Also, in some cases, an applicant may have work from uncovered employment that is not documented by SSA, but is countable toward the forty quarters test. In both these cases, the individual, rather than SSA, would need to verify the quarters

(D) What are the citizenship and alien status verification requirements?

(1) When an assistance group indicates that one or more of its members are U.S. citizens, but the county agency questions this declaration, the county agency must verify the member's citizenship in accordance with "attachment 4" of the U.S. DOJ interim guidance dated November 17, 1997 (62 Fed.Reg. 61344) which outlines documents that verify an individual's status as a U.S. citizen or non-citizen national:

(a) When the forms of verification suggested in "attachment 4" of the U.S. DOJ interim guidance cannot be obtained and the assistance group can provide a reasonable explanation as to why verification is not available, the county agency shall accept a signed statement from a third party indicating a reasonable basis for personal knowledge which declares under penalty of perjury that the member in question is a U.S. citizen. The signed statement shall contain a warning of the penalties for helping someone commit fraud.

(b) Absent verification or third party attestation of U.S. citizenship, the member whose citizenship is in question is ineligible to participate until the issue is resolved. The member whose citizenship is in question will have his or her income and resources considered available to any remaining assistance group members as set forth in rule 5101:4-6-13 of the Administrative Code.

(c) The county agency shall accept participation in another program as acceptable if verification of citizenship was obtained for that program.

(2) An alien is ineligible for food assistance until acceptable documentation is provided unless:

(a) The county agency has submitted a copy of a document provided by the assistance group to the U.S. department of homeland security (DHS) for verification. Pending such verification, the county agency shall not delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status.

(b) The applicant or county agency has submitted a request to SSA for information regarding the number of quarters of work that can be credited to the individual. SSA has responded that the individual has fewer than forty quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the county agency must certify the individual for up to six months from the date of the original determination of insufficient quarters pending the results of the investigation.

(c) The applicant or the county agency has submitted a request to a federal agency for verification of information affecting the individual's eligible alien status. The county agency must certify the individual for up to six months from the date of the original request for verification pending the results of the investigation.

(E) Is there a timeframe for verifying citizenship?

(1) The county agency must provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status. A reasonable opportunity must be at least ten days from the date of the county agency's request for an acceptable document.

(2) When the county agency fails to provide an alien applicant with a reasonable opportunity to submit documentation, the county agency must provide the assistance group with benefits no later than thirty days following the date of application, provided the assistance group is otherwise eligible.

(F) How does the county agency determine the validity of documents?

(1) The county agency shall verify the authenticity of the documentation of eligible alien status of applicant aliens. If an alien does not wish the county agency to contact the DHS to verify his or her immigration status, the county agency must give the assistance group the option of withdrawing its application or participating without that assistance group member in accordance

with paragraph (H) of this rule. The U.S. DOJ interim guidance dated November 17, 1997 (62 FR 61344) contains information on acceptable documents and INS codes.

- (2) The county agency shall verify the validity of the documents presented by applicant aliens through the systematic alien verification for entitlements (SAVE) program. In some instances validity of documents shall be verified by submitting the DHS, "Document Verification Request" form G845S (7/2008) to the appropriate office, along with the proper documentation. SAVE procedures are set forth in rule 5101:4-7-14 of the Administrative Code.

(G) What happens when an individual's status as an alien changes?

- (1) Each category of eligible alien status stands alone for purposes of determining eligibility.
- (2) Subsequent adjustment to a more limited status does not override eligibility based on an earlier less rigorous status. Likewise, if eligibility expires under one eligibility status, the county agency must determine if eligibility exists under another status.

(H) What happens when an assistance group indicates an inability or unwillingness to provide documentation of alien status?

When an assistance group indicates inability or unwillingness to provide documentation of alien status for any assistance group member, that member shall be classified as an ineligible alien. In such cases, the county agency must not continue efforts to obtain that documentation, unless the individual requests assistance from the county agency.

(I) Should the county agency report illegal aliens?

County agencies shall report to the Ohio department of job and family services when an applicant or recipient is known to be an illegal alien. To be a known illegal alien, there must be a finding of fact or a conclusion of law made as part of a formal determination that is conducted by the U.S. citizenship and immigration service (USCIS) under the U.S. DHS. Only documentation provided by the USCIS or the executive office of administrative review (e.g. a final order of deportation) shall be considered evidence.

Replaces: 5101:4-3-07 and 5101:4-3-08

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FATL 379

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Most Current Prior Effective Date: January 1, 2017

- (A) What is the process for an initial interview?
- (1) Upon receipt of the **JFS 07200** "Request for Cash, Food, and Medical Assistance" (rev. ~~9/2014~~10/2016), the county agency shall conduct an interactive interview with a member of the assistance group or an authorized representative for the assistance group making application.
 - (2) The county agency shall schedule an interview for all applicant assistance groups who are not interviewed on the day they submit an application. The interview notice shall contain the date and time of the interview. The notice shall also list the phone number the county agency will call when completing a phone interview, or the phone number the applicant will call to complete the interview with the county agency.
 - (3) When separate applications are filed for assistance groups residing in the same household, each assistance group that has applied on a separate application shall be interviewed or scheduled for an interview.
 - (4) When scheduling an interview, the county agency shall consider and attempt to accommodate any special circumstances or requests from an assistance group, including the assistance group's work schedule.
 - (5) The county agency shall schedule all interviews as promptly as possible to ensure eligible assistance groups receive an opportunity to participate within thirty days after the application is filed.
- (B) What are the options for conducting an initial interview?
- (1) The county agency may conduct an:
 - (a) Office interview;
 - (b) Telephone interview; or
 - (c) Home visit (as long as it is scheduled in advance with the assistance group).
 - (2) The type of interview conducted is left to the county agency's discretion unless the applicant requests a face-to-face interview. The county agency shall grant a face-to-face interview to any assistance group that requests one.
- (C) What are the standard interview practices?
- (1) The interview may be conducted with the head of the assistance group, spouse, any other responsible member of the assistance group or an authorized representative.
 - (2) When it is obvious the applicant is not mentally competent and is not able to understand the hearing rights, the applicant shall be required to name an authorized representative to receive notices.
 - (3) An applying assistance group shall report all changes related to its supplemental nutrition assistance program (SNAP) eligibility and benefits at the certification interview.
 - (4) The **JFS 01846**, "Case Worksheet- Cash, Food Stamp, and Medical Assistance Interview" (5/2005), shall be completed by the county agency when the statewide automated eligibility system is down for an extended period of time or a home visit is necessary.
- (D) What are the county agency's responsibilities during an interview?
- (1) Review the information appearing on the application, and explore and resolve unclear and incomplete information.

- (2) Perform necessary collateral contacts and collect required verifications.
- (3) Advise assistance groups of their rights and responsibilities during the interview, including the appropriate application processing standard and the assistance group's responsibility to report changes. The rights and responsibilities include:
 - (a) For all work registrants, the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code;
 - (b) For all work registrants required to participate in the SNAP employment and training program (E&T), the requirements described in rule 5101:4-3-30 of the Administrative Code;
 - (c) For all able-bodied adults without dependents, the work requirement, time-limit and process for regaining eligibility described in rules 5101:4-3-20 and 5101:4-3-20.1 of the Administrative Code.
 - (d) The households's responsibility to report changes in accordance with rule 5101:4-7-01 of the Administrative Code; and
 - (e) The application processing standards described in rule 5101:4-2-11 of the Administrative Code.
- (4) Conduct the interview as an official and confidential discussion of assistance group circumstances.
- (5) Protect the applicant's right to privacy during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.
- (6) Advise assistance groups that are also applying for or receiving Ohio works first (OWF) cash assistance benefits that time limits and other requirements that apply to the receipt of OWF benefits do not apply to the receipt of SNAP, and that assistance groups which stop receiving OWF benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits.
- (7) Confirm the assistance group is not subject to an intentional program violation.
- (8) In accordance with rule 5101:9-2-02 of the Administrative Code, the county agency shall comply with the Americans with Disabilities Act (ADA) (1990) plan adopted by the county agency. This includes, but is not limited to, providing the assistance group with an explanation of their rights under the amendments to Title II of the Americans with Disabilities Act (ADAAA) and section 504 of the Rehabilitation Act (2008) and offering additional screening to any individual that discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities.
- (9) Determine if each member of the household is required to register for work in accordance with rule 5101:4-3-11 of the Administrative Code.

(E) What happens when an assistance group misses its interview?

- (1) The county agency shall notify an assistance group of its missed interview appointment by using the [JFS 04218](#) "Notice of Missed Interview" (rev. ~~9/2014~~11/2016) or the statewide automated eligibility system equivalent, in accordance with rule 5101:4-5-07 of the Administrative Code and inform the assistance group they are responsible for rescheduling a missed interview.
- (2) When the assistance group contacts the county agency within the thirty-day application processing period, the county agency shall schedule a second interview.
- (3) The county agency shall not deny an assistance group's application prior to the thirtieth day when the assistance group fails to appear for the first scheduled interview.
- (4) When the assistance group requests a second interview during the thirty-day application processing period and is determined eligible, the county agency shall issue prorated benefits from the date of application.

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FATL 379

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This rule sets forth the actions a county agency ~~must~~ shall take on supplemental nutrition assistance program (SNAP) benefits when a member of an assistance group in which all members are receiving Ohio works first (OWF) is sanctioned or disqualified from the OWF program for failing a behavioral requirement in the OWF program designed to improve the well being of the recipient family, such as participating in job search activities, or other provisions of the self sufficiency contract.

- (A) What is an OWF assistance group?
- (1) An OWF assistance group is defined as an assistance group in which all members are receiving benefits under Title IV-A of the Social Security Act. The ~~OWF rules that contain the~~ penalties and sanctions that should be imposed for these assistance groups are ~~set forth~~ described in rules 5101:1-3-14 and 5101:1-3-15 of the Administrative Code.
 - (2) Assistance groups in which not all members are receiving OWF shall be treated in accordance with rules 5101:4-3-11, 5101:4-3-11.1, 5101:4-3-11.2 and 5101:4-3-19 of the Administrative Code.
- (B) When should a county agency apply this rule?
- (1) This rule shall be applied when:
 - (a) An individual is receiving OWF benefits at the time the sanction or disqualification was imposed; or
 - (b) The sanction or disqualification is imposed at the time of application for continued OWF benefits if there is no break in participation.
 - (2) This rule shall not be applied when an individual has:
 - (a) Reached a time limit for time-limited benefits;
 - (b) Failed to reapply or complete the application process for continued OWF benefits;
 - (c) Failed to perform an action that the individual is unable to perform as opposed to refusing to perform;
 - (d) Failed to perform purely procedural requirements required by the OWF program. A procedural requirement, which would not trigger a ~~food assistance~~ SNAP sanction or disqualification, is a step that an individual must take to continue receiving benefits in the OWF program such as providing verification of circumstances; or
 - (e) Been sanctioned or disqualified at the time the individual initially applied for OWF benefits.
- (C) What circumstances cause an individual to become ineligible for SNAP rather than sanctioned or disqualified?
- (1) Failure or refusal without good cause of an individual who is an adult or a minor head of household to complete the appraisal process, as set forth in rule 5101:1-3-11 of the Administrative Code.
 - (2) Failure or refusal of an individual who is an adult or a minor head of household to sign the self sufficiency contract, as set forth in rule 5101:1-3-11 of the Administrative Code.
 - (3) Failure or refusal of a minor parent to attend the learning, earning and parenting (LEAP) program assessment, failure to enroll in school, or withdrawal from school, as set forth in rule 5101:1-23-50 of the Administrative Code.
- (D) What circumstances cause an individual to be disqualified from SNAP?

In accordance with rule 5101:1-3-11 of the Administrative Code, a member of an OWF assistance group who is an adult or a minor head of household shall be disqualified to participate in SNAP ~~the food assistance program~~ for six payment months **if** when the county agency determines that the member of the assistance group terminated his or her employment without just cause.

(E) What circumstances cause an individual to be sanctioned from SNAP?

(1) Failure by an individual who is an adult or a minor head of household to comply with provision(s) contained in the self sufficiency contract without good cause, as ~~set forth~~ described in rule 5101:1-3-11 of the Administrative Code, shall result in the imposition of a sanction for that individual as ~~set forth~~ described in rule 5101:1-3-15 of the Administrative Code.

(a) Provisions contained within the self sufficiency contract that could result in a sanction are work activities, alternative activities as ~~set forth~~ described in rule 5101:1-3-12.12 of the Administrative Code and child support noncooperation as ~~set forth~~ described in rule 5101:1-3-10 of the Administrative Code.

(b) Subsequent failures to comply with provision(s) contained in the self sufficiency contract that occur up until the imposition of the sanction shall be considered the same occurrence. The ~~food assistance~~ SNAP sanction or disqualification period shall be imposed concurrently with the sanction or disqualification in the OWF program to the extent allowed by normal ~~food assistance~~ SNAP processing times and notice requirements.

(2) Failures resulting in the imposition of a sanction as ~~set forth~~ described in rule 5101:1-3-15 ~~of the Administrative Code~~ or ~~as set forth in rule~~ 5101:4-3-11.2 of the Administrative Code are to be cumulative.

(F) What happens when a sanctioned or disqualified individual changes OWF assistance groups?

An individual who causes the sanction or disqualification carries that sanction or disqualification into another OWF assistance group until that individual complies.

(G) What happens to the sanction if the individual leaves the OWF program prior to the imposition of the sanction?

If When an OWF individual leaves the OWF program prior to the actual imposition of the sanction or disqualification, the sanction or disqualification will not be held in abeyance.

(H) How long does an individual remain sanctioned from ~~food assistance~~ SNAP under the provisions of this rule?

(1) The length of the SNAP sanction or disqualification period shall not exceed the OWF sanction or disqualification period in accordance with paragraph (C) of rule 5101:1-3-15 of the Administrative Code.

(a) **If** When the sanction or disqualification is still in effect at the end of one year, the county agency shall review the case to determine if the sanction or disqualification continues to be appropriate. Sanctions or disqualifications extended beyond one year must be reviewed at least annually but may be ended by the county agency at any time.

(b) The county agency shall stop the ~~food assistance~~ SNAP sanction or disqualification when it becomes aware that the person has become ineligible for OWF for some other reason.

(2) After a sanction or disqualification has ended, the individual may apply for ~~food assistance~~ SNAP benefits according to rule 5101:4-2-01 of the Administrative Code or be added to the assistance group according to paragraph (K)(3)(a) of rule 5101:4-7-01 of the Administrative Code.

(I) How is a SNAP sanction that is imposed in accordance with rule 5101:1-3-15 of the Administrative Code ended and eligibility regained?

The assistance group member who failed or refused a provision of the self sufficiency contract must:

- (1) Sign and submit to the county agency a ~~JFS 03804 "Ohio Works First/Food Assistance Sanction Compliance Request" (rev. 08/2013)~~ **JFS 03804 "Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement"** (rev. 11/2016) or the ~~client registry information system-enhanced (CRIS-E) equivalent~~ equivalent from the statewide automated eligibility system; and
- (2) Serve the minimum sanction period.
- (3) For a second and any subsequent sanction the assistance group member who failed and/or refused, to comply with a provision of the self sufficiency contract without good cause, must demonstrate a willingness to comply with the self sufficiency contract through the completion of an appropriate compliance activity as assigned by the county agency ~~as set forth~~ in accordance with paragraph (H) of rule 5101:1-3-15 of the Administrative Code.

(J) How are the income and resources of a sanctioned individual treated?

Individuals sanctioned in accordance with this rule shall have their income and resources treated as ~~set forth~~ described in rule 5101:4-6-13 the Administrative Code.

(K) How is the ~~food assistance~~ SNAP benefit allotment affected?

In accordance with rule 5101:4-6-16 of the Administrative Code, the county agency shall not increase the ~~food assistance~~ SNAP allotment as the result of a decrease in ~~cash assistance~~ OWF when the decrease is due to the failure of an assistance group member to perform a required action.

(L) How does the county agency process changes that are not related to the OWF violation?

The county agency shall act on changes which are not related to the OWF violation and that would affect the assistance group's benefits. All individuals who enter the OWF assistance group after the time of the failure, and otherwise meet eligibility requirements, shall be eligible to receive ~~food assistance~~ SNAP benefits for the appropriate assistance group size.

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(A) What is work registration?

Work registration is the process for identifying employable individuals who are applying for or are participating in the ~~food assistance program~~ supplemental nutrition assistance program (SNAP). Individuals who are work registered ~~are then assessed by the county agency through the appraisal process as described in rule 5101:4-3-29 of the Administrative Code and assigned to an appropriate employment and training activity~~ must comply with the requirements described in rule 5101: 4-3-11.1 of the Administrative Code.

(B) Who must be work registered for ~~the food assistance employment and training program~~ SNAP?

~~All individuals who are members of an eligible assistance group shall be registered for work and are required to comply with the employment and training program requirements unless the individual meets one of the following exemptions~~ Unless an individual meets one of the following exemptions, the individual shall be registered for work and be required to comply with the work registration requirements described in rule 5101: 4-3-11.1 of the Administrative Code:

- (1) A person younger than sixteen years of age.
 - (a) A sixteen- or seventeen-year-old participant who is not the assistance group name as defined in rule 5101:4-1-03 of the Administrative Code is exempt from work registration.
 - (b) A sixteen- or seventeen-year-old participant who is the assistance group name and is attending school or enrolled in an employment training program at least half time is exempt from work registration.
- (2) Person sixty years of age or older.
- (3) A parent or other assistance group member who is responsible for the care of a dependent child under age six or an incapacitated person. When a parent and another member of the assistance group both claim to be responsible for the care of the same dependent child(ren) or incapacitated assistance group member, only one member shall be exempt. The responsibility should be determined by discussion with the applicant.
- (4) A person receiving unemployment compensation benefits. A person who has applied for, but is not yet receiving, unemployment compensation benefits is also exempt if that person is complying with the requirements of the unemployment compensation application process.
- (5) A person determined by the county agency to be physically or mentally unfit for employment either permanently or temporarily. Notwithstanding paragraph (D) of this rule, persons claiming a temporary disability shall be required to register once they become physically and mentally fit unless otherwise exempt. ~~When an individual claims to be mentally or physically unfit for employment and the disability is not evident, verification may be required~~ An individual is medically certified as physically or mentally unfit for employment if he or she is:-
 - (a) ~~When a claim of permanent or temporary disability is questionable, the county agency may obtain verification from a variety of sources. For example, the receipt of benefits from supplemental security income (SSI) is considered evidence of unemployability. In addition, receipt of disability payments under the retirement, survivors, and disability insurance (RSDI) program is considered proof of disability for purposes of this exemption.~~ Receiving temporary or permanent disability benefits issued by governmental or private sources; or
 - (b) ~~Other individuals claiming a disability exemption should, in the absence of physical evidence, furnish verification that can substantiate their disability. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by~~

~~governmental or private sources, or a statement from a physician or licensed or certified psychologist.~~ Obviously mentally or physically unfit for employment as determined by the county agency; or if the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the county agency determines appropriate, that he or she is physically or mentally unfit for employment. ~~In questionable cases, adequate-~~ The county agency shall maintain documentation ~~should appear in the assistance group file~~ within the case file capable of withstanding a third-party review to support the granting of ~~this~~ the exemption.

- (6) Assistance group members who are applying for both SSI and ~~food assistance~~ SNAP benefits at the local social security office shall have the requirement for work registration waived until:
 - (a) They are determined eligible for SSI and thereby become exempt from work registration; or,
 - (b) They are determined ineligible for SSI at which time their exemption from work requirements shall be reevaluated.
- (7) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or nonresident basis.
- (8) A student enrolled in a recognized school, training program, or institution of higher education, as defined in rule 5101:4-6-04 of the Administrative Code, is exempt from work registration if enrolled at least half time.
 - (a) A student enrolled at least half time in any recognized school, training program, or institution of higher education will remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer).
 - (b) Persons who are not enrolled at least half time or who experience a break in enrollment due to graduation, expulsion, or suspension, or who drop out or otherwise do not intend to return to school, shall not be considered students for the purpose of qualifying for this exemption.
 - (c) The determination of whether the student is enrolled at least half time is made by the school, training program, or institution of higher education.
 - (d) A person who is subject to work registration as a condition of eligibility and whose assignment is to attend a recognized school, training program, or institution of higher education is not exempt from work registration. Individuals who are required to work register who are assigned to a recognized school, training program or institution of higher education through the employment and training program meet a student exemption defined in paragraph (B)(4) of rule 5101:4-6-04 of the Administrative ~~code~~ Code and are considered eligible students for the ~~food assistance program~~ SNAP.
 - (e) A person who is enrolled in a school but taking only noncredit courses is not considered a student for purposes of this exemption.
- (9) An assistance group member subject to and complying with any work requirement under the Ohio works first (OWF) program.
- (10) An employed or self-employed person working a minimum of thirty hours weekly or earning weekly wages at least equal to the federal minimum wage multiplied by thirty hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within thirty days (although this shall not prevent individuals from seeking additional services from the county agency).

(C) What procedures shall the county follow for ~~work registration~~ each work registrant?

The county agency shall:

- (1) ~~The county agency shall~~ Ensure each individual has received an explanation of their rights and responsibilities described in paragraphs (D)(3)(a) to (D)(3)(d) of rule 5101:4-2-07 of the Administrative Code ~~explain to the individual the employment and training program requirements, the rights and responsibilities of work registered assistance group members,~~ and the consequences of ~~failure-failing~~ to comply with the work registration requirements as described in rule 5101:4-3-11.2 of the Administrative Code. A written statement of the above shall also be provided to each individual who is registered for work. A statement shall also be provided when a previously exempt individual or new household member becomes subject to a work registration, and every twelve months after initial registration.
 - (2) ~~Each registration shall be documented~~ Document each individual registration via the statewide automated eligibility system.
 - (a) The county agency shall update the statewide automated eligibility system for each individual required to work register prior to authorization of ~~food assistance~~ SNAP benefits.
 - (b) Individuals required to work register shall not be required to be present at the time the county agency work registers the individual. These individuals shall be notified of work registration requirements in accordance with paragraph (C)(1) of this rule ~~and scheduled for and notified of an appraisal interview.~~
 - (3) Provide each work registrant with information about services available through the OhioMeansJobs website (OhioMeansJobs.com) and/or the closest OhioMeansJobs center;
 - (4) Conduct an appraisal in accordance with rule 5101:4-3-29 of the Administrative Code for each individual subject to the work registration requirement described in paragraph (A)(5) of rule 5101:4-3-11.1 of the Administrative Code.
- (D) What happens when an individual is no longer exempt from work registration?
- (1) The county agency shall register any person losing exemption status due to any change in circumstances that is subject to reporting requirements of rule 5101:4-7-01 of the Administrative Code at the time the change is reported. Registration shall be documented via the statewide automated eligibility system.
 - (2) The county agency shall register persons who lose their exemption due to a change in circumstances that is not subject to reporting requirements of rule 5101:4-7-01 of the Administrative Code at the assistance group's next reapplication. Registration shall be documented via the statewide automated eligibility system.

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9/22/96 (Emer.), 9/23/96 (Emer.), 10/1/96 (Emer.), 11/22/96 (Emer.), 12/15/96, 12/21/96, 1/9/97, 1/31/97 (Emer.), 2/1/97 (Emer.), 4/13/97, 5/1/97, 10/1/97 (Emer.), 1/8/98, 10/11/01, 1/6/03, 12/6/04, 12/31/06, 01/01/08, 10/15/09, 8/1/15

FATL 379

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(A) What are the ~~employment and training program~~ work registration requirements for work registered individuals?

Each individual required to register for ~~employment~~ work shall:

- ~~(1)~~ ~~Participate in the appraisal process in accordance with rule 5101:4-3-29 of the Administrative Code;~~
- ~~(2)~~(1) Respond to a request for supplemental information regarding employment status or availability for work;
- ~~(3)~~(2) Report to an employer when referred by the county agency unless the potential employment meets the unsuitability criteria described in paragraph (E) of this rule;
- ~~(4)~~(3) Accept a bona fide offer of suitable employment when referred by the county agency;
- ~~(5)~~(4) Continue suitable employment until it is no longer considered suitable; the individual is terminated for reasons beyond the individual's control; or the individual becomes exempt from work registration; and
- ~~(6)~~(5) Participate in the appraisal process and the ~~an~~ supplemental nutrition assistance program (SNAP) employment and training program (SNAP E&T) (e.g. job search/job readiness, education and training or the work experience program) assignment as assigned by the county agency; in accordance with rule 5101: 4-3-29 of the Administrative Code, unless the individual is:
 - (a) Pregnant;
 - (b) Under eighteen or fifty years of age or older;
 - (c) A parent (natural, adoptive or step) of an assistance group member under age eighteen, even if the assistance group member who is under eighteen is not eligible for SNAP benefits; or
 - (d) Residing in an assistance group where an assistance group member is under age eighteen, even if the assistance group member who is under eighteen is not eligible for SNAP benefits.

(B) What happens when an individual fails or refuses to meet the ~~employment and training program~~ work registration requirements?

- (1) Failure or refusal to complete the appraisal process as defined in rule 5101:4-3-29 of the Administrative Code by a required individual will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code. County agencies shall follow rule 5101:4-6-13 of the Administrative Code for the treatment of income and resources of the individual.
- (2) Failure or refusal without good cause to participate in ~~an employment and training program~~ SNAP E&T to the extent required by the county agency will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code.
- (3) Failure or refusal without good cause to accept an offer of suitable employment will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code. Unsuitable employment is defined in paragraph (E) of this rule.
- (4) Failure or refusal without good cause to provide the county agency with sufficient information to allow the county agency to determine the employment status or the job availability of the individual will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code.

- (5) Voluntarily and without good cause: quits a job of thirty or more hours a week or reduces work effort and, after the reduction, the individual is working less than thirty hours per week will result in a sanction. A sanction shall be applied in accordance with rule 5101:4-3-11.2 of the Administrative Code. When the individual reduces his or her work hours to less than thirty a week, but continues to earn weekly wages that exceed the federal minimum wage multiplied by thirty hours, the individual remains exempt from ~~program-work registration requirements~~ in accordance with rule 5101:4-3-11 of the Administrative Code.

(C) What is good cause?

- (1) The county agency shall be responsible for determining good cause at any time when a ~~food assistance-work~~ registered individual fails or refuses to comply with an appraisal, ~~an employment and training program-SNAP E&T~~ assignment or when a work registered individual voluntarily quits a job or reduces his or her work effort. In determining whether or not good cause exists, the county agency shall take into account the facts and circumstances, including information submitted by the employer and the assistance group member involved.
- (2) Good cause shall include circumstances beyond the individual's control, such as, but not limited to, illness, illness of another assistance group member requiring the presence of the member, an assistance group emergency, the unavailability of transportation, the lack of adequate child care for children who have reached age six but are under age twelve or domestic violence as outlined in paragraph (F) of this rule.
- (3) When the county agency determines that good cause exists the individual shall be excused and a sanction shall not be imposed.

(D) What is good cause for leaving employment?

Good cause for leaving employment includes the good cause provisions outlined in paragraph (C) of this rule. Good cause for leaving employment also includes, but is not limited to, the following:

- (1) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- (2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.
- (3) Acceptance of employment by the individual, or enrollment by the individual in any recognized school, training program, or institution of higher education on at least a half time basis, that requires the individual to leave employment; or acceptance by any other assistance group member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision that requires the assistance group to move and thereby requires the individual to leave employment.
- (4) Resignations by persons under the age of sixty that are recognized by the employer as retirement.
- (5) Employment that becomes unsuitable, as specified in paragraph (E) of this rule, after the acceptance of such employment.
- (6) Acceptance of a bona fide offer of employment of more than thirty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by thirty hours that, because of circumstances beyond the control of the individual, subsequently either does not materialize or results in employment that does not meet the requirements provided for in paragraph (E)(1) of this rule.
- (7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where assistance groups will apply for ~~food assistance-SNAP~~ benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered good cause when it is part of the pattern of that type of employment.

(8) When a county agency finds the information regarding an assertion of good cause is questionable as defined in rule 5101:4-2-09 of the Administrative Code, the county agency shall request verification of the assistance group's statements. It is the assistance group's responsibility to provide the necessary verification in accordance with rule 5101:4-2-09 of the Administrative Code. However, when the county agency has access to the information needed it should be considered. When assistance in gathering the information is needed, it must be provided. When good cause is questionable and the assistance group fails or refuses to provide verification of the questionable information, good cause shall not be determined.

(E) What is unsuitable employment?

(1) In addition to any criteria established by county agencies, employment shall be considered unsuitable under any of the following conditions:

(a) The wage offered is less than the highest of:

(i) The applicable federal or state minimum wage; or

(ii) Eighty per cent of the federal minimum wage, if neither the federal nor the state minimum wage is applicable;

(b) The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages;

(c) The assistance group member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization; or

(d) The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under section 208 of the Labor-Management Relations Act of 1947 29 U.S.C. 141 (6/1947), or unless an injunction has been issued under section 10 of the Railway Labor Act of 1926, 45 U.S.C. 151 (10/1996).

(F) What are the requirements for victims of domestic violence?

Individuals who are victims of domestic violence as defined in rule 5101:1-3-20 of the Administrative Code shall be treated as follows:

(1) Individuals who are victims of domestic violence shall be identified through the appraisal process in accordance with rule 5101:4-3-29 of the Administrative Code.

(2) When the county agency determines that the individual has been subjected to domestic violence and requiring ~~compliance with the work requirement~~ participation in SNAP E&T would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual, the county agency may excuse the individual from the employment and training program requirements, if supporting documentation as described in paragraph (F)(1) of rule 5101:1-3-20 of the Administrative Code is provided.

(3) When an individual is assigned to and engaged in an employment and training activity and fails to comply as a result of domestic violence, the county agency shall excuse and shall not impose a sanction for failure to comply with the ~~employment and training program~~ SNAP E&T requirement.

(4) The county agency shall review the continued eligibility of the excused non-participation at least once every six months. The county agency may, at its option, review the individual's excused non-participation more frequently than every six months. There is no limit on the number of times (or length of time) that an excuse can be extended.

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- (A) What happens when an individual does not comply with a work registration requirement?
- (1) When an individual fails or refuses to meet the work registration requirements in rule 5101:4-3-11.1 of the Administrative Code, the individual shall be sanctioned from participation in the supplemental nutrition assistance program (SNAP) as follows:
 - (a) For a first failure or refusal, the county agency shall sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of one benefit month.
 - (b) For a second failure or refusal, the county agency shall sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of three benefit months.
 - (c) For the third or subsequent failure or refusal, the county agency shall sanction the individual by denying or terminating the individual's eligibility to participate in the SNAP for a minimum of six benefit months.
 - (2) When an individual stops receiving SNAP benefits before the actual imposition of the sanction, the sanction will not be held in abeyance. The establishment of new residence in another county or another assistance group by an individual who has been proposed for a sanction or who is currently under sanction does not, in and of itself, negate the sanction.

- (B) What is the process for notification of noncompliance?

~~It is the individual's responsibility to contact the county agency within seven calendar days of the noncompliance to show good cause for the failure. When the individual does not contact the county agency within seven calendar days or it is determined the failure was without good cause, in accordance with Chapter 5101:6-2 of the Administrative Code, proper notice of adverse action shall be provided to the individual.~~

- (1) Prior to issuing a notice of noncompliance in accordance with paragraph (B)(2) of this rule, the county agency is to ensure that the individual was informed of the failure(s) and his or her right to provide good cause information to the county agency.
 - (a) The county agency or the SNAP (E&T) provider may inform the individual of the failure by any reasonable means (letter, phone call, email, etc.).
 - (b) The SNAP E&T provider is to adhere to the reporting time frame to the county agency described in paragraph (B)(2) of rule 5101:4-3-30 of the Administrative Code.
 - (c) The attempt to contact the individual is to be documented in the case record.
- (2) Once an individual has been informed in accordance with paragraph (B)(1) of this rule, it is the individual's responsibility to contact the county agency within seven days of the notification of noncompliance to show good cause for the failure. Within ten days of determining the failure was without good cause, in accordance with Chapter 5101:6-2 of the Administrative Code, proper notice of adverse action is to be provided to the individual.

The notification shall contain:

- ~~(1)~~(a) The particular act of noncompliance committed;
- ~~(2)~~(b) The proposed period of the sanction;
- ~~(3)~~(c) Language explaining that the individual may, if appropriate, reapply at the end of the sanction period;
- ~~(4)~~(d) Information on or with the notice describing the action that can be taken to avoid the sanction before the sanction period begins; and

~~(5)~~(e) Notice and hearing requirements contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code that apply in each instance of noncompliance and subsequent sanction action.

(C) How does an individual comply to regain eligibility for SNAP?

Except for individuals sanctioned as a result of a voluntary quit or reduction of work effort, the county agency shall require the individual to:

- (1) Prior to reinstatement of benefits, the individual shall sign the JFS 03804 "Ohio Works First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement" ~~(rev. 11/2016)~~ agreeing to participate in the work program and to comply with the work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code.
 - (a) When the JFS 03804 is signed prior to the end of the sanction period, the sanctioned individual shall regain eligibility and benefits shall be reinstated after the minimum sanction period is served.
 - (b) When the JFS 03804 is signed after the end of the minimum sanction period, the individual shall regain eligibility effective the day the JFS 03804 was signed and returned to the county agency and benefits shall be reinstated pursuant to rule 5101:4-7-01 of the Administrative Code.
- (2) When the circumstances change and the individual qualifies for an exemption from work registration in accordance with rule 5101:4-3-11 of the Administrative Code, the individual may qualify for SNAP benefits. Such exemptions may occur before the minimum sanction period ends.
- (3) Individuals sanctioned as a result of a voluntary quit or reduction of work effort shall be required to regain eligibility in accordance with rule 5101:4-3-19 of the Administrative Code.

(D) How are failures for noncompliance with unemployment compensation or an Ohio works first (OWF) work requirement handled?

Individuals receiving unemployment compensation or OWF benefits are exempt from work registration. Instead, the individual must comply with the unemployment compensation or OWF requirements. If the assistance group reports a loss or denial of unemployment compensation or OWF eligibility or if the county agency learns of the loss or denial, the county agency shall determine whether the loss or denial was caused by a determination by the administering agency that the individual refused or failed without good cause to comply with an unemployment compensation or OWF requirement. When it is determined the individual failed or refused to meet an unemployment compensation or OWF requirement, the county agency shall:

- (1) Determine if the assistance group is an OWF assistance group. An OWF assistance group is a group in which all members are receiving OWF benefits. For OWF assistance groups, the county agency shall follow rule 5101:4-3-09 of the Administrative Code. However, when all of the individuals in the assistance group are not receiving OWF cash benefits (i.e. one or more members are only in receipt of SNAP), the assistance group remains subject to the requirements of this rule.
- (2) Determine if the individual meets one of the other work registration exemptions outlined in rule 5101:4-3-11 of the Administrative Code. When the individual meets another work registration exemption in rule 5101:4-3-11 of the Administrative Code, no action is required.
- (3) When the individual does not meet another work registration exemption, the individual shall be sanctioned in accordance with this rule. The income and resources of the individual shall be treated in accordance with paragraph (A) of rule 5101:4-6-13 of the Administrative Code.
- (4) Assistance group members who fail to comply with an unemployment compensation or OWF requirement that is not equivalent to that of a food assistance work requirement shall lose their exemption and must be registered for work if not otherwise exempt.

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Applicants or recipients who voluntarily quit employment or reduce work hours are ineligible to participate in the ~~food assistance program~~ supplemental nutrition assistance program (SNAP) subject to the requirements of this rule.

(A) What is considered a voluntary job quit or reduction of work?

- (1) A voluntary job quit is a situation in which an individual who is required to register for work, as set forth in rule 5101:4-3-11 of the Administrative Code, has voluntarily quit a job of thirty hours or more a week without a good cause; or when an employee of the federal, state or local government participates in a strike against such government, and is dismissed from his or her job because of participation in the strike.
- (2) A reduction of work is a situation in which an individual who is required to register for work, as set forth in rule 5101:4-3-11 of the Administrative Code, has voluntarily reduced their work hours less than thirty hours a week or to a level that results in earning less than the federal minimum wage times thirty hours a week without good cause.

(B) What situations are not considered a voluntary job quit or reduction of work?

Any individual required to register for work that has:

- (1) Any reduction in hours mandated by the employer;
- (2) Decided to terminate self-employment;
- (3) Resigned from employment at the demand of the employer for any reason; or
- (4) ~~An individual who quit~~ Quit a job and ~~secures~~ secured comparable employment. "Comparable" is not strictly defined. County agencies shall not declare a new job incomparable simply because the number of hours or the salary is lower than the job ~~which~~ that was quit.

(C) How does the county agency verify a voluntary quit or reduction of work hours?

- (1) ~~If~~ When the information given by the applicant or recipient is questionable, the county agency shall request verification as defined in rule 5101:4-2-09 of the Administrative Code.
- (2) The assistance group has the primary responsibility for providing verification, but ~~if~~ when the assistance group reports difficulty obtaining the verification in a timely manner, the county agency shall provide assistance in obtaining the verification.
- (3) ~~If~~ When the assistance group and county agency are unable to obtain requested verification because the quit or work effort reduction resulted from circumstances that are unverifiable for good reasons, the individual shall not be denied under the voluntary job quit or reduction of work effort provisions. Benefits shall not be delayed beyond the normal processing time limits specified in paragraph (J) of rule 5101:4-2-01 of the Administrative Code.

(D) How is good cause established?

Good cause is defined in paragraphs (C) and (D) of rule 5101:4-3-11.1 of the Administrative Code. In determining ~~if~~ when good cause exists the county agency shall also determine if the employment was unsuitable as ~~set forth~~ described in paragraph (E) of rule ~~5101:4-3-11~~ 5101:4-3-11.1 of the Administrative Code or if there was a domestic violence issue as established in paragraph (F) of rule ~~5101:4-3-11~~ 5101:4-3-11.1 of the Administrative Code. The county agency must take into account the facts and circumstances including information submitted by the employer, the assistance group, and or a collateral contact. ~~If~~ When good cause is determined, the county agency shall excuse the job quit or reduction in hours and a sanction shall not be imposed.

- (E) What happens ~~if~~ when the county agency determines a voluntary job quit or reduction of hours has occurred without good cause?
- (1) ~~If~~ When an applicant has a voluntary job quit or reduction of work hours within sixty days of applying for assistance and without good cause they shall be found ineligible for assistance for the period outlined in paragraph (A) of rule 5101:4-3-11.2 of the Administrative Code.
 - (2) ~~If~~ When a recipient of ~~food assistance~~ SNAP has a voluntary job quit or reduction of work hours without good cause they shall be placed on a sanction. The sanctions outlined in paragraph (A) of rule 5101:4-3-11.2 of the Administrative Code shall apply and the recipient shall be notified in accordance with paragraph (B) of rule 5101:4-3-11.2 of the Administrative Code.
- (F) How is eligibility reestablished?
- Eligibility may be reestablished during a disqualification period and the individual shall, if otherwise eligible, be permitted to resume participation without signing a JFS 03804 "Ohio Works First/~~Food Assistance~~ Supplemental Nutrition Assistance Program Sanction Compliance Agreement" (~~rev 12/2009~~ rev 11/2016) ~~if~~ when:
- (1) The individual secures new employment which is comparable in salary or hours to the job ~~which~~ that was quit. Comparable employment may result in fewer hours or a lower net salary than the job ~~which~~ that was quit;
 - (2) The individual may increase his or her work effort to thirty or more hours per week or earn an amount equal to the federal minimum wage times thirty hours per week; or
 - (3) The individual becomes exempt from the work registration requirements in paragraph (B) of rule 5101:4-3-11 of the Administrative Code ~~other than paragraph (A)(3) or (A)(8) of rule 5101:4-3-11 of the Administrative Code.~~
- (G) What occurs after the minimum sanction period is served if the sanctioned individual has not found new employment or increased hours of employment ~~have not been achieved by the sanctioned individual~~?
- (1) After the minimum sanction period has been served, ~~The~~ the individual may begin participation in the SNAP program if the individual ~~does not fail or refuse to comply~~ is complying with the requirements of rule 5101:4-3-11.1 of the Administrative Code and is otherwise determined eligible.
 - (2) The individual may reestablish eligibility at any time during the minimum sanction period ~~comply~~ by meeting ~~another work requirement~~ an exemption from work registration in accordance with rule 5101:4-3-11 of the Administrative Code.

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FATL 396

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- (A) Who is considered an able-bodied adult without dependents (ABAWD)?
- (1) Every individual not exempt from work registration in accordance with rule 5101:4-3-11 of the Administrative Code is an ABAWD and subject to the requirements of this rule and rule 5101:4-3-20.1 of the Administrative Code unless the individual is:
 - (a) Under eighteen or fifty years of age or older;
 - (b) Pregnant;
 - (c) A parent (natural, adoptive, or step) of an assistance group member under age eighteen, even if the assistance group member who is under eighteen is not himself/herself eligible for supplemental nutrition assistance program (SNAP); or
 - (d) Residing in an assistance group where an assistance group member is under age eighteen, even if the assistance group member who is under eighteen is not himself/herself eligible for SNAP.
 - (2) When an individual previously identified as an ABAWD is later determined to either no longer be an ABAWD or to be exempt from work registration requirements in accordance with rule 5101:4-3-11 of the Administrative Code, the individual is no longer subject to the requirements of this rule.
- (B) What are the work requirements for an ABAWD?
- (1) Every ABAWD shall comply with:
 - (a) The work registration requirements described in rule 5101:4-3-11.1 of the Administrative Code; and
 - (b) The SNAP employment and training (SNAP E&T) program requirements described in rule 5101:4-3-30 of the Administrative Code.
 - (2) Every ABAWD that does not reside in a county subject to a waiver of the ABAWD time-limit approved in accordance with 7 C.F.R. 273.24 (06/2006), shall either:
 - (a) Participate in and comply with a SNAP E&T work experience program (WEP) activity for the maximum number of hours permitted by rule 5101:4-3-31 of the Administrative Code; or
 - (b) For twenty hours per week (twenty hours per week averaged monthly means eighty hours per month) as determined by the county agency:
 - (i) Participate in one or more SNAP E&T activities, other than supervised job search ~~or job readiness~~, operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 7 C.F.R. 273.7(e)(06/2006). Such a program may contain supervised job search ~~or job search training~~ as a subsidiary component as long as such component is less than half the requirement; or
 - (ii) In combination with hours spent in SNAP E&T activities, be engaged in work or a work program.
 - (3) For purposes of this rule and rule 5101:4-3-20 of the Administrative Code:
 - (a) "Work" includes working in exchange for (alone or in combination): money; goods or services (in-kind work); or verified unpaid work.

(i) "Unpaid work" includes any activity in which the individual exerts strength or faculties to do or perform something for which no compensation is received and that benefits the community or a member of the community that does not reside with the individual. Unpaid work shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

(ii) Every ABAWD engaged in work shall report when their work hours fall below twenty per week, averaged monthly in accordance with rule 5101:4-7-01 of the Administrative Code.

(b) "Work program" includes a program under the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, (07/2014); ~~or~~ a program under section 236 of the Trade Act of 1974, 19 U.S.C. 2296, (01/2006); or a program of employment and training for veterans operated by the department of labor or the department of veterans affairs, and approved by the United States department of agriculture (USDA) food and nutrition service (FNS).

(C) What happens if an ABAWD fails to meet a work requirement?

(1) An ABAWD who fails without good cause to comply with a work registration or SNAP E&T program requirement is subject to the sanction and compliance process described in rule 5101:4-3-11.2 of the Administrative Code.

(2) An ABAWD is not eligible to participate in SNAP as a member of any assistance group if he or she has received benefits for three countable months during any thirty-six month period. The first month of the thirty-six month count begins during the first full month of benefits. A "countable month" is any month in which the ABAWD:

(a) Received a full SNAP allotment; and

(b) Was subject to and failed without good cause to meet the work requirement described in paragraph (B)(2) of this rule.

(3) Good cause.

(a) When determining good cause as described in paragraph (C)(1) of this rule, the county agency shall follow the good cause provisions of rule 5101:4-3-11.1 of the Administrative Code; and

(b) When determining good cause as described in paragraph (C)(2) of this rule, good cause is determined by the county agency. If an individual would have worked an average of twenty hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and the individual retains his or her job. Good cause shall include circumstances beyond the individual's control, such as, but not limited to: illness, illness of another assistance group member requiring the presence of the member, an assistance group emergency, or the unavailability of transportation.

(D) What are the county agency responsibilities for ABAWDs?

The county agency shall ensure that:

(1) Every ABAWD:

(a) Has been appraised and assigned to one or more SNAP E&T activities in accordance with rule 5101:4-3-29 of the Administrative Code;

(b) Is sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code for failing to comply with a work registration or SNAP E&T program requirement; and

(c) Is assigned a four month certification period in accordance with rule 5101:4-5-03 of the Administrative Code when the ABAWD has no countable earned income and is unable to meet the work requirement through participation in SNAP E&T alone;

(2) The time-limit on participation described in paragraph (C)(2) of this rule is enforced; and

- (3) An ABAWD who has exhausted their three countable months in a thirty-six month period only receives SNAP benefits in accordance with rule 5101:4-3-20.1 of the Administrative Code.

Effective: 11/1/2019

Five Year Review (FYR) Dates: 7/1/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 10/08/2019

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FATL 379

Effective Date: July 1, 2017

This rule describes the process for an able-bodied adult without dependents (ABAWD) to regain eligibility for the supplemental nutrition assistance program (SNAP) after reaching the ABAWD time-limit.

(A) What is the ABAWD time-limit?

In accordance with paragraph (C)(2) of rule 5101:4-3-20 of the Administrative Code, an ABAWD is not eligible to participate in SNAP as a member of any assistance group if he or she has received SNAP benefits for three countable months during any thirty-six month period.

(B) How can an individual who has lost eligibility due to the ABAWD time-limit regain eligibility?

An individual ineligible to participate in SNAP due to the ABAWD time-limit may regain SNAP eligibility if:

(1) Meets ABAWD exemption criteria described in paragraph (A) of rule 5101:4-3-20 of the Administrative Code; or

(2) The county agency determines that the individual during any thirty consecutive days has:

(a) Engaged in work or a work program for eighty hours;

(b) Participated in and complied with a SNAP E&T work experience program (WEP) activity for the maximum number of hours permitted by rule 5101:4-3-31 of the Administrative Code;

(c) Participated in one or more SNAP E&T activities for eighty hours; or

(d) Participated in a combination of SNAP E&T activities, work or work programs for eighty hours.

(C) When does an individual regain eligibility in accordance with this rule?

For individuals regaining eligibility by:

(1) Meeting an ABAWD exemption criteria, on the date of application;

(2) Participating in a WEP activity and the WEP obligation is based on an estimated monthly allotment prorated back to the date of application, on the date of application; and

(3) For all other individuals, on the day the eighty hours are completed.

(D) Is there a limit on the number of times an ABAWD may regain eligibility?

No, there is no limit on how many times an ABAWD may regain eligibility.

(E) What if an ABAWD fails to meet the work requirement after regaining eligibility in accordance with this rule?

Once in a thirty-six month period, an ABAWD may remain eligible for an additional three consecutive months of SNAP eligibility after failing to meet the work requirement. When the county agency determines that an ABAWD who has regained SNAP eligibility in accordance with this rule has subsequently failed to meet the work requirement described in paragraph (B)(2) of rule 5101:4-3-20 of the Administrative Code, the county agency shall determine if the ABAWD has received the additional three consecutive months of benefits in the past thirty-six months.

(1) When the county agency determines that the ABAWD has already received the three consecutive additional months of eligibility, the ABAWD is ineligible.

(2) When the county agency determines that the ABAWD has not yet received the three consecutive additional months of eligibility, the ABAWD is eligible for a period of three consecutive countable months starting on either:

- (a) The date the individual first notifies the county agency that he or she is no longer fulfilling the work requirement; or
- (b) If the individual has been satisfying the work requirement by participating in a WEP activity, the date the county agency notifies the individual that he or she is no longer meeting the work requirement.

Effective: 07/01/2017

Five Year Review (FYR) Dates: 07/01/2022

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Date: 06/19/2017

Promulgated Under: 119.03

Statutory Authority: 5101.54

Rule Amplifies: 5101.54

FATL 382

Effective Date: January 1, 2018

Most Current Prior Effective Date: September 1, 2012

(A) Is a social security number required for participation?

Each assistance group member applying for participation or participating in the program is required to provide a social security number (SSN) or apply for one before certification. Individuals having more than one number are required to provide all numbers.

(B) What happens ~~if~~when an applicant or recipient is unable to provide a SSN?

~~Any assistance group member required to provide a SSN who is unable to do so must apply for one. To assist with applying the county agency shall:~~

- ~~(1) Complete a JFS 07355 "Notice of Application for Social Security Number" (rev. 04/01);~~
 - ~~(2) Advise the applicant of the required verification for the social security administration (SSA) if the applicant requests information on what verification will need to be submitted to the SSA office. The county agency shall provide information on what types of verification are acceptable for age, identity and/or citizenship or alien status (reference JFS 07355 for acceptable evidence); and~~
 - ~~(3) Assist in routing the JFS 07355. The form is completed in triplicate. The original and the first copy are given to the applicant to take to the SSA. The second copy is retained in the assistance group's file as proof the notice was issued. The SSA will complete the lower portion of the form and return the original to the county agency. The SSA will return the form directly to the county agency unless directed to do otherwise on a case-by-case basis. Applicants should not routinely be allowed to return the form to the county agency themselves except in unusual situations when any delay in the return of the form may cause the assistance group undue hardship. The SSA will send a social security card to the assistance group member and, if any pending claims exist, the claims processor is notified of the SSN. The county agency will be notified of the SSN by an alert from the SSA if using the SSA's third party query system.~~
- (1) Any assistance group member required to provide a SSN who is unable to do so must apply for one. To assist with applying the county agency shall:
 - (a) Complete a JFS 07355 "Notice of Application for Social Security Number" (rev. 04/2001);
 - (b) Advise the applicant of the required verification for the social security administration (SSA) when the applicant requests information on what verification will need to be submitted to the SSA office. The county agency shall provide information on what types of verification are acceptable for age, identity and/or citizenship or alien status (reference JFS 07355 for acceptable evidence); and
 - (c) Assist in routing the JFS 07355. The form is completed in triplicate. The original and the first copy are given to the applicant to take to the SSA. The second copy is retained in the assistance group's file as proof the notice was issued. The SSA will complete the lower portion of the form and return the original to the county agency. The SSA will return the form directly to the county agency unless directed to do otherwise on a case-by-case basis. Applicants should not routinely be allowed to return the form to the county agency themselves except in unusual situations when any delay in the return of the form may cause the assistance group undue hardship. The SSA will send a social security card to the assistance group member and, when any pending claims exist, the claims processor is notified of the SSN. The county agency will be notified of the SSN by an alert from the SSA when using the SSA's third party query system.
 - (2) When the applicant is unable to provide proof of application for a SSN for a newborn, the applicant must provide the SSN or proof of application for a SSN at the next recertification or

within six months following the month the baby is born, whichever is later. When the applicant is unable to provide a SSN or proof of application for a SSN at that point, the county agency shall determine if the inability to do so meets good cause provisions as specified in paragraph (C)(2) of this rule.

(C) What happens ~~if~~when an applicant or recipient refuses or fails to provide a SSN?

~~The county agency shall explain to applicants and participants that refusal or failure without good cause to provide a SSN will result in disqualification of the individual for whom a SSN is not obtained. This disqualification applies to the individual for whom the number is not provided and not to the entire assistance group. The earned or unearned income of an individual disqualified for failure to comply with this requirement shall be treated as described in paragraph (B) of rule 5101:4-6-13 of the Administrative Code.~~

(1) The county agency shall explain to applicants and participants that refusal or failure without good cause to provide a SSN will result in disqualification of the individual for whom a SSN is not obtained. This disqualification applies to the individual for whom the number is not provided and not to the entire assistance group. The earned or unearned income of an individual disqualified for failure to comply with this requirement shall be treated as described in paragraph (B) of rule 5101:4-6-13 of the Administrative Code.

(2) In order to determine if good cause exists for failure to comply with the requirement to apply for or provide the county agency with a SSN, the county agency shall consider information provided by the applicant, SSA and the county agency (especially if the county agency was designated to send the SS-5 "Application for a social security card" (rev. 8/2011) to SSA and either did not process the SS-5 or did not process it in a timely manner). Documentary evidence or collateral information that the applicant has applied for a SSN or made every effort to supply SSA with the necessary information to complete an application for a SSN shall be considered good cause for not complying timely with this requirement. Good cause does not include delays due to illness, lack of transportation or temporary absences, because SSA makes provisions for mail-in applications in lieu of applying in person. Except for newborns who have received benefits in accordance with paragraph (B)(2) of this rule, when the applicant can show good cause why an application for a SSN has not been completed in a timely manner, that person shall be eligible to receive supplemental nutrition assistance program (SNAP) benefits for one month in addition to the month of application. If the applicant applying for a SSN has been unable to obtain the documents required by SSA, the county agency should make every effort to assist the individual in obtaining these documents. Good cause for failure to apply must be shown monthly in order for the applicant to continue to maintain eligibility. Once an application has been filed, the county agency shall permit the applicant to continue to maintain eligibility pending notification of the county agency of the applicant's SSN. When good cause is not established, the individual for whom the number is not provided is disqualified.

(3) In order for a disqualified applicant to regain eligibility, the applicant must supply the county agency with the required SSN.

(D) When is an SSN verified?

(1) For those individuals who provide SSNs prior to certification, reapplication or at any office contact, the county agency shall record the SSN and verify it. However, certification of an otherwise eligible assistance group shall not be delayed solely to validate any member's SSN, even ~~if~~when the thirty-day processing period has not expired. As soon as all other steps necessary to certify an assistance group are completed, except for verification of a SSN(s), the county agency shall certify the assistance group.

(2) ~~if~~When verification of an already reported SSN is not completed at initial certification, it shall be completed at the time of or prior to the assistance group's next recertification.

(3) A verified SSN shall be reverified only ~~if~~when the identity of the individual or the SSN becomes questionable.

- (4) SSNs that have been verified through the Ohio works first (OWF) or medicaid programs shall not be reverified unless questionable.
- (E) How is an SSN verified?
- (1) A completed SSA form number SS-5 "~~Application for a social security number~~" (rev. 8/2011) shall be considered proof of application for a SSN for a newborn infant.
 - (2) Matching the reported SSN with information supplied by the SSA such as beneficiary and earnings data exchange (BENDEX) or state data exchange (SDX).
 - (3) Matching the reported number with the SSA's third party query system, or
 - (4) Observing the assistance group member's social security card or any official document containing the SSN.
 - (5) ~~If~~When the individual has no social security card, either the SSA 5028 "Receipt of Application of a Social Security Number" (rev. 04/2000), or the SSA 5029 "Receipt of Application of a Social Security Number" (rev. 11/2000), ~~which~~that is for a SSN that ~~can not~~cannot be used for work purposes, or any "official document" containing the SSN can be used~~or if the SSN appears questionable~~. An "official document" is defined as a W-2 form, a railroad retirement, retirement survivors disability insurance (RSDI) or supplemental security income (SSI) award letter, or another document containing the SSN that by law or regulation is required to be verified by the SSA. When the SSN appears questionable, The the county agency shall verify the number either by matching it with information received from SSA or completing a JFS 07355.
- (F) What documentation should be included in the case record to verify the SSN?
- The original JFS 07355, or a scan or photocopy of the social security card, SSA 5028, or SSA 5029 ~~must~~shall be retained in the case record. ~~If~~When photocopies cannot be made, the county agency shall record full details regarding documents seen and in whose possession they remain.
- (G) What can the SSNs of applicants and recipients be used for?
- County agencies are authorized to use SSNs in the administration of ~~the food assistance program~~SNAP to the extent determined necessary by the secretary of agriculture and the secretary of health and human services.
- (1) States will have access to information regarding individual ~~food assistance~~SNAP applicants and participants who receive social security and SSI benefits to determine such an assistance group's eligibility to receive assistance and the amount of assistance, or to verify information related to the benefits of these assistance groups.
 - (2) County agencies shall use the state data exchange (SDX) under Title XVI of the Social Security Act of 1935 as amended, to the maximum extent possible.
 - (3) County agencies should also use the SSNs to prevent duplicate participation, to facilitate mass changes in federal benefits, and to determine the accuracy and/or reliability of information given by assistance groups.
 - (4) County agencies shall also use information from the income eligibility verification system (IEVS) to request and exchange information on individuals available through this system as specified in rule 5101:4-7-09 of the Administrative Code.

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FATL 372

Effective Date: January 1, 2017

Most Current Prior Effective Date: December 1, 2011

- (A) Do all assistance group members have to provide a social security number (SSN) to be eligible for benefits?

If When an assistance group member refuses to provide his or her SSN, he or she, as an individual, is ineligible to participate unless they provide good cause as described in paragraph (C) of this rule. This disqualification applies to the individual for which the number is not provided (including the child who is under eighteen whose parent has refused to cooperate for him or her) and not to the entire assistance group. The earned or unearned income of an individual disqualified for failure to comply with this requirement shall be treated as described in rule **5101:4-6-13** of the Administrative Code. Prior notice requirements shall be followed before the assistance group's benefit level can be decreased. The disqualified assistance group member may become eligible upon providing the county agency with an SSN.

- (B) How is good cause determined?

In determining **if when** good cause exists for failure to comply with the SSN requirement, the county agency shall consider information from:

- (1) The assistance group member;
- (2) The social security administration (SSA); and
- (3) The case file (especially if the county agency failed to refer the assistance group member to SSA, or SSA did not process the referral and/or SSN application in a timely manner).

- (C) What is considered good cause?

Documentary evidence or collateral information that the assistance group member has applied for a SSN or made every effort to supply SSA with the necessary information to complete an application for a SSN shall be considered good cause for not complying on a timely basis with this requirement.

- (D) What is not considered good cause?

Good cause does not include delays due to illness, lack of transportation or temporary absences. SSA makes provisions for mail-in applications in lieu of applying in person.

- (E) How is good cause handled?

- (1) The assistance group member shall be allowed to participate for one month in addition to the month of application.
- (2) **If the When an** assistance group member applying for a SSN has been unable to obtain the documents required by SSA, the county agency shall make every effort to assist the individual in obtaining these documents.
- (3) The assistance group must demonstrate good cause for failure to apply each month in order for the assistance group member to continue to participate.
- (4) Once an application has been filed, the county agency shall permit the member to continue to participate pending notification of the assistance group member's SSN.
- (5) **If the When an** assistance group is unable to provide proof of application for a SSN for a newborn, the assistance group shall provide the SSN or proof of application at its next reapplication or within six months following the month the baby is born, whichever is later. **If the When an** assistance group is unable to provide a SSN or proof of application for a SSN at its next reapplication or within six months following the baby's birth, the county agency shall determine if there is good cause.

Effective: 01/01/2017

Five Year Review (FYR) Dates: 09/27/2016 and 01/01/2022

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FATL 379

Effective Date: July 1, 2017

Most Current Prior Effective Date: October 1, 2014

(A) What is an appraisal?

As a condition of ~~food assistance~~ supplemental nutrition assistance program (SNAP) eligibility, individuals subject to the work registration requirement described in paragraph (A)(5) of rule 5101: 4-3-11.1 of the Administrative Code who are applying for or are in receipt of food assistance-SNAP benefits who are not exempt from work registration as referenced in paragraph (B) of rule 5101:4-3-11 of the Administrative Code are required participants in the ~~food assistance~~ SNAP employment and training program (SNAP E&T). Required participants must be assessed to determine the best assignment for their skills and needs to move them toward self-sufficiency and personal responsibility.

(B) What is required in the appraisal process?

~~The~~ As part of the appraisal process, the county agency shall include:

- (1) ~~Screening~~ Screen to identify possible victims of domestic violence ~~as defined and set forth in rule~~ in accordance with rule 5101:1-3-20 of the Administrative Code. Victims of domestic violence may be excused from assignment to a work activity ~~as set forth~~ as described in paragraph (F) of rule 5101:4-3-11.1 of the Administrative Code; however, the individual may still choose to participate.
- (2) ~~Development of~~ Develop an employability plan with each individual to achieve the goal of self-sufficiency and personal responsibility. The employability plan shall be signed by the individual.
- (3) ~~The assignment~~ Assign each individual to one or more employment and training activities as referenced in rules 5101:4-3-33, 5101:4-3-34, and 5101:4-3-35 of the Administrative Code.
- (4) ~~Receiving~~ Provide a copy and an explanation to each individual of their rights and responsibilities described in paragraphs (D)(3)(a) to (D)(3)(d) of rule 5101:4-2-07 of the Administrative Code ~~of the rights and responsibilities as referenced in rule 5101:4-3-30 of the Administrative Code as applicants for and as participants of the food assistance employment and training program.~~
- (5) ~~If~~ When an individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities, the county agency shall offer additional screening to the individual consistent with the requirements of rule 5101:9-2-02 of the Administrative Code and the Americans with Disabilities Act (ADA) plan adopted by the county agency in accordance with rule 5101:9-2-02 of the Administrative Code. ~~If~~ When additional screening indicates the presence of a disability, the plan for employability made in accordance with this paragraph, shall be consistent with the county agency's ADA plan and shall include a description of each reasonable modification requested and made for an individual with a disability.

(C) What happens if the assistance group member fails to cooperate with the appraisal process?

- (1) Failure without good cause to attend an appraisal interview or to complete an appraisal by any required participant shall result in a sanction in accordance with paragraph (B) of rule 5101:4-3-11.1 of the Administrative Code.
- (2) If the individual fails or refuses, without good cause, to comply in full with any provision of their employability plan, the county agency shall sanction the individual in accordance with paragraph (B) of rule 5101:4-3-11.1 of the Administrative Code.

(D) How is good caused determined?

Good cause is determined ~~as referenced~~ in accordance with paragraphs (C) and (F) of rule 5101:4-3-11.1 of the Administrative Code.

- (E) ~~Who determines when additional appraisals should~~ When shall an appraisal be completed?
- (1) No later than thirty days from the authorization of SNAP benefits at initial certification and recertification;
- ~~(1)(2) The county agency shall complete an appraisal any~~ Any time reinstatement of eligibility is completed; and
- ~~(2)(3) The~~ When the county agency ~~has the ability to determine if~~ determines the assistance group's circumstances warrant any additional appraisals.

Effective: 07/01/2017

Five Year Review (FYR) Dates: 04/12/2017 and 07/01/2022

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FATL 396

Effective Date: November 1, 2019

Most Current Prior Effective Date: July 1, 2017

- (A) What is the supplemental nutrition assistance program (SNAP) employment and training program (SNAP E&T)?

Work registrants subject to the work registration requirement in paragraph (A)(5) of rule 5101:4-3-11.1 of the Administrative Code who are in receipt of SNAP benefits are also required to participate in SNAP E&T.

- (B) What requirements must the county agencies meet for the SNAP E&T?

- (1) The county agency shall develop written standards, criteria, and procedures for the operation of the SNAP E&T. The standards shall include an explanation of each participating individual's rights under the amendments to Title II of the Americans with Disabilities Act (ADAAA) (1990) and section 504 of the Rehabilitation Act (2008), including the right to request reasonable modification in program activities.
- (2) The county agency shall establish a procedure that ensures a contractor or agency operating a component of its SNAP E&T notifies the county agency within ten days when a required participant fails to comply with the employment and training requirements.
- (3) The county agency and/or contract providers shall meet any reporting requirements pursuant to the provisions of the Food and Nutrition Act of 2008, Pub.L.No. 110-246, (10/2008).
- (4) Each employable and volunteer individual shall be informed in writing of their rights and responsibilities concerning the employment and training program prior to or during the appraisal. The county agency shall ensure each required and voluntary individual has received an explanation of their rights and responsibilities described in paragraphs (D)(3)(a) to (D)(3)(d) of rule 5101:4-2-07 of the Administrative Code. Failure or refusal to meet these responsibilities could result in sanctions which would adversely affect the amount of SNAP benefits.

- (a) The rights of required SNAP E&T participants shall include, but are not limited to:
 - (i) Receiving copies of all employability plans.
 - (ii) Notification of the right to request a state hearing on issues related to participation in SNAP E&T and failure or refusal to participate.
 - (iii) Nondiscrimination in SNAP employment and training program assignments.
 - (iv) Receiving supportive services, pursuant to the provisions of rule 5101:4-3-32 of the Administrative Code, for the authorized SNAP E&T activity.
 - (v) Filing a conciliation request pursuant to rule 5101:4-3-38 of the Administrative Code.
 - (vi) Accepting employment pursuant to the requirements of rule 5101:4-3-11.1 of the Administrative Code.
- (b) The responsibilities of SNAP E&T participants shall include, but are not limited to:
 - (i) Reporting to the appraisal and other appointments with the county agency program staff or providers.
 - (ii) Reporting to the work experience program (WEP), education, training, supportive service, or supervised job search sites at the scheduled dates and times.
 - (iii) Obeying the rules at the work site, following instructions, and otherwise demonstrating acceptable work habits and behavior.

- (iv) Providing the county agency with information relevant to securing or retaining employment and providing supplemental information as requested.
- (v) Notifying the immediate supervisor, other designated individual, or the county agency staff of the reason for nonparticipation as scheduled.
- (vi) Participating in SNAP E&T activities for the scheduled number of hours as assigned.
- (vii) Accepting necessary supportive services determined to be needed for participation.
- (viii) Reporting any changes which would affect the individual's ability to participate in the SNAP E&T.
- (ix) Providing the county agency with documentation of attendance and participation in a SNAP E&T activity as requested.
- (x) Providing a good cause reason for nonparticipation as required pursuant to the provisions of rule 5101:4-3-11.1 of the Administrative Code.
- (xi) Contacting the county agency, unless otherwise instructed by the county agency, if a monthly scheduling notice or the participant expense allowance has not been received.
- (xii) Reporting to a job site, to an employer for a scheduled job interview or to any related subsequent interviews or testing appointments when referred by the county agency or its designee.
- (xiii) Accepting a bona fide offer of employment pursuant to rule 5101:4-3-11.1 of the Administrative Code.
- (xiv) Signing and complying with the employability plan developed with the county agency.

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FATL 396

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Most Current Prior Effective Date: July 1, 2017

- (A) How many hours should a required participant in the supplemental nutrition assistance program (SNAP) employment and training (E&T) program be assigned?
- (1) Work experience program: the maximum hours of participation per month for the required participant assigned to a work experience program assignment shall be the SNAP allotment amount divided by the federal or state minimum wage, whichever is higher. If there are multiple required participants in a given assistance group, the total hours of participation shall be shared by all required participants. Whether the participation requirement is being met by one or multiple assistance group members, the total required hours of participation cannot exceed the total SNAP benefit amount divided by the federal or state minimum wage, whichever is higher.
 - (2) Education and training assignments: a required participant shall be assigned to education and training for the number of hours needed to complete the education and training assignment.
 - (3) ~~Job~~ Supervised job search assignments: at a minimum, a required ~~participants'~~ participant's level of effort shall be comparable to spending twelve hours a month making job contacts.
- (B) Are there limitations on the hours a required participant can complete?
- (1) The total monthly hours of participation in a SNAP E&T component for any assistance group member, together with any hours worked for compensation (in cash or in kind), shall not exceed one hundred twenty.
 - (2) No participant shall be required to work more than eight hours on any given day without his or her consent.
 - (3) An assignment to an activity shall not interfere with an individual's hours of paid employment so long as this employment is countable income pursuant to rule 5101:4-4-19 of the Administrative Code.
- (C) Can an individual not required to participate in the SNAP E&T volunteer to participate?
- County agencies may allow volunteers to participate in the SNAP E&T. Individuals who are voluntarily participating do not have a limit on how many hours they can participate and a county agency shall not disqualify voluntary participants for failure to comply with the SNAP E&T requirements.

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FATL 376

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Most Current Prior Effective Date: February 1, 2012

(A) What are supportive services?

Supportive services are benefits provided to assist a ~~food-assistance~~ supplemental nutrition assistance program (SNAP) employment and training participant with completing their assignment. Supportive services may include, but are not limited to, an expense allowance to cover the cost of transportation and other work, training or education related expenses and publicly funded child care.

(B) What is the county agency's responsibility for providing supportive services?

The county agency is responsible for arranging or providing necessary supportive services for individuals participating in the ~~food-assistance~~ SNAP employment and training program. The county agency is the deciding authority for determining the appropriateness and the availability of funds.

(C) How is an expense allowance determined?

- (1) An individual shall receive an expense allowance for the actual costs of transportation and/or other work, training or education related costs associated with participation up to the maximum level of reimbursement established by the county agency.
- (2) An individual who documents costs in excess of the amount established by the county agency is eligible to receive reimbursement for the additional costs. The county agency may:
 - (a) Increase the amount of the monthly expense allowance;
 - (b) Reassign the participant to another site; or
 - (c) ~~Exempt~~ Determine the individual ~~from participation~~ has good cause for not participating until a suitable component is available or the individual's circumstances change and his/her monthly expenses do not exceed the expense allowance.
- (3) An individual who incurs no costs for participation is not eligible for the expense allowance.
- (4) Costs of meals away from home are not reimbursable.

(D) How does the county agency provide publicly funded child care to individuals participating in the employment and training program?

Individuals participating in the employment and training program who need child care assistance in order to participate in the program, shall be referred to apply for publicly funded child care. ~~If~~ When publicly funded child care is not available to the individual, the county agency may exempt the individual from participation.

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FATL 396

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Most Current Prior Effective Date: September 1, 2018

(A) What is supervised job search?

~~Job Supervised job search is a supplemental nutrition assistance program (SNAP) employment and training (E&T) activity in which applicants and participants are provided a reasonable opportunity to find suitable employment. Job search may be done on an individual basis as established by the county agency pursuant to the time limit set forth in paragraph (D) of this rule. Job search hourly requirements shall be assigned in accordance with rule 5101:4-3-31 of the Administrative Code.~~

(B) What are the requirements of supervised job search?

- (1) Supervised job search shall occur at a site in which the county agency determines an individual is able to be directly supervised while participating in this component. Each site shall be listed in the county agency's SNAP E&T plan. Examples include the OhioMeansJobs Centers operated by the local workforce development board, resource rooms at the job and family services office, or the OhioMeansJobs.com website.
- (2) Time spent in activities in supervised job search shall be tracked within the case record. Information tracked may include, but is not limited to: the participant's name; date and time of attendance; hours spent in supervised job search; and the number of applications submitted to employers.
- (3) Supervised job search hourly requirements are established by the county agency pursuant to the time limit described in paragraph (C) of this rule and shall be assigned in accordance with rule 5101:4-3-31 of the Administrative Code.

~~(B) What is job readiness?~~

~~Job readiness activities, or job search training, are SNAP E&T activities designed to increase employability potential by ensuring that participants are becoming familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. Various types of structured programs qualify, such as rehabilitation, counseling, job skills assessments, job clubs, training in techniques for employability, and job placement services.~~

~~(C) What are examples of job readiness activities?~~

~~Job readiness activities include, but are not limited to the following:~~

- ~~(1) Classroom instruction on the strategies and skills in job seeking.~~
- ~~(2) Supervised telephone job search activities.~~
- ~~(3) Job lead development and self-directed job search.~~
- ~~(4) Identifying and overcoming personal barriers to employment.~~
- ~~(5) Building self-confidence and self-promotion.~~
- ~~(6) Good grooming and dress techniques.~~
- ~~(7) Managing time, money and household budgets.~~
- ~~(8) Obtaining proper dependent care and supervision of dependents while working.~~
- ~~(9) Conducting self-assessments to determine employment options and training needs.~~
- ~~(10) Completing resumes, work histories, and application forms.~~
- ~~(11) Learning and using good interviewing techniques.~~
- ~~(12) Using resources such as the telephone, telephone directories, newspapers, internet, and friends and/or relatives.~~

- ~~(13) Contacting the individual who does the hiring.~~
- ~~(14) Maintaining good records of job search activities.~~
- ~~(15) Understanding employer expectations.~~
- ~~(16) Understanding unions, benefits, taxes, deductions, and hospitalization policies.~~
- ~~(17) Being prompt and punctual for work.~~
- ~~(18) Accepting supervision positively.~~
- ~~(19) Relating to other employees.~~
- ~~(20) Retaining the job as a step toward security and independence.~~

~~(D)~~(C) What are the time limits for supervised job search?

- (1) Except as described in paragraphs ~~(D)(1)(a)~~(C)(1)(a) and ~~(D)(1)(b)~~(C)(1)(b) of this rule, a county agency shall not assign supervised job search as a continuous, year-round assignment for a SNAP E&T participant who is either a volunteer or an able-bodied adult without dependents (ABAWD) who resides in a county subject to a waiver of the ABAWD time-limit approved in accordance with 7 C.F.R. 273.24 (6/2006).
 - (a) An assignment to supervised job search immediately following certification of SNAP benefits shall not exceed thirty days.
 - (b) When thirty days have passed since the initial assignment to supervised job search and a county agency determines that supervised job search is the most suitable assignment, supervised job search may be assigned for as long as the county agency believes it will provide the SNAP E&T participant a reasonable opportunity to find suitable employment.
- (2) For a SNAP E&T participant who is an ABAWD subject to the time-limit described in rule 5101:4-3-20 of the Administrative Code, supervised job search may be assigned as follows:
 - (a) When an ABAWD is meeting the ABAWD work requirements described in paragraph (B)(2) of rule 5101:4-3-20 of the Administrative Code by participating in SNAP E&T, supervised job search may be assigned at any time during the certification period with no durational limitation. However, the supervised job search activity must be paired with another SNAP E&T activity and the required hours of supervised job search must be less than half of the total number of hours the ABAWD is required to participate in SNAP E&T.
 - (b) When an ABAWD is meeting the work requirement described in paragraph (B)(2) of rule 5101:4-3-20 of the Administrative Code through something other than SNAP E&T (e.g., work) but an assignment to SNAP E&T supervised job search is appropriate, the assignment shall be made in accordance with paragraph ~~(D)(1)(C)(1)~~ of this rule.

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FATL 392

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Most Current Prior Effective Date: January 1, 2013

The work experience program (WEP) is a ~~food assistance~~ supplemental nutrition assistance program (SNAP) employment and training (E&T) activity that provides work experience and training for employable participants, who are not otherwise able to obtain employment, to enhance their ability to secure unsubsidized employment. ~~The Food assistance-SNAP employment and training E&T WEP placements are limited to public and private nonprofit sponsors which serve a useful public service~~ activity is equivalent to the federal definition of workfare in that participants perform work in a public service capacity (with a public or private nonprofit sponsor) as a condition of eligibility to receive their monthly allotment.

(A) What criteria shall the county agency establish for WEP worksite sponsors?

- (1) Participants are not required to perform political, partisan, or electoral activities.
- (2) The worksite ~~must~~ shall meet all applicable federal, state and local health and safety standards, equal employment opportunity (EEO) policies, fair labor standards, displacement policies, and provide reasonable work conditions.
- (3) The placement has not been developed in response to, or in any way associated with, the existence of a strike, lockout, or bona fide labor dispute, and does not violate any existing labor agreement.
- (4) A participant's religious freedom shall not be violated nor is the participant compelled to do work that promotes a religious doctrine or belief.

(B) Is a participant considered an employee of the WEP worksite?

A participant shall not be considered an employee of either the sponsor, the county agency, or the Ohio department of job and family services (ODJFS) and, therefore, is not entitled to all of the benefits and privileges of an employee. The operation of WEP shall not be considered to be the operation of an employment agency by the state or county agency.

(C) Do the WEP individuals have coverage for injuries?

Individuals assigned to WEP shall be covered for participation-related injuries or disabilities under work relief compensation administered by the bureau of workers' compensation (BWC). Unless the county agency pays the premiums for the sponsor, a private nonprofit, or government sponsor with whom a ~~food assistance-SNAP~~ employment and training participant is placed shall pay the premiums to the BWC on behalf of the participant. Individuals assigned to other ~~food assistance-SNAP~~ employment and training activities shall not be included in premium payments made by the county agency to the BWC.

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FATL 354

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Most Current Prior Effective Date: October 15, 2009

When an overissuance of food assistance benefits is discovered during a month(s) for individuals who have already completed a work experience program (WEP) activity, as described in rule **5101:4-3-34** of the Administrative Code, the county agency shall follow the claim recovery procedures specified in this rule.

(A) What is the claim recovery procedure for an individual who performed the WEP activity and is still subject to a WEP assignment at the time the claim is created?

(1) The county agency shall determine how many extra hours the individual worked as a result of the improper benefit issuance. The individual shall be credited the extra hours worked toward future WEP obligations.

(2) The county agency shall establish a claim for the entire amount of the overissuance.

(B) What is the claim recovery procedure for an individual who performed the WEP activity and is no longer subject to a WEP assignment at the time the claim is created?

The county agency shall determine whether the overpayment was the result of an intentional program violation (IPV), inadvertent household error (IHE), or administrative error (AE), as defined in rule **5101:4-8-15** of the Administrative Code.

(1) When the overissuance was caused by an IPV, a claim shall be established for the entire amount.

(2) When the overissuance was caused by an IHE or AE, the county agency shall determine whether the number of hours the individual actually participated in the WEP activity was more than the number that could have been assigned had the proper benefit amount been used in calculating the number of hours to work. The county agency shall establish a claim for the amount of the overissuance not worked. When the hours worked equal the amount of hours calculated by dividing the overissuance by the minimum wage, then no claim will be established. No credit for future work requirements will be given.

Replaces: 5101:4-3-34.1

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Education and training activities or job readiness training activities shall improve the basic skills and directly enhance the employability of the participant.

- (A) What types of education and training activities may be provided to supplemental nutrition assistance program (SNAP) employment and training (E&T) participants?
- (1) Basic education; ~~and~~
 - (2) Vocational education; ~~;~~
 - (3) Job readiness training activities;
 - (4) Educational programs including, but not limited to, courses or programs of study that are a part of a program of career and technical education as defined in section three of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302); and
 - (5) Other programs or activities determined by the county agency to expand the employability of the participant.

- (B) What is the goal of basic education?

~~The goal of basic education is to provide individuals with a literacy level and basic skills that will lead to employment.~~ Basic education may be provided to individuals who do not possess basic literacy skills whether or not they have obtained a high school diploma or equivalent education. Basic education includes high school or equivalent education, remedial education, adult basic education, basic literacy education, and instructional programs in English as a second language (ESL).

- (C) What are the county agency's responsibilities for tracking the progress of an individual engaged in basic education activities?

The county agency shall document the progress of the participant assigned to basic education in conjunction with the service provider. In order to remain assigned to the activity, an individual shall be expected to make "satisfactory progress" as determined by the county agency. An individual who is unable to make satisfactory progress shall be reassessed to determine if the assignment should continue. Assignment to this activity shall be based on the goal of obtaining employment.

- (D) What is the goal of vocational education?

The goal of vocational education is to assist individuals in obtaining useful employment in a recognized occupation. Vocational education may include: occupational training in technical job skills and equivalent knowledge and abilities in a specific occupational area; post-secondary education; and training offered by other entities such as public secondary schools and public and private entities. For the vocational and post secondary education components Ohio has aligned the allowable SNAP ~~employment and training~~ E&T programs with the workforce innovation and opportunity act (WIOA) approved programs. A listing of these programs can be found by accessing the following website: <https://owcms.ohio.gov/wiet> ~~https://owd.jfs.ohio.gov/wiet.~~

- (E) What is the goal of job readiness training activities?

- (1) Job readiness training activities are designed to expand the employability of participants by ensuring that participants become familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. Various types of structured programs qualify, such as rehabilitation, counseling, job skills assessments, job clubs, training in techniques for employability, and job placement services.
- (2) Job readiness training activities may include, but are not limited to the following:
 - (a) Classroom instruction on the strategies and skills in job seeking;

- (b) Job lead development;
- (c) Identifying and overcoming personal barriers to employment;
- (d) Building self-confidence and self-promotion;
- (e) Good grooming and dress techniques;
- (f) Managing time, money, and household budgets;
- (g) Obtaining proper dependent care and supervision of dependents while working;
- (h) Conducting self-assessments to determine employment options and training needs;
- (i) Completing resumes, work histories, and application forms;
- (j) Learning and using good interviewing techniques;
- (k) Using resources such as the telephone, telephone directories, newspapers, internet, and friends and/or relatives;
- (l) Contacting the individual who does the hiring;
- (m) Maintaining good records of job search activities;
- (n) Understanding employer expectations;
- (o) Understanding unions, benefits, taxes, deductions, and hospitalization policies;
- (p) Being prompt and punctual for work;
- (q) Accepting supervision positively;
- (r) Relating to other employees; or
- (s) Retaining the job as a step toward security and independence.

(F) What is the goal of educational programs, courses or programs of study that are a part of a program of career and technical education as defined in section three of the Carl D. Perkins Act of 2006?

The goal of educational programs, courses or program of study defined in section three of the Carl D. Perkins Act of 2006 is to ensure individuals are participating in a defined career and technical education program to assist in obtaining useful employment in a recognized occupation. These educational programs may be offered concurrently or contextually with basic education or vocational education. An educational program, course or program of study does not have to receive Perkins funding in order to be considered meeting the definition of a career and technical education program.

(G) What is the goal of other programs or activities determined by the county agency to expand the employability of the participant?

The goal of other programs or activities determined by the county agency allows for county agencies to assign an individual to participate in an education and training activity where there is a direct link between the educational activity and job readiness. These activities shall also expand the employability of the participant.

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12/01/1995 (Emer.), 02/19/1996, 10/01/1997 (Emer.), 12/20/1997, 01/20/2003, 10/01/2007, 01/01/2013,
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FATL 392

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Most Current Prior Effective Date: January 1, 2013

- (A) Is it allowable for a ~~food assistance~~ supplemental nutrition assistance program (SNAP) employment and training participant to displace a person from employment?

Participants in the ~~food assistance~~ SNAP employment and training program shall not be assigned to program activities ~~which~~ that result in the displacement of other persons. Displacement occurs when a participant's assignment results in removing or discharging employees or otherwise denying such employment to persons who:

- (1) Are already employed as regular full-time or part-time employees.
- (2) Are or have been employed full time or part time as participants in a subsidized employment program/~~on the job~~ on-the-job training or in other publicly subsidized employment and training programs.
- (3) Are or have been involved in a dispute between a labor organization and the employer or sponsor.
- (4) Have been laid off and are either:
 - (a) Receiving unemployment compensation; or
 - (b) Subject to recall under the established policies of the employer or sponsor.

- (B) Is it allowable for a work experience program (WEP) participant to fill a vacant position?

WEP participants shall not be used to fill existing vacant positions. No employment and training participant shall perform work ~~which~~ that has the effect of reducing the work or promotional opportunities of employees. They may, however, perform the same type of work as the employee. Reducing the work of employees means reducing the number of hours, wages, or employment benefits of regular or part-time employees, or reducing the number of positions that the employer certifies would otherwise be filled by regular employees.

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FATL 392

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The county agency shall have a conciliation process to resolve disputes ~~which~~ that arise concerning required ~~food-assistance-supplemental nutrition assistance program (SNAP)~~ employment and training participation. The conciliation process may be initiated by the participant or by the county agency. The conciliation process ~~must~~ shall be posted within the county agency and ~~must~~ shall be given in writing to each ~~food-assistance SNAP~~ employment and training participant during the appraisal interview pursuant to the provisions of rule 5101:4-3-29 of the Administrative Code.

(A) What should the conciliation process include?

The conciliation process shall include, but is not limited to:

- (1) Disputes over assignments.
- (2) Inappropriate treatment by a county agency employee or worksite supervisor.
- (3) Irregular work hours that create a severe hardship on the participant.
- (4) Worksite assignments that deviate from the normal duties of the job.
- (5) Disagreement with disciplinary action at the worksite involving the participant.
- (6) Other areas of concern to the participant relating to participation.
- (7) Disputes concerning working conditions and workers' compensation coverage.
- (8) Wage rate calculations to determine the hours of participation.
- (9) Disputes concerning failure to participate in the ~~food-assistance-SNAP~~ employment and training program.

(B) How can the conciliation process be initiated?

The conciliation process can be initiated by any of the following:

- (1) A written notice from the county agency to the participant for a conciliation conference;
- (2) A written or verbal request from the participant to the county agency for a conciliation conference; or
- (3) A written or verbal request from the participant to the county agency for a conciliation conference when there is an act of nonparticipation. The conciliation process requires that such requests shall be made within seven calendar days ~~which~~ that begins the day following the day of nonparticipation.

(C) Does the county agency have to track conciliation requests?

The county agency shall maintain an accurate record of all conciliation requests, including any pertinent facts and the resolution of the conciliation. Once a conciliation request is initiated, the county agency should attempt an informal resolution.

(D) How long should a decision take?

A resolution of the conciliation process initiated in accordance with paragraph (B) of this rule, shall be reached within a maximum of fifteen calendar days beginning with the date the conciliation process was initiated. No adverse action, as related to the ~~food-assistance-SNAP~~ employment and training program, may be proposed until the conciliation process, ~~if~~ when requested, is concluded.

(E) Who can attend the conciliation process?

When a conciliation process is initiated, the county agency shall convene a conciliation conference ~~which~~ that is presided over by the director or a designee. Both the county agency and the individual

may bring whomever each reasonably wants to be at the conference in an attempt to informally resolve differences. When appropriate, the worksite supervisor may attend, or information from the worksite supervisor as requested by the county agency may be presented.

- (F) ~~If~~ When a conciliation conference is conducted may a recipient request a county conference or a state hearing?
- (1) The conciliation conference does not replace the right to request a county conference pursuant to the provisions of Chapters 5101:6-1 to 5101:6-9 of the Administrative Code and the conciliation process shall not in any way limit the participant's hearing rights.
 - (2) The individual shall be notified in writing of the outcome of the conciliation conference. The notification shall also contain an explanation of the right to a state hearing pursuant to the provisions of Chapters 5101:6-1 to 5101:6-9 of the Administrative Code. When the conciliation conference is to be followed by a proposal of an adverse action, the prior notice sent to the individual will fulfill this requirement.

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FAH.4000. Financial Criteria and Eligibility Determination

FATL 388

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An assistance group who has not been determined categorically eligible ~~as set forth~~ in accordance with rule 5101:4-2-02 of the Administrative Code must be under the resource limit in order to be eligible for ~~food assistance~~ Supplemental Nutrition Assistance Program (SNAP) benefits. Resource limits are reviewed and adjusted annually. The amounts are updated in the ~~client registry information system enhanced (CRIS-E)~~ statewide automated eligibility system and the county agencies are notified of the amounts by issuance of a food assistance change transmittal, which can be found in the food assistance certification handbook at the Ohio department of job and family services website: <http://emanuals.odjfs.state.oh.us/emanuals> <http://emanuals.ifs.ohio.gov>.

(A) What are the types of resources?

There are two types of resources:

- (1) Liquid resources: cash on hand, money in checking or savings accounts, savings certificates, stocks or bonds, and lump-sum payments as specified in rule 5101:4-4-07 of the Administrative Code.
- (2) Non liquid resources: personal property, buildings, land, recreational properties, and any other property such as boats, vacation homes, and mobile homes provided that these resources are not specifically excluded under rule 5101:4-4-03 of the Administrative Code. The value of nonexempt resources shall be the equity value. The equity value is the fair market value less encumbrances.

(B) Are resources required to be documented and verified?

- (1) Resources shall be documented for all assistance groups. During the interview, the county agency ~~should~~ shall review with the applicant the resources reported as well as the possibility of unreported resources.
- (2) ~~If~~ When an assistance group is not categorically eligible the county agency shall verify resource information if the information is questionable. To be questionable, information on the application must be inconsistent with statements made by the applicant, other information on the application or a previous application, or with information received by the county agency.

(C) How are resources determined for sponsored aliens?

For assistance groups containing sponsored aliens as defined in rule 5101:4-6-31 of the Administrative Code, resources shall also include that portion of the resources of an alien's sponsor and the sponsor's spouse (if when living with the sponsor) that has been deemed to be the alien's in accordance with the procedure established in rule 5101:4-6-31 of the Administrative Code, unless the sponsored alien is otherwise exempt from this provision in accordance with rule 5101:4-6-31 of the Administrative Code.

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(A) Which resources are exempt?

The following resources are exempt:

- (1) Home and surrounding property.
 - (a) The home and surrounding property that is not separated from the home by intervening property owned by others is considered part of the home which is an exempt resource. Public rights of way, such as roads which run through the surrounding property and separate it from the home, will not affect the exemption of the property. The home and surrounding property continue to be an exempt resource even if when a portion of the surrounding property is income-producing.
 - (b) The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability caused by casualty or natural disaster if when the assistance group intends to return.
 - (c) ~~If the assistance group does not already own a home, the value of a lot purchased to build a permanent home is exempt. If the new permanent home is partially completed, its value is also exempt.~~ An assistance group that currently does not own a home, but owns or is purchasing a lot on which it intends to build or is building a permanent home, shall receive an exemption for the value of the lot and, if it is partially completed, for the home.
- (2) Household and personal goods.
- (3) Cash value of a life insurance policy.
- (4) One burial plot per assistance group member: ~~The value of one revocable funeral agreement per assistance group member is exempt, provided the agreement does not exceed one thousand five hundred dollars in equity value. In the event that the equity value exceeds one thousand five hundred dollars then the excess equity value is counted.~~
- (5) The value of one revocable funeral agreement per assistance group member.
- ~~(5)~~(6) Vehicles in accordance with Ohio's temporary assistance for needy families (TANF) plan as permitted by the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act of 2001, Pub. L. No. 106-387, (10/2000).
- ~~(6)~~(7) Income-producing property.
 - (a) Income producing property is:
 - (i) Property which annually produces income consistent with its fair market value, even if when only used on a seasonal basis: such property shall include rental homes and vacation homes (if when income producing);
 - (ii) Property, such as farm land, which is essential to the employment or the self-employment of a household member. Property exempt as essential to employment need not be producing income consistent with its fair market value;
 - (iii) Work-related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member. Property essential to the self-employment of an assistance group member engaged in farming shall continue to be exempt for one year from the date the assistance group member terminates the member's self-employment from farming;

- (iv) Installment contracts for the sale of land or buildings ~~if~~ when the contract or agreement is producing income consistent with its fair market value. The value of the property sold under contract or held as security in exchange for a purchase price consistent with the fair market value of that property is also exempt.
- ~~(7)~~(8) Property directly related to use and maintenance of vehicles: the portion of real property determined necessary for maintenance or for use of the vehicle is exempt under this rule.
- ~~(8)~~(9) Inaccessible resources: resources are exempt ~~if~~ when the cash value is not accessible to the assistance group such as, but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property which the assistance group is making a good faith effort to sell at a reasonable price and which has not been sold. The county agency may verify that the property is for sale and that the assistance group has not declined a reasonable offer. Verification may be obtained through a collateral contact or documentation, such as an advertisement for public sale in a newspaper of general circulation or a listing with a real estate broker. Resources shall be considered inaccessible to the assistance group as long as they were truly unknown to the assistance group. At the point the assistance group discovers or is made aware of the resources that are legally available to the assistance group, the resources must be counted in determining the assistance group's eligibility for ~~food assistance~~ supplemental nutrition assistance program (SNAP).
- ~~(9)~~(10) Funds transferred or produced by a trust: any funds transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the assistance group ~~if~~ when:
- The trust is under the control and management of an institution, corporation, or organization (the trustee) which is not under the direction or ownership of any assistance group member, or an individual appointed by the court who has court-imposed limitations placed on his or her use of the funds that meet the requirements of this paragraph;
 - The funds held in irrevocable trust are either: established from the assistance group's own funds, ~~if~~ when the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the assistance group creating the trust; or established from non assistance group funds by a non assistance group member;
 - The trust investments do not directly involve or assist any business or corporation under the control or influence of an assistance group member;
 - The trust arrangement will not likely cease during the certification period; and
 - No assistance group member has the power to revoke the trust arrangements or change the name of the beneficiary during the certification period.
 - ~~Sections 1111.19 and~~ Section 1721.211 of the Revised Code ~~allow~~ allows prepaid (prearranged or pre-need) burial contracts to establish burial accounts as irrevocable trust funds. A "prepaid burial contract" is an agreement among the recipient, the financial institution, and the funeral director. The agreement directs the financial institution to deliver to the funeral director, upon the recipient's death, the funds from a designated payable-on-death account which is on deposit at the financial institution.
- ~~(10)~~(11) Earmarked resources: this includes any governmental payments which are designated for the restoration of the home which has been damaged in a disaster, ~~if~~ when the assistance group is subject to a legal sanction ~~if~~ when the funds are not used as intended. Examples of payments are those made by the department of housing and urban development and disaster loans or grants made by the small business administration.
- ~~(11)~~(12) Resources which have been prorated and counted as income.
- ~~(12)~~(13) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the department of interior's bureau of Indian affairs.

~~(13)~~(14) Energy assistance payments or allowances exempt as income under rule 5101:4-4-13 of the Administrative Code.

~~(14)~~(15) Non-liquid assets against which a lien has been placed as a result of taking out a business loan and the assistance group is prohibited by the security or lien agreement with the lien holder (creditor) from selling the assets.

~~(15)~~(16) A non-liquid resource that the assistance group is unable to sell for a return of at least one thousand five hundred dollars shall be exempt. This paragraph does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments. An assistance group shall not divide a single resource for the purpose lessening the return and causing the resource to be exempt. Any dividing of property solely to obtain an exemption under this paragraph shall be subject to the transfer of resources provisions as defined in rule 5101:4-4-09 of the Administrative Code.

~~(16)~~(17) Individual development accounts regardless of their funding source.

(B) How are commingled exempt resources handled?

- (1) Exempt resources that are kept in a separate account that are not commingled with other non-exempt resources shall retain their resource exemption for an unlimited period of time.
- (2) The resources of a self-employment self-employed assistance groups group that are exempt and are commingled with non-exempt funds shall retain their exemption for the period of time over which they have been prorated as income.
- (3) All other exempt resources that are commingled with non-exempt funds shall retain their exemption for six months from the date of commingling. After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.

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Resources are exempt if excluded for food assistance purposes by express provision of federal statute or court decision. Where an exclusion applies because of use of a resource by or for an assistance group member, the exclusion shall also apply when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the assistance group's resources. The following is a listing of some of the resources excluded by federal statute. The listing is divided into general resource exclusions and exclusions applicable to resources of American Indians or Alaska Natives.

(A) ~~General exclusions~~ What are the general exclusions?

- (1) Assistance provided to children under the school lunch program, the summer food service program for children, the commodity distribution program and child and adult care food program, Pub. L. No. 79-396, (6/1946) section 12(e) of the National School Lunch Act of 1946, ~~as amended by section 9(d) of Pub. L. No. 94-105, (10/1975).~~
- (2) Assistance provided to children under the special milk program, special supplemental food program for women, infants, and children (WIC) and the school breakfast program, Pub. L. No. 89-642, (10/1966) of the Child Nutrition Act of 1966, section 11(b).
- (3) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, ~~(02/1971)~~ (2/1971) section 216.
- (4) Benefits received from the special supplemental food program for women, infants and children (WIC), Pub. L. No. 92-~~443~~ 433, ~~(1972)~~ (2010) section 9.
- (5) Payments received under section 321(d), the Disaster Relief Act of 1974, Pub. L. No. 93-288, ~~(05/1974)~~ (5/1974), as amended by section 105(i), the Disaster Relief and Emergency Assistance Amendments of 1988, Pub. L. No. ~~100-707, (11/1988)~~ 110-246 (5/2008). Payments precipitated by an emergency or major disaster as defined in this act, as amended, are not counted as a resource for food assistance purposes. This exclusion applies to federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. A "major disaster" is any natural catastrophe such as a hurricane or drought, or, regardless of cause, any fire, flood, or explosion, which the president of the United States determines causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. An "emergency" is any occasion or instance for which the president of the United States determines that federal assistance is needed to supplant state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe. Most, but not all, federal emergency management assistance funds are excluded. For example, some payments made to homeless people to pay for rent, mortgage, food, and utility assistance when there is no major disaster or emergency are not excluded under this provision.
- (6) Payments received under the Low-Income Home Energy Assistance Act, Pub. L. No. 99-425, ~~(09/1986)~~ (9/1986) section 504 (e).
- (7) Payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors and Aleut ~~Residents~~ residents of the Pribilof ~~Islands~~ islands and the Aleutian ~~Islands West~~ islands west of Unimak ~~Island~~ island, Pub. L. No. 100-383, ~~(08/1988)~~ (8/1988) section 105 (f)(2), wartime relocation of civilians, the Civil Liberties Act of 1988.
- (8) Coupons that may be exchanged for food at farmers' markets under WIC demonstration projects, Pub. L. No. 100-435, ~~(09/1988)~~ (9/1988) section 501, which amended section 17(m)~~(7)~~(1) of the Child Nutrition Act of 1966.

- (9) Payments made from the Agent Orange settlement fund, Pub. L. No. 101-201, (12/1989), or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.) which are received on or after January 1, 1989. The disabled veteran will receive yearly payments. Survivors of deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by Aetna insurance company. The Omnibus Budget Reconciliation Act of 1989 excludes these payments. Pub. L. No. 102-4, ~~(02/1991)~~(2/1991), Agent Orange Act of 1991, authorized veterans' benefits to some veterans with service-connected disabilities resulting from exposure to Agent Orange. These payments are not excluded by law.
- (10) Payments made under the Radiation Exposure Compensation Act, Pub. L. No. 101-426, (10/1990) section 6(h)(2).
- (11) Federal tax refunds received after December 1, 2009 are excluded for twelve months following the receipt of the refund under the The American Taxpayer Relief Act of 2012 Pub.L. No.112-240 (1/2013).
- (12) Any federal, state and local earned income tax credits received either as a lump sum or as payments under section 3507 of the Internal Revenue Code (12/1994) shall be excluded for twelve months following receipt.
- (13) The resources of an assistance group member who receives supplemental security income (SSI) benefits or public assistance benefits. An assistance group member is considered a recipient of these benefits if the benefits have been authorized but not received, if when the benefits are suspended or recouped, or if when the benefits are not paid because they are less than a minimum amount. For purposes of this paragraph, if when an individual receives or is authorized to receive prevention, retention, and contingency (PRC) benefits or services as specified in paragraph (C)(2) of rule 5101:4-2-02 of the Administrative Code, the county agency shall consider the PRC assistance to benefit all members of the assistance group and therefore, the resources of all of the members of the assistance group shall be excluded. Individuals entitled to medicaid benefits only are not considered recipients of SSI or public assistance, Pub. L. No. 102-237, (12/1991), effective February 1, 1992.
- (14) All student financial assistance received under Title IV (including assistance funded in part under Title IV) or part E of Title XIII of the Higher Education Act of 1965, or under bureau of Indian affairs student assistance programs pursuant to section 479(b) and section 1343(c) of Pub. L. No. 102-325, ~~(07/1992)~~(7/1992) and educational assistance received by a student under section 507 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, Pub. L. No. 101-392, ~~(03/1990)~~(3/1990) that is made available for tuition, mandatory fees, books, supplies, transportation, dependent care, and miscellaneous personal expenses. All educational accounts described in section 529, (qualified tuition programs) and section 530 (coverdell education savings accounts) of the Internal Revenue Code of 1986, Pub. L. No. 110-246, ~~(06/2008)~~(6/2008).
- (15) Payments made to individuals because of their status as victims of Nazi persecution, Pub. L. No. 103-286, ~~(08/1994)~~(8/1994).
- (16) Pub. L. No. 103-322, ~~(09/1994)~~(9/1994) section 230202, amended section 1403 of the Crime Act of 1984 (42 U.S.C. 10602) to provide in part that, "(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a federal program, or a federally financed state or local program, would otherwise pay, (a) such crime victim compensation program shall not pay that compensation; and (b) the other program shall make its payments without regard to the existence of the crime victim compensation program." Based on this language, payments received under this program ~~must~~ shall be excluded from resources for food assistance purposes.
- (17) Notwithstanding any other provision of law, the allowance paid under Pub. L. No. 104-204, ~~(09/1996)~~(9/1996) section 1805(d), to a child of a Vietnam veteran for any disability resulting

from spina bifida suffered by such child. A monthly allowance from two hundred to one thousand two hundred dollars is paid to a child under this public law.

- (18) Housing and urban development (HUD) retroactive tax and utility costs subsidy payments issued pursuant to the settlement of Underwood v. Harris (Civil no. 76-0469, D.D.C.) ~~(01/1978) (1/1978)~~ against HUD, for the month in which payment was received and for the following month.
- (19) Federal emergency management assistance housing subsidies to pay for temporary housing required as a result of a disaster and individual and family grant assistance payments made under ~~the Disaster Relief Act section 312(d) of the Disaster Relief Act of 1974, as amended in 1988~~ section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (04/2013).
- (20) Disaster relief employment income received from national emergency grants under the Workforce ~~Investment Act (WIA) of 1988~~ Innovation and Opportunity Act, Pub. L. No. ~~105-220 113-128, (08/1998) (7/2014)~~ section 181(a)(2).
- (21) Disaster unemployment assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 100-707, (11/1988), to individuals unemployed as a result of a major disaster.
- (22) All pensions, tax-preferred retirement plans, contracts or accounts, including but not limited to, those described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b) and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a "Federal Thrift Savings Plan" account as provided for in 5 U.S.C. 8439 ~~(01/2004) (12/2014)~~. Pub. L. No. ~~110-246, 113-255 (06/2008)~~, also provides for the exclusion of any successor retirement accounts that are exempt from federal taxes.
- (23) Filipino veterans equity compensation fund payments under the American Recovery and Reinvestment Act of 2009 (February 17, 2009, Pub. L. No. 111-5) made to certain veterans, or surviving spouses of veterans, who served in the military of the government of the commonwealth of the Philippines during World War II.

(B) ~~Payments made to American Indians or Alaska Natives which are excluded by law. A list of funds provided to American Indians or Alaska Natives that are excluded by law can be found at: What payments made to American Indians or Alaska Natives are excluded by law?~~

A list of funds provided to American Indians or Alaska Natives that are excluded by law can be found at:

http://www.fns.usda.gov/fdd/programs/fdpi/Excluded_Native_American_Funds_2011.pdf

http://www.fns.usda.gov/sites/default/files/Excluded_Native_American_Funds_2011.pdf

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(A) How are jointly owned resources counted?

- (1) Resources owned jointly by separate assistance groups shall be considered available in their entirety to each assistance group, unless the assistance group can demonstrate that the resources are inaccessible to the applicant assistance group. ~~If~~When the assistance group can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the assistance group's resource level. The resource shall be considered totally inaccessible to the assistance group ~~if~~when the resources cannot be practically subdivided and the assistance group's access to the value of the resource is dependent on the agreement of the joint owner who refuses to comply.
- (2) For purposes of this provision, ineligible aliens or disqualified individuals residing with the assistance group shall be considered assistance group members; non assistance group members shall be considered separate from other assistance group members.
- (3) Resources shall be considered inaccessible to persons residing in shelters for battered ~~women~~persons and children ~~if~~when the resources are jointly owned by such persons and by members of their former assistance group and the shelter resident's access to the value of the resources is dependent on the agreement of a joint owner who still resides in the former assistance group.

(B) How are nonrecurring lump-sum payments treated?

- (1) A nonrecurring lump-sum payment, ~~(i.e. money received at one time that is not expected to reoccur, or payments which are not related to any time period such as death benefits or inheritance);~~ shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by ~~other~~ federal ~~laws~~law.
- (2) Upon obtaining information that an assistance group has received a nonrecurring lump-sum payment, the county agency shall review the case file in order to determine ~~if~~when the amount received in addition to the amount of resources listed on the application will exceed the resource limit for the particular assistance group. ~~if~~When the amount does not exceed the limitation, the case file is noted to document the information received. No further action is required unless the assistance group must be notified in accordance with the procedures for a reported change. ~~If~~When the total amount exceeds the allowable resource limitation, the assistance group must be notified and given an opportunity to update its entire resource statement. ~~if~~When it declines to do so or the amount of resources still exceeds the limit, the county agency shall take action to terminate the assistance group's ~~food assistance~~ supplemental nutrition assistance program benefits.

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4/1/97 (Emer.), 6/6/97, 9/28/98, 3/1/01 (Emer.), 5/31/01, 10/11/02 (Emer.), 12/26/02, 6/1/03 (Emer.), 6/16/03, 6/12/08, 9/1/13

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(A) When does the county agency ask the assistance group about resources?

This rule applies to assistance groups with a member who:

- (1) Is disqualified for an intentional program violation in accordance with division 5101:6 of the Administrative Code; or
- (2) A member of the assistance group is ineligible because of a failure to comply with an employment and training requirement of rules [5101:4-3-11.1](#) and [5101:4-3-19](#) of the Administrative Code and the requirements of rule [5101:4-3-09](#) of the Administrative Code.

If When one of the above circumstances exist, the county agency shall ask the assistance group to provide information regarding resources any assistance group member (or ineligible alien or disqualified person whose resources are being considered available to the assistance group) has transferred within the three-month period immediately preceding the date of application or recertification. The county agency must determine if the transfer of resources was appropriate. **If When** it is determined it was an inappropriate transfer of resources, the assistance group may be disqualified for ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits.

(B) How does the county agency determine an inappropriate transfer?

- (1) Assistance groups that have transferred resources for the purpose of qualifying or attempting to qualify for ~~food assistance~~ SNAP benefits shall be disqualified from participation in the program for up to one year from the date of the discovery of the transfer.
- (2) The appropriate disqualification period, as ~~set forth~~ described in paragraph (D) of this rule, shall be applied **if when** the resources are transferred knowingly in the three-month period prior to application or **if when** they are transferred knowingly after the assistance group is determined eligible for benefits. Example: assets the assistance group acquires after being certified for benefits that are transferred to prevent the assistance group from exceeding the maximum resource limit.

(C) When is a resource transferred and considered an appropriate transfer?

- (1) Resources consisting of excluded personal property such as furniture or money that, when added to other nonexempt assistance group resources, totaled less than the allowable resource limit at the time of the transfer;
- (2) Resources sold or traded at or near fair market value;
- (3) Resources that are transferred between members of the same assistance group (including ineligible aliens or disqualified persons whose resources are being considered available to the assistance group); and
- (4) Resources that are transferred for reasons other than qualifying or attempting to qualify for ~~food assistance~~ SNAP benefits. Example: a parent placing funds into an educational trust fund for a dependent child.

(D) How is the disqualification period determined?

To calculate the total resources for the assistance group, start with the amount of the nonexempt transferred resources added to the other countable resources. The amount that exceeds the resource limit is the amount used to determine the length of the disqualification period:

- (1) \$0.01 - \$249.99 disqualified for one month;
- (2) \$250.00 - \$999.99 disqualified for three months;

- (3) \$1000.00 - \$2999.99 disqualified for six months;
- (4) \$3000.00 - \$~~4999.00~~ 4999.99 disqualified for nine months; and
- (5) \$5000.00 and up disqualified for twelve months.

(E) How is the assistance group notified of the disqualification?

- (1) After the county agency has explored, verified and determined that the assistance group has knowingly transferred resources for the purpose of qualifying or attempting to qualify for ~~food assistance~~ SNAP benefits during the application processing period, the county agency shall send the assistance group a notice of denial explaining the reason for and the length of the disqualification. The period of disqualification shall begin in the month of application.
- (2) ~~If~~ When the assistance group has been participating at the time of the discovery of the transfer, a notice of adverse action explaining the reason for and length of the disqualification shall be sent. The period of disqualification shall be sent effective with the first allotment issued after the adverse notice period has expired, unless the assistance group requested a fair hearing and continued benefits.

Effective: 10/01/2016

Five Year Review (FYR) Dates: 06/08/2016 and 10/01/2021

Certification: CERTIFIED ELECTRONICALLY

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FATL 349

Effective Date: June 1, 2015

Most Current Prior Effective Date: March 1, 2010

- (A) The income eligibility standards ~~for the contiguous forty-eight states and the District of Columbia will be~~ are issued through a food assistance change transmittal, which can be found in the food assistance certification handbook at the Ohio department of job and family services website. ~~They~~ The standards are adjusted annually on October first.
- (B) "Assistance group income" shall mean all income from whatever source excluding only the items specified in rule 5101:4-4-13 of the Administrative Code. The income considered is that received over the proposed certification period.

Effective: 06/01/2015

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FATL 387

Effective Date: September 1, 2018

Most Current Prior Effective Date: September 1, 2013

~~In the Food and Nutrition Act of 2008 congress specified the types of income that are excluded~~The following payments shall be excluded as income for supplemental nutrition assistance program (SNAP): ~~purposes. The following payments shall be excluded as income:~~

- (A) Any gain or benefit that is not in the form of money payable directly to the assistance group including in-kind benefits. In-kind benefits are those for which no monetary payment is made on behalf of the assistance group and include meals, clothing, public housing, or produce from a garden.
- (B) Payments made to a third party on behalf of the assistance group are included or excluded as income as follows:
 - (1) Public assistance, ~~including disability financial assistance (DFA)~~, vendor payments are counted as income unless they are made for medical assistance, child care assistance, energy assistance as defined in paragraph (1)(4) of this rule, emergency assistance (including, but not limited to housing and transportation payments) for migrant or seasonal farm worker assistance groups while they are in the job stream, or housing assistance payments made through a state or local housing authority.
 - (2) Public assistance provided to a third party on behalf of an assistance group that is not specifically excluded from consideration as income under paragraph (B)(1) of this rule shall be considered for exclusion under the emergency and special assistance category. To be considered emergency or special assistance and excluded, the assistance must be provided over and above the normal public assistance payment or cannot normally be provided as part of such payment.
 - (3) Reimbursements made in the form of vendor payments, monetary payments made on behalf of an assistance group by a person or organization outside of the assistance group directly to either the assistance group's creditors or to a person or organization providing a service to the assistance group, are excluded on the same basis as reimbursements paid directly to the assistance group in accordance with paragraph (E) of this rule.
 - (4) In-kind or vendor payments that would normally be excluded as income but are converted in whole or in part to a direct cash payment under a federally authorized demonstration project or waiver shall be excluded from income.
 - (5) Rent or mortgage payments made to landlords or mortgagees by the department of housing and urban development (HUD) are excluded.
 - (6) Monies that are legally obligated and otherwise payable to the assistance group, but ~~which~~ are diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded. ~~If~~When a person or organization makes a payment to a third party on behalf of an assistance group using funds that are not owed to the assistance group, the payment shall be excluded from income.
- (C) The county agency shall exclude any income that is specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for ~~the food assistance program~~SNAP. The following is a listing of some of the incomes excluded by federal statute. The listing is divided into general income exclusions and exclusions applicable to incomes of American Indians or Alaska Natives.
 - (1) General exclusions
 - (a) Income of a supplemental security income (SSI) recipient determined necessary for the fulfillment of a plan for achieving self-support (PASS) ~~which~~that has been approved under section 1612(b)(4)(A)(iii) or 1612(b)(4)(B)(iv) of the Social Security Act of 1935. This

income may be spent in accordance with an approved PASS or deposited into a PASS savings account for future use.

- (b) Federal emergency management assistance housing subsidies to pay for temporary housing required as a result of a disaster and individual and family grant assistance payments made under the Disaster Relief Act section 312(d) of the Disaster Relief Act of 1974, as amended in 1988 by Pub. L. No. 100-707, (11/1988).
- (c) Assistance provided to children under the school lunch program, the summer food service program for children, the commodity distribution program and child and adult care food program (CACFP), Pub. L. No. 79-396, (06/1946), section 12(e) of the National School Lunch Act of 1946, as amended by section 9(d) of Pub. L. No. 94-105, (10/1975).
- (d) Assistance provided to children under the special milk program, special supplemental food program for women, infants, and children (WIC) and the school breakfast program, Pub. L. No. 89-642, (10/1966), the Child Nutrition Act of 1966, section 11(b).
- (e) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, section 216 (~~02/1971~~2/1971).
- (f) Pub. L. No. 93-113, (10/1973), the Domestic Volunteer Services Act of 1973, Titles I and II. Payments under Title I of the act (including such Title I programs as volunteers in service to americorps (VISTA), university year for action, and urban crime prevention program) to volunteers shall be excluded for those individuals receiving ~~food assistance~~SNAP or public assistance at the time they joined the Title I program, except ~~that~~ assistance groups ~~which~~~~that~~ were receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food and Nutrition Act shall continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion.

Temporary interruptions in ~~food assistance~~SNAP participation shall not alter the exclusion once an initial determination has been made. New applicants who were not receiving public assistance or ~~food assistance~~SNAP at the time they joined VISTA shall have these volunteer payments included as earned income. Any payment to volunteers under Title II (retired senior volunteer program, foster grandparents, senior companion program and others) are excluded from income.

- (g) Payments received under section 312(d), the Disaster Relief Act of 1974, Pub. L. No. 93-288, (~~05/1974~~5/1974), as amended by section 105(i), the Disaster Relief and Emergency Assistance Amendments of 1988, Pub. L. No. 100-707, (11/1988). Payments precipitated by an emergency or major disaster as defined in this act, as amended, are not counted as income for ~~food assistance~~SNAP purposes. This exclusion applies to federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. A "major disaster" is any natural catastrophe such as a hurricane or drought, or, regardless of cause, any fire, flood, or explosion, ~~which~~~~that~~ the president of the United States determines causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. An "emergency" is any occasion or instance ~~for which~~~~that~~ the president of the United States determines that federal assistance is needed to supplant state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe. Most, but not all, federal emergency management assistance funds are excluded. For example, some payments made to homeless people to pay for rent, mortgage, food, and utility assistance when there is no major disaster or emergency is not excluded under this provision.
- (h) Payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their ~~Survivors~~ survivors and Aleut ~~Residents~~ residents of the Pribilof ~~Islands~~ islands

and the Aleutian ~~Islands West~~ islands west of Unimak ~~Island~~ island, Pub. L. No. 100-383, (~~08/1988~~8/1988), section 105(f)(2), wartime relocation of civilians, the Civil Liberties Act of 1988.

- (i) Income received (including reimbursements) by individuals participating in programs under the Workforce Investment Act (WIA) of 1998, section 181 (a)(2), except as provided in rule 5101:4-4-19 of the Administrative Code. This includes disaster relief employment income received from national emergency grants under the WIA, Pub. L. No. 105-220, (~~08/1998~~8/1998) section 181(a)(2).
- (j) Any amount by which the basic pay of an individual is reduced and reverted to the treasury shall not be considered to have been received by or to be within the control of such individual, Pub. L. No. 99-576, (~~08/1986~~8/1986) section 303(a)(1), Veteran's Benefits Improvement and Health Care Authorization Act of 1986, ~~which that~~ amends section 1411(b) and 1412(c) of the Veteran's Educational Act of 1984 - GI bill.
- (k) Funds received by persons fifty-five and older under the senior community service employment program under Title V of the Older Americans Act of 1987 are excluded from income, Pub. L. No. 109-365, (10/2006). The organizations that receive some Title V funds are as follows: experience works; national council on aging; national council of senior citizens; American association of retired persons; United States forest service; national association for Spanish speaking elderly; national urban league; and the national council on black aging.
- (l) Cash donations based on need received on or after February 1, 1988 from one or more private nonprofit charitable organizations, but not to exceed three hundred dollars in a federal fiscal year quarter. Charitable Assistance and Food Bank Act of 1987, Pub. L. No. 100-232, (~~04/1988~~1/1988).
- (m) ~~Food assistance~~SNAP benefits that may be exchanged for food at farmers' markets under WIC demonstration projects, Pub. L. No. 100-435, (~~09/1988~~9/1988) section 501, ~~which that~~ amended section 17(m)(7) of the Child Nutrition Act of 1966.
- (n) Payments made from the Agent Orange settlement fund, Pub. L. No. 101-201, (12/1989), or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)(~~04/1989~~1/1989) ~~which that~~ are received on or after January 1, 1989. The disabled veteran will receive yearly payments. Survivors of deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by aetna insurance company. The Omnibus Budget Reconciliation Act of 1989, Pub. L. No. 101-239, (12/1989), also excludes these payments. Pub. L. No. 102-4, (~~02/1991~~2/1991), Agent Orange Act of 1991, authorized veterans' benefits to some veterans with service-connected disabilities resulting from exposure to Agent Orange. These VA payments are not excluded by law.
- (o) Payments made under the Radiation Exposure Compensation Act, Pub. L. No. 101-426, (10/1990) section 6(h)(2), as amended by Pub. L. No. 106-245 (~~07/2000~~7/2000).
- (p) The Omnibus Budget Reconciliation Act of 1990, Title XI revenue provisions, section 11111, modifications of earned income tax credit, subsection (b) provides that any federal earned income tax credit shall not be treated as income effective with taxable years beginning after December 31, 1990, Pub. L. No. 101-508, (11/1990).
- (q) Pub. L. No. 101-610, (11/1990), National and Community Service Act (NCSA) of 1990, section 177(d), applies to projects conducted under Title I of the NCSA. Title I includes three acts: (i) Serve-America: the Community Service, Schools and Service-Learning Act of 1990, (ii) the American Conservation and Youth Service Corps Act of 1990, and (iii) the National and Community Service Act.

There are about forty-seven different NCSA programs, and they vary by state. Most of the payments are made as a weekly stipend or for educational assistance. The higher

education service-learning program and the americorps umbrella program come under this title. The national civilian community corps (NCCC) is a federally managed americorps program. The summer for safety program is an americorps program; under which participants earn a stipend and a one thousand-dollar postservice educational award. The Serve America Act, Pub. L. No. 111-13, (~~04/2009~~4/2009), amended the National and Community Services Act of 1990 but it did not change the exclusion. All americorps payments shall be excluded.

- (r) All student financial assistance, including grants, scholarships, fellowships, educational loans on which payment is deferred, work study, veterans' educational benefits, and the like, ~~which that~~ are awarded to an assistance group member enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, in a vocational or technical school, or in a program that provides for obtaining a secondary school diploma or the equivalent of a secondary school diploma shall be excluded from consideration as income for ~~food assistance~~SNAP purposes.

Educational income excluded for dependent care costs shall not be deducted from income under the provisions of rule 5101:4-4-23 of the Administrative Code. Dependent care costs incurred ~~which that~~ exceed the amount excluded under the provisions of this paragraph shall be deducted from income in accordance with rule 5101:4-4-23 of the Administrative Code.

- (s) Payments made under the youthbuild program under the Housing and Community Development Act of 1992, Pub. L. No. 102-550, (10/1992). The youthbuild program transferred from the United States department of housing and urban development to the department of labor with the passage of the Youthbuild Transfer Act of 2006, Pub. L. No. 109-281, (~~09/2006~~9/2006), ~~which that~~ amended the ~~Workforce Investment Act~~Workforce Innovation and Opportunity Act (WIAWIOA) of 1998. These payments are to be treated like ~~WIAWIOA~~ payments in accordance with paragraph (C)(1)(i) of this rule, except as provided in rule 5101:4-4-19 of the Administrative Code.
- (t) Payments from any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care), Pub. L. No. 102-586, (11/1992) section 8, ~~which that~~ amended the Child Care and Development Block Grant Act Amendments of 1992 by adding section 658S.
- (u) Payments made to individuals because of their status as victims of Nazi persecution, Pub. L. No. 103-286, (~~08/1994~~8/1994).
- (v) Pub. L. No. 103-322, (~~09/1994~~9/1994) section 230202, amended section 1403 of the Crime Act of 1984 (42 U.S.C. 10602) to provide in part that, "(e) Notwithstanding any other law, ~~if when~~ the compensation paid by an eligible crime victim compensation program would cover costs that a federal program, or a federally financed state or local program, would otherwise pay, (i) such crime victim compensation program shall not pay that compensation; and (ii) the other program shall make its payments without regard to the existence of the crime victim compensation program." Based on this language, payments received under this program ~~must shall~~ be excluded from income for ~~food assistance~~SNAP purposes.
- (w) Notwithstanding any other provision of law, the allowance paid under Pub. L. No.104-204, (~~09/1996~~9/1996) section 1805(d), as amended by Pub. L. No. 106-419, (11/2000), to a child of a Vietnam veteran for any disability resulting from spina bifida and certain other birth defects suffered by such child. A monthly allowance from two hundred to one thousand two hundred dollars is paid to a child under this public law.
- (x) Combat-related pay received by a service member of the United States armed forces (under the Consolidated Appropriations Bill, 2008, Pub. L. No. 110-161, (12/2007)) and basic military pay not made available to the assistance group while the service member is on deployment to a designated combat zone. ~~Additional pay received by military~~

~~personnel as a result of deployment to a combat zone (under the Consolidated Appropriations Bill, 2008, Pub. L. No. 110-161, (12/2007). The additional combat pay shall be determined as follows:~~

- ~~(i) Pay is considered combat-related when:
 - ~~(a) Received in addition to the service member's basic pay;~~
 - ~~(b) Received as a result of the service member's deployment to, or service in an area designated as a combat zone as determined pursuant to executive order or public law; and~~
 - ~~(c) Not received by the service member prior to the service member's deployment to or service in a federally-designated combat zone.~~~~
- ~~(ii) Basic military pay is considered available to the assistance group as follows:
 - ~~(a) When the service member was part of the assistance group for SNAP purposes prior to the deployment to a designated combat zone, this amount would be his or her net military pay.~~
 - ~~(b) When the service member was not part of the assistance group for SNAP purposes prior to the deployment to a designated combat zone, this amount is the amount the absent service member actually made available to the assistance group prior to deployment to the designated combat zone.~~~~
- ~~(i) Establish what amount for food assistance purposes of the military person's pay that was actually available to the assistance group prior to the deployment of the military person to a designated combat zone.~~
 - ~~(a) If the military person was part of the assistance group for food assistance purposes prior to the deployment, this amount would be his or her net military pay.~~
 - ~~(b) If the military person was not part of the assistance group for food assistance purposes prior to the military person's deployment to a designated combat zone, this amount is the amount the absent military person actually made available to the assistance group prior to deployment to the designated combat zone.~~
- ~~(ii) Determine the amount of military pay that the absent member deployed in a designated combat zone is making available to his or her family.~~
- ~~(iii) If the amount of military pay that the absent member deployed in a designated combat zone is making available is equal to or less than the amount the assistance group was receiving from the military person prior to deployment to a designated combat zone, all of the military pay would be counted as income to the assistance group for food assistance purposes. Any portion of the amount that exceeds the amount the assistance group was receiving prior to deployment of the military person to a designated combat zone shall be excluded when determining the assistance group's income for food assistance purposes.~~
- (y) Disaster unemployment assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 100-707, (11/1988), to individuals unemployed as a result of a major disaster.
- (z) Filipino veterans equity compensation funds payments under the American Recovery and Reinvestment Act of 2009 (~~02/2009~~2/2009, Pub. L. No. 111-5) made to certain veterans, or surviving spouses of veterans, who served in the military of the government of the commonwealth of the Philippines during World War II.

(aa) Any aid, services, or incentives provided to an eligible beneficiary participating in programs funded by the health profession opportunity grants (HPOG) under the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, (~~03/2010~~3/2010).

(2) Payments made to American Indians or Alaska ~~Natives~~ natives that are excluded by law. A list of funds provided to American Indians or Alaska ~~Natives~~ natives that are excluded by law can be found at:

http://www.fns.usda.gov/fdd/programs/fdpi/Excluded_Native_American_Funds_2011.pdf
<https://www.fns.usda.gov/funds-provided-american-indiansalaska-natives-are-excluded-law>

(D) All loans, including loans from private individuals as well as commercial institutions, are excluded as income. Educational loans on which repayment is deferred shall be excluded pursuant to the provisions in paragraph (C)(1)(r) of this rule.

(E) Reimbursements for past or future expenses are excluded to the extent they do not exceed actual expenses and do not represent a gain or benefit to the assistance group. No portion of benefits provided under Title IV-A of the Social Security Act of 1935, to the extent such benefits are attributed to adjustment for work-related or child care expenses shall be considered excludable under this paragraph.

(1) When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. Reimbursements for normal living expenses of the assistance group, such as rent or mortgage, personal clothing, or food eaten at home, are a gain or benefit and therefore are not excluded. To be excluded, these payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended.

(2) The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income. However, reimbursements shall not be considered to exceed the actual expenses, unless the provider or the assistance group indicates the amount is excessive.

(F) Monies received and used for the care and maintenance of a third-party beneficiary who is not an assistance group member. ~~If~~When the intended beneficiaries of a single payment are both assistance group and non-assistance group members, any identifiable portion of the payment intended and used for the care and maintenance of the non-assistance group member shall be excluded. ~~If~~When the non-assistance group member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the non-assistance group member's pro rata share or the amount actually used for the non-assistance group member's care and maintenance, whichever is less.

(G) The earned income of any assistance group members who live with a natural, adoptive, or stepparent, or under the parental control of an assistance group member other than a parent, who are elementary or secondary school students, and who are seventeen years of age or younger. For purposes of this provision, an "elementary or secondary school student" is someone who attends classes to obtain a general equivalency diploma (GED) that are recognized, operated, or supervised by the student's state or local school district. The provision also applies to a student who attends elementary or secondary classes through a home-school program recognized or supervised by the student's state or local school district. This income is excluded even during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. ~~If~~When the child's earnings or the amount of work performed cannot be differentiated from that of other assistance group members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded. Individuals are considered children for this exclusion ~~if~~when they are under the parental control of another assistance group member. ~~If~~When an assistance group contains a student whose income is excluded and the student turns eighteen during the month of application, the student's earnings shall be excluded in the month of application and counted in the following month(s). ~~If~~When the student turns eighteen during the certification period, the student's income shall be excluded until the month following the month ~~in which~~ the student turns eighteen.

- (H) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, SSI, public assistance, railroad retirement pension, the learning, earning and parenting (LEAP) program enrollment bonus payment, or other payment; retroactive lump-sum insurance settlements; refunds of security deposits on rental property or utilities; medical loss ratio rebates afforded under the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148 (~~03/2010~~03/2010); or prevention, retention and contingency (PRC) payments made to divert an assistance group from becoming dependent on cash assistance ~~if~~when the payment is not defined as assistance. Temporary assistance for needy families (TANF) non-recurrent, short term benefits are defined in 45 ~~CFR~~ C.F.R. 260.31(b)(1) (revised October 1, 2001). These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other federal laws.
- (I) Miscellaneous income exclusions.
- (1) Irregular income
Any income in the certification period that is acquired too infrequently or irregularly to be reasonably anticipated, but not in excess of thirty dollars in a quarter.
- (2) Costs of self-employment
The cost of producing self-employment income. See rule 5101:4-6-11 of the Administrative Code for the procedures on computing the cost of producing self-employment income.
- (3) Income from ineligible assistance group members
The prorated share of earned or unearned income of an ineligible assistance group member in accordance with rule 5101:4-6-13 of the Administrative Code.
- (4) Energy assistance, as follows:
- (a) Any payments or allowances made for the purpose of providing energy assistance under any federal law other than part A of Title IV of the Social Security Act of 1935 (42 U.S.C. 601), including utility reimbursements made by HUD and the rural housing service, or
- (b) A one-time payment or allowance applied for on an as-needed basis and made under a federal or state law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device. A down payment followed by a final payment upon completion of the work will be considered a one-time payment for purposes of this provision.
- (5) Blood and blood plasma sales
Any income ~~which~~that is acquired from the sale of blood or blood plasma.
- (6) Garage sales
Any income ~~which~~that is acquired from garage sales.
- (7) Interest income
Any interest income from savings or other financial accounts.
- (8) Bingo winnings
Any income from bingo winnings.
- (J) Certain payments from the child and adult care food program
That portion of payments from the child and adult care food program to assistance groups providing child care services intended for the provider's own children's meals. See paragraph (B)(2) of rule 5101:4-4-19 of the Administrative Code for treatment of that portion of child and adult care food program payments intended for providing services to children other than the provider's own.
- (K) Payments ~~which~~that are not considered income.

- (1) Monies withheld from an assistance payment, earned income, or other income source, or monies received from any income source ~~which~~that are voluntarily or involuntarily returned to repay a prior overpayment received from the income source, provided that the overpayment is not otherwise excluded. However, monies withheld from assistance from a federal, state, or local means-tested program (for example, Ohio works first (OWF) ~~or DFA~~) due to the assistance group's failure to perform an action required under these programs, shall be included as income in accordance with rule 5101:4-6-16 of the Administrative Code.
- (2) Child support payments received by OWF recipients ~~which~~that must be transferred to the agency administering Title IV-D of the Social Security Act of 1935 to maintain OWF eligibility.
- (3) Governmental or court-ordered foster care payments received by assistance groups with foster care individuals who are considered to be boarders.

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FATL 369

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Most Current Prior Effective Date: December 1, 2011

(A) What is countable income?

Countable income is earned income minus the twenty per cent earned income deduction as ~~set forth~~ **described** in rule **5101:4-4-23** of the Administrative Code plus any unearned income. Types of excluded income are listed in rule **5101:4-4-13** of the Administrative Code.

(B) What is earned income?

Earned income includes:

(1) All wages and salaries of an employee including:

- (a) Garnished or diverted payments from wages; and
- (b) The gross amount of sick pay, without any deductions for taxes and other work expenses, when the payee is a current employee of the payer.

(2) Self-employment income:

- (a) Gross income from a self-employment enterprise.
- (b) Income from the sale of any capital goods or equipment related to the business. Any business expense paid from this income would be deducted from this income.
- (c) Income from rental property minus the cost of doing business **if when** a member of the assistance group is actively engaged in management of the property for at least an average of twenty hours per week.
- (d) Payments from a roomer or boarder, except a foster care boarder.
- (e) Payments for daycare or from the child and adult care food program to assistance groups providing child care services minus the cost of meals provided to individuals. The county agency may elect one of the following methods of determining the cost of meals provided to the individuals:
 - (i) Actual documented costs of meals;
 - (ii) Fifty per cent of the gross earnings from day care; or
 - (iii) The current reimbursement amount used in the child and adult care food program.
- (f) The portion of the child and adult care food program payments intended for the provider's own children is exempt as income.

(3) Training allowances

- (a) Training allowances from vocational and rehabilitative programs sponsored by federal, state, or local governments. Countable earned income does not include an allowance to reimburse an assistance group member for money already spent and does not represent a gain to the assistance group member. ~~Work allowances are not considered reimbursements and are countable income.~~
- (b) Training allowances under the Workforce ~~Investment Act (WIA) of 1998~~ Innovation and Opportunity Act of 2014, other than earnings specified in paragraph (B)(5) of this rule, are excluded from consideration as income.
- (c) In accordance with 7 CFR 273.9 (5/2015), any payment made to an employment and training participant under 7 CFR 273.7 (d)(3) (5/2015) for costs that are reasonably necessary and directly related to participation in the employment and training program are excluded income. These costs include, but are not limited to, dependent care costs,

transportation, other expenses related to work, training or education, such as uniforms, personal safety items or other necessary equipment, and book or training manuals. These costs shall not include the cost of meals away from home.

(4) Americorps volunteers in service to America (VISTA) income

Payments under Title I (VISTA, university year for action, etc.) of the Domestic Volunteer Service Act of 1973 ~~PL 93-113 as amended~~, Pub. L. 43-113 (1973) shall be considered earned income and subject to the earned income deduction unless the individual was receiving food assistance or public assistance at the time they joined the Title I program as ~~set forth~~ described in paragraph ~~(D)~~ (C)(1)(f) of rule 5101:4-4-13 of the Administrative Code.

(5) On the-job-training under ~~WIA~~ WIOA

Earnings to individuals who are participating in on-the-job training programs under Title I section ~~204(b)(1)(C) or section 264(c)(1)(A) of WIA of 1998~~ 129 of WIOA of 2014. Countable income does not include on-the-job training earnings to assistance group members under nineteen years of age who are under the parental control of another adult member, regardless of school attendance and/or enrollment.

(C) What is unearned income?

Unearned income includes:

- (1) Basic assistance payments from federal or federally-aided public assistance programs which are needs-based:
 - (a) Disability financial assistance (DFA);
 - (b) Ohio works first (OWF). This includes income such as the attendance bonus payment for teenage parents who return to or remain in school under the learning, earning and parenting (LEAP) program; and
 - (c) Supplemental security income (SSI).
- (2) Annuities, pensions, retirement, veterans' or disability benefits (all before taxes), workers' or unemployment compensation, retirement, survivors and disability insurance (RSDI) (before medicare deductions), strike benefits, foster care payments for children or adults who are considered members of the assistance group.
- (3) Support and alimony payments made directly to the assistance group from non- assistance group members.
- (4) Payments from government sponsored programs, dividends, royalties, and all other direct money payments from any source which can be defined as a gain or benefit, including certain vendor payments.
- (5) The unearned income or the earned income of an ineligible individual excluded from the assistance group as provided in rule 5101:4-6-13 of the Administrative Code.
- (6) Gross income from rental property minus the cost of doing business ~~if~~ when an assistance group member is not actively engaged in management of the property at least twenty hours a week.
- (7) Any payment made directly to the assistance group shall be counted as income except for energy assistance payments specified in rule 5101:4-4-13 of the Administrative Code. If the payment is not made on a monthly basis, the county agency shall prorate it over the period it is intended to cover.
- (8) Sick pay when the payee is not a current employee of the payer, such as from insurance. The gross amount, without any deductions for taxes and any other work expenses.

(D) When an assistance group contains a sponsored alien, the income of the sponsor and the sponsor's spouse must be deemed in accordance with procedures established in rule 5101:4-6-31 of the Administrative Code.

(E) After establishing an assistance group's countable income allowable deductions must be considered pursuant to rule [5101:4-4-23](#) of the Administrative Code.

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A deduction is considered in the month the expense is billed or otherwise becomes due. However, in the case of reimbursable medical expenses, a deduction can only be considered within thirty days of receiving the verification of the amount of reimbursement. The preceding applies regardless of when the assistance group intends to pay the expense. Deductions from income shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

Deductions for each assistance group are allowed only for the following:

- (A) Gross earned income deduction: twenty per cent deduction of gross earned income. No additional deductions (i.e., taxes, pensions, union dues, and the like) except for costs of self-employment, are allowed from earned income. Excluded earned income is not subject to this deduction. The earned income of a disqualified member is subject to this deduction.
- (B) Standard deduction: each assistance group regardless of its income receives the corresponding standard deduction for the assistance group size. In accordance with 7 C.F.R 273.9 (~~in effect on 1/01/2014~~ as in effect on the effective date of this rule), the United States department of agriculture (USDA) food nutrition service (FNS) determines the amount of the standard deduction based on the federal poverty guidelines and indexing of the cost of living increase for each federal fiscal year. The Ohio department of job and family services (ODJFS) provides this figure to the county agencies on an annual basis via a food assistance change transmittal, that can be found in the food assistance certification handbook at the ODJFS website.
- (C) Excess medical deduction: that portion of medical expenses that is nonreimbursable, over thirty-five dollars per month, excluding special diets, incurred by any assistance group member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code.
- (1) Who is eligible for this deduction?
- (a) ~~Spouses or other persons receiving benefits as a dependent of the supplemental security income (SSI) or disability recipient are not eligible to receive the deduction.~~ An assistance group with potential categorical eligibility that contains a supplemental security income (SSI) applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess medical deduction from the beginning of the period for which SSI benefits are paid, or the original supplemental nutrition assistance program (SNAP) application date, whichever is later, when the assistance group incurs such expenses.
- (b) Persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.
- (c) ~~An assistance group with potential categorical eligibility that contains an SSI applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess medical deduction from the beginning of the period for which SSI benefits are paid, or the original supplemental nutrition assistance program (SNAP) application date, whichever is later, when the assistance group incurs such expenses.~~ Individuals who are a dependent of a recipient of SSI or disability/blindness benefits are not eligible for this deduction if they are receiving benefits as a spouse or other person.
- (2) Allowable medical costs are limited to the following:
- (a) Medical and dental care, including psychotherapy and rehabilitation services, provided by a licensed practitioner authorized by the state or another qualified health professional.

- (b) Hospitalization or outpatient treatment, nursing care, and nursing home care. Also included are payments by the assistance group for an individual who was an assistance group member immediately prior to entering a hospital or nursing home provided by a facility recognized by the state.
- (c) Prescription drugs when prescribed by a licensed practitioner and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional. In addition, costs of medical supplies, incontinence products, sick-room equipment (including rental) or other prescribed equipment or supplies are deductible. The cost of any Schedule I controlled substance under the Controlled Substances Act 21 U.S.C. 812 (~~1970~~12/2018) including medical marijuana and any expenses associated with its use, are not deductible.
- (d) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump-sum settlements for death or dismemberment, or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible.
- (e) Medicare premiums and any cost-sharing or spend-down expenses incurred by medicaid recipients, as described in 7 C.F.R. 273.9.
- (f) Dentures, hearing aids, and prosthetics.
- (g) Costs associated with any animal (not limited to any type of animal) specially trained to serve the needs of an elderly or disabled assistance group member when:
 - (i) The animal is specially trained to assist the individual with the medical issue for which the animal is prescribed, and the individual cannot readily perform on their own (specific types of trainings, credentials or certifications are not required); and
 - (ii) The costs are associated with securing and maintaining the animal, including but not limited to, veterinarian bills and food costs.
- (h) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist.
- (i) Monthly telephone fees for amplifiers and warning signals for handicapped persons, and costs of telephone typewriter equipment for the deaf.
- (j) Reasonable costs of transportation and lodging to obtain medical treatment or services. "Reasonable costs for transportation" shall be defined as the current federal or state mileage reimbursement rate, whichever is higher, for private automobiles, or actual costs when other forms of transportation are used. Verification is required only when costs exceed the higher of the federal or state mileage reimbursement rate or the rate charged is for public transportation (e.g., local bus service).
- (k) Maintaining an attendant homemaker, home health aide, child care services, or housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person allotment shall be deducted as a medical expense when the assistance group furnishes the majority of the attendant's meals. The allotment for this meal-related deduction shall be that in effect at the time of initial certification. The county agency is only required to update the allotment amount at the next scheduled reapplication; however, the county agency may do so earlier. When an assistance group incurs attendant care costs that could qualify under both the medical deduction and the dependent care deduction, ~~the county agency shall treat the cost as a medical expense~~the cost may be deducted as a medical expense or a dependent care expense, but not both.

(D) Child/dependent care deduction: payments for the actual verified expenses for the care of an individual for whom the assistance group provides dependent care, including care of a child under the age of eighteen or an incapacitated person of any age in need of care. A child care expense that is reimbursed or paid for by the Ohio works first program under Title IV-A of the Social Security Act, (42 U.S.C. 618 (~~2/2006~~5/2017)) shall not be deductible.

- (1) Dependent care expenses are allowable deductions when determined necessary for a group member to:
 - (a) Search for, accept or continue employment;
 - (b) Comply with the employment and training requirements described in rule 5101:4-3-30 of the Administrative Code; or
 - (c) Attend training or education in preparation for employment under rule 5101:4-3-30 of the Administrative Code, unless covered by educational income which has been excluded under rule 5101:4-4-13 of the Administrative Code.
 - (2) Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household. Allowable dependent care expenses are limited to:
 - (a) The costs of care given by a care facility or an individual care provider, including a relative, so long as the relative providing care is not part of the same SNAP assistance group as the child or dependent adult receiving care;
 - (b) Transportation costs to and from the care facility; and
 - (c) Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.
 - (3) For purposes of paragraph (D) of this rule, "incapacitated" is defined as any permanent or temporary condition that prevents an individual from participating fully in normal activities, including but not limited to work or school, without supervision and that requires the care of another person to ensure the health and safety of the individual, or a condition or situation that makes a lack of supervision risky to the health and safety of that individual.
 - (4) An assistance group incurring attendant care expenses that could qualify under both the medical deduction and/or child/dependent care deduction may be deducted as either a medical expense or child/dependent care expense, but not both.
- (E) Shelter costs: monthly shelter costs over fifty per cent of the assistance group's income after all other deductions contained in this rule have been allowed. When the assistance group does not contain an elderly or disabled member, as defined in rule 5101:4-1-03 of the Administrative Code, the shelter deduction cannot exceed the maximum shelter deduction provided. These assistance groups shall receive an excess shelter deduction for the entire monthly cost that exceeds fifty per cent of the assistance group income after all other deductions contained in this rule have been allowed. An assistance group with potential categorical eligibility that contains an SSI applicant that is determined ineligible but later becomes categorically eligible and entitled to restored benefits shall receive restored benefits using the excess shelter deduction from the beginning of the period for that SSI benefits are paid or the original SNAP application date, whichever is later, when the assistance group incurs such expenses. The maximum shelter cost deduction shall be adjusted each fiscal year and the county agencies will be informed of the amount through the issuance of a food assistance change transmittal, that can be found in the food assistance certification handbook at the ODJFS website. Shelter costs shall include only the following:
- (1) An assistance group that receives the homeless shelter deduction under paragraph (H) of this rule shall not have its shelter expense considered under paragraphs (E) and (F) of this rule.
 - (2) Continuing charges for the shelter occupied by the assistance group, including rent, first and second mortgages, condo and association fees, or other continuing charges leading to the ownership of shelter, such as loan repayments for the purchase of a mobile home, including interest on such payments. Examples of shelter costs homeless assistance groups may incur are fees for staying at shelters for the homeless, fees for renting a motel room for a number of days or hours each month, etc. When a homeless assistance group is living in its car, the car payment can qualify as a shelter cost.

- (3) Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. When an assistance group is living in a car, only that portion of the car insurance premium that covers the car itself may be allowed. License plate fees on a motor home or car that represents an assistance group's residence are not assessments and they are not allowable.
- (4) One of the utility allowances listed under paragraph (F) of this rule when applicable. To receive a utility allowance there shall be an incurred utility expense. Only separate identifiable utility costs are allowable.
- (5) Charges for the repair of the home itself that was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Costs for replacement or repair of normal home furnishings (e.g., bed, refrigerator, stove) or personal belongings (e.g., clothes, jewelry, linen) are not covered by this rule. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.
- (6) The shelter costs for the home when temporarily unoccupied by the assistance group because of employment or training away from home, illness, or abandonment of the home due to natural disaster or casualty loss. For the costs of a vacated home to be included in shelter costs, the assistance group shall intend to return to the home; the current occupants of the home, when any, shall not be claiming the shelter costs for SNAP purposes; and the home shall not be leased or rented in the assistance group's absence. The county agency is not required to assist assistance groups in obtaining verification of this expense when verification would have to be obtained from a source outside of the project area. ~~assistance~~Assistance groups shall provide verification of actual utility costs for unoccupied homes when the costs would result in a deduction. An assistance group that has both an occupied home and an unoccupied home is only entitled to one standard utility allowance.

(F) Utility allowance: utility allowances are established by ODJFS and are reviewed and updated annually. The amounts are updated in the statewide automated eligibility system and the county agencies are notified of the amounts by issuance of a food assistance change transmittal, that can be found in the food assistance certification handbook at the ODJFS website. The utility allowances include the costs of heating fuel, electricity, water, sewer, trash collection, and telephone service. A "cooling cost" is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners. This does not include costs relating to the operation of fans.

Types of utility allowances and who is entitled to them:

Each assistance group charged for a utility expense is entitled a utility allowance.

~~assistance~~Assistance groups that are not directly billed by a utility company but are billed separately when costs are shared or are owed to a landlord are entitled to a utility allowance. County agencies shall not prorate utility allowances.

- (1) Standard utility allowance: deduction for the assistance groups that incur heating and or cooling costs. The standard utility allowance includes the costs of heating fuel, electricity, cooling costs, water, sewer, trash collection and telephone service.

Assistance groups entitled to the use of the standard utility allowance include:

- (a) Assistance groups that are not considered homeless that incur heating and/or cooling expenses separately from their rent or mortgage are entitled to the standard utility allowance.
- (b) Assistance groups that incur verified heating costs during the heating season continue to qualify for the standard utility allowance throughout the year, regardless of whether they also incur cooling costs, and vice versa.
- (c) Assistance groups in private rental housing that are billed by their landlords on the basis of individual usage or that are charged a flat rate based on their individual usage for

heating or cooling expenses separately from their rent are entitled to the standard utility allowance.

- (d) Assistance groups that received more than twenty dollars of direct or indirect assistance in the past twelve months under the Low Income Home Energy Assistance Act of 1981 (LIHEAA), 42 U.S.C. 94 (01/2012) such as the home energy assistance program (HEAP) (which is excluded as income), are entitled to the standard utility allowance whether or not the assistance group incurs any out-of-pocket expenses.
- (e) Assistance groups that receive direct or indirect energy assistance that is counted as income and that incur a heating or cooling expense are entitled to use the standard utility allowance.
- (f) Assistance groups that receive direct or indirect assistance that is excluded from income consideration (other than that provided under the ~~LIHEAA~~HEAP) such as utility reimbursements made by the department of housing and urban development (HUD) and/or the farmers home administration (FMHA) are entitled to use the standard utility allowance, only when the amount of their utility heating and/or cooling expenses exceeds the amount of the energy assistance or utility reimbursement provided.
- (g) An assistance group that has both an occupied and an unoccupied home is only entitled to one standard utility allowance.
- (h) Assistance groups living in public housing units that have central utility meters and are charged only for excess heating or cooling costs are entitled to the standard utility allowance, regardless when they are charged by the utility company or the landlord.
- (i) All assistance groups that live with another individual, another assistance group or both, and share heating and/or cooling costs, are entitled to the full standard utility allowance.

- (2) Limited utility allowance: deduction for the assistance groups that incur two or more utility expenses, none of which is a heating or cooling expense, but may include a telephone expense.
- (3) Single standard utility allowance: deduction for assistance groups that incur one utility expense that is not a heating, cooling or telephone expense.
- (4) Standard telephone allowance: deduction for assistance groups that only incur a telephone expense.

(G) Child support: a deduction is provided for legally obligated child support payments paid by an assistance group member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments). The county agency shall allow a deduction for amounts paid toward arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. County agencies shall budget child support payments prospectively regardless of the budgeting system used for the assistance group's other circumstances.

(H) Homeless shelter deduction: an assistance group that is considered to be homeless is eligible to have this deduction taken in the determination of its net income. To be eligible for this deduction, the homeless assistance group shall incur shelter costs during the month. Homeless assistance groups shall be given the choice of the homeless shelter deduction or actual shelter costs. A homeless assistance group receiving the homeless shelter deduction cannot have its shelter expenses considered under paragraphs (E) and (F) of this rule. The homeless shelter deduction is established by FNS and the amount, when changed, will be issued through a food assistance change transmittal. Food assistance change transmittals can be found in the food assistance certification handbook on the Ohio department of job and family services website.

(I) Verification of deductions

Nonreimbursable medical expenses of elderly or disabled members shall be verified at initial certification, reapplication, and whenever a change of more than twenty-five dollars is reported. Shelter and utility expenses, shelter and utility expenses for an unoccupied home, other shelter expenses, dependent care expenses, and legal obligation and actual child support payments shall be verified.

Also, when other deductible expenses claimed will result in a deduction, the expenses shall be verified. Information on the application is questionable when it is inconsistent with information elsewhere on the application or previous application, statements made by the applicant, information received by the county agency, or in the case of utility expenses, inconsistent with normal costs for the season and shall be verified.

- (J) When a deductible expense shall be verified and obtaining the verification may delay the assistance group's certification, the county agency shall advise the assistance group that the assistance group's eligibility and benefit level shall be determined without deducting the unverified expense. When the expense cannot be verified within thirty days of the date of application, the county agency shall determine the assistance group's eligibility and benefit level without deducting the unverified expense. When the assistance group subsequently provides the missing verification, the county agency redetermines the assistance group's benefits, and provides increased benefits, when any, in accordance with the timeliness standards for reported changes. The assistance group is entitled to the restoration of any benefits as a result of the disallowance of the expense only when the expense could not be verified within the thirty-day processing standard because the county agency failed to allow the assistance group sufficient time to verify the expense. When the assistance group would be ineligible unless the expense is allowed, the assistance group's application shall be handled as provided in rule 5101:4-5-07 of the Administrative Code.

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(A) How is a monthly benefit allotment determined?

The monthly food assistance benefit can be determined several ways. The benefit amount can be determined through the ~~client registry information system enhanced (CRIS-E)~~ statewide automated eligibility system, by using the basis of coupon/EBT issuance table, and by doing a manual budget. When calculating monthly benefits without using ~~CRIS-E~~ the statewide automated eligibility system the county agency must use the maximum food assistance allotment table and may need to use the basis of coupon/EBT issuance table and the maximum net monthly income standards. All of these tables are issued annually through a food assistance change transmittal, which can be found in the food assistance certification handbook at the Ohio department of job and family services website.

- (1) To determine an assistance group's monthly food assistance allotment using the basis of coupon/EBT issuance table:
 - (a) Calculate the assistance group's net monthly income according to rule [5101:4-4-31](#) of the Administrative Code.
 - (b) **If When** the assistance group is categorically eligible according to rule [5101:4-2-02](#) of the Administrative Code and thus not subject to the net income standard, find the monthly allotment on the basis of coupon/ EBT issuance table using the net income of the assistance group and the appropriate assistance group size.
 - (c) **If When** the assistance group is subject to the net income standard, compare the assistance group's net monthly income to the maximum net monthly income standard. **If When** the assistance group's net income is greater than the net monthly income standard, the assistance group is ineligible. **If When** the assistance group's net income is equal to or less than the net monthly income standard, the assistance group is eligible. Find the allotment amount on the basis of coupon/EBT issuance table using the net income of the assistance group and the appropriate assistance group size.
 - (d) Eligible assistance groups of one or two persons are eligible for a full monthly benefit of no less than the minimum benefit allotment.
 - (e) Assistance groups containing three or more members shall receive the actual calculated allotment.
- (2) To calculate the allotment manually (without using the basis of coupon/EBT issuance table):
 - (a) Calculate the assistance group's net monthly income according to rule 5101:4-4-31 of the Administrative Code.
 - (b) **If When** the assistance group is categorically eligible according to rule 5101:4-2-02 of the Administrative Code and thus not subject to the net monthly income standard, multiply the net monthly income by thirty per cent.
 - (c) **If When** the assistance group is subject to the net income standard, compare the assistance group's net monthly income to the maximum net monthly income standard. **If When** the assistance group's net income is greater than the net monthly income standard, the assistance group is ineligible. **If When** the assistance group's net income is equal to or less than the net monthly income standard, the assistance group is eligible. Multiply the net monthly income by thirty per cent.
 - (d) Round the product up to the next whole dollar **if when** it ends in one cent through ninety-nine cents.

- (e) To obtain the allotment, subtract the result of the net monthly income calculation from the maximum food assistance allotment for the appropriate assistance group size.
- (f) **If** When the benefit is for a one or two person assistance group and the computation results in a benefit of less than the minimum benefit allotment, round up to the minimum benefit amount.
- (g) Assistance groups containing three or more members shall receive the actual calculated allotment.

(B) How are benefits prorated for the initial month?

The term "initial month" means the first month for which the assistance group is certified for participation in the food assistance program. The initial month must follow a period when the assistance group was not participating in the food assistance program. For most assistance groups the break in receiving food assistance can be any amount of time. However, for migrant and seasonal farm workers, an initial month is determined by a break in benefits of at least one month. Assistance groups containing migrant and seasonal farm workers shall receive a full month's allotment with no proration when the break in benefits is less than one month.

Benefits for the initial month of application are prorated based on the date the application is received by the county agency. To prorate the initial month of benefits the county agency must determine what the food assistance allotment would have been for the entire month as explained in paragraph (A) of this rule, and then prorate the benefits as described in this paragraph based on the date the application was received:

The steps for prorating are:

- (1) Add one to the number of days in the month;
- (2) Subtract the date the application was received from the total calculated in paragraph (B)(1) of this rule.
- (3) Multiply the amount from paragraph (B)(2) of this rule by the full month's benefits determined from paragraph (A) of this rule.
- (4) Divide the amount from paragraph (B)(3) of this rule by the number of days in the month.
- (5) **If** When the number calculated in paragraph (B)(4) of this rule ends in one cent through ninety-nine cents, round it down to the next lower dollar.
- (6) **If** When the number calculated results in an allotment of less than ten dollars, round it to zero dollars. **If** When the amount calculated is ten dollars or more the benefit should be issued.

(C) What happens when there are anticipated changes at the time of application?

- (1) An assistance group's allotment for the month of application may be different than the following months.
- (2) An assistance group may be eligible for the month of application, but ineligible in the next month. The assistance group is entitled to benefits for the month of application even **if** when the processing of its application results in the benefits being issued in the next month.
- (3) Similarly, an assistance group may be ineligible for the month of application, but eligible in the next month due to anticipated changes in circumstances. Even though denied for the month of application, the assistance group does not have to reapply in the next month. The same application shall be used for the denial for the month of application and the approval for the next months, within the timeliness standards as set forth in rule [5101:4-2-11](#) of the Administrative Code.

(D) What happens when there are anticipated changes at the time of reapplication?

Eligibility for reapplication shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period.

- (1) **If** When an assistance group, other than a migrant or seasonal farm worker assistance group, submits an application after the assistance group's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated.
- (2) **If** When an assistance group's failure to timely reapply for benefits was due to an error of the county agency and therefore, there was a break in participation, the county agency shall follow procedures in rule [5101:4-5-07](#) of the Administrative Code.
- (3) **If** When an assistance group reapplies prior to the end of its certification period, but is found ineligible for the first month following the end of the certification period, the first month of any subsequent participation shall be considered an initial month.
- (4) **If** When an assistance group submits a reapplication for benefits prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.
- (5) The requirements of paragraph (D)(4) of this rule are effective only **if** when the assistance group has been properly notified of the expiration of its certification period, as described in rule [5101:4-7-07](#) of the Administrative Code.

Note: The Basis of Coupon Issuance tables were not filed as part of OAC Rule 5101:4-4-27. This table (FSIM620-R1) and the Maximum Food Assistance Allotments are being provided for user convenience. Each table is in PDF format, due to the size of each table, it may take 2 - 5 minutes to open.

[Click here to view the Basis of Coupon Issuance Tables - By Monthly Net Income and AG Size \(Household size 1-10\).](#)

[Click here to view the Basis of Coupon Issuance Tables - By Monthly Net Income and AG Size \(Household size 11-20\).](#)

[Click here to view the Maximum Food Assistance Allotments.](#)

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FATL 395

Effective Date: July 1, 2019

Most Current Prior Effective Date: June 1, 2015

(A) What is the general standard for anticipating income?

For the purpose of determining the assistance group's eligibility and monthly benefit, the county agency shall take into account the income already received by the assistance group during the certification period and any anticipated income the assistance group and the county agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received or when it will be received is uncertain, the county agency shall not count that portion of the assistance group's income that is uncertain. If the exact amount of the income is not known, that portion of it that is anticipated with reasonable certainty is considered income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the county agency must average income.

(B) How is income anticipated?

Income received during the past thirty days shall be used as an indicator of the income that is and will be available to the assistance group during the certification period. However, the county agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a thirty-day period alone cannot provide an accurate indication of anticipated income, the county agency and the assistance group may use a longer period of past time if it will provide an accurate indication of anticipated fluctuations in future income. Similarly, if the assistance group's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last thirty days, as one indicator of anticipated income. The county agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the county agency automatically attribute to the assistance group the amount of any past income. The county agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

(C) When is income anticipated for the month received?

Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged as described in paragraph (I) or (J) of this rule. Nonrecurring lump-sum payments are counted as a resource starting in the month received and not counted as income.

(D) How is income anticipated when an assistance group is steadily employed?

In cases where the assistance group name is steadily employed, income from the previous month is usually a good indicator of the amount of income that can be anticipated in the month of application and subsequent months. If information supplied by the assistance group or a collateral contact indicates that future income will differ from the previous month's income, the county agency will use such information to make a reasonable estimate of anticipated income. The method used to determine income shall be fully documented in the case file.

(E) How are hourly and piecework wages anticipated?

When income is received on an hourly wage or piecework basis, weekly income may fluctuate if the wage earner works less than eight hours some days or is required to work overtime on others. In this case the county agency should consult with the assistance group to determine the normal amount of income to be expected as a result of one week's work and if this is reasonably certain to be available during the certification period. This amount should be used to determine monthly income.

(F) Are withheld wages treated as income?

Wages held at the request of the employee shall be considered income to the assistance group in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even if in violation of law, are not counted as income to the assistance group, unless the assistance group anticipates that it will ask for and receive an advance or that it will receive income from wages that were previously held by the employer as a general practice and were, therefore, not previously counted as income by the county agency. Advances on wages shall count as income in the month received only if reasonably anticipated.

(G) How is monthly or semimonthly income of varying amounts anticipated?

An assistance group receiving income on a recurring monthly or semimonthly basis shall not have its monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

(H) When should actual income be used instead of converted income?

When a full month's income is anticipated and income is received on a weekly or biweekly basis, the county agency shall determine monthly income by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15. In one-month certifications, income on less than a monthly basis may be computed by using the actual income that is to be received. When income that was received on a weekly or biweekly basis has stopped, actual income (not converted) is used.

(I) When is income averaged?

Except for destitute assistance groups, income received on a monthly basis but whose amount fluctuates from month-to-month and income received less often than monthly must be averaged. Income shall not be averaged for a destitute assistance group since doing so would result in assigning to the month of application income from future periods which is not available to the assistance group for its current food needs. To average income, the county agency shall use the assistance group's anticipation of income fluctuations over the certification period. (For example, an assistance group receives one hundred dollars every other month, fifty dollars per month income may be used.) The number of months used to arrive at the average income need not be the same as the number of months in the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with paragraph (K)(1) of rule 5101:4-7-01 of the Administrative Code, and the county agency shall inform the assistance group of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (H) of this rule does not constitute averaging.

(J) How is contract or self-employment income anticipated?

Assistance groups which, by contract or self-employment, derive their annual income in a period of time shorter than one year shall have that income averaged over a twelve-month period, provided the income from the contract is not received on an hourly or piecework basis. These assistance groups may include school employees, share croppers, farmers, and other self-employed assistance groups. However, these provisions do not apply to migrant or seasonal farm workers. Contract income which is not the assistance group's annual income and is not paid on an hourly or piecework basis shall be prorated over the period the income is intended to cover.

(K) What expenses are included in income deductions?

Deductible expenses include only the costs described in rule 5101:4-4-23 of the Administrative Code.

(L) What types of expenses are not allowed as deductions?

Any expense, in whole or in part, covered by educational income which is excluded, shall not be deductible. Any expense covered by excluded reimbursements (including reimbursements under employment and training programs) or vendor payments (except an energy assistance payment made under the Low Income Home Energy Assistance Act of 1981, as amended), shall not be deductible. For example, the portion of rent covered by excluded vendor payments is not calculated as part of the assistance group's shelter costs. In addition, an expense which is covered by an excluded vendor

payment that has been converted to a direct cash payment under the approval of a federally authorized demonstration project shall not be deductible. That portion of an allowable medical expense which is not reimbursable shall be included as part of the assistance group's medical expenses. If the assistance group reports an allowable medical expense at the time of certification but cannot provide verification at that time, and if the amount of the expense cannot be reasonably anticipated based upon available information about the recipient's medical condition and public or private medical insurance coverage, the assistance group shall have the nonreimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified. A utility expense which is reimbursed or paid by an excluded payment, including department of housing and urban development (HUD) or farmers home administration (FMHA) utility reimbursements, shall not be deductible. Expenses shall only be deductible if the service is provided by someone outside of the assistance group and the assistance group is responsible for the expense. For example, a dependent care deduction shall not be allowed if another assistance group member provides the care, or compensation for the care is provided in the form of an in-kind benefit, such as food.

(M) When are billed expenses deducted?

Except as provided in paragraph (N) of this rule, a deduction is considered in the month the expense is billed or otherwise becomes due. However, in the case of reimbursable medical expenses, a deduction can only be considered within thirty days of receiving the verification of the amount of reimbursement. The phrase "otherwise becomes due" is meant to provide for deductions in situations where regular billing statements are not issued but the expenses nevertheless become due each month as in most rental arrangements. All of the preceding applies regardless of when the assistance group intends to pay the expense. Amounts carried forward from past billing periods are not deductible even if included with the most recent billing and actually paid by the assistance group. In any event, a particular expense may only be deducted once. Past due bills, except in the situation of medical expenses awaiting reimbursement, shall not be deducted.

(N) How are expenses anticipated?

The county agency shall calculate an assistance group's expenses based on the expenses the assistance group expects to be billed for during the certification period. Anticipation of the expense shall be based on the most recent month's bills unless the assistance group is reasonably certain a change will occur. At certification and reapplication, the assistance group shall report and verify all medical expenses. The assistance group's monthly medical deduction for the certification period shall be based on the information reported and verified by the assistance group, and any anticipated changes in the assistance group's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition, public or private insurance coverage, and current verified medical expenses. The assistance group shall not be required to report changes about its medical expenses during the certification period. If the assistance group voluntarily reports a change in its medical expenses, the county agency shall act upon the change in accordance with paragraph (K)(3) of rule 5101:4-7-01 of the Administrative Code if the change would increase the assistance group's allotment. In the case of a reported change that would decrease the assistance group's allotment, or make the assistance group ineligible, the county agency shall act on the change without first requiring verification in accordance with paragraph (K)(4) of rule 5101:4-7-01 of the Administrative Code.

(O) When should expenses be converted?

If the assistance group is billed more frequently than monthly for expenses, the county agency shall use the conversion procedure.

(P) How are expenses averaged?

Assistance groups may elect to have fluctuating monthly expenses deducted entirely in the month incurred or averaged.

(1) Averaging less frequent bills

Assistance groups may elect to have expenses which are billed less often than monthly treated as follows:

- (a) The entire expense may be deducted during the month the expense is billed or otherwise becomes due.
- (b) The expense may be averaged forward over the interval between scheduled billings.
- (c) If there is no scheduled interval between billings, the expense may be averaged forward over the period the expense is intended to cover.
- (d) Whether expenses are averaged forward between scheduled billings or averaged forward over the period the expense is intended to cover, deductions shall not be limited to the certification period in which the bill was received. If the expense is incurred on an ongoing basis, it may be deducted on an ongoing basis.
- (e) "One-time-only" expenses may be averaged over the entire certification period in which they are billed if they are verified at the time of certification.

(2) Averaging "one-time only" expenses excluding medical

Assistance groups reporting "one-time-only" expenses (excluding medical expenses) during their certification period may elect to have them treated as follows:

- (a) "One-time-only" expenses may be averaged over the certification period in which they were billed.
- (b) If the expense occurs during the fourth month of a six-month certification period, then only one-sixth of the expense can be deducted in each of the remaining two months. The other unused portion is lost. In these cases, it may be to the assistance group's advantage to have the total expense deducted in the month it is billed, rather than to have the expense averaged.

(3) Averaging medical expenses

Assistance groups reporting "one-time-only" medical expenses during their certification period will have them treated as follows:

- (a) The total medical expense in excess of thirty-five dollars may be deducted during one month; or
- (b) The medical expense may be averaged forward over the remaining months of the certification period. If this option is chosen, only the amount in excess of thirty-five dollars each month may be deducted. Averaging shall begin the month the change becomes effective.

(Q) How is food assistance eligibility determined and how are the appropriate income standards applied?

Participation in the food assistance program shall be limited to those assistance groups whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

Assistance groups shall meet the gross and net income eligibility standards as described in this rule unless at least one member is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code or the assistance group is considered categorically eligible. Assistance groups which contain an elderly or disabled member, but do not qualify for categorical eligibility, shall meet the net income eligibility standards. These assistance groups shall not have gross income compared to the gross income eligibility standards. An assistance group that is categorically eligible does not have to meet either the gross or the net income standard. All other assistance groups are subject to first the gross income test, and then the net income test. Assistance groups containing no elderly or disabled members must meet both test criteria in order to be determined eligible. If an assistance group contains a member who is fifty-nine years old on the date of application, but who will become sixty before the end of the month of application, the county agency shall determine the assistance group's income eligibility in accordance with paragraph (W) of this rule. An assistance group containing a

student with excluded income who turns eighteen during the month of application or during the certification period shall have its income eligibility determined in accordance with paragraph (G) of rule 5101:4-4-13 of the Administrative Code.

(R) How is gross monthly income calculated?

Except for assistance groups containing at least one member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code, or considered categorically eligible, all assistance groups shall be subject to the gross income eligibility standard for the appropriate assistance group size. To determine the assistance group's total gross income, add the gross monthly income earned by all assistance group members and the total monthly unearned income of all assistance group members, minus income exclusions. If an assistance group has income from a farming operation (with gross proceeds of more than one thousand dollars per year) which operates at a loss, see rule 5101:4-6-11 of the Administrative Code. The total gross income is compared to the gross income eligibility standard for the appropriate assistance group size. If the total gross income is less than the standard, proceed with calculating the adjusted net income as described in paragraph (S) of this rule. If the total gross income is more than the standard, the assistance group is ineligible for program benefits and the case is either denied or terminated at this point.

(S) How is net monthly income calculated?

For assistance groups containing at least one member who is elderly or disabled as defined in rule 5101:4-1-03 of the Administrative Code, but are not categorically eligible, income eligibility is calculated as described in this paragraph. For assistance groups considered categorically eligible, the assistance group cannot be ineligible for the program because of excess income. Categorically eligible assistance groups have their net income determined as described in the following paragraphs, but do not have their net income compared to the net income standard prior to determining level of benefits. After determining net income, go directly to the "Basis of Coupon Issuance Tables" located in rule 5101:4-4-27 of the Administrative Code to determine the assistance group's allotment. For all other assistance groups who are determined eligible after applying the gross income eligibility test, net income eligibility is determined as described in this paragraph.

(1) Total gross income

Add the gross monthly income earned by all assistance group members and the total monthly unearned income of all assistance group members, minus earned income exclusions, to determine the assistance group's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with rule 5101:4-6-11 of the Administrative Code.

(2) Earned income deduction

Multiply the total gross monthly earned income by twenty per cent and subtract that amount from the total gross income.

(3) Standard deduction

Subtract the standard deduction.

(4) Excess medical deduction

If the assistance group is entitled to an excess medical deduction, determine if total medical expenses exceed thirty-five dollars. If so, subtract that portion which exceeds thirty-five dollars.

(5) Dependent care deduction

Subtract monthly dependent care expenses, if any.

(6) Legally obligated child support deduction

Subtract the allowable monthly child support payments in accordance with rule 5101:4-4-23 of the Administrative Code.

(7) Standard homeless shelter deduction

Subtract the standard homeless shelter deduction amount if any, ~~up to the maximum of one hundred forty-three dollars~~ if the assistance group is homeless and it incurs shelter costs during the month and has not claimed an excess shelter cost according to paragraph (S)(8) of this rule.

(8) Determining any excess shelter cost

Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (S)(7) of this rule. Subtract from total shelter costs fifty per cent of the assistance group's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, go to the next step.

(9) Applying any excess shelter cost

Subtract the excess shelter cost up to the maximum amount allowed (unless the assistance group is entitled to the full amount of its excess shelter expenses) from the assistance group's monthly income after all other applicable deductions. Assistance groups not subject to the shelter limitation shall have the full amount exceeding fifty per cent of their adjusted income subtracted. The assistance group's net monthly income has been determined.

(T) What is the rounding technique used when calculating monthly income?

In calculating gross income (both earned and unearned) the monthly amounts shall be rounded down to the nearest whole dollar by dropping all cents. All cents in gross weekly, biweekly, or semimonthly income shall be dropped before and after adding, dividing or multiplying. Hourly rates which contain cents are not rounded. However, because these procedures could result in a significant decrease in the medical and shelter expenses the assistance group may be entitled to use in determining excess medical and shelter costs, the individual costs used in paragraphs (S)(4) and (S)(8) of this rule shall be computed using exact dollars and cents. The cents will be dropped from the total medical and shelter costs prior to determining the medical and shelter deductions for the assistance group's net monthly income.

(U) What is the rounding technique used when calculating the monthly allotment?

In manually calculating monthly allotments as described in rule 5101:4-4-39 of the Administrative Code, after multiplying the net income by thirty per cent, the county agency shall round the product up to the next whole dollar if it ends in one through ninety-nine cents prior to subtracting that amount from the maximum food assistance allotment.

(V) What is the rounding technique used when calculating the initial month benefit?

The county agency shall determine initial benefits based on the day of the month assistance groups apply for benefits. In manually calculating the initial month's benefits, the county agency shall use the formula described in rule 5101:4-4-27 of the Administrative Code. If the result ends in one through ninety-nine cents, the county agency shall round the product down to the nearest lower whole dollar. If the computation results in an allotment of less than ten dollars, then no issuance shall be made for the initial month.

(W) What are the income standards for assistance groups subject to only the net income standard?

An assistance group which is not considered categorically eligible is subject to the following income standards prior to determining the level of benefits. An assistance group which has a member who meets the definition of elderly or disabled, as described in rule 5101:4-1-03 of the Administrative Code, shall have its net monthly income, as calculated in this rule, compared to the monthly net income standard for the appropriate assistance group size to determine eligibility for the month. If the assistance group's net income exceeds the appropriate income standard, the assistance group is ineligible to participate in the food assistance program. If the assistance group's net income is equal to or less than the appropriate net income standard, the assistance group's level of benefits is determined, if otherwise eligible. Gross income is not an eligibility factor for these assistance group's gross income standard does not apply. An assistance group which is considered categorically eligible is not subject to either the gross or net income standard, and, therefore, paragraphs (W) and (X) of this rule are not applicable to a categorically eligible assistance group.

(X) What are the income standards for assistance groups subject to the gross and net income standards?

An assistance group which has no elderly or disabled member as described in rule 5101:4-1-03 of the Administrative Code shall have its gross monthly income, as calculated in accordance with this rule, compared to the monthly gross income eligibility standard for the appropriate assistance group size to determine eligibility for the month. If the assistance group's gross monthly income exceeds the appropriate income standard, the assistance group is ineligible to participate in the food assistance program. If the assistance group's gross monthly income is equal to or less than the standard for the appropriate assistance group size, the assistance group shall then have its net monthly income, as calculated in this rule, compared to the net monthly income eligibility standard for the appropriate assistance group size to determine eligibility for the month. If the assistance group's net income is equal to or less than the appropriate net income standard, the assistance group's level of benefits is determined, if otherwise eligible. If the gross income is more than the standard for the appropriate assistance group size, the assistance group is ineligible and the assistance group is either terminated or denied at that point.

(Y) How is income anticipated for destitute assistance groups?

For assistance groups considered destitute, the county agency shall determine an assistance group's eligibility by first applying the procedures contained in rule 5101:4-6-09 of the Administrative Code and then apply the appropriate income standard in accordance with paragraphs (W) and (X) of this rule, whichever is appropriate. For destitute assistance groups who apply after the fifteenth of the month and who have postponed submitting required verifications, refer to paragraph (G) of rule 5101:4-6-09 of the Administrative Code.

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FATL 393

Effective Date: March 1, 2019

Most Current Prior Effective Date: December 1, 2017

(A) How is the supplemental nutrition assistance program (SNAP) allotment determined?

Except for computation of the initial allotment or when circumstances as defined in rule 5101:4-7-13 of the Administrative Code are in effect, the assistance group's monthly allotment shall be equal to the maximum SNAP allotment for the assistance group's size, reduced by thirty per cent of the assistance group's net monthly income. After multiplying the net income by thirty per cent, the county agency shall round the product up to the next whole dollar ~~if when~~ it ends in one through ninety-nine cents prior to subtracting that amount from the maximum SNAP allotment. This rounding method shall be used in all determinations of allotments.

(B) What is the minimum issuance amount in an initial month?

When the calculation of benefits for an initial month made in accordance with rule 5101:4-4-27 of the Administrative Code would yield an allotment of less than ten dollars for the assistance group, no benefits shall be issued to the assistance group for the initial month.

~~(B)~~(C) What are the minimum allotment amounts?

~~When the calculation of benefits in accordance with rule 5101:4-4-27 of the Administrative Code for an initial month would yield an allotment of less than ten dollars for the assistance group, no benefits shall be issued to the assistance group for the initial month.~~

~~Except during an initial month, all~~All eligible one and two-person assistance groups shall receive the "minimum benefit" as defined in rule 5101:4-1-03 of the Administrative Code, for each month following the initial month ~~and all eligible assistance groups with three or more members which are entitled to one-dollar, three-dollar, and five-dollar allotments, shall receive allotments of two dollars, four dollars, and six dollars, respectively.~~

~~(C)~~(D) What happens if when there is eligibility after the gross income test but not after the net income test?

When the assistance group is program eligible after the gross income test, but, after calculating net income is ineligible due to income in excess of the net income standard (issued in a food assistance change transmittal letter located in the food assistance certification handbook on the Ohio department of job and family services website), the county agency shall deny the assistance group's application on the grounds that its income exceeds the net income standard. For those eligible assistance groups ~~which that~~ are entitled to no benefits in their initial month of application but are entitled to benefits in subsequent months, the county agency shall certify the assistance groups beginning with the month of application, but not issue benefits until the second or subsequent month.

~~(D)~~(E) How are changes in circumstances that affect an assistance group's income eligibility standard handled?

When an assistance group's circumstances change and it becomes entitled to a different income eligibility standard, the county agency shall apply the different standard at the next recertification or whenever the county agency changes the assistance group's eligibility, whichever occurs first. This applies when an assistance group loses or gains an elderly or disabled member or when an assistance group has a change in its categorical eligibility status.

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FAH.5000. Actions Resulting for Eligibility Determination

FATL 394

Effective Date: March 1, 2019

Most Current Prior Effective Date: July 2, 2015

(A) What is a certification period?

A certification period is the amount of time an assistance group is authorized to receive **food assistance** supplemental nutrition assistance program (SNAP) benefits. The county agency **must shall** certify each eligible assistance group for a definite period of time. The county agency shall not require an assistance group to report for an interview during their certification period.

(B) What is the first month of the certification period?

The first month of the certification period is the first month ~~for which~~that the assistance group is eligible to participate including an initial month in which no benefit is issued due to the initial proration being less than ten dollars. The certification period cannot exceed a total of twelve months, except as specified in paragraph (C)(1) of this rule.

(C) How long is the certification period?

At application or reapplication the county agency **must shall** assign the longest certification period possible based on the predictability of the assistance group's circumstances. Assistance groups shall be assigned a twelve month certification period unless an assistance group meets one of the following exceptions:

- (1) All members of the assistance group are elderly or disabled and the assistance group has no earned income;
- (2) The assistance group has unstable circumstances such as assistance groups with zero net income, assistance groups with an able-bodied adult without dependents (ABAWD) who has no countable earned income, or assistance groups that are homeless;
- (3) The assistance group anticipates changes that will make the assistance group ineligible for **food assistance**SNAP benefits in the near future; or
- (4) The assistance group contains a migrant or seasonal farm worker; ~~or~~
- ~~(5) The case has an assistance group that is receiving other public benefits that require a shorter reapplication date.~~

(D) How long should the certification period be when all assistance group members are elderly or disabled and have no earned income?

All members of an assistance group that are elderly or disabled and have no earned income shall be certified for twenty-four months.

(E) How long should the certification period be when the assistance group has unstable circumstances, anticipated changes or is a migrant or seasonal farm worker?

These assistance groups should be assigned certification periods consistent with their circumstances. The certification period options are four, five, six or twelve months.

(F) When can **food assistance**SNAP benefits stop prior to the end of the certification period?

The county agency shall end an assistance group's benefits earlier than its certification expiration date when one of the following is true:

- (1) The county agency receives information that the assistance group has become ineligible;
- (2) The assistance group fails to return the interim report as set forth in rule 5101:4-7-01 of the Administrative Code by the end of the sixth month for assistance groups with twelve month

certification periods or the twelfth month for assistance groups with a twenty-four month certification period;

- (3) The assistance group reports a change or fails to respond to a request for contact when information reported to the county agency is unclear in accordance with paragraph (J)(5) of rule 5101:4-7-01 of the Administrative Code. The county agency may also adjust the assistance group's benefit amount in response to a reported change.

(G) What notification is required when a certification period is ended earlier than the expiration date?

Prior notice of adverse action ~~must~~shall be provided by mail or personal delivery as described in rule 5101:6-2-04 of the Administrative Code unless the assistance group's situation meets one of the exceptions to the prior notice provisions as specified in rule 5101:6-2-05 of the Administrative Code.

(H) When can a certification period be aligned with certification periods for other public assistance programs?

(1) When the assistance group applies for SNAP within a certification period for other public assistance programs, the SNAP certification period may be shortened to align with the certification dates already established.

(2) When the assistance group is within a current certification for SNAP and applies for other public assistance programs, the SNAP certification date may be terminated early and a new certification period may be established. Prior notice of adverse action as described in paragraph (G) of this rule is not required when aligning certification periods.

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FATL 365

Effective Date: October 1, 2016

Most Current Prior Effective Date: August 1, 2011

(A) What happens when an eligibility determination on an initial application is not made within thirty days?

~~If~~ When the county agency cannot make an eligibility determination within thirty days from the date of application, the cause of the delay must be determined. Depending on the cause of the delay, a A notice of either denial or of pending status must be provided on the thirtieth day for applications that are delayed in processing, ~~depending on the cause of the delay~~. The county agency shall determine the cause of the delay using the following criteria:

(1) Assistance group caused delays

- (a) The assistance group is at fault when the assistance group fails to complete the application process (e.g. failure to provide required verifications or complete an interview) even though the county agency has taken the required actions to assist the assistance group as ~~set forth~~ described in paragraph (A)(2) of this rule.
- (b) ~~If~~ When the assistance group fails to participate in the first interview and a subsequent interview has been requested by the assistance group but is postponed at the assistance group's request or cannot otherwise be rescheduled until after the twentieth day but before the thirtieth day following the date the application was filed, the assistance group must participate in the interview and provide verification by that thirtieth day; otherwise, the delay shall be the fault of the assistance group.
- (c) ~~If~~ When the assistance group fails to participate in the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the assistance group's request until after the thirtieth day following the date the application was filed, the delay shall be the fault of the assistance group. ~~If~~ When the assistance group has missed both scheduled interviews and requests another interview, any delay shall be the fault of the assistance group.

(2) County agency caused delays

The county agency is at fault when it fails to comply with the following:

- (a) Offer assistance with completing the application;
- (b) Provide the assistance group with a statement of required verification, offer to assist in obtaining required verification and allow the assistance group sufficient time prior to the thirtieth day following the date of application to provide the missing verification. Sufficient time shall be at least ten days from the date of the county agency's initial request for the particular verification that was missing;
- (c) Send the assistance group a JFS 04218 "Notice of Missed Interview" (rev. ~~11/10~~ 9/2011) or its ~~CRIS-E~~ equivalent from the statewide automated eligibility system and notify the assistance group that it is responsible for rescheduling a missed interview pursuant to rule 5101:4-2-07 of the Administrative Code. ~~If~~ When the assistance group contacts the county agency within the thirty day processing period, the county agency must schedule a second interview; or
- (d) Process a case by the thirtieth day when the assistance group has met all of its application obligations.

(B) What happens to an application when the assistance group caused the delay in the initial thirty days?

When the assistance group causes the delay, the application shall be processed as follows:

- (1) The county agency shall send a notice of denial ~~on the thirtieth day~~ in accordance with paragraph (B) of rule 5101:4-2-11 of the Administrative Code.

- (2) The assistance group shall lose its entitlement to benefits for the month of application. However, the assistance group shall be given an additional thirty days to take the required action.
 - (3) When a notice of denial is sent and the assistance group takes the required action within sixty days of the date the application was filed, the county agency shall reopen the case without requiring a new application. No further action by the county agency is required after the notice of denial is sent **if when** the assistance group fails to take the required action within sixty days of the date the application was filed.
- (C) How is an application processed when the county agency caused the delay in the initial thirty days?
- (1) A notice of pending status must be sent on the thirtieth day or the business day prior to the thirtieth day. A notice of denial cannot be sent for county agency caused delays.
 - (2) The county agency shall notify the assistance group of any action it must take to complete the application process. **if When** the application is to be held pending because some action by the county agency is necessary to complete the application process, the county agency shall provide the assistance group with a written notice informing the assistance group that its application has not been completed and is being processed. **if When** some action by the assistance group is also needed to complete the application process, the notice shall also explain what action the assistance group must take and that its application will be denied if the assistance group fails to take the required action within sixty days of the date the application was filed.
- (D) How is an application processed when the application has pended sixty days and all information is received?
- (1) **if When** the county agency is at fault for not completing the application process by the end of the second thirty-day period and the case file is otherwise complete, the county agency shall continue to process the original application until an eligibility determination is reached.
 - (2) **if When** the assistance group is determined eligible and the county agency is at fault for the delay in the initial thirty days, the assistance group shall receive benefits retroactive to the month of application.
 - (3) **if When** the initial delay is the assistance group's fault, the assistance group shall receive benefits retroactive only to the month following the month of application.
- (E) How is an application processed when the application has pended sixty days and information is still incomplete?
- (1) **if When** the county agency is at fault for not completing the application process by the end of the second thirty-day period, but the case file is not complete enough to reach an eligibility determination, the county agency may continue to process the original application, or deny the application. The notice of denial shall be accompanied by notification to the assistance group to file a new application and of its possible entitlement to benefits lost as a result of county agency delay.
 - (2) **if When** the assistance group is determined eligible and the county agency is at fault for the delay in the initial thirty days, the assistance group shall receive benefits retroactive to the month of application.
 - (3) **if When** the initial delay is the assistance group's fault, the assistance group shall receive benefits retroactive only to the month following the month of application.
 - (4) **if When** the assistance group is at fault for not completing the application process by the end of the second thirty-day period, the county agency shall deny the application and require the assistance group to file a new application.

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FAH.6000. Determining Eligibility of Special Situation Households

FATL 391

Effective Date: September 1, 2018

Most Current Prior Effective Date: June 1, 2015

Narcotic addicts or alcoholics who regularly participate in publicly operated or private non-profit drug addiction or alcoholic treatment and rehabilitation programs on a resident basis may voluntarily apply for ~~the food~~ **assistance** supplemental nutrition assistance program (SNAP).

- (A) What is the certification process for treatment center residents?
- (1) Applications ~~must~~ shall be made through an authorized representative who is employed by the treatment center and designated by the center for that purpose.
 - (2) The county agency shall require the assistance group to designate the treatment center as its authorized representative for the purpose of receiving and using an allotment on behalf of the assistance group.
 - (3) Residents ~~must~~ shall be certified as a one-person assistance group unless their children are living with them, in ~~which that~~ case their children ~~must~~ shall be included in the assistance group.
 - (4) The county agency ~~must~~ shall certify residents of treatment centers using the same provisions that apply to all other assistance groups, including, but not limited to, the same rights to notices of adverse action and fair hearings.
 - (5) The county agency ~~must~~ shall conduct periodic random on-site visits to the treatment center to ensure the accuracy of the list (as provided in paragraph (C)(3) of this rule) and that the county agency's records are consistent and up to date.

- (B) What ~~must~~ shall the treatment center provide in order for the residents of the center to be eligible to receive food assistance?

The facility ~~must~~ shall provide evidence that it is:

- (1) Tax exempt;
- (2) Certified by the Ohio department of drug and alcohol services as:
 - (a) Receiving funding under part B of Title XIX of the Public Health Service Act, 42 U.S.C. 300x (1992);
 - (b) Eligible to receive funding under part B of Title XIX even ~~if~~ when no funds are being received;
 - (c) Operating to further the purposes of part B of Title XIX, to provide treatment and rehabilitation of drug addicts and/or alcoholics; ~~or~~ and
- (3) Authorized as a retailer by food and nutrition service.

When the United States department of agriculture (USDA), food and nutrition service (FNS) disqualifies a treatment program as an authorized retail food store, the county agency shall suspend its authorized representative status for the same period.

~~(a) When the United States department of agriculture (USDA), food and nutrition service (FNS) disqualifies a treatment program as an authorized retail food store, the county agency shall suspend its authorized representative status for the same period.~~

- (C) What are the responsibilities of the treatment and rehabilitation centers?
- (1) Accessing the benefits: treatment centers may redeem benefits by using the assistance group's electronic benefit transfer (EBT) card at authorized stores or at a point of sale device at the center, when the center is an authorized retailer.

- (2) Change notification: the treatment center ~~must~~ shall notify the county agency of changes in the assistance group's circumstances as described in rule 5101:4-7-01 of the Administrative Code and when an assistance group leaves the treatment center. When an individual leaves a treatment center the center ~~must~~ shall:
- (a) Provide the assistance group with a change report form to report to the county agency the assistance group's new address and other circumstances after leaving the center;
 - (b) Advise the assistance group to return the form to the appropriate county agency office within ten days;
 - (c) No longer act as the assistance group's authorized representative for certification purposes or for obtaining or using ~~food assistance~~ SNAP benefits; and
 - (d) ~~Provide the assistance group with his/her EBT card if~~ When the card was in the possession of the center the center shall provide the assistance group with his/her EBT card within five days of the household's departure. When the assistance group has already left the center, the center ~~must~~ shall return the EBT card to the county agency within five days.
- (3) List of current participants: the treatment center ~~must~~ shall provide the county agency with a list of currently participating residents that includes a statement signed by a responsible center official attesting to the validity of the list. The participating resident list ~~must~~ shall be supplied to the county agency by the treatment center on a monthly basis.
- (4) The organization or institution shall be responsible for any misrepresentation or intentional program violation ~~which~~ that it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution ~~must~~ shall be knowledgeable about the assistance group's circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The organization or institution shall be strictly liable for all losses or misuse of ~~food assistance~~ SNAP benefits held on behalf of residents and for all overpayments ~~which~~ that occur while the assistance group is a resident of the treatment center.
- (D) What ~~must~~ shall the treatment center do with ~~food assistance~~ SNAP benefits of recipients that have left the center?
- (1) When the assistance group leaves the treatment center, ~~prior to the sixteenth of the month the county agency shall permit the return of one-half~~ a prorated amount of the household's monthly allotment shall be returned to the assistance group's EBT account ~~through a refund~~ based on the number of days in the month that the household resided at the center.
 - ~~(2) When the assistance group leaves the center on or after the sixteenth day of the month the assistance group must be allowed to receive any remaining benefits authorized or posted to the EBT account at the time the assistance group leaves the center.~~
 - ~~(3)~~(2) The county agency shall promptly notify the state agency when it has reason to believe that a center ~~an organization or institution~~ is misusing benefits in its possession. The state agency shall notify FNS of the report. The county agency shall not take any action against the organization or institution prior to FNS action. Upon a determination of misuse by FNS the county agency shall establish a claim for the overpayments of ~~food assistance~~ SNAP benefits held on behalf of residents as stipulated in paragraph (C)(4) of this rule. When FNS disqualifies an organization or institution as an authorized retail food store, the county agency shall suspend its authorized representative status for the same period.
 - ~~(4)~~(3) When the center loses its authorization under Title XIX, or its FNS authorization as a retail food store is revoked, participation by any resident is automatically canceled. A notice of adverse action is not required but the center and each recipient shall be notified in writing of their ineligibility.

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FATL 385

Effective Date: August 1, 2018

Most Current Prior Effective Date: July 1, 2013

This rule ~~sets forth~~ describes the process the county agency shall use when determining eligibility for a dependent child in a shared parenting arrangement.

- (A) What are shared parenting arrangements?
- (1) Shared parenting arrangements include:
 - (a) Formal, court ordered arrangements;
 - (b) Informal arrangements agreed upon mutually by both parents; or
 - (c) A combination of both formal, court ordered arrangements and informal arrangements.
 - (2) The county agency shall evaluate actual circumstances when the parents follow an informal arrangement that is different than the shared parenting court order or when there is no formal, court ordered arrangement.
- (B) Can both parents receive ~~food-assistance~~ supplemental nutrition assistance program (SNAP) for the same child in the same month?
- (1) Both parents cannot receive ~~food-assistance~~ SNAP for the same child in the same month despite a shared parenting order permitting the child to ~~reside~~ live with each parent for part of the month.
 - (2) Since shared parenting arrangements are not the same in each case, a child's ~~food-assistance~~ SNAP eligibility shall be determined on a case-by-case basis.
- (C) How does the county agency determine which assistance group should include the child?
- (1) ~~If~~ When only one parent applies for the child and the child ~~resides~~ lives with him or her for part of the month, then the child shall be included in the parent's assistance group.
 - (2) When both parents apply for the child:
 - (a) The child shall be included in the assistance group with the parent where he or she ~~resides~~ lives the majority (more than fifty per cent) of the time.
 - (b) ~~If~~ When the child ~~resides~~ lives with each parent an equal amount of time, then the county agency shall determine who provides the majority (more than fifty per cent) of the child's meals:
 - (i) ~~If~~ When one parent provides the majority of the child's meals, then the county agency shall include the child with the parent who provides the majority of the meals.
 - (ii) ~~If~~ When both parents provide fifty per cent of the child's meals, then the parents are to agree which parent's assistance group should include the child.
 - (iii) ~~If~~ When both parents provide fifty per cent of the child's meals but the parents cannot agree which assistance group should include the child, then the county agency shall include the child with the parent who applied first.
- (D) How does the county agency verify shared parenting arrangements?

The county agency shall use the procedures ~~set forth~~ described in rule 5101:4-2-09 of the Administrative Code to verify shared parenting arrangements. The county agency shall use the best available information to determine eligibility. The county agency shall ensure that all supporting documents are located in the assistance group's case file, as well as document the decision ~~made on~~

~~the case in running record comments in the client registry information system enhanced (CRIS-E) in the statewide automated eligibility system.~~

(E) How often should the shared parenting arrangement be evaluated?

The child shall remain in the parent's assistance group through the assigned certification period once the county agency determines the child should be included in that assistance group based on the process outlined in paragraph (C) of this rule. Eligibility shall only be re-evaluated when there is a:

- (1) Change reported in assistance group composition;
- (2) Change reported in the shared parenting arrangement; ~~or~~
- (3) ~~Recertification;~~ or
- (4) The other parent applies for the same child and:
 - (a) The county has not made a determination under paragraph (C)(2) of this rule for the current certification; or
 - (b) There has been a change in circumstances since a determination was last made under paragraph (C)(2) of this rule.

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FATL 366

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Most Current Prior Effective Date: August 1, 2011

(A) Who is considered a boarder?

Boarders include:

- (1) Individuals or groups of individuals who live with someone who is providing their meals and lodging in exchange for a "reasonable amount" of money; and
- (2) Adults or children placed in foster care by a government agency.

(B) How is a "reasonable amount" determined for meals and lodging?

To determine if an individual is paying a reasonable amount for meals and lodging, only the amount paid for meals shall be used. A reasonable monthly payment shall be either of the following:

- (1) ~~If~~ For individuals who are provided more than two meals a day, ~~when the individual pays an reasonable compensation shall be an amount which that~~ equals or exceeds the maximum monthly supplemental nutrition assistance program (SNAP) allotment for the appropriate size of the ~~assistance-group~~ boarder household; or
- (2) ~~If~~ For individuals who are provided two meals or less per day, ~~when the individual pays an reasonable compensation shall be an amount which that~~ equals or exceeds two-thirds of the maximum monthly SNAP allotment for the appropriate size of the ~~assistance-group~~ boarder household.

(C) Are boarders eligible to receive ~~food assistance~~ SNAP?

- (1) Boarders are not eligible to participate in ~~the food assistance program~~ SNAP by themselves.
- (2) Boarders may participate as a member of the assistance group providing their meals and lodging, only at the assistance group's request.

(D) How is a boarder's income and resources counted for the assistance group?

- (1) ~~Do not count the~~ The income and resources of a boarder who is not included as a member of the assistance group are not counted toward the assistance group. ~~Consider the~~ The amount of payment that the boarder gives the household is considered as self-employment income.
- (2) When the boarder is an assistance group member, ~~count~~ his or her income and resources as are available to the assistance group and are counted in the eligibility determination as described in division 5101:4 of the Administrative Code.
- (3) Foster care payments for children or adults who are members of the assistance group shall be considered unearned income when received by the assistance group.

(E) How is the payment from boarders counted for the assistance group?

- (1) Payments from a boarder, except individuals in foster care, shall be treated as self-employment income.
- (2) The income from boarders shall include all direct payments to the assistance group for meals and lodging, including contributions to the assistance group's shelter expenses. Shelter expenses paid directly by boarders to someone outside of the assistance group shall not be counted as income to the assistance group.
- (3) The income of the assistance group owning and operating a commercial ~~boardinghouse~~ boarding house shall be handled as self-employment income and the criteria in rule 5101:4-6-11 of the Administrative Code shall apply.

(F) How is the cost of doing business determined?

In determining the income received from boarders, the county agency shall exclude the portion of the boarder payment that is a cost of doing business. The amount allowed as a cost of doing business shall not exceed the payment the assistance group receives from the boarder for lodging and meals. The county agency may elect one of the following methods to determine the cost of doing business:

- (1) The maximum monthly ~~food-assistance~~ SNAP benefit for an assistance group that is equal to the number of boarders; or
- (2) The actual documented cost of providing lodging and meals, ~~if~~ when the actual cost exceeds the appropriate maximum monthly benefit amount or the self-employment standard deduction as set forth in rule 5101:4-6-11 of the Administrative Code. ~~If~~ When actual costs are used, only separate and identifiable costs for lodging and meals shall be excluded.

(G) What deductible expenses are used to determine the monthly allotment?

The net income from self-employment ~~is~~ shall be added to other earned income and the twenty per cent earned income deduction is applied to the total. Shelter costs the assistance group actually incurs, even if the boarder contributes to the assistance group's shelter expenses, are computed to determine if the assistance group will receive a shelter deduction. The shelter costs shall not include any shelter expenses directly paid by the boarder to a third party, such as the landlord.

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FATL 396

Effective Date: November 1, 2019

Most Current Prior Effective Date: September 1, 2018

(A) Who is considered to be an ineligible student?

- (1) An individual who is enrolled at least half-time, as determined by the school, in an institution of higher education shall be ineligible to participate in the supplemental nutrition assistance program (SNAP) unless the individual qualifies for one of the exemptions in paragraph (B) of this rule.
- (2) An individual is considered to be enrolled in an institution of higher education when the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or when the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

(B) What are the student exemptions?

To be eligible for the program, a student as defined in paragraph (A) of this rule must meet at least one of the following criteria:

- (1) Age: the student is age seventeen or younger or age fifty or older.
- (2) Unfit to work: the student is physically or mentally unfit for work in accordance with rule 5101:4-3-11 of the Administrative Code.
- (3) Recipient of Ohio works first (OWF): the student is considered to be a recipient of an OWF cash payment.
- (4) Enrolled through work activity programs: the student is enrolled in the institution of higher education as a result of participation in an OWF work activity program.
- (5) Employed: the student is employed for a minimum of twenty hours per week and is paid for such employment or, if self-employed, is employed for a minimum of twenty hours per week and receiving weekly earnings at least equal to the federal minimum wage multiplied by twenty hours. The twenty hours per week is specific. The total hours worked in a month cannot be averaged.
- (6) Participation in a work study program: the student is participating in a state-financed or federally-financed work study program during the regular school year. To qualify under this provision, the student must be approved for work study at the time of application for SNAP, the work study must be approved for the school term, and the student must anticipate actually working during that time.

The exemption shall begin with the month the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month the school term ends, or it becomes known that the student has refused an assignment. When it is determined that a student had been approved and anticipated performing work study hours that did not materialize, no claim is to be created. When a determination is made that the student deliberately gave wrong or misleading information, a claim is to be created. The student work study exemption shall not continue between terms when there are breaks of a full month or longer unless the student is participating in work study during the break.

- (7) Participation in on-the-job training: the student is participating in an on-the-job training program. An individual is considered to be participating in an on-the-job training program only during the period of time the individual is being trained by the employer.
- (8) Care of a child under age six: the student is responsible for the care of a dependent assistance group member under the age of six.

- (9) Care of a child between six and eleven years of age: the student is responsible for the care of a dependent assistance group member who has reached the age of six but is under age twelve when the county agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraphs (B)(5) and (B)(6) of this rule.
- (10) A single parent with a child under age twelve: the student is a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and is responsible for the care of a dependent child under age twelve. This provision applies in those situations where only one natural, adoptive, or stepparent (regardless of marital status) is in the same assistance group as the child. When no natural, adoptive, or stepparent is in the same SNAP assistance group as the child, another full-time student in the same assistance group as the child may qualify for eligible student status under this provision when he or she has parental control over the child and is not living with his or her spouse.
- (11) Assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (B)(11)(a) to (B)(11)(d) of this rule. Self-initiated placements during the period of time the individual is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the individual enrolled, provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Individuals who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:
- (a) A program under the Workforce Innovation and Opportunity Act of 1998 (Public Law 105-220) (8/1998);
 - (b) An employment and training program under Chapter 5101:4-3 of the Administrative Code;
 - (c) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296) (1/2012); or
 - (d) An employment and training program for low-income assistance groups that is operated by a state or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP employment and training (E&T) program component.

(C) How is enrollment status determined?

The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term excluding summer school.

(D) How is an ineligible student's income and resources handled?

An individual who is subject to the requirements of paragraph (B) of this rule but who does not meet any of the criteria shall be considered ineligible to participate in the SNAP program. The income and resources of the ineligible student shall not be counted in determining eligibility or the level of benefits for the assistance group, as specified in rule 5101:4-6-15 of the Administrative Code.

(E) Are residents of dormitories eligible?

Residents of institutions are not eligible for program participation. Dormitories are considered institutions when they provide students the majority of their meals and the dormitory is not authorized to accept SNAP benefits. When a student can demonstrate that the dormitory does not provide him or her a majority of his meals, the student may participate when otherwise eligible. For example, when the dormitory has separate room/board contracts and the student only enters into a "room" contract, the student would not be considered a resident of an institution.

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FATL 387

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Most Current Prior Effective Date: June 1, 2013

~~Assistance groups with striking members shall be ineligible to participate in the food assistance program unless the assistance group was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application.~~

(A) Who is considered a striker?

- (1) Anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.
- (2) Any employee affected by a lockout, however, shall not be deemed to be a striker.
- (3) An individual who goes on strike but is exempt from work registration or completion of the information form on the day prior to the strike, other than those exempt solely on the grounds of being employed at the site of the strike, shall not be deemed to be a striker. Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.
- (4) ~~If~~When a striker obtains another job working at least thirty hours per week (or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours per week), he/she becomes exempt from work registration but continues to be considered a striker until ~~he/she submits~~ a formal, written resignation is submitted to the first employer.
- (5) Examples of nonstrikers who are eligible for participation in ~~the program~~the supplemental nutrition assistance program (SNAP) include, but are not limited to:
 - (a) Employees whose workplace is closed by an employer in order to resist demands of employees (e.g. a lockout).
 - (b) Employees unable to work as a result of striking employees (e.g. striking newspaper pressmen preventing newspapers from being printed and, consequently, truck drivers who are not working because there are no papers to deliver).
 - (c) Employees who are not part of the bargaining unit on strike not wanting to cross a picket line due to fear of personal injury or death.

(B) How are benefits calculated for an assistance group with a striking member?

Eligibility Income eligibility at the time of application shall be determined by comparing the striking member's income on the day before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application. ~~If~~When the assistance group is eligible, the higher income figure must also be used in determining the assistance group's benefit amount. Whether the striker's prestrike earnings are used or the current income is used, the earned income deduction shall be allowed if appropriate. An assistance group shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the assistance group.

(C) Does a striker have to work register?

Strikers whose assistance groups are eligible to participate shall be subject to the work registration requirements unless exempt under rule 5101:4-3-11 of the Administrative Code the day of application. Strikers subject to work registration and receiving either a local or state assistance program or ~~food assistance~~ SNAP benefits are subject to the employment and training program unless otherwise exempt from participation.

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FATL 389

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This rule provides the income calculation, certification and verification procedures, the processing standards, and other special procedures applicable to assistance groups eligible for expedited service.

(A) What is expedited service?

Expedited service means that assistance groups are determined eligible for benefits within twenty-four hours or seven days because of the assistance group's circumstances. The county agency's application procedures shall be designed to identify assistance groups eligible for expedited service at the time an assistance group applies for assistance. A receptionist, volunteer, or other employee shall be responsible for screening all requests for ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits as they are received or screening individuals when they come into the office to apply.

(B) Who is entitled to twenty-four hour expedited service processing?

All assistance groups whose net income is zero as calculated in rule 5101:4-4-31 of the Administrative Code, and who have liquid resources of one hundred dollars or less shall be certified for ~~food assistance~~ SNAP benefits within twenty-four hours, or if mitigating circumstances occur, within seventy-two hours. The county agency shall also provide the assistance group a list of community assistance programs that provide emergency food.

(C) Who is entitled to receive benefits within seven days?

- (1) Assistance groups with less than one hundred fifty dollars in gross monthly income, as calculated in rule 5101:4-4-31 of the Administrative Code and who have liquid resources of one hundred dollars or less.
- (2) Migrant or seasonal farm worker assistance groups defined as destitute as described in paragraph (F) of this rule who have liquid resources of one hundred dollars or less.
- (3) Assistance groups whose combined monthly gross income and liquid resources are less than the assistance group's monthly rent or mortgage and utilities including entitlement to a standard utility allowance, as appropriate.

(D) What happens when the prescreening fails to identify an assistance group for expedited benefits?

When the prescreening fails to identify an assistance group as being entitled to expedited service and the county agency later discovers that the assistance group is entitled to expedited service, the county agency shall provide expedited service to assistance group from the date the county agency discovers the assistance group is entitled to expedited service.

(E) When eligible for seven day expedited service, what happens when the seventh calendar day falls on a Saturday, Sunday or holiday?

When the seventh calendar day falls on a Saturday, Sunday, or holiday, the county agency shall authorize the ~~food assistance~~ SNAP benefits so the assistance group will receive it no later than the last working day prior to the expiration of the seven day processing period.

(F) What is a destitute migrant or seasonal farm worker assistance group?

Migrant or seasonal farm worker assistance groups may have little or no income at the time of application and may be in need of immediate ~~food assistance~~ SNAP, even though they receive income at some other time during the month of application. Migrant or seasonal farm worker assistance groups are considered destitute when their circumstances are as defined in paragraphs (G)(1) to (G)(3) of this rule. Assistance groups other than migrant or seasonal farm worker assistance groups shall not be classified as destitute.

- (1) Migrant or seasonal farm worker assistance groups whose only income for the month of application was from a terminated source are considered destitute and therefore entitled to expedited service. A migrant or seasonal farm worker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief. A migrant or seasonal farm worker who travels with the same crew chief but moves from one grower to another is considered to have moved from a terminated source to a new source. These assistance groups shall be provided expedited service because they may be without income for some time, and may not be able to wait as long as thirty days for ~~food assistance~~ SNAP. Income is considered from a terminated source when:
 - (a) It was received prior to the date of application; and
 - (b) It is received monthly or more frequently and will not be received again from that same source in the month following application; or
 - (c) It is normally received less often than monthly and will not be received in the month the next payment from that source is normally received.
- (2) Migrant or seasonal farm worker assistance groups whose only income for the month of application is from a new source are considered destitute. These assistance groups may expect to start receiving income from a new job or may have applied for, but have not yet begun to receive benefits from public assistance, unemployment compensation, supplemental security income (SSI), social security, or a similar program. These assistance groups may be totally without income for a number of weeks before the new income begins and therefore unable to meet their current food needs. Income is considered from a new source when:
 - (a) Income of more than twenty-five dollars will not be received from the new source by the tenth calendar day following the date of application;
 - (b) Income of twenty-five dollars or less that is normally received monthly or more frequently has not been received from that source within thirty days prior to the date the application was filed; or
 - (c) Income of twenty-five dollars or less that is normally received less often than monthly was not received within the last normal interval between payments.
- (3) Migrant and seasonal farm worker assistance groups may receive both income from a terminated source prior to the date of application and income from a new source after the date of application. These assistance groups are considered destitute if they receive no other income in the month of application from the terminated source and do not receive income of more than twenty-five dollars from the new source by the tenth calendar day after the date of application.

(G) How is eligibility and level of benefits for destitute migrant and seasonal farm worker assistance groups determined?

- (1) Destitute migrant and seasonal farm worker assistance groups have their eligibility and level of benefits calculated for the month of application by considering only income from a terminated source that is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application is disregarded.
- (2) Some employers provide travel advances to cover the travel costs of new employees who must journey to the location of their new employment. When these payments are reimbursements, and therefore excluded, travel advances will not affect the determination of when an assistance group is destitute. However, when the travel advance is not a reimbursement but is really an advance on future wages and will be subtracted from wages later earned by the employee, the wage advance counts as income. Wage advances, whether excluded as reimbursements or included as income, are not considered when determining if the assistance group has a new source of income or if the assistance group meets the definition of destitute. When an assistance group receives a travel advance prior to filing, income from a travel advance is not considered when determining if a new source of income was received in the thirty days prior to filing.

- (3) The procedures for destitute migrant and seasonal farm worker assistance groups shall apply at initial application and at reapplication recertification, but only for the first month of each certification period. At reapplication recertification, income from a new source shall be disregarded in the first month of the new certification period if income of more than twenty-five dollars will not be received from this new source by the tenth calendar day after the date of the assistance group's normal issuance cycle.

(H) What are the requirements for verification under expedited service?

- (1) Identity:

The applicant's identity shall be verified through a collateral contact or readily available documentary evidence at initial application. Examples of acceptable documentary evidence that the assistance group may provide include, but are not limited to: a driver's license, work or school identification or voter registration card. When an authorized representative applies for the assistance group, the identity of both the authorized representative and the assistance group name shall be verified.

- (2) Social security number (SSN):

Assistance groups entitled to expedited service will be asked to furnish a SSN for each person applying for benefits or apply for one for each person applying for benefits before the second full month of participation. An assistance group member unable to provide the required SSN or who does not have one prior to the second full month of participation shall be allowed to continue to participate only if he or she satisfies the good cause requirement specified in rule 5101:4-3-24 of the Administrative Code. All other information is not verified prior to expedited certification unless the processing standards can be met.

- (3) Other verification requirements:

All reasonable efforts shall be made to verify within the expedited processing standards the assistance group's residency, income statements, liquid resources and all other factors required in rule 5101:4-2-09 of the Administrative Code, through collateral contacts or readily available documentary evidence. However, benefits shall not be delayed beyond the expedited service processing standards solely because these factors have not been verified.

(I) What are the work registration requirements for expedited service processing?

The county agency shall register all assistance group members for work (unless exempt).

(J) What happens when verification requirements are postponed?

- (1) For an assistance group applying on or before the fifteenth of the month, the county agency may postpone verification requirements until the second month of the certification period. Any postponed verifications must be provided to the county agency before benefits are issued for the second month, or any subsequent months, of the certification period. When the verification requirements are postponed the assistance group will be sent a notice of eligibility advising that no benefits for the second month will be issued until the postponed verification requirements are satisfied. When the assistance group does not satisfy the postponed verification requirements, the county agency does not need to contact the assistance group again. The assistance group must reapply and satisfy all verification requirements that were postponed or be certified under normal processing standards in order to receive SNAP benefits for subsequent months.

- (2) For an assistance group applying after the fifteenth of the month, the county agency may postpone verification until the third month of participation, if necessary, to meet the expedited time frame. Upon determination of eligibility for the initial month and subsequent months the assistance group shall receive a combined allotment consisting of prorated benefits for the initial month of application and benefits for the first full month of participation within the expedited service time frame. When the verification requirements are postponed the assistance group shall be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. When the assistance group does not satisfy the postponed verification requirements the county agency does not need to contact the

assistance group again. The assistance group must reapply and satisfy all verification requirements that were postponed or be certified under normal processing standards in order to receive SNAP benefits for subsequent months.

- (K) Is there a limit on the number of times an assistance group can be certified under the expedited process?

There is no limit to the number of times an assistance group can be certified under the expedited procedures, so long as prior to each expedited certification, the assistance group either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification. Expedited service provisions do not apply at reapplication for recertification (i.e., when the assistance group reapplies recertifies before the end of its current certification period).

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FATL 369**Effective Date: October 1, 2016****Most Current Prior Effective Date: [December 1, 2011](#)**

(A) How is self-employment income determined?

(1) Averaging self-employment income

- (a) Self-employment income must be averaged over the period the income is intended to cover, even **if when** the assistance group receives income from other sources. **if When** the averaged amount does not accurately reflect the assistance group's actual circumstances because the assistance group has experienced a substantial increase or decrease in business, the county agency must calculate the self-employment income on the basis of anticipated, not prior, earnings. When possible the county agency should secure a copy of the self-employed individual's tax return. The income listed on the previous year's tax return should be used to estimate the expected earnings.

The internal revenue service (IRS) publications: IRS publications 17, "Your Federal Income Tax"; and 334, "Tax Guide for Small Business"; provide detail on how self-employment income is handled for federal income tax purposes and can be accessed on the IRS website <http://www.irs.gov>.

- (b) **if When** the assistance group's self-employment enterprise has been in existence for less than a year, the income from the self-employment enterprise must be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(2) Anticipating self-employment

For the period of time over which self-employment income is determined the county agency **must shall**:

- (a) Add all gross self-employment income (either actual or anticipated as provided in paragraph (A)(1) of this rule) and capital gains (as provided in paragraph (B)(2) of this rule); then,
- (b) Exclude the costs of producing the self-employment income (as determined in paragraph (C) of this rule); and
- (c) Divide the remaining amount of the self-employment income by the number of months the income will be averaged.

(3) Offsetting farm income losses

if When the cost of producing self-employment income exceeds the income earned from self-employment, those losses **must shall** be prorated in accordance with paragraph (A)(1) of this rule and then offset against countable income to the assistance group as follows:

- (a) Offset farm self-employment income losses first against other self-employment income.
- (b) Offset any remaining farm self-employment losses against the total amount of earned and unearned income after the earned income deduction has been applied.

(B) What are some of the other income producing categories of self-employment?

(1) Income from rental property

- (a) Income derived from rental property is considered earned income for the twenty per cent earned income deduction only **if when** a member of the assistance group is actively engaged in the management of the property at least an average of twenty hours per week. Regardless, income from rental property always has the costs of doing business excluded.

- (b) ~~If~~When management of the property for at least an average of twenty hours per week is not met, the net income is considered unearned income and the earned income deduction is not allowed.

(2) Capital gains

- (a) The term "capital gains" as used by the internal revenue service (IRS) describes the handling of the profit from the sale or a transfer of capital assets used in a self-employment enterprise or securities, real estate, or other real property held as an investment for a set period of time.
- (b) The proceeds from the sale of capital goods or equipment ~~must~~ shall be calculated in the same manner as a capital gain for federal income tax purposes. Even if only fifty per cent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes, the county agency must count the full amount of the capital gain as income for food assistance purposes.
- (c) For assistance groups whose self-employment income is calculated on an anticipated (rather than averaged) basis in accordance with paragraph (A) of this rule, the county agency ~~must~~ shall count the amount of the capital gains the assistance group anticipates receiving during the months the income is being averaged.
- (d) Lump sum payments for the sale of property not connected with self-employment enterprise will be treated as provided in paragraph (B) of rule [5101:4-4-07](#) of the Administrative Code and paragraph ~~(J)~~(I) of rule [5101:4-4-13](#) of the Administrative Code.

(C) What business costs are allowed to be deducted when determining self-employment net income?

The assistance group may choose one of the following two methods:

- (1) Fifty per cent standard deduction from gross self-employment income; or
- (2) Actual deductions from the gross self-employment income.
- (a) Allowable exclusions include but are not limited to:
- (i) Identifiable costs of labor;
 - (ii) Stock;
 - (iii) Raw material;
 - (iv) Seed and fertilizer;
 - (v) Payments on the principal of the purchase price of income-producing real estate and capital assets;
 - (vi) Equipment, machinery and other durable goods;
 - (vii) Interest paid to purchase income-producing property;
 - (viii) Insurance premiums;
 - (ix) Taxes paid on income producing property;
 - (x) ~~If~~When the assistance group can document the costs on the portion of a home used in a self-employment enterprise are separate and identifiable, those costs may be excluded as costs of doing business.
 - (xi) Exclusions from income received from boarders shall be considered in accordance with rule [5101:4-6-03](#) of the Administrative Code.
 - (xii) Exempt income of children in migrant assistance groups shall be handled in accordance with paragraph ~~(H)~~(G) of rule [5101:4-4-13](#) of the Administrative Code.
 - (xiii) Business transportation costs. Use actual costs or the federal or state mileage reimbursement rate, whichever is higher.

- (b) Unallowable exclusions include but are not limited to:
- (i) Net losses from previous periods;
 - (ii) Federal, state, and local income taxes;
 - (iii) Money set aside for retirement purposes;
 - (iv) Other work-related personal expenses, such as transportation to and from work. These expenses are accounted for by the twenty per cent earned income deduction ~~set forth~~ described in rule [5101:4-4-23](#) of the Administrative Code; and
 - (v) Depreciation.

(D) Are assistance groups with individuals who are self-employed required to register for work?

The receipt of income from self-employment does not automatically exempt a member from the work registration requirement. The member must be actively engaged in the enterprise on a day-to-day basis, and the county agency ~~must~~ shall determine that the self-employment enterprise either:

- (1) Requires at least thirty hours of work per week during the period of certification or an average of thirty hours per week on an annual basis; or
- (2) ~~If~~ When not generating thirty hours of work a week, is receiving weekly gross earnings at least equal to the federal minimum wage multiplied by thirty hours.

(E) What if a self-employed individual contracts work out?

~~If~~ When the assistance group member hires or contracts another person or firm to handle the daily activities of the self-employment, the member will not be considered as self-employed for the purpose of work registration unless the person continues to work at least thirty hours per week or receives the equivalent of the federal minimum wage multiplied by thirty hours from the self-employment business.

(F) Can seasonal work exempt an individual from the work registration requirement?

If on an annual basis the seasonal employment either averages thirty hours of work per week, or produces earnings averaging at least the federal minimum wage multiplied by thirty hours per week, the assistance group member engaged is exempt from registering even in non-work periods.

For example, ~~if~~ when an individual works a minimum of one thousand five hundred sixty hours during the season (thirty hours times fifty-two) or earns the equivalent of this multiplied by the federal minimum wage, he or she is exempt from work registration even during the off-seasons. ~~If~~ When the annual average does not meet the minimum for exemption, the member must register for work unless another exemption is met.

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FATL 361**Effective Date: April 1, 2016****Most Current Prior Effective Date: March 1, 2011**

When an assistance group member cannot participate because he or she: has committed an intentional program violation, is a fleeing felon, is sanctioned in accordance with rule [5101:4-3-11.2](#) of the Administrative Code, has a social security number (SSN) disqualification, has failed to comply with an Ohio works first (OWF) requirement ~~set forth~~ as described in rule [5101:4-3-09](#) of the Administrative Code, is an ineligible able-bodied adult without dependents, or is an ineligible alien the eligibility and benefit level of any remaining assistance group members shall be determined in accordance with the procedures ~~set forth~~ described in this rule.

- (A) How is the eligibility and benefit level determined for an assistance group that contains a member who has committed an intentional program violation, has a fleeing felon disqualification or is sanctioned in accordance with rule 5101:4-3-11.2 of the Administrative Code?
- (1) The income and resources of the ineligible member(s) shall count in their entirety and the entire assistance group's allowable earned income, medical, dependent care, legally obligated child support, and excess shelter deductions shall continue to apply to the remaining assistance group members.
 - (2) The ineligible member shall not be included when determining the assistance group size for the purposes of:
 - (a) Assigning a benefit level to the assistance group;
 - (b) Comparing the assistance group's monthly income with the income eligibility standards; or
 - (c) Applying the standard deduction.
 - (3) A notice of adverse action is not required when an individual with an intentional program violation is removed during the certification period as ~~set forth~~ described in rule [5101:6-2-05](#) of the Administrative Code. The county agency shall notify the remaining members of their eligibility at the same time the excluded member is notified of his or her intentional program violation.
 - (4) A notice of adverse action shall be sent to the remaining assistance group members when a fleeing felon or a sanctioned individual is removed during the certification period as ~~set forth~~ described in rule [5101:6-2-04](#) of the Administrative Code.
 - (5) No assistance group's benefit allotment shall be increased as a result of the exclusion of a member who has committed an intentional program violation, has a fleeing felon disqualification or is sanctioned.
- (B) How is the eligibility and benefit level determined for an assistance group that contains a member who has a SSN disqualification, is an ineligible able-bodied adult without dependents or is an ineligible alien as ~~set forth~~ described in rule [5101:4-3-07](#) of the Administrative Code?
- (1) The resources of the ineligible member shall continue to count in their entirety to the remaining assistance group members.
 - (2) A pro rata share of the ineligible member's income shall be counted as income to the remaining members. This pro rata share is calculated as follows:
 - (a) Subtract the allowable exclusions from the ineligible member's income;
 - (b) Divide the income evenly among the assistance group members (including the ineligible member); and

(c) Count all but the ineligible member's share as income for the remaining assistance group members.

- (3) The county agency must not include the resources and income of an ineligible alien's sponsor and the sponsor's spouse.
- (4) The twenty per cent earned income deduction shall apply to the prorated income earned by the ineligible member which is attributed to the remaining assistance group members.
- (5) The portion of the assistance group's allowable child support payment, shelter and dependent care expenses which are either paid by or billed to the ineligible members shall be divided evenly among the assistance group's members including the ineligible members. All but the ineligible members' share is counted as a deductible child support payment, shelter or dependent care expense for the remaining assistance group members. If the assistance group is eligible for one of the utility allowances the utility allowance shall not be prorated.
- (6) The ineligible members shall not be included when determining the assistance group's size to:
 - (a) Assign benefit level to the assistance group;
 - (b) Compare the assistance group's monthly income with the income eligibility standards; or
 - (c) Apply the standard deduction.
- (7) A notice of adverse action shall be sent to the remaining assistance group members when a member described in paragraph (B) of this rule is removed during the certification period as ~~set forth~~ described in rule 5101:6-2-04 of the Administrative Code.

(C) How is the eligibility and benefit level determined for an assistance group that contains a member who is sanctioned under rule 5101:4-3-09 of the Administrative Code?

- (1) The resources of the ineligible member shall continue to count in their entirety.
- (2) A pro rata share of the ineligible member's income shall be counted as income to the remaining members. This pro rata share is calculated as follows:
 - (a) Subtract the allowable exclusions from the ineligible member's income;
 - (b) Divide the income evenly among the assistance group members (including the ineligible members); and
 - (c) Count all but the ineligible member's share as income for the remaining assistance group members.
- (3) The twenty per cent earned income deduction shall apply to the prorated income earned by such ineligible members which is attributed to the remaining assistance group members.
- (4) The portion of the assistance group's allowable child support payment, shelter and dependent care expenses which are either paid by or billed to the ineligible members shall be divided evenly among the assistance group's members including the ineligible members. All but the ineligible member's share is counted as a deductible child support payment, shelter or dependent care expense for the remaining assistance group members. If the assistance group is eligible for one of the utility allowances the utility allowance shall not be prorated.
- (5) The ineligible members shall not be included when determining the assistance group's size to:
 - (a) Assign a benefit level to the assistance group;
 - (b) Compare the assistance group's monthly income with the income eligibility standards; or
 - (c) Apply the standard deduction.
- (6) No assistance group's benefit allotment shall be increased as a result of the exclusion of one or more assistance group members as ~~set forth~~ described in rule 5101:4-6-16 of the Administrative Code.

- (7) A notice of adverse action shall be sent to the remaining assistance group members when a member as described in paragraph (C) of this rule is removed during the certification period as set forth in rule 5101:6-2-04 of the Administrative Code.

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[FATL 361](#)

Effective Date: April 1, 2016

Most Current Prior Effective Date: [October 1, 2013](#)

A non-assistance group member is a member of the household who is not included in the assistance group such as: an individual who purchases and prepares separately, a roomer, live-in attendant, boarder, supplemental security income (SSI) recipient receiving benefits through a cash-out system, or an ineligible student.

(A) How are the income and resources of non-assistance group members treated?

For all non-assistance group members who are not specifically mentioned in rule [5101:4-6-13](#) of the Administrative Code income and resources of such individuals shall not be considered available to the assistance group with whom the individual resides.

(B) How are cash payments made by a non-assistance group member to an assistance group member treated?

Cash payments from a non-assistance group member to an assistance group will be considered income under the normal income standards specified in rule [5101:4-4-19](#) of the Administrative Code, unless the non-assistance group member is making a payment directly to the vendor. Payments made directly to a vendor shall be excluded as income.

(C) How are expenses shared between a non-assistance group member and an assistance group member treated?

- (1) **If When** the assistance group shares deductible expenses with the non-assistance group member, only the amount actually paid or contributed by the assistance group shall be deducted as an assistance group expense.
- (2) **If When** the payments or contributions cannot be differentiated, the expenses shall be prorated evenly among the individuals actually paying or contributing to the expense and only the assistance group's prorated share is deducted. If the assistance group is eligible for a utility allowance the utility allowance is not prorated.
- (3) **If When** the non-assistance group member and any assistance group member contribute to the costs of any utility covered under one of the utility allowances as **set forth** described in rule [5101:4-4-23](#) of the Administrative Code the assistance group is entitled to the full utility allowance.

(D) How is the income of an assistance group member determined when the income is combined with the income of a non-assistance group member?

When the income of one or more assistance group members and the income of a non-assistance group member are combined, the income of the assistance group members shall be determined as follows:

- (1) **If When** the assistance group member's share can be identified, the county agency shall count that portion as income; or
- (2) **If When** the assistance group member's share cannot be identified, the county agency shall prorate the income among all those whom it was intended for and only count the assistance group's prorated share.

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[FATL 367](#)

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For purposes of this rule, Ohio works first (OWF) and disability financial assistance (DFA) will be referred to as cash assistance.

- (A) When are ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits not to be increased?

The county agency shall not increase the ~~food assistance~~ SNAP allotment as the result of a decrease in cash assistance when the decrease is due to the failure of an assistance group member to perform a required action. Cash assistance benefits shall be considered decreased ~~if they are~~ when reduced, suspended or terminated.

- (B) What is considered a failure to perform a required action?

Failure to perform a required action shall be limited to a situation ~~in which~~ when benefits are being received and then decreased. The individual must be certified for ~~food assistance~~ SNAP benefits at the time of the failure to perform a required action for this rule to apply.

Failures to perform a required action include:

- (1) Ohio works first:

- (a) Learnfare failure as ~~set forth~~ described in rule [5101:1-3-14](#) of the Administrative Code.
- (b) Intentional violation of program requirements disqualification as ~~set forth~~ described in rule [5101:1-23-75](#) of the Administrative Code.
- (c) Termination of employment without just cause as ~~set forth~~ described in rule 5101:1-3-14 of the Administrative Code.
- (d) Fraud provisions (assistance group ineligibility) as ~~set forth~~ described in rule 5101:1-23-75 of the Administrative Code.
- (e) Refusal to accept unconditionally available income as ~~set forth~~ described in rule 5101:1-3-14 of the Administrative Code.
- (f) Refusal of a minor parent to reside in an adult-supervised living arrangement as ~~set forth~~ described in rule [5101:1-3-03](#) of the Administrative Code.
- (g) Failure of a learning, earning and parenting (LEAP) participant to perform a required action with the high school equivalency diploma as ~~set forth~~ described in rule [5101:1-23-50](#) of the Administrative Code.
- (h) Imposition of a LEAP sanction (does not apply to situations where the LEAP bonus is not paid, but no sanction is imposed) as ~~set forth~~ described in rule 5101:1-23-50 of the Administrative Code.
- (i) Failure to perform a required action with a provision of the OWF self-sufficiency contract as ~~set forth~~ described in rule 5101:1-3-14 of the Administrative Code.
- (j) Residence fraud as ~~set forth~~ described in rule 5101:1-3-14 of the Administrative Code, that does not result in a period of ineligibility for ~~food assistance~~ SNAP benefits for the individual(s) who was convicted.

- (2) Disability financial assistance:

- (a) Erroneous payments as ~~set forth~~ described in rule [5101:1-5-50](#) of the Administrative Code.

- (b) Refusal to accept unconditionally available income as ~~set forth~~ described in rule [5101:1-5-40](#) of the Administrative Code.
- (c) Failure or refusal to take necessary and available legal action to make a resource owned, jointly with someone other than an assistance group member, available as ~~set forth~~ described in rule [5101:1-5-30](#) of the Administrative Code.

(C) How are ~~food assistance~~ SNAP benefits affected when there is a penalty in both ~~the food~~ SNAP and cash assistance programs for the same failure to perform a required action?

- (1) The appropriate ~~food assistance~~ SNAP penalty shall be applied.
- (2) After the ~~food assistance~~ SNAP penalty is applied (i.e. individual failing or refusing is removed from the assistance group), the allotment is calculated based on the new assistance group size and the actual benefit amount issued by the cash assistance program, if any. If When there is no increase, the calculated allotment shall be issued. For example, if when a penalty occurs in the OWF program and a penalty is also applied to the ~~food assistance~~ SNAP OWF member, the ~~food assistance~~ SNAP allotment is calculated based on a zero OWF grant and one less member in the assistance group.
- (3) If this When the allotment calculation results in a greater amount of ~~food assistance~~ SNAP benefits than the assistance group was receiving prior to the OWF penalty, the county agency shall issue the ~~food assistance~~ SNAP allotment being issued prior to the month of the OWF penalty. The county agency shall then subtract the allotment that the assistance group was receiving prior to the OWF penalty from the newly calculated allotment. This difference is the amount by which the ~~food assistance~~ SNAP benefits cannot increase when other changes occur. The calculated difference shall continue to be the amount deducted from a newly calculated allotment when other changes unrelated to the failure to perform a required action occur for the duration of the penalty.
- (4) After the ~~food assistance~~ SNAP penalty is served, if there are any remaining months of the cash assistance program's penalty to be served, ~~food assistance~~ SNAP benefits shall not be increased during the remaining month(s) of the cash assistance program's penalty due to the decrease in the payments.

(D) How are ~~food assistance~~ SNAP benefits calculated if when there is no penalty in ~~the food assistance program~~ SNAP for failure to perform a required action but there is a penalty for cash assistance?

If When there is no penalty in ~~the food assistance program~~ SNAP for a failure to perform a required action with the cash assistance program, the county agency shall calculate the ~~food assistance~~ SNAP benefits using the cash assistance benefit amount which that would be issued if no penalty has had been imposed. If When the cash assistance benefit amount cannot be specifically identified, the prohibition on increased ~~food assistance~~ SNAP benefits do not apply.

(E) How are ~~food assistance~~ SNAP benefits calculated when there is a recoupment and a reduction of benefits?

- (1) ~~In situations in which~~ When an assistance group is subject to both a recoupment and a reduction for the same act of noncompliance, ~~food assistance~~ SNAP benefits shall be calculated based on the amount of the cash assistance program's benefit prior to recoupment and reduction.
- (2) Monies which that are voluntarily or involuntarily withheld from a cash assistance program, or returned to repay a prior overpayment which that is not considered a failure to complete a required action, shall be handled as recoupments in accordance with ~~paragraph (L) of~~ rule [5101:4-4-13](#) of the Administrative Code.

(F) How long does the prohibition on increasing ~~food assistance~~ SNAP benefits apply?

The prohibition on increasing ~~food assistance~~ SNAP benefits applies for no longer than the duration of the decrease in the cash assistance program. If When the penalty is still in effect at the end of one year, the county agency shall review the case to determine if the penalty continues to be appropriate.

~~If, for~~ For example, when the assistance group is still not receiving cash assistance after one year, it may not be appropriate to continue the penalty. Penalties extended beyond one year ~~must~~ shall be reviewed at least annually but may be ended by the county agency at any time if appropriate. The penalty shall be concurrent with the reduction in the other assistance program to the extent allowed by normal ~~food-assistance~~ SNAP change processing and notice procedures. ~~If at anytime~~ When the county agency can no longer determine the amount of the reduction in assistance, the county agency must document the case accordingly and end the ~~food-assistance~~ SNAP penalty.

(G) What requirements must the county agency meet to comply with this rule?

- (1) The county agency ~~must~~ shall lift the ban on increasing ~~food-assistance~~ SNAP benefits ~~if~~ when it becomes aware that the person is ineligible for the cash assistance program during the disqualification period for some other reason.
- (2) The county agency shall not decrease or terminate an assistance group's current ~~food assistance~~ SNAP allotment when the assistance group's benefits under another assistance program, other than cash assistance, have been decreased due to a failure to perform a required action of that program.
- (3) ~~If an~~ When an individual joins a new assistance group, the prohibition on increasing ~~food assistance~~ SNAP benefits shall be applied unless that person is ineligible for the assistance program for some other reason. ~~If the~~ When an individual moves to a new state, the prohibition on increasing benefits shall not be applied.
- (4) The county agency ~~must~~ shall restore lost benefits when necessary in accordance with rule [5101:4-8-03](#) of the Administrative Code ~~if~~ when it is later determined that the reduction in the cash assistance benefit was not appropriate.
- (5) The county agency ~~must~~ shall act on changes ~~which~~ that are not related to the assistance group's violation and that would affect the assistance group's benefits.

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FATL 386

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Supplemental security income (SSI) assistance groups are those in which all members are applicants for, or recipients of SSI, and who are ~~neither not~~ certified for ~~food assistance supplemental nutrition assistance program (SNAP) benefits~~, ~~nor have not applied for food assistance SNAP benefits during the previous thirty days~~, and which do not have an application for SNAP pending. These assistance groups have the option of applying for ~~food assistance SNAP~~ benefits at their local social security administration district office or at the local county agency. The county agency shall not require persons potentially eligible for SSI to make application for SSI benefits as a condition of SNAP eligibility.

(A) What are the eligibility standards for SSI assistance groups?

If all members of the assistance group receive SSI:

- (1) The gross income test and the net income test are not used in determining eligibility;
- (2) The ~~food assistance SNAP~~ resource limits do not apply to the assistance group; and
- (3) The Assistance assistance groups group must meet the nonfinancial eligibility criteria; ~~and~~
- (4) ~~The county agency shall not require persons potentially eligible for SSI to make application for SSI benefits as a condition of food assistance eligibility.~~

(B) What forms are required for SSI assistance groups?

The following forms are required:

- (1) JFS 07200, "Request for Cash, Food and Medical Assistance" ~~(rev. 12/12)~~(rev. 10/2016).
- (2) JFS 01846, "Case Worksheet-Cash, Food Stamp, and Medical Assistance Interview" ~~(5/05)~~(5/2005) shall be completed by the social security administration if a home visit is needed.
- (3) The JFS 07501, "Program Enrollment and Benefit Information" ~~(rev. 10/12)~~(rev. 4/2018).

(C) How are applications for individuals participating in the social security ~~administrations~~ administration's prerelease program processed?

An assistance group ~~which that~~ consists of a resident or residents of a public institution(s) ~~which that~~ applies for SSI under the social security administration's prerelease program for the institutionalized shall be allowed to apply for ~~food assistance SNAP~~ benefits jointly with their application for SSI prior to their release from the institution. These applications will be forwarded to the county agency by the social security administration. The application documents used for prerelease applicants will be the JFS 07200 and the JFS 07501, to be followed by an interactive interview.

(D) What is the social security administration's responsibility?

In accordance with 7 C.F.R. 273.2 (3/2018), ~~The~~ the social security administration is required to:

- (1) ~~Must accept~~ Accept all ~~food assistance SNAP~~ applications received at the social security administration office from SSI assistance groups and forward them within one working day after receipt of a signed application to the county agency. The social security administration ~~shall~~ also forward to the county agency a transmittal form. The prerelease applications will be forwarded to the county agency consistent with the above timeframe. The social security administration will later notify the county agency of the applicant's impending release date. Note: counties are required to keep local social security administration offices supplied with the JFS 07200, JFS 01846 and the JFS 07501.
- (2) ~~Shall prescreen~~ Prescreen all applications for entitlement to expedited services on the day the application is received at the social security administration and shall mark "Expedited Processing" on the first page of all applications that appear to be entitled to such processing.

The social security administration will inform assistance groups ~~which~~ that appear to meet the criteria for expedited service that benefits may be issued a few days sooner if the assistance group applies directly at the county agency. The assistance group may take the application to the county agency for screening, an interview, and processing of the application.

- (3) ~~Shall inform~~ Inform an applicant for or recipient of social security benefits under Title II of the Social Security Act of 1935 or SSI of the availability of benefits under the ~~food assistance-SNAP~~ program and the availability of a ~~food assistance-SNAP~~ application at the social security administration office.

(E) What are the interview requirements for SSI assistance groups when the interview is completed at the social security administration?

- (1) ~~If~~ In accordance with 7 C.F.R. 273.2(k), when the social security administration completes an interactive interview for ~~food assistance-SNAP~~ on the telephone from a member of an SSI assistance group, the social security administration is required to complete a JFS 01846 ~~shall be completed by the social security administration~~ during the telephone interview. In these cases, the JFS 07200 and JFS 07501 ~~shall~~ are required to be mailed to the claimant for signature and returned to the social security administration or county agency. The social security administration ~~shall then~~ is required to forward any ~~food assistance-SNAP~~ applications it receives to the county agency.
- (2) ~~An Assistance groups~~ assistance group who ~~complete~~ completes an interactive interview for ~~food assistance-SNAP~~ at the social security administration office ~~will~~ shall not be required to also see a county eligibility worker or otherwise be subjected to an additional interview unless they request one. The social security administration will provide the county with documentation (i.e., photocopies) of items that must be verified (e.g., income) if the applicant is in possession of such documents at the time of the interview.
- (3) The county agency ~~may~~ shall not require the assistance group to be interviewed again and it shall not contact the assistance group further in order to obtain additional information unless:
- (a) The application is improperly completed;
 - (b) Mandatory verification is missing; or
 - (c) Certain information is questionable.
- (4) ~~It is suggested that the county agency obtain the needed documentation as follows: contact a collateral contact, ask the assistance group to mail the documentation, conduct a home visit, use state data exchange (SDX) or beneficiary and earnings data exchange (Bendex) information~~ In accordance with rule 5101:4-2-09 of the Administrative Code, the county agency shall obtain the needed documentation for verification purposes. County agencies have the option of verifying SSI benefit payments through the state data exchange (SDX) and the beneficiary data exchange (BENDEX). For prerelease applications the county agency should obtain whatever additional information is available from the social security administration at the time of release or if necessary contact the applicant/institution to obtain needed information.

(F) What is the county agency's responsibility?

The county agency shall:

- (1) In accordance with rule 5101:4-2-07 of the Administrative Code, the county agency shall ~~Conduct~~ conduct an interactive interview with the applicant ~~in accordance with rule 5101:4-2-07 of the Administrative Code~~ upon receipt of a JFS 07200. The county agency shall make an eligibility determination and issue ~~food assistance-SNAP~~ benefits to eligible SSI assistance groups within thirty days following the date the application was received by the social security administration. Applications shall be considered filed for normal processing purposes when the signed application is received by the social security administration. The county agency shall make an eligibility determination and issue ~~food assistance-SNAP~~ benefits to a resident of a public institution who applies jointly for SSI and ~~food assistance-SNAP~~ within thirty days following the date of the applicant's release from the institution.

- (2) Prescreen all applications received from the social security administration for entitlement to expedited service on the day the application is received. All SSI assistance groups entitled to expedited service shall be certified in accordance with applicable regulations except that the expedited processing time standard shall begin on the date the application is received at the correct county agency office. Expedited processing time standards for an applicant who has applied for ~~food assistance~~ SNAP and SSI prior to release shall begin on the date of the applicant's release from the institution.
- (3) Restore benefits to an assistance group ~~which~~ that were lost because of an error by the county agency or by the social security administration through joint processing. Such an error shall include, but not be limited to, the loss of an applicant's application after it has been filed with social security administration. In addition, if, for any reason, the county agency is not notified on a timely basis of an applicant's release date from a public institution, the county agency shall restore benefits.

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FATL 391

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(A) What is a group living arrangement?

A group living arrangement is a public or private non-profit residential setting that:

- (1) Provides its residents with a majority of their meals (over fifty per cent of their meals daily);
- (2) Has no more than sixteen residents; and
- (3) Is certified by a public agency of the state of Ohio under section 1616(e) of the Social Security Act of 1935 (42 U.S.C. 1382e) (12/2013), or under comparable standards determined by the secretary of the United States department of agriculture (USDA).

(B) What requirements shall a group living arrangement meet for its residents to be eligible to receive supplemental nutrition assistance program (SNAP) benefits?

- (1) Non-profit: the group living arrangement may be operated by a public agency or private organization but must be considered non-profit as defined in section 501 of the Internal Revenue Code (26 U.S.C. 501) (12/2014).
 - (a) The group living arrangement may verify its non-profit status by verifying that it is authorized by the USDA food and nutrition service (FNS) to accept SNAP benefits or by providing other documents.
 - (b) The verification of non-profit status may be contained in the license or certificate issued by the appropriate state agency. Not all group living arrangements certified or licensed by the state of Ohio are non-profit organizations.
 - (c) The county agency shall ensure that the group living arrangement has appropriate non-profit status.
- (2) Sixteen or fewer residents: in order to participate in SNAP under this rule, the maximum number of residents in the group living arrangement shall be sixteen. Not all residents have to be eligible for SNAP benefits for others to be eligible. For example: if there are sixteen residents in a group home and ten apply and only nine are found eligible, the ineligibility of the one person does not affect the eligibility of the others.
- (3) Certification and licensure: the group living arrangement shall be certified or licensed by an agency of the state of Ohio that is authorized under section 1616(e) of the Social Security Act of 1935 (42 U.S.C. 1382e) ~~as amended~~, or under standards determined by the USDA secretary. Section 1616(e) of the Social Security Act (42 U.S.C. 1382e) requires Ohio to designate one or more state agencies with the authority to set and enforce standards for various types of group living arrangements. The county agency shall review the license or certificate of the particular group living arrangement.

(C) What state agencies have authority to certify or license group living arrangements?

The designated state agencies, their responsibilities, and the statutory references are:

- (1) Ohio department of mental health - licensing of residential facilities (section 5119.34 of the Revised Code; Chapter 5122:3-1 of the Administrative Code).
- (2) Ohio department of developmental disabilities - licensing of residential facilities for the mentally retarded and the developmentally disabled (section 5123.19 of the Revised Code; Chapter 5123:2-3 of the Administrative Code).
- (3) Ohio department of aging - certifying adult foster homes for older adults and investigating complaints of individuals residing in facilities licensed by the Ohio department of health (Chapter 173. of the Revised Code; agency 173 of the Administrative Code).

(4) Ohio department of job and family services - licensing of group homes for children (section 5103.03 of the Revised Code; Chapter 5101:2-9 of the Administrative Code).

(D) What type of residents are eligible to live in a group living arrangement and still be eligible for benefits?

The resident(s) must be blind or disabled as defined in the definition of "elderly or disabled member" as set forth in rule 5101:4-1-03 of the Administrative Code. Aged residents who are not also blind or disabled are not eligible.

(E) How can individuals living in a group living arrangement apply for benefits?

(1) Disabled or blind residents of a group living arrangement may apply for benefits through:

- (a) An authorized representative employed and designated by the group living arrangement;
- (b) An authorized representative of their choice; or
- (c) On their own behalf.

(2) The group living arrangement shall determine if a resident may apply on his or her own behalf based on the resident's physical and mental ability.

(3) Some residents of the group living arrangement may apply on their own behalf while other residents of the same group living arrangement may apply through the group living arrangement's representative.

(F) What must the county agency do before certifying any individuals residing in a group living arrangement?

The county agency shall verify that the group living arrangement meets the requirements described in paragraph (B) of this rule.

(G) How is assistance group composition determined for an individual residing in a group living arrangement?

(1) When the residents apply on their own behalf, the assistance group size must be determined in accordance with the definition of assistance group in rule 5101:4-2-03 of the Administrative Code. The county agency must certify these residents using the same provisions that apply to all other assistance groups.

(2) When the residents apply through the use of the group living arrangement's authorized representative, their eligibility must be determined as a one-person assistance group.

(H) How can food be purchased in a group living arrangement setting?

(1) When the residents are certified on their own behalf, the benefits may be returned to the group living arrangement to be used to purchase meals served communally or individually to eligible residents or retained and used to purchase and prepare food for their own consumption.

(2) The group living arrangement may purchase and prepare food to be consumed by eligible residents on a group basis when the residents normally obtain their meals at a central location as part of the group living arrangement's service or when meals are prepared at a central location for delivery to individual residents.

(3) When personalized meals are prepared and paid for with food assistance benefits, the group living arrangement must ensure that the resident's benefits are used for meals intended for that resident.

(I) What are the responsibilities of the group living arrangement facility?

The group living arrangement must:

(1) Provide a list of SNAP participants: on a periodic basis as determined by the county agency each group living arrangement shall provide the county agency with a list of currently participating residents and include a statement signed by the group living arrangement official attesting to the validity of the list.

- (2) Cooperate with on-site visits: the group living arrangement shall cooperate with the county agency when conducting periodic random on-site visits to the facility to assure the accuracy of the list and that the county agency's records are consistent and up-to-date. The frequency of these visits are determined by the county agency. During the visit, the county agency may also verify other information needed to certify the facility's residents.
- (3) Report when an assistance group leaves: the group living arrangement shall notify the county agency when an assistance group has left the group living arrangement and provide the residents with their electronic benefit transfer (EBT) card within five days of the household's departure. When the assistance group has already left the center, the center shall return the EBT card to the county agency within five calendar days. The assistance group, not the group living arrangement, shall be allowed to sign for and receive any remaining benefits authorized.
- (4) Report changes: when the resident has made application on his or her own behalf, the resident is responsible for reporting changes to the county agency as provided in rule 5101:4-7-01 of the Administrative Code. When the group living arrangement is acting as the authorized representative, the group living arrangement shall notify the county agency, as provided in rule 5101:4-7-01 of the Administrative Code, of changes in the assistance group's circumstances.
- (5) Loss, misuse or overpayment: the group living arrangement shall be responsible for any misrepresentation or intentional program violation which it knowingly commits in the certification of residents. As an authorized representative described in paragraph (A)(1) of rule 5101:4-2-05 of the Administrative Code, the group living arrangement must be knowledgeable about assistance group circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The group living arrangement shall be strictly liable for all losses or misuse of benefits held on behalf of resident assistance groups and for all overpayments which occur while acting as an authorized representative. However, the group living arrangement is not responsible for any misrepresentation or intentional program violation if a resident has made application on his or her own behalf. The resident applying on his or her own behalf shall be responsible for overpayments as would any other assistance group.

(J) What must the group living arrangement do with the remaining benefits when an assistance group leaves?

- ~~(1) The departing assistance group shall receive its full allotment if no benefits have been spent.~~
- ~~(2)~~(1) If the benefits have already been issued and the assistance group leaves the group living arrangement ~~prior to the sixteenth day of the month~~, the facility shall provide the assistance group with ~~one-half~~ a prorated amount of its monthly benefit allotment based on the number of days in the month that the household resided in the facility.
- ~~(3) If the assistance group leaves on or after the sixteenth day of the month and benefits have already been issued, the assistance group shall receive any portion of its remaining allotment.~~
- ~~(4)~~(2) The group living arrangement shall, if possible, provide the assistance group with a change report form to report the change of address and any other change in circumstances after leaving the group living arrangement. The group living arrangement shall also advise the assistance group to return the form to the appropriate county agency within the timeframe outlined in rule 5101:4-7-01 of the Administrative Code.
- (3) The group living arrangement shall notify the county agency when the assistance group leaves by sending a completed JFS 04196, "Food Assistance Change Reporting" (rev. 10/2017) to the agency informing the agency of the households change in address, new address if available, and that the group living arrangement is no longer the household's authorized representative.
- ~~(5) The group living arrangement shall return any benefits not provided to departing residents at the end of each month to the county agency. These returned benefits shall include those not provided to departing residents because the assistance group left on or after the sixteenth of the month or they left prior to the sixteenth and the facility was unable to provide the assistance group with benefits.~~

(K) Can a group living arrangement redeem SNAP benefits?

Under the USDA FNS regulations, the only way a group living arrangement can redeem benefits is when the group living arrangement is certified as a retail food store. To become an authorized SNAP retailer the group living arrangement must:

- (1) Contact USDA FNS to apply to become a retailer.
- (2) The group living arrangement authorized by USDA FNS as a retail food store may be penalized or disqualified if it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a certified assistance group's meals.

(L) What should a county agency do if it believes a group living arrangement is inappropriately using benefits?

The county agency shall:

- (1) Promptly notify USDA FNS that an organization or institution is misusing benefits in its possession. However, the county agency shall take no action prior to USDA FNS action against the organization or institution.
- (2) When the USDA FNS disqualifies the group living arrangement as an authorized retail food store, the county agency shall suspend the authorized representative status for the same time; but residents applying on their own behalf will still be able to participate if otherwise eligible.
- (3) Establish a claim for overpayment when an overpayment is discovered during an investigation or hearing procedure for redemption violations in accordance with paragraph (I)(5) of this rule.

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FATL 359

Effective Date: February 1, 2016

Most Current Prior Effective Date: March 1, 2011

- (A) What requirements must a shelter for battered ~~women~~ persons and their children meet for residents to be eligible for ~~food assistance~~ supplemental nutrition assistance program (SNAP)?

The shelter must:

- (1) Be a public or private non-profit residential facility;
- (2) Serve battered ~~women~~ persons and their children; and
- (3) ~~If~~ When the facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered ~~women~~ persons and their children.

- (B) What are the county agency's responsibilities prior to determining eligibility of an individual in a shelter?

- (1) The county agency shall confirm and document that the shelter meets the requirements ~~set forth~~ described in paragraph (A) of this rule.
- (2) Shelters already authorized by the United States department of agriculture (USDA) food and nutrition service (FNS) as retailers shall be considered as meeting the definition and the county agency is not required to make any further determination.
- (3) The county agency shall maintain a list of shelters meeting the definition.

- (C) Can individuals residing in a shelter for battered ~~women~~ persons and children be certified as separate ~~food assistance~~ SNAP groups?

Residents shall be certified as individual assistance groups rather than considered as part of a single assistance group consisting of all shelter residents.

- (D) Can an individual that is currently on an open SNAP case ~~a resident that is currently on an open food assistance case~~ be certified as a new assistance group when he or she becomes a resident of ~~they move to~~ a shelter?

When an individual becomes a resident of a shelter and applies for SNAP, the county agency shall:

- (1) ~~The county agency must:~~
 - (a) ~~Take prompt action to ensure that the former assistance group's eligibility or allotment reflects the change in the assistance group's composition in accordance with rule 5101:4-7-01 of the Administrative Code.~~
 - (b) ~~Issue a notice of adverse action in accordance with division 5101:6 of the Administrative Code.~~
 - (c) ~~In situations where two or more counties share one shelter, it is the responsibility of the county agency accepting the application to report the change in circumstances to the former county of residence. The former county of residence shall then take prompt action to ensure the assistance group's eligibility or benefit amount reflects the change.~~
- (2) ~~Certified with the abuser: shelter residents who are included in already certified assistance groups may still apply and, if otherwise eligible, participate in the program and be certified as separate assistance groups if they were previously certified with the individual who subjected them to abuse.~~
- (3) ~~Certified without the abuser: individuals leaving a certified assistance group not containing the person who subjected them to abuse are not allowed to be certified in two assistance groups at one time. They should get their share of the benefits from the current assistance group.~~

~~Duplicate participation is limited to those shelter residents who were forced to leave their prior place of residence because of the person who abused them.~~

- (1) When determining eligibility, verify whether the individual's open SNAP case was certified with or without the abuser.
 - (a) Certified with the abuser: shelter residents who are included in already certified assistance groups may still apply and, if otherwise eligible, participate in the program and be certified as separate assistance groups if they were previously certified with the individual who subjected them to abuse.
 - (b) Certified without the abuser: individuals leaving a certified assistance group not containing the person who subjected them to abuse are not allowed to be certified in two assistance groups at one time. They should get their share of the benefits from the current assistance group. Duplicate participation is limited to those shelter residents who were forced to leave their prior place of residence because of the person who abused them.
- (2) Take prompt action to ensure that the former assistance group's eligibility or allotment reflects the change in the assistance group's composition in accordance with rule [5101:4-7-01](#) of the Administrative Code.
- (3) Issue a notice of adverse action in accordance with division 5101:6 of the Administrative Code.
- (4) In situations where two or more counties share one shelter, the county agency accepting the application from the individual shall take action in accordance with rule [5101:4-7-01.1](#) of the Administrative Code, when necessary.

(E) How are income, resources, and expenses of shelter residents treated?

Shelter residents who apply as separate assistance groups shall be certified solely on the basis of their income, resources and expenses for which they are responsible. They shall be certified without regard to the income, resources, and expenses of their former assistance group. Jointly held resources shall be considered inaccessible in accordance with rule [5101:4-4-07](#) of the Administrative Code. Room payments to the shelter shall be considered as shelter expenses.

(F) Can shelter residents receive expedited service?

Shelter residents are entitled to expedited service ~~if~~ when they meet the criteria set forth in rule [5101:4-6-09](#) of the Administrative Code.

(G) Can a shelter redeem ~~food assistance~~ SNAP benefits?

Under the USDA FNS regulations, the only way a shelter can redeem benefits is ~~if~~ when the shelter is classified as a retail food store. To become an authorized ~~food assistance~~ SNAP retailer the shelter must:

- (1) Be tax exempt as determined by the internal revenue service;
- (2) Have a portion of the facility set aside on a long-term basis to shelter battered ~~women~~ persons and their children if they serve other groups of individuals;
- (3) Be a residence which serves meals or provides food to its residents; and
- (4) Contact USDA FNS to apply to become a retailer. The shelter authorized by USDA FNS as a retail food store may be penalized or disqualified ~~if~~ when it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a certified assistance group's meals.

Effective: 02/01/2016

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FATL 386

Effective Date: September 1, 2018

Most Current Prior Effective Date: June 1, 2013

- (A) Can individuals who are elderly and disabled be certified for ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits separately from individuals they purchase food and prepare meals with?
- (1) Elderly individuals, age sixty and older, ~~(and their spouses)~~ who are disabled as described in paragraph (B) of this rule may be permitted separate assistance group status ~~if~~ when they meet the following criteria:
 - (a) The income of the individuals with whom the elderly and disabled individual resides does not exceed one hundred sixty-five per cent of the poverty level; and
 - (b) The disabled individual is unable to purchase food and prepare his or her own meals.
 - (2) If an individual meets these criteria, both the individual and their spouse may be granted separate assistance group status, even if the spouse does not meet the criteria.
- (B) What is the disability criteria to be certified for ~~food assistance~~ SNAP separately?
- The disability shall be considered permanent under the Social Security Act of 1935 or be a ~~nondisease~~ nondisease-related, severe, permanent disability. **Note:** "Disability" as defined in this rule is not the same as "disabled member" as found in rule 5101:4-1-03 of the Administrative Code. The key factor in determining whether or not disability would qualify an individual for separate assistance group status under this provision is an inability to purchase food and prepare meals.
- (C) How is a disability verified for separate assistance group status?
- Disability shall be verified by one of the following procedures:
- (1) ~~For permanent disabilities, the county agency shall refer to the social security administrations list of permanent disabilities. For nondisease related, severe, permanent disabilities the county agency shall use a statement from the applicant's doctor~~ A county agency shall use the social security administration's most current list of disabilities as the initial step for verifying if a person has a disability considered permanent under the Social Security Act. A person who suffers from one of the disabilities listed under the Social Security Act must also be unable to purchase and prepare meals because of the disability in order to meet the designation of a separate assistance group status.
 - (2) ~~County agencies shall not automatically assume that a disability under the Social Security Act constitutes inability to purchase food and/or prepare meals. If~~ When it is obvious to the county agency that the person ~~could not~~ is unable to purchase ~~food~~ and prepare ~~his or her own~~ meals ~~as easily as a nondisabled person~~ because he or she suffers from a severe physical or mental disability, even if the disability is not specifically mentioned on the Social Security Act list, additional verification is not needed and the nature of the disability shall be documented in the case file. ~~However, when the inability to purchase food and prepare meals is not obvious to the county agency, the county agency shall request the individual to provide a statement from a physician that he or she is unable to purchase food and prepare his or her own meals.~~
 - (3) When the disability is not obvious to the county agency, the person shall be required to provide a statement from a physician or licensed or certified psychologist certifying that the person is unable to purchase and prepare meals because he or she suffers from one of the non obvious disabilities mentioned in the Social Security Act list or is unable to purchase and prepare meals because he or she suffers from some other severe, permanent physical or mental disease or nondisease-related disability.
- (D) How is the income of the other individuals in the home determined?

- (1) After an elderly individual has been determined disabled in accordance with this rule, the following must occur:
 - (a) The gross income of the others with whom the individual resides must be considered, as if the others were applying for participation; and
 - (b) The income of the individual who is elderly and disabled and their spouse shall not be included in the calculation, nor are the elderly and disabled individual and their spouse to be considered assistance group members for this purpose.
- (2) The gross monthly income of the others shall be compared to the one hundred sixty-five per cent of the federal poverty level for that assistance group size. If the gross income of the others with whom the elderly and disabled individual resides is no more than one hundred sixty-five per cent of the federal poverty level, the elderly and disabled individual (and their spouse) shall be granted separate assistance group status.
- (3) The elderly and disabled individuals who wish to be a separate assistance group shall be responsible for obtaining the cooperation of the individuals with whom they reside in providing necessary income information to the county agency.
- (4) Income of the others with whom the elderly and disabled individuals live shall be verified as if the others were also applying for program participation, as discussed in rule 5101:4-2-09 of the Administrative Code.

(E) How are shared expenses handled?

Once separate assistance group status has been established, county agencies shall prorate any expenses shared by the elderly and disabled individual's assistance group and the others with whom the elderly and disabled assistance group resides. If the assistance group is eligible for one of the utility allowances, the utility allowance shall not be prorated.

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FATL 359

Effective Date: February 1, 2016

Most Current Prior Effective Date: March 1, 2011

This rule sets forth who is a sponsored alien, when a sponsor's income and resources are counted to determine eligibility and the county agency's responsibilities.

(A) Who is a sponsored alien?

A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support (INS form I-864 or I-864A) (7/2015) with the United States citizenship and immigration services (USCIS) on behalf of the alien pursuant to section 213A of the Immigration and Nationality Act of 1952.

(B) When is the income and resources of the alien's sponsor counted?

The county agency must attribute a portion of the sponsor's income and resources until the alien gains U.S. citizenship, has worked or can receive credit for forty qualifying quarters of work as described in rule 5101:4-3-07 of the Administrative Code, or the sponsor dies.

(C) What portion of the sponsor's income is attributed to the sponsored alien?

(1) A portion of the sponsor's monthly income shall be counted as unearned income to the sponsored alien's assistance group. The monthly income of the sponsor and the sponsor's spouse shall be determined in accordance with rules 5101:4-4-19 and 5101:4-4-13 of the Administrative Code at the time the assistance group containing the sponsored alien applies or is recertified minus the deductions listed as follows:

The county agency shall:

- (a) Apply the twenty per cent earned income deduction to the earned income of the sponsor and the sponsor's spouse; and
- (b) Subtract an amount equal to the monthly gross income standard for an assistance group equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or who could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes.

(2) The county agency ~~must~~ shall consider as income to the alien any money the sponsor or the sponsor's spouse pays to the eligible sponsored alien, but only to the extent the money exceeds the amount attributed to the sponsored alien in accordance with paragraph (C)(1) of this rule.

(3) ~~If~~ When the alien has already reported gross income information for his or her sponsor in compliance with Ohio works first (OWF) sponsored alien rule 5101:1-2-35 of the Administrative Code, the county agency may use that income amount for the ~~food assistance program~~ supplemental nutrition assistance program (SNAP).

(D) What portion of the sponsor's resources are attributed to the sponsored alien?

The county agency must attribute the total amount of the resources of the sponsor and the sponsor's spouse as determined in rule 5101:4-4-01 of the Administrative Code reduced by fifteen hundred dollars.

(E) How are the income and resources of the sponsor attributed ~~if~~ when he or she sponsors multiple aliens?

~~If~~ When a sponsored alien can demonstrate to the county agency's satisfaction that his or her sponsor is the sponsor of other aliens, the county agency ~~must~~ shall divide the income and resources attributed under paragraphs (C) and (D) of this rule by the number of such sponsored aliens.

(F) When are the sponsor's income and resources not attributed to the sponsored alien?

The county agency shall not attribute a portion of a sponsor's income or resources when the sponsored alien is:

- (1) An alien who is a member of his or her sponsor's assistance group.
- (2) An alien who is sponsored by an organization or group as opposed to an individual.
- (3) An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as a refugee, a parolee, an asylee, or a Cuban or Haitian entrant.
- (4) An ineligible alien as ~~set forth~~ described in rule [5101:4-3-07](#) of the Administrative Code.
- (5) An indigent alien that the county agency has determined is unable to obtain food and shelter taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor(s).
 - (a) For purposes of this paragraph, the phrase "is unable to obtain food and shelter" means that the sum of the eligible sponsored alien's assistance group's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide, does not exceed one hundred thirty per cent of the federal poverty income guideline for the assistance group's size. ~~Appendix A to rule 5101:4-4-11 of the Administrative Code provides~~ In accordance with rule [5101:4-4-11](#) of the Administrative Code, the one hundred thirty per cent of the federal poverty income guideline amounts are issued through a food assistance change transmittal and adjusted annually.
 - (b) The county agency must determine the amount of income and other assistance provided in the month of application. ~~if~~ When the alien is indigent, the only amount that the county agency ~~must~~ shall attribute to such an alien will be the amount actually provided for a period beginning on the date of such determination and ending twelve months after such date. Each indigence determination is renewable for additional twelve-month periods.
- (6) A battered alien spouse, alien parent of a battered child, or child of a battered alien, for twelve months after the county agency determines that the battering is substantially connected to the need for benefits, and the battered individual does not live with the batterer. After twelve months, the county agency ~~must~~ shall not attribute the batterer's income and resources ~~if~~ when the battery is recognized by a court or the USCIS and has a substantial connection to the need for benefits (for guidance, see the department of justice interim guidance published on November 17, 1997 (62 CFR 61344), and the alien does not live with the batterer.
- (7) A child who is under eighteen years of age.

(G) What are the responsibilities of the sponsored alien?

- (1) Obtaining the cooperation of the sponsor and for providing the county agency at the time of application and reapplication with the information and documentation necessary to calculate deemed income and resources.
- (2) Providing the names and other identifying factors of other aliens for whom the alien's sponsor has signed an affidavit of support. The county agency ~~must~~ shall attribute the entire amount of income and resources to the sponsored alien until he/she provides the information in this paragraph.
- (3) Reporting the required information about the sponsor and sponsor's spouse should the alien obtain a different sponsor during the certification period and for reporting a change in income should the sponsor or the sponsor's spouse change, lose employment or die during the certification period. Such changes shall be handled in accordance with timeliness standards and procedures described in rule [5101:4-7-01](#) of the Administrative Code.

(H) What are the responsibilities of the county agency?

- (1) The county agency shall notify the state agency when it determines a sponsored alien is indigent, including the names of the sponsor and sponsored alien involved, so the information can be forwarded to the attorney general.
 - (2) The county agency shall exclude any sponsor who is participating in ~~the food assistance program~~ SNAP from any demand for restitution as set forth in 8 CFR 213a.4(a) ~~(8/2011)~~ for the value of ~~food assistance~~ SNAP benefits issued to an eligible sponsored alien he or she sponsors.
- (I) What happens when the sponsored alien does not cooperate with providing necessary information and verifications?
- (1) Until the sponsored alien provides information or verification necessary to carry out the provisions of this rule and meets the provisions ~~set forth~~ described in rule 5101:4-2-01 of the Administrative Code, the sponsored alien is ineligible. The county agency ~~must~~ shall determine the eligibility of any remaining assistance group members. The county agency ~~must~~ shall consider the income and resources of the ineligible alien (excluding the income and resources of the alien's sponsor and the sponsor's spouse) in determining the eligibility and benefit level of the remaining assistance group members.
 - (2) ~~If~~ When the county agency subsequently receives the information or verification, it ~~must~~ shall act on the information as a reported change to the assistance group members in accordance with the provisions of rule 5101:4-7-01 of the Administrative Code.
 - (3) ~~If~~ When the same sponsor is responsible for the entire assistance group, the entire assistance group is ineligible until such time as the assistance group provides the needed sponsor information or verification. The county agency ~~must~~ shall assist aliens in obtaining verification in accordance with the provisions of rule 5101:4-2-09 of the Administrative Code.

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FAH.7000. Additional Certification Functions

FATL 390

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Most Current Effective Date: June 1, 2017

(A) What is a reporting requirement?

Every assistance group receiving benefits must report certain changes that affect eligibility. Reporting requirements ensure an accurate benefit amount is received and that only assistance groups who remain eligible continue to receive benefits.

(B) What are the requirements for reporting changes?

- (1) Assistance groups shall report if their gross income exceeds one hundred thirty per cent of the monthly poverty income guideline for their assistance group size within ten days following the end of the month in which the change first occurred;
- (2) All assistance groups shall be required to submit an interim report prior to the end of the sixth month of a twelve month certification period or prior to the end of the twelfth month of a twenty-four month certification period as defined in paragraph (H) of this rule. Assistance groups certified six months or less do not have to submit an interim report; and
- (3) Able-bodied adults without dependents subject to the work requirements and time limit set forth in rule 5101:4-3-20 of the Administrative Code are required to report any changes in work hours that bring an individual below twenty hours per week or eighty hours per month, as defined in rule 5101:4-3-20 of the Administrative Code, within ten days following the end of the month in which the change first occurred.

(C) How are changes reported?

The assistance group may report changes as follows:

- (1) By returning a JFS 04196, "Food Assistance Change Reporting" (rev. ~~11/2016~~ 10/2017). The county agency shall pay the postage for return of the form.
- (2) In person, electronically or over the telephone. The county agency shall use discretion in determining if further verification is necessary. These changes shall be acted on in the same manner as those reported on a change report form.

(D) When shall the county agency provide a change report form?

A change report form shall be provided to assistance groups at application, recertification, and whenever the assistance group returns a change report form. The county agency can provide the form more often at its option.

(E) How does an assistance group know their reporting requirements?

Assistance groups will be advised of their reporting requirements on the notice of approval and/or notice of change at application, reapplication or any time a change occurs and is reported.

(F) What must an applicant report during the application process?

- (1) Once the applicant submits an application, the applicant shall report any changes in the information on the application at the certification interview.
- (2) The applicant shall report all changes that occur after the certification interview but before receiving the notice of their eligibility, within ten days of the receipt of the notice.

(G) What are the reporting requirements when the application was taken at the local social security administration?

The county agency shall not impose any additional reporting requirements other than those listed in paragraph (B) of this rule. Assistance groups whose applications were taken by the social security administration are required to report all changes to the county department of job and family services.

(H) What is the interim report and how is it processed?

Assistance groups assigned a twelve or twenty-four month certification period shall be required to sign and complete a JFS 07221 "Cash and Food Assistance Interim Report" (rev. 11/2016) or a JFS 07223 "Cash and Food Assistance Interim Report Reminder Notice" (9/2018) computer-generated equivalent. The signature may be handwritten, electronic, or telephonic as described in rule 5101:4-2-01 of the Administrative Code. The interim report will provide the county agency with updated information on the assistance group's circumstances.

- (1) ~~An interim report~~ A JFS 07221 will be sent to the assistance group during the fifth or eleventh month of certification, depending on the assistance group's certification period.
- (2) When the county agency does not receive the interim report by the fifteenth day of the fifth or eleventh month of certification, depending on the assistance group's certification period, a JFS 07223 shall be sent to the assistance group.
- ~~(2)~~(3) The assistance group shall return the interim report or reminder notice to the county agency prior to the end ~~of the twenty-first day~~ of the fifth or eleventh month of certification, depending on the length of the certification period.
- ~~(3)~~(4) The county agency shall propose termination of benefits for any assistance group who fails to return a signed and completed interim report or reminder notice by the ~~twenty-first day~~ end of the fifth or eleventh month sixth or twelfth month, depending on the assistance group's certification period.
- (5) When the assistance group fails to provide sufficient information or verification regarding a deductible expense indicated on the interim report, the county agency shall not terminate the assistance group, but instead shall determine the assistance group's supplemental nutrition assistance program (SNAP) benefits without regard to that deduction.
- ~~(4)~~(6) The county agency shall reinstate benefits without a new application for any assistance group whose benefits have been terminated in accordance with paragraph (H)(4) of this rule when the county agency receives the interim report or reminder notice within thirty days of the closure date. The county agency shall prorate the assistance group's benefits beginning the day the report or reminder notice was returned.

(I) How does the county agency process changes?

- (1) The county agency shall take action within ten days on all reported changes to determine if the change affects the assistance group's ongoing eligibility or allotment. Reported changes include changes reported by the assistance group, changes considered verified upon receipt, and changes known to the county agency. Even if there is no change in the allotment, the county agency shall document the reported change in the case file, provide another change report form to the assistance group, and notify the assistance group of the receipt of the change report. If the reported change affects the assistance group's eligibility or level of benefits the adjustment shall also be reported to the assistance group.
- (2) The county agency shall also advise the assistance group of additional verification requirements, if any, and state that failure to provide verification shall result in the reduction or termination of benefits.
- (3) The county agency shall document the date a change is reported, which shall be the date the county agency receives a report form or is advised of the change over the telephone, electronically or by a personal visit.
- (4) Restoration of lost benefits shall be provided to any assistance group if the county agency fails to take action on a change which increases benefits within the time limits specified in paragraph (K)(3) of this rule.

(J) What are the verification requirements for changes?

- (1) Changes reported during the certification period are subject to the verification procedures set forth in rule 5101:4-2-09 of the Administrative Code. The county agency shall verify changes which result in an increase in an assistance group's benefits prior to taking action on these changes.
- (2) The assistance group must be allowed ten days to provide any mandatory verification. If the assistance group provides verification within this period, the county agency shall take action on the changes within the time periods described in paragraph (K)(3) or (K)(4) of this rule. The time periods shall begin from the date the change is reported, not from the date of verification.
- (3) If the assistance group fails to provide the required verification within ten days after the request date but does provide the verification at a later date, the time periods shall begin from the date verification is provided rather than from the date the change is reported.
- (4) In cases where the county agency has determined that an assistance group has refused to cooperate, the county agency shall terminate the assistance group's eligibility after issuing the notice of adverse action as set forth in rule 5101:6-2-04 of the Administrative Code.
- (5) During the certification period, the county agency may obtain information about changes in an assistance group's circumstances from which the county agency cannot readily determine the effect of the change on the assistance group's continued eligibility for SNAP, or in certain cases, the benefit amount. The county agency may receive unclear information from a third party or from the assistance group itself. Unclear information is information that is not verified, or information that is verified but the county agency needs additional information to act on the change. ~~The county agency shall verify the assistance group circumstances by sending the assistance group a JFS 04219, "Request For Contact-Important Notice" (rev. 11/2016) or its computer-generated equivalent. The request for contact shall clearly advise the assistance group of the verification it must provide or the actions it must take to clarify its circumstances, notify the assistance group that it has at least ten days to respond and state the consequences if the assistance group fails to respond.~~
 - (a) The county agency shall verify the assistance group's circumstances by sending the assistance group a JFS 04219, "Request For Contact-Important Notice" (rev. 11/2016) or its computer-generated equivalent. The request for contact shall clearly advise the assistance group of the verification it must provide or the actions it must take to clarify its circumstances, notify the assistance group that it has at least ten days to respond and state the consequences if the assistance group fails to respond. The county agency shall follow the procedures set forth in rule 5101:4-2-09 of the Administrative Code to verify unclear information received during the certification period.
 - (b) When the assistance group responds to the request for contact and provides sufficient information, the county agency shall act on the new circumstances in accordance with paragraph (K) of this rule.
 - (c) When the assistance group does not respond to the request for contact, does respond but refuses to provide sufficient information to verify its circumstances, or the county agency is unable to obtain the necessary information by contacting the assistance group as identified in paragraph (J)(5) of this rule, the county agency shall propose termination of the SNAP benefits and a notice of adverse action shall be issued in accordance with rule 5101:6-2-04 of the Administrative Code.

~~If the assistance group does not respond to the request for contact, does respond but refuses to provide sufficient information to verify its circumstances, or the county agency is unable to obtain the necessary information by contacting the assistance group in the above manner, the county agency shall propose termination of the supplemental nutrition assistance program (SNAP) benefits and a notice of adverse action shall be issued as described in rule 5101:6-2-04 of the Administrative Code. The county agency shall follow the procedures set forth in rule 5101:4-2-09 of the Administrative Code to verify unclear information received during the~~

~~certification period. If the assistance group responds to the request for contact and provides sufficient information, the county agency must act on the new circumstances in accordance with paragraph (K) of this rule.~~

- (6) During the certification period, the county agency may obtain information from a prisoner verification system or a deceased matching system that may affect an assistance group's circumstances or benefit amount.
- (a) When the unclear information received is a data match from a prisoner verification system or a deceased matching system, the county agency shall send the assistance group a JFS 04219 or the electronic equivalent. The request for contact shall clearly advise the assistance group of the match results and the verification it must provide or the actions it must take to clarify its circumstances, notify the assistance group that it has at least ten days to respond and state the consequences if the assistance group fails to respond.
- (b) When the assistance group fails to respond to the request or does respond but refuses to provide sufficient information to clarify its circumstances, the county agency shall remove the individual subject to the match and the individual's income from the assistance group and adjust benefits accordingly. The county agency shall issue a notice of adverse action in accordance with rules 5101:6-2-04 and 5101:6-2-05 of the Administrative Code.

(K) What are the timeframes in which the county agency must act on a change?

- (1) Changes in income: If an assistance group reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the county agency shall act on the change in accordance with paragraphs (K)(3) and (K)(4) of this rule.
- (2) Changes in medical expenses: During the certification period the county agency shall not act on changes in the medical expenses which it learns of from a source other than the assistance group and which, in order to take action, require the county agency to contact the assistance group for verification. The county agency shall only act on those changes in medical expenses that it learns about from a source other than the assistance group if those changes are verified upon receipt and do not necessitate contact with the assistance group.
- (3) Changes that increase benefits:
- For changes that result in an increase in benefits, the county agency shall make the change effective no later than the first allotment issued ten days after the date the change was reported to the county agency, unless reported after the twentieth of the month. In no event shall these changes take effect any later than the month following the month in which the change is reported. Therefore, when the change is reported after the twentieth of a month and it is too late for the county agency to adjust the following month's allotment, the county agency shall authorize supplemental benefits by the tenth calendar day of the following month, or the assistance group's normal issuance cycle in that month, whichever is later.
- (a) For example, an assistance group reporting a one hundred dollar decrease in income any time during May would have its June allotment increased. When the assistance group reports the change after the twentieth of May and it was too late for the county agency to adjust the allotment normally issued on June first, the county agency would authorize a supplement for the amount of the increase by June tenth.
- (b) Exception: An assistance group reporting the theft of income normally received during the month is not entitled to additional ~~food-assistance~~ SNAP benefits. It is the responsibility of the provider of the income to make whatever restitution that may be appropriate. The loss is not deducted from income to the assistance group nor is it counted as income when and/or if it is replaced.
- (4) Changes that decrease benefits:

If the assistance group's benefit level decreases or the assistance group becomes ineligible as a result of the change, the county agency shall issue a notice of adverse action within ten days of the date the change was reported unless one of the exceptions to the notice of adverse action in rule 5101:6-2-05 of the Administrative Code applies. When a notice of adverse action is used the decrease in the benefit level shall be made effective with the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exceptions of rule 5101:6-2-05 of the Administrative Code, the decrease shall be made effective no later than the month following the change.

(L) When should a county agency reinstate benefits without a new application?

The county agency shall reinstate an assistance group's benefits without a new application if the assistance group returns requested mandatory verifications or takes a required action within thirty days after the SNAP closure date. Benefits shall be prorated from the date the verifications are returned or the required action was taken, following the procedure set forth in rule 5101:4-4-27 of the Administrative Code. However, if the eligibility factor is met or the required action is taken in the last month of the certification period or outside of a certification period, benefits cannot be reinstated. The county agency shall require the assistance group to complete a ~~reapplication~~ recertification.

(M) What happens when a county agency discovers an assistance group failed to report a change?

If the county agency discovers that the assistance group failed to report a required change and, as a result, received benefits to which it was not entitled, the county agency shall file a claim against the assistance group as set forth in rule 5101:4-8-15 of the Administrative Code. If the discovery is made within the certification period, the assistance group is entitled to a notice of adverse action if its benefits are reduced or terminated. An assistance group shall not be held liable for a claim because of a change in assistance group circumstances which it is not required to report.

(N) What happens when a county agency learns that an assistance group has (or may have) moved?

(1) When the assistance group has or may have moved outside the county or county collaboration where it is currently participating, the county agency where the participant is currently participating shall follow the procedures described in rule 5101:4-7-01.1 of the Administrative Code.

(2) All other changes of residence shall be verified in accordance with this rule.

Effective: 9/1/2018

Five Year Review (FYR) Dates: 5/1/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 08/20/2018

Promulgated Under: 111.15

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FATL 346

Effective Date: May 1, 2015

This rule describes the procedures that a county agency must follow when it discovers that the county of residence for a food assistance assistance group has changed during the certification period.

(A) What is the transfer procedure when a food assistance assistance group reports a change in its county of residence?

- (1) When the information is reported to the county agency that serves the county where the recipient is currently participating, within twenty-four hours the county agency shall:
 - (a) Document the change within the case record and the date the change became known;
 - (b) Notify the county agency that serves the county in which the resident has moved to of the recipient's change in residence and any additional information reported by the recipient; and
 - (c) Transfer the case within the statewide automated eligibility system to the the county agency that serves the county in which the resident has moved.
- (2) When the information is reported to a county agency other than the one where the receiptent is currently participating, within twenty-four hours the county agency shall:
 - (a) Document the change within the case record and the date the change became known; and
 - (b) Notify the county agency where the assistance group is currently participating of the change in residence. Upon receiving the notification, the county agency where the assistance group is currently participating shall act in accordance with paragraph (A)(1) of this rule.

(B) What is the transfer procedure when a county agency obtains information that a food assistance assistance group has changed its county of residence, but the change cannot be readily verified?

- (1) When the county agency that obtained the information is also where the assistance group is currently participating, the county agency shall verify the potential change in circumstance in accordance with paragraph (J)(5) of rule **5101:4-7-01** of the Administrative Code.
- (2) When the county agency that obtained the information is not where the assistance group is currently participating, the county agency shall, within twenty-four hours of obtaining the information:
 - (a) Document the alleged change within the case record and the date the potential change became known; and
 - (b) Notify the county agency where the assistance group is currently participating of the potential change in residence. Upon receiving the notification, the county agency where the assistance group is currently participating shall verify the potential change in circumstance in accordance with paragraph (J)(5) of rule 5101:4-7-01 of the Administrative Code.

(C) What is the transfer procedure once a change in a food assistance assistance group's county of residence has been verified?

- (1) Within twenty-four hours of verifying the information, the county agency that verified the change shall cause the case to be transferred to the new county of residence in the statewide automated eligibility system.
- (2) When a case is transferred, the county agency where the assistance group is currently participating shall take all necessary steps within the statewide eligibility system to ensure that the case may be immediately acted upon by the receiving county agency.

(3) If potential changes in income, expenses, employment, or household composition as a result of the change in residence have not been verified, the county agency where the assistance group moved to shall verify the potential change in circumstance in accordance with paragraph (J)(5) of rule 5101:4-7-01 of the Administrative Code.

Effective: 05/01/2015

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Date: 04/20/2015

Promulgated Under: 111.15

Statutory Authority: 5101.54

Rule Amplifies: 329.04, 329.042, 5101.54, 329.40

FATL 349**Effective Date: June 1, 2015****Most Current Prior Effective Date: [September 1, 2009](#)**

~~Mass change: federal adjustments to eligibility standards, allotments, and deductions and state adjustments to utility standards.~~ What is a mass change?

~~Certain changes are~~ A mass change is initiated by the state or federal government which may affect the entire caseload or significant portions of the caseload. These changes include, but are not limited to, adjustments to the income eligibility standards, the shelter and dependent care deduction, the maximum food assistance allotment, and the standard deduction; annual and seasonal adjustments to the state's utility standards; periodic cost-of-living adjustments to retirement, survivors, and disability insurance (RSDI), supplemental security income (SSI), and other federal benefits; periodic adjustments to Ohio work first (OWF) or disability financial assistance (DFA) payments; and other changes in the eligibility and benefit criteria based on legislative or regulatory changes. Federal adjustments to the eligibility standards, allotments and deductions, and state adjustments to utility standard shall go into effect for all assistance groups (~~AGs~~) at a specific point in time. State annual adjustments of the utility standards shall go into effect for all affected ~~AGs~~ assistance groups at the same time.

(A) ~~Required notice~~ What are the notice requirements for a mass change?

County agencies shall publicize these mass changes through the news media, through posters in certification offices, issuance locations, or other sites frequented by certified ~~AGs~~ assistance groups, or through general notices mailed to ~~AGs~~ assistance groups. The county agency shall notify adversely affected ~~AGs~~ assistance groups of these mass changes in accordance with Chapter 5101:6-2 of the Administrative Code. In addition, any ~~AG~~ assistance group whose certification period overlaps an annual adjustment in the utility standard shall be advised at the time of initial certification of when the adjustment will occur and what the variation in the benefit level will be, if known.

(B) ~~Mass changes in public assistance (PA)~~ What are the requirements for mass changes on public assistance cases?

When the state agency makes an overall adjustment to ~~PA~~ public assistance payments, corresponding adjustments in the ~~AG's~~ assistance group's food assistance benefits shall be handled as a mass change.

(1) More than thirty days advance knowledge

When the county agency has at least thirty days advance knowledge of the amount of the ~~PA~~ public assistance adjustment, the county agency shall recompute food assistance benefits to be effective in the same month as the ~~PA~~ public assistance change.

(2) Less than thirty days advance knowledge

If the county agency does not have sufficient notice, the food assistance change shall be effective no later than the month following the month in which the ~~PA~~ public assistance change was made.

(C) ~~Mass changes in federal benefits~~ What are the requirements for mass changes in federal benefits?

The county agency shall establish procedures for making mass changes to reflect cost-of-living adjustments in benefits and any other mass changes under RSDI, SSI, and other programs such as veterans' assistance under Title 38 of the United States Code, ~~(1/2007)~~ (3/2011) and the black lung program, where information on cost-of-living adjustments is readily available and is applicable to all or a majority of those programs' beneficiaries.

(D) ~~AGs on change reporting~~ What is an assistance group's responsibility for reporting a change made in accordance with this rule?

~~AGs~~ Assistance groups shall not be responsible for reporting these changes. The county agency shall be responsible for automatically adjusting an ~~AG's~~ assistance group's food assistance benefit level. These changes shall be reflected no later than the second allotment issued after the month in which the change becomes effective.

Effective: 06/01/2015

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FATL 389

Effective Date: September 1, 2018

Most Current Prior Effective Date: October 1, 2015

(A) What is the recertification process?

- (1) In accordance with rule 5101:4-5-03 of the Administrative Code, all~~All food assistance supplemental nutrition assistance program (SNAP)~~ assistance groups are assigned a certification period for which they are eligible. An assistance group may not participate beyond the expiration of its assigned certification period without a determination of eligibility for a new period. Assistance groups must apply for recertification and comply with interview and verification requirements.
- (2) The county agency ~~must~~shall collect sufficient information and necessary verifications to ensure an accurate determination of eligibility and benefits as described in rule 5101:4-2-09 of the Administrative Code.
- (3) The recertification process ~~can~~shall only be utilized for ~~those~~an assistance group ~~groups~~ ~~which that applies~~ apply for recertification prior to the end of ~~their~~its current certification period, except for delayed applications as specified in paragraphs (H)(5) and (H)(6) of this rule.
- (4) The county agency shall not recertify an assistance group without a signed application for recertification.

(B) How is ~~a recipient~~an assistance group notified it is time for a recertification?

- (1) The county agency shall provide an assistance ~~groups~~group certified for expedited benefits a notice of expiration at the time of certification.
- (2) All other certified assistance groups shall receive the statewide automated eligibility system generated notice of expiration before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month.
- ~~(3) Jointly processed Ohio works first (OWF) or disability financial assistance (DFA) assistance groups should not receive a separate appointment notice if they are recertified for food assistance benefits at the same time as their OWF or DFA reapplication.~~

(C) What ~~must~~shall the assistance group provide to the county agency in order to establish an application date for recertification?

- (1) When the assistance group indicates that it wishes to establish a filing date for its recertification prior to its interview, the assistance group shall be provided a JFS 07200, "Request for Cash, Food, and Medical Assistance" (rev. ~~9/2014~~10/2016) or JFS 07204, "~~Request~~Application to Reapply for Cash and/or Food Assistance" (rev. ~~1/2019~~2018) and instructions to complete and submit the form. The assistance group shall be advised that the date of application for recertification will be established when the form is submitted with a name, address, and signature.
- (2) The assistance group shall file an application for recertification using the JFS 07200, the JFS 07204, the electronic equivalent of the JFS 07200 or JFS 07204, or the telephonic equivalent of the JFS 07200 or JFS 07204.
- (3) The assistance group shall be advised that the date of application will be established when the application is submitted with the minimum requirements of name, address, and signature as described in rule 5101:4-2-01 of the Administrative Code. When the application is received after the business hours of the county agency, the date of application shall be the next business day.
- ~~(2)~~(4) When an interactive interview is not conducted, the county agency shall complete the JFS 01846 "Case Worksheet: Cash, Food Stamps and Medical Assistance Interview" (rev. 5/2005).

~~(3)~~(5) When an interactive interview is conducted, and neither a JFS 07200 or JFS 01846 were completed ~~and signed by an assistance group member or authorized representative~~, the application date is established when the JFS 07204 contains an address, a signature from an assistance group member or its authorized representative, and is received by the county agency.

(D) Is an interview required at the time of recertification?

(1) As part of the recertification process, the county agency ~~must~~shall conduct an interview with a member of the assistance group or its authorized representative ~~at least once every twelve months for assistance groups certified for twelve months or less~~. The standard interview practices in rule 5101:4-2-07 of the Administrative Code also apply to interviews for recertification.

~~The interview can be conducted:~~

~~(a) Face-to-face: when a face-to-face interactive interview is conducted the assistance group's application form is the JFS 07204, provided that a JFS 07200 or JFS 01846 was not previously completed and signed by an assistance group member or authorized representative. The application date is established when the JFS 07204 contains an address and a signature from an assistance group member or its authorized representative.~~

~~The county agency shall provide the assistance group with the JFS 07501, "Program Enrollment and Benefit Information" (rev. 11/2014) form as provided in rule 5101:4-2-01 of the Administrative Code. The county agency must also notify the assistance group of the date the verification requirements must be received. The assistance group must be allowed a minimum of ten days to provide required verification information.~~

~~(b) Telephone: when a telephone interactive interview is conducted the assistance group's application form is the JFS 07204 provided that a JFS 07200 or JFS 01846 was not previously completed and signed by an assistance group member or authorized representative. The application date is established when the agency receives the JFS 07204 with a name, address, and a signature from an assistance group member or its authorized representative.~~

~~The county agency shall provide the assistance group with the JFS 07501 form as provided in rule 5101:4-2-01 of the Administrative Code. The county agency must also notify the assistance group of the date the verification requirements must be received. The assistance group must be allowed a minimum of ten days to provide required verification information.~~

~~Telephone interviews may be conducted in lieu of a face-to-face interview unless the agency has determined the assistance group's situation requires a face-to-face interview or the assistance group requests a face-to-face interview.~~

(2) The county agency shall conduct a face-to-face interview or the telephonic equivalent. Telephone interviews may be conducted in lieu of a face-to-face interview unless the agency has determined the assistance group's situation requires a face-to-face interview or the assistance group requests a face-to-face interview. The county agency shall grant a telephone interview to any assistance group that requests one.

(3) Upon request, the county agency shall provide the assistance group with the JFS 07501, "Program Enrollment and Benefit Information" (rev. 4/2018) . The county agency shall also notify the assistance group of the date the verifications must be received. The assistance group shall be allowed a minimum of ten days to provide required verification information.

~~(2)~~(4) For elderly or disabled assistance groups certified for twenty-four months, the county agency must have at least one contact with each elderly/disabled assistance group every twelve months. The JFS 07221 "Cash and Food Assistance Interim Report" (rev. ~~10/2014~~11/2016)

~~form~~ and the JFS 07223 "Cash and Food Assistance Interim Report Reminder Notice" (9/2018) forms will serve as the contact.

~~(3)~~(5) County agencies shall schedule interviews so that the assistance group has at least ten days after the interview in which to provide verification before the certification period expires. ~~If~~When an assistance group misses its scheduled interview, the county agency shall send the assistance group a JFS 04218, "Notice Of Missed Interview" (rev. ~~9/2011~~11/2016). ~~If~~When an assistance group misses its scheduled interview and requests another interview, the county agency shall schedule a second interview as described in rule 5101:4-2-07 of the Administrative Code.

(E) What ~~must~~shall be verified at recertification?

- (1) Information provided by the assistance group shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.
- (2) Any assistance group whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within five working days after the assistance group submits the missing verification. Benefits ~~cannot~~shall not be prorated.

(F) When is an application for recertification considered timely?

- (1) ~~An assistance group~~Assistance groups certified for expedited benefits shall have fifteen days from the date the notice of expiration is received to file ~~a~~for recertification timely ~~reapplication~~.
- (2) Assistance groups, except those certified for expedited benefits, ~~which~~that submit an application for recertification by the fifteenth day of the last month of the certification period shall be considered to have made a timely application for recertification.
- (3) For assistance groups consisting of applicants or recipients of supplemental security income (SSI) which apply for ~~food assistance~~SNAP recertification at the social security administration (SSA) office, ~~a reapplication~~the application shall be considered filed for normal processing purposes when the signed application is received by the SSA by the fifteenth day of the last month of the ~~recertification~~certification period.

(G) What are the processing timeframes for timely recertifications?

- (1) Assistance groups that were certified for expedited benefits and have met all required application procedures shall be notified of their eligibility or ineligibility within twenty-four hours or seven days depending on the expedited service they qualify for as described in rule 5101:4-6-09 of the Administrative Code.
- (2) Assistance groups certified under normal processing standards shall be provided an opportunity to participate by the assistance group's normal issuance cycle in the month following the end of its current certification period and shall be notified of their eligibility or ineligibility by the end of their current certification period.
- ~~(3) Other assistance groups that have met all reapplication requirements shall be notified of their eligibility or ineligibility by the end of their current certification period.~~

(H) What is delayed processing?

- (1) When an eligible assistance group files an application before the end of the certification period, but the recertification process cannot be completed within thirty days after the date of the application because of the county agency, the county agency must continue to process the case and provide a full month's allotment for the first month of the new certification period.
- (2) When an assistance group files an application before the end of the certification period, but fails to take a required action, the county agency may deny the case at that time, at the end of the certification period, or at the end of thirty days. Although the county agency may have the right to issue a denial prior to the end of the certification period, the assistance group has thirty days

after the end of the certification period to complete the process and have its application treated as an application for recertification.

- (3) When the assistance group takes the required action before the end of the certification period, the county agency ~~must~~shall reopen the case and provide a full month's benefit for the initial month of the new certification period.
 - (4) When the assistance group takes the required action after the end of the certification period, but within thirty days after the end of the certification period, the county agency shall reopen the case and provide retroactive benefits to the date the assistance group took the required action.
 - (5) When an assistance group files an application within thirty days after the end of the certification period, the application shall be considered an application for recertification; however, benefits ~~must~~shall be prorated in accordance with rule 5101:4-4-27 of the Administrative Code and the application shall be processed within timeframes for processing initial applications as described in paragraph (J) of rule 5101:4-2-01 of the Administrative Code.
 - (6) When an assistance group's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the county agency, the county agency shall provide restored benefits back to the date the assistance group's certification period should have begun.
 - (7) The county agency shall determine cause for any delay in processing ~~a reapplication~~an application for recertification in accordance with the provisions of rule 5101:4-5-07 of the Administrative Code.
- (I) Do the expedited service provisions apply at recertification?
- (1) The expedited service provisions of rule 5101:4-6-09 of the Administrative Code are not applicable when the assistance group applies for recertification before the end of its current certification period.
 - (2) When ~~there is a break between the end of the assistance group's certification period and~~ the date ~~the assistance group completes an~~of application for recertification is after the certification period has expired, the assistance group may be entitled to expedited services if the assistance group's circumstances fall within the expedited criteria in accordance with rule 5101:4-6-09 of the Administrative Code.

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FATL 358

Effective Date: February 1, 2016

Most Current Prior Effective Date: [February 1, 2011](#)

(A) What is the new hire reporting program?

Pursuant to section [3121.891](#) of the Revised Code, all employers are required to provide information to the Ohio department of job and family services (ODJFS) about employees who are newly hired, ~~rehired~~, or a contractor of a person who resides, works, or will be assigned to work in this state to ~~whom the employer anticipates paying compensation who have returned to work within twenty days from the date of hire~~. A newly hired employee means an employee who has not previously been employed by the employer; or was previously employed by the employer, but has been separated from such prior employment for at least sixty consecutive day ~~This requirement was mandated under the Personal Responsibility and Work Opportunity Reconciliation Act, Pub. L. 104-193, 1996, according to the requirements of 42 U.S.C. 653a (2012).~~

(B) How is the new hire information used?

~~Pursuant to section 3121.898 of the Revised Code, the county agency shall use new hire information to ensure all employment information has been reported, verified, and used appropriately when determining food assistance benefits. Alerts are generated in the client registry information system enhanced (CRIS-E) when there is a match with new hire information.~~

(1) In accordance with section [3121.898](#) of the Revised Code, the county agency shall use the state directory of new hires information to ensure all employment information has been reported, verified, and used appropriately when determining supplemental nutrition assistance program (SNAP) benefits. Alerts are generated in the statewide automated eligibility system when there is a match with new hire information.

(2) In accordance with 7 U.S.C. 2020(e)(24) (2/2014), the county agency shall use the national directory of new hires information to ensure all employment information has been reported, verified, and used appropriately when determining eligibility for SNAP benefits at certification and recertification. Alerts are generated in the statewide automated eligibility system when there is a match with national new hire information.

(C) What is the county agency's responsibility when a new hire alert is received?

(1) Immediately upon receipt of a new hire alert, but no later than three working days, the county agency must make telephone contact with the assistance group. The information obtained as a result of the telephone contact shall include, but not be limited to, the following:

- (a) Hourly rate of pay;
- (b) Hours worked per week;
- (c) Correct mailing address of the employer.

(2) If the assistance group does not have a telephone or cannot be immediately reached, the [JFS 04219](#) "Request for Contact Important Notice" (rev. 4/2010) or the ~~CRIS-E~~ system equivalent shall be sent within three working days.

(3) All information reported by the client shall be immediately followed up with a request for hard copy verification (e.g., pay stubs, employment verification form). If the assistance group is having trouble obtaining the verification, the best available documentation may be acceptable (e.g. third party statement, call to the employer, or client statement).

(4) Information reported by client statement shall be used in determining eligibility for ~~food~~ assistance SNAP benefits until the employer verification can be obtained.

Five Year Review (FYR) Dates: 10/28/2015 and 02/01/2021

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Prior Effective Dates: 8/1/98, 5/11/02, 12/8/05, 2/10/11

FATL 380**Effective Date: August 1, 2017****Most Current Prior Effective Date: March 1, 2017**

(A) What is the state income and eligibility verification system (IEVS) match?

An IEVS match is wage and benefit information that has been requested by the Ohio department of job and family services (ODJFS) or county agencies. Through IEVS, ODJFS and county agencies can request income, resource, and benefit information from the agencies identified in paragraph (B) of this rule. This information can then be maintained and used in verifying eligibility and in determining the amount of benefits. IEVS information shall be requested and used with respect to all assistance group members. This includes ineligible assistance group members as set forth in rule 5101:4-6-13 of the Administrative Code, whenever the social security numbers (SSNs) of such ineligible assistance group members are available to the county agency.

(B) What benefit information is collected through IEVS and what agency is it from?

- (1) Wage information is obtained from the state wage information collection agency (SWICA);
- (2) Income from self-employment, wages, federal retirement, and survivors, disability, supplement security income (SSI), and related benefit information maintained by the social security administration (SSA). Employers provide wage and retirement information to the SSA on an annual basis. The SSA makes this information available pursuant to Section 6103 (l)(7)(A) of the Internal Revenue Service (IRS) Code of 1954.
 - (a) Twice a month ODJFS transmits a request through the SSA's benefit earnings exchange record for all medicaid, Ohio works first (OWF), and supplemental nutrition assistance program applicants and assistance group members. Whenever information is added to the file, it is matched against all other data in the file. The SSA processes the benefit earnings exchange record request twice a month and returns the matched file information to ODJFS for review.
 - (b) The benefit earnings exchange record match includes out-of-state employers, federal employers and beneficiary and earnings data exchange (BENDEX) wage information. This information is expected to duplicate most of the information provided by SWICA. However, the federal wage records match includes employers who do not report to SWICA. Matches from this source will be displayed to the county agency as soon as they are received and are to be considered as a lead that shall be verified in accordance with paragraph (E) of this rule before benefits may be affected.
 - (c) The ODJFS state verification and exchange system (SVES) provides an electronic interface with the SSA. The interface allows the transfer of social security and SSI benefit information from the SSA.
- (3) Unearned income information is obtained from the IRS and is available pursuant to Section 6103 (l)(7)(B) of the IRS Code of 1954; and
- (4) The office of unemployment compensation within ODJFS provides claim information about unemployment benefits, and any information in addition that is useful for verifying eligibility and benefits, subject to the provisions and limitations of Section 303 (d) of the Social Security Act of 1935.

(C) What are data exchange agreements?

Data exchange agreements shall specify the information to be exchanged and the procedures that will be used to exchange the information. Policy regarding data exchange agreements is the responsibility of the office of fiscal and monitoring services within ODJFS. ODJFS maintains data exchange agreements with the agencies listed in paragraph (B) of this rule in order to exchange information with other agencies.

(D) Under what programs can ODJFS and county agencies exchange IEVS information?

ODJFS and the county agency may exchange IEVS information with other state agencies when it is determined that the information is being used for the same program determinations that include:

- (1) Temporary assistance for needy families;
- (2) Medicaid;
- (3) Unemployment compensation;
- (4) supplemental nutrition assistance program;
- (5) Any state program administered under a plan approved under title I, X, or XIV adult categories, or title XVI of the Social Security Act of 1935; and
- (6) Agencies administering the child support program (title IV-D of the Social Security Act) and titles II (federal old age, survivors, and disability insurance benefits) and title XVI (SSI for the aged, blind and disabled of the Social Security Act of 1935.)

(E) What should county agencies do when IEVS information is received?

(1) Information verified upon receipt includes:

- (a) The county agency shall send proper notices to the assistance group to terminate, deny, or reduce benefits based on information obtained through IEVS that is considered verified upon receipt. Information considered verified upon receipt includes:
 - (i) Social security and SSI benefit information obtained from SSA; and
 - (ii) Unemployment compensation benefit information.
- (b) When the information in IEVS is obtained about a particular assistance group and is questionable, the information shall be considered unverified and the county agency shall take action as specified in paragraph (E)(2) of this rule.

(2) Information unverified upon receipt:

Prior to taking action to terminate, deny, or reduce benefits based on information obtained through IEVS that is considered unverified upon receipt, county agencies shall independently verify the information. Information considered unverified upon receipt includes:

- (a) IRS information; and
- (b) Wage information from SSA or SWICA.

(3) What is considered independent verification of unverified information and how does the county agency obtain it?

- (a) Independent verification shall include verification of the amount of the asset or income involved, whether the assistance group actually has or had access to such asset or income and the period during which access occurred. When a county agency has information that indicates that independent verification is not needed, such verification is not required. Unearned income from IRS is the exception to this policy.
- (b) The county agency shall obtain independent verification of unverified information obtained from IEVS by contacting the assistance group or the appropriate source of the income, resource or benefit. When the county agency chooses to contact the assistance group, it shall do so in writing, informing them of the information that has been received, and requesting the assistance group to respond within ten days. When the assistance group fails to respond within ten days of the request, the county agency shall send a notice of adverse action as specified in Chapter 5101:6-2 of the Administrative Code. The county agency may contact the appropriate source by the means best suited to the situation. When the assistance group or appropriate source provides the independent verification, the county agency shall properly notify the assistance group of the action it

intends to take and provide the assistance group an opportunity to request a state hearing prior to any adverse action.

(F) What actions shall be taken when data exchange information is received?

When information is received as a result of data exchange agreements, county agencies shall initiate and pursue action on the assistance groups. The following should occur:

- (1) Review of the information and comparison of it to case record information;
- (2) For all new or previously unverified information received, contact the assistance groups and/or collateral contacts to resolve discrepancies as specified in rule 5101:4-2-09 of the Administrative Code and paragraphs (E)(1) and (E)(2) of this rule; and
- (3) When discrepancies warrant reducing benefits or terminating eligibility, send notices of adverse action.
- (4) County agencies shall initiate, pursue and complete the actions specified in this paragraph within ~~ninety days~~ forty-five days from receipt of the information. Actions may be completed later than ~~ninety days~~ forty-five days from the match when the only reason the actions cannot be completed is the non-receipt of verification requests from the collateral contacts and the actions are completed as specified in rule 5101:4-7-01 of the Administrative Code. The results of these actions should be documented on the compliance tracking screens in the statewide automated eligibility system.
- (5) When an overpayment is determined, county agencies shall establish and take actions on claims as specified in Chapter 5101:4-8 of the Administrative Code.

(G) What are the appropriate uses for data received through IEVS?

- (1) County agencies shall use information obtained through IEVS to:
 - (a) Verify an assistance group's eligibility;
 - (b) Verify the proper amount of benefits;
 - (c) Investigate to determine whether participating assistance groups received benefits to which they were not entitled; and
 - (d) Obtain information that can be used in conducting criminal or civil prosecutions based on receipt of supplemental nutrition assistance program benefits to which participating assistance groups were not entitled.
- (2) ODJFS may continue to use income information from an alternate source or sources to meet the requirements specified in this rule.

(H) What are the timeframes for the county agencies to request and process the IEVS data?

- (1) Information shall be requested at the next available opportunity after the date of application even when the applicant assistance group has been determined eligible by that time.
- (2) Information about members of applicant assistance groups who cannot provide SSNs at application shall be requested at the next available opportunity after the county agency is notified of their SSNs.
- (3) Information received within the thirty-day application period shall be used to determine the assistance group's eligibility and benefits. However, county agencies shall make eligibility and benefit determinations without waiting for receipt of IEVS data to comply with the promptness standard of rule 5101:4-2-11 of the Administrative Code.
- (4) Information received from a source after an eligibility determination has been made shall be used as specified in paragraph (E) of this rule.

(I) When is IEVS information received and is it considered verified upon receipt?

- (1) SWICA data - Ohio employers report earnings information to SWICA quarterly. Older information may be available for new applicants. State wage information is generally more

current than federal wage information. None of the information is considered verified upon receipt.

- (2) IRS - IRS information is a year old upon receipt and is considered unverified. The information is based on 1099 data sent to the IRS.
- (3) Unemployment - this information is reported weekly as the payments are rendered to recipients and the information is considered verified upon receipt.
- (4) BENDEX information matches may be eighteen months old or older due to the reporting requirements for employers and the time needed for SSA to process the information. There is a lag time from the source to the reporting agency to ODJFS. Only the year of employment can be determined from the match. None of the information is considered verified upon receipt. Only by supplementing correct matches with employer verification can a determination be made of earnings received during an active certification period. This information may be a lead to current employment and should be used to check past eligibility.

(J) Is there a requirement to safeguard matches with federal tax information?

- (1) Matches containing federal tax information are confidential. County agencies shall ensure that the information is safeguarded as required in rule 5101:4-1-13 of the Administrative Code. The data shall be stored in an area that is physically safe from access by unauthorized individuals and the information cannot be commingled with the rest of the case record.
- (2) Records destruction is addressed in rule 5101:9-9-21 of the Administrative Code. Division 5101:9 of the Administrative Code addresses access and safeguarding provisions for systems data.
- (3) IRS, SSA and the United States department of agriculture (USDA) food and nutrition service (FNS) shall be permitted to make on site inspections to ensure that adequate safeguards are being maintained and that proper procedures are followed.

(K) What is considered proper disclosure of the IEVS data?

The IEVS match information shall only be disclosed in accordance with rule 5101:4-1-13 of the Administrative Code and used as discussed in paragraph (G) of this rule.

(L) Is a record of disclosure required when IEVS information is released?

IRS and SSA require ODJFS and county agencies to keep a record of any disclosure of federal tax information, including SSA match information, to any person or agency who is not an employee of ODJFS or the county agency. In accordance with rule 5101:9-9-21.1 of the Administrative Code, the record of the disclosure shall be retained in the case file for five years or the active life of the application, whichever is longer. In addition, the county agency shall record all disclosures in its central file of BENDEX. The record of disclosure shall contain:

- (1) A description of the information disclosed;
- (2) The date of the disclosure;
- (3) The identity of the persons or agencies to whom the information was disclosed; and
- (4) The purpose of the disclosure.

(M) Is there a penalty for improper disclosure of information?

Rule 5101:9-9-25 of the Administrative Code describes employee awareness requirements for unauthorized disclosure of IEVS and federal tax return information.

(N) Is it possible to receive a match error?

The validity of the IEVS match information is dependent upon the accuracy of the SSN supplied, the SSN contained in SSA's earnings file, and IRS's file. The accuracy of the SSN supplied by ODJFS is dependent upon the accuracy of the number provided by the county agency. SSA accuracy is dependent upon the accuracy of the reporting employer and the employee who supplies the SSN. Accuracy of the IRS information is dependent on the institution providing the information. An error from

any one of these financial sources may cause the IEVS match to attribute earnings, benefits, or resources to an assistance group member that belongs to another person. Therefore, the county agency shall determine the match is valid prior to taking any action on benefits.

(O) How is an error in the data match detected?

When the name of the applicant or recipient is different than the name on the match, the match may be an error or it may be an indication of an intentional program violation. The agency worker shall make this decision based upon all of the information from the appropriate match source and the case file. The following are examples of possible reasons for conflicting information:

- (1) At times the surnames do not match, but the given names match or are similar. Sometimes a maiden name is used for one activity and a married name for the other.
- (2) The name and address of the employer may also give an indication about whether a discrepancy is a match error. For example, when the address of the employer is out of state it may indicate that the match is in error. However, because this could indicate the corporate office of a local business, this information should not be considered conclusive.

(P) How is an SSN validated?

Since an incorrect SSN that is undetected could cause incorrect overpayment charges, the county agency shall review the case file to determine how the number was verified at the time it was obtained. When there is no copy of the social security card in the case file, the county agency shall request the assistance group to provide it at that time. When the assistance group member no longer has the card, the county agency shall complete an JFS 07355 "Notice of Application for a Social Security Number" (rev. 4/2001) in order to verify the SSN with SSA files. The requirement to verify the SSN is the responsibility of the county agency, not the assistance group. All SSNs within IEVS are verified through SSA. The county agency may also complete the title II and title XVI SSA benefit information and SSN verification screen (SVRQ) in the statewide automated eligibility system to verify the SSN.

(Q) Is a match verification of earnings, dividends, or benefits?

An IEVS match is not verification of earnings, dividends, or benefits. It is only an indication that an assistance group member may have had income while receiving supplemental nutrition assistance program or that an assistance group member may have withheld income information. The match is an opportunity for the county agency to confirm an assistance group's previous statement. When there appears to have been unreported income, the county agency shall obtain actual verification from a third party to check previous eligibility.

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FATL 386**Effective Date: September 1, 2018****Most Current Prior Effective Date: June 1, 2013**

County agencies shall provide replacement issuances to an assistance group when the assistance group reports that food purchased with ~~food assistance~~ supplemental nutrition assistance program (SNAP) benefits was destroyed in an assistance group's misfortune. Lost or stolen benefits cannot be replaced.

(A) How is a replacement requested?

- (1) Prior to issuing a replacement, the county agency shall obtain a signed JFS 07222, "Statement Requesting Replacement of ~~Food Assistance~~ Supplemental Nutrition Assistance Program (SNAP) Benefits," (~~rev. 03/10~~) (rev. 10/2016) from a member of the assistance group or authorized representative attesting to the assistance group's loss.
- (2) The JFS 07222 may be mailed to the county agency if the assistance group member is unable to come into the office because of age, handicap or distance from the office and is unable to appoint an authorized representative.

(B) What are the time limit requirements for requesting and issuing replacement benefits?

- (1) Replacement issuances shall be provided only ~~if~~ when an assistance group timely reports a loss orally or in writing. The report will be considered timely if it is made to the county agency within ten days of the date food purchased with ~~food assistance~~ SNAP benefits was destroyed in an assistance group misfortune.
- (2) Prior to issuing a replacement a JFS 07222 must be received. The JFS 07222 must be received within ten days of the date the misfortune was reported.
- (3) Replacement issuances shall be provided to an assistance group within ten days after a loss is reported or within two working days of receiving the signed JFS 07222, whichever date is later.
- (4) ~~If~~ When the signed JFS 07222 is not received by the county agency within ten days of the date of reporting the misfortune, no replacement shall be made. If the tenth day falls on a weekend or holiday, and the JFS 07222 is received the day after the weekend or holiday, the county agency shall consider the JFS 07222 received timely. If the JFS 07222 is received more than ten days after the date of the report, a JFS 07235, "Action Taken on Your Request for Replacement of Food Assistance-Benefits," (rev. ~~12/12~~ 12/2012) or its computer-generated equivalent in accordance with Chapter 5101:6-2 of the Administrative Code denying the replacement shall be issued within two working days.
- (5) The county agency shall deny or delay replacement issuances in cases in which available documentation indicates that the assistance group's request for replacement appears to be fraudulent.

(C) What are the replacement restrictions?

- (1) There shall be no limit on the number of replacements of food purchased with ~~food assistance~~ SNAP benefits ~~which~~ that was destroyed in an assistance group misfortune.
- (2) When a federal disaster declaration has been issued and the assistance group is eligible for disaster ~~food assistance~~ SNAP benefits under the provisions of 7 ~~CFR~~ C.F.R. 280 (~~12/5/05~~ 12/2005), the assistance group shall not receive both the disaster allotment and a replacement allotment for the misfortune.
- (3) Replacement issuances shall be provided in the amount of the loss to the assistance group, up to a maximum of one month's allotment.

(D) How is assistance group misfortune verified?

Upon receiving a request for replacement the county agency shall determine:

- (1) If the issuance was validly issued for the month in which the disaster occurred; and
 - (2) That the destruction occurred in an assistance group misfortune or disaster, such as, but not limited to, a fire or flood. This shall be verified through a collateral contact ~~which~~ that may include but is not limited to: documentation from the fire department, red cross, a utility company or a home visit.
- (E) Is there a requirement to track replacements?
- (1) The county agency shall document in the assistance group's case file each request for replacement, the date, the reason, and whether or not the replacement was provided. This information may be recorded exclusively on the JFS 07222 required in paragraph (A) of this rule.
 - (2) The county agency shall maintain, in readily-identifiable form, a record of the replacements granted to the assistance group, the reason, and the month. The record may be a case action sheet maintained in the case file, notations on the master issuance file, if readily accessible, or a document maintained solely for this purpose.
- (F) Are there hearing rights on replacements?
- The assistance group shall be informed of its right to a fair hearing to contest a denial or delay of a replacement issuance in accordance with Chapter 5101:6-2 of the Administrative Code. Replacements shall not be made while the denial or delay is being appealed.
- (G) What is the process for intercounty replacements?
- ~~If~~ When an assistance group that has recently moved from one county to another requests a replacement of benefits or food destroyed in a misfortune, both county agencies shall cooperate in determining whether replacement is appropriate. If it is determined a replacement issuance is appropriate, the county of current residence shall issue the replacement.
- (H) What is the process if there is presidential disaster declaration?
- ~~If~~ When there is a ~~federal~~ presidential disaster declaration, ~~we would follow our state~~ the Ohio disaster SNAP plan ~~set forth under~~ developed in accordance with 7 ~~CFR~~ C.F.R. 280 is utilized.

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FATL 349**Effective Date: June 1, 2015****Most Current Prior Effective Date: [September 1, 2009](#)**

This rule sets forth the procedures to be followed if the secretary of the United States department of agriculture (USDA) mandates a reduction, suspension or a cancellation of monthly food assistance allotments in order to stay within federal appropriations pursuant to section 18 of the Food and Nutrition Act of 2008. Actions to comply with section 18 of the Food and Nutrition Act of 2008, may be a suspension or cancellation of allotments for one or more months, a reduction in allotment levels for one or more months or a combination of these three actions. If a reduction in allotments is deemed necessary, allotments shall be reduced by reducing maximum food assistance allotment amounts for each assistance group (~~AG~~) size by the same percentage.

(A) ~~General provisions applicable to reductions, suspensions, or cancellations~~ What are the requirements applicable to reductions, suspensions or cancellations?

The provisions in this rule are applicable to all three of the above cost-saving measures. Also, once these provisions are put into effect, they supersede and override other analogous rules used during the program's normal operation.

(1) Notification ~~of eligible AGs~~

Reductions, suspensions, and cancellations of allotments shall be considered to be federal adjustments to allotments. As such, state and county agencies shall notify ~~AGs~~ assistance groups of reductions, suspensions, and cancellations of allotments in accordance with the notice provisions of rule [5101:4-7-03](#) of the Administrative Code, except that county agencies shall not provide individual notices of adverse action to ~~AGs~~ assistance groups affected by reductions, suspensions, or cancellations of allotments.

(2) Fair hearings

Any ~~AG~~ assistance group that has its allotment reduced, suspended, or cancelled as a result of an order issued by food and nutrition service (FNS) may request a fair hearing if it disagrees with the action, subject to the following conditions:

(a) Benefit level computed incorrectly

The Ohio department of job and family services (ODJFS) shall not be required to hold fair hearings unless the request for a fair hearing is based on an ~~AG's~~ assistance group's belief that its benefit level was computed incorrectly under these rules or that the rules were misapplied or misinterpreted. ODJFS shall be allowed to deny fair hearings to those ~~AGs~~ assistance groups who are merely disputing the fact a reduction, suspension, or cancellation was ordered.

(b) No continuation of benefits

Since the reduction, suspension, or cancellation would be necessary to avoid an expenditure of funds beyond those appropriated by congress, ~~AGs~~ assistance groups do not have a right to a continuation of benefits pending the fair hearing.

(c) Restored benefits

An ~~AG~~ assistance group may receive restored benefits in an appropriate amount if it is determined its benefits were reduced by more than the amount by which the county agency was directed to reduce benefits.

(3) Points and hours of certification and issuance services

In months the issuance of benefits has been suspended or cancelled, county agencies shall determine what types of issuance services to make available, where they should be located, and when they should be available. County agencies' determinations should be based on the

schedule and volume of issuance in the affected month and on the variables affecting the provision of issuance services.

(4) Application processing

Determinations of the eligibility of applicant AGs assistance groups shall not be affected by reductions, suspensions, or cancellations of allotments. County agencies shall accept and process applications during a month(s) in which a reduction, suspension, or cancellation is in effect.

(a) Eligibility determinations during reductions

If an applicant is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated by reducing the normal maximum food assistance allotment amount for the AG assistance group size by the reduction percentage that was ordered, and then deducting thirty per cent of the AG's assistance group's net food assistance income from the reduced maximum food assistance allotment amount.

(b) Eligibility determinations during suspensions or cancellations

If an applicant is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the applicant until issuance is again authorized by FNS.

(5) Expedited service

AGs Assistance groups eligible to receive expedited service shall have their cases processed as follows:

(a) Reductions

AGs Assistance groups eligible for expedited service will be issued reduced benefit amounts and will have their cases processed in accordance with rule [5101:4-6-09](#) of the Administrative Code.

(b) Suspensions

Those AGs assistance groups eligible to receive expedited service in months in which suspensions are in effect and determined to be eligible shall have benefits issued to them in accordance with rule 5101:4-6-09 of the Administrative Code. However, if the suspension is still in effect at the time issuance is to be made, the issuances shall be suspended until the suspension is ended.

(c) Cancellations

AGs Assistance groups eligible to receive expedited service who apply for program benefits during months in which cancellations are in effect shall receive expedited service. AGs Assistance groups with zero net income shall have their benefits determined within twenty-four hours, or if mitigating circumstances occur, within seventy-two hours. However, the deadline for completing the processing of other expedited AGs assistance groups shall be five calendar days or the end of the month of application, whichever is later. All other rules pertaining to expedited service shall be applicable to these cases.

(6) Reapplications

The reduction, suspension, or cancellation of allotments in a given month shall have no effect on the certification periods assigned to AGs assistance groups. Those participating AGs assistance groups whose certification periods expire during a month in which allotments have been reduced, suspended, or cancelled shall be recertified. AGs Assistance groups found eligible to participate during a month in which allotments have been reduced, suspended, or cancelled shall have certification periods assigned.

(7) Restoration of benefits

AGs Assistance groups whose allotments are reduced or cancelled as a result of the enactment of these procedures are not entitled to the restoration of lost benefits at a future date. However, if there is a surplus of funds as a result of the reduction or cancellation, FNS shall direct state agencies to provide affected **AGs** assistance groups with restored benefits unless the USDA determines that the amount of surplus funds is too small to make this practicable. County agencies must still keep a record of all benefits to be restored during these periods so that in the event FNS directs the restoration of benefits, such benefits are issued promptly.

(8) Ninety per cent rule

In the event of a suspension or cancellation, or a reduction exceeding ninety per cent of the affected month's projected issuance, all **AGs** assistance groups, including one- and two-person **AGs** assistance groups, shall have their benefits suspended, cancelled, or reduced by the percentage specified by FNS.

(9) Penalties

Notwithstanding any other provision of this rule, FNS may take one or more of the following actions against a county agency failing to comply with a directive to reduce, suspend, or cancel allotments in a particular month.

- (a) If FNS and ODJFS ascertain that a county agency does not plan to comply with a directive to reduce, suspend, or cancel allotments for a particular month, a warning will be issued advising the county agency that if it does not comply, ODJFS may cancel a share of the county agency's administrative costs for the affected month(s). If, after receiving such a warning, a county agency does not comply with a directive to reduce, suspend, or cancel allotments, ODJFS may cancel a share of the county agency's administrative costs for the affected month(s).
- (b) After warning a county agency, if ODJFS ascertains that the county agency does not plan to comply with a directive to reduce, suspend, or cancel allotments, a court injunction may be sought to compel compliance.
- (c) If a county agency fails to reduce, suspend, or cancel allotments as directed, FNS will bill the state agency for all resulting overpayments. If a state agency fails to remit the billed amount to FNS within a prescribed period of time, the funds will be recovered through offsets against the federal share of the state agency's administrative costs, or any other means available under law. The state, in turn, will demand repayment of these funds from the affected county(s).

(B) **Reductions** How are reductions processed?

If a decision is made to reduce monthly food assistance allotments, ODJFS shall notify county agencies of the date the reduction is to take effect and by what percentage maximum food assistance allotment amounts are to be reduced.

(1) Reduction method

Revised allotment tables showing the reduced amounts will be distributed to county agencies if such tables are available in a timely manner from FNS. However, if the reduction must be done manually, the procedure illustrated in paragraph (B)(2) of this rule must be followed.

(2) Manual reduction procedure

If a benefit reduction is ordered, county agencies shall reduce the maximum food assistance allotment amounts for each **AG** assistance group size by the percentage ordered in the FNS notice on benefit reductions. County agencies shall multiply the maximum food assistance allotment amounts by the percentage specified in the FNS notice and shall round the result up to the nearest higher dollar amount if it ends in one through ninety-nine cents, and subtract the result from the normal maximum food assistance allotment amount. County agencies shall then deduct thirty per cent of each **AG's** assistance group's net food assistance income from the reduced maximum food assistance allotment amount.

(3) Minimum allotment

Except as provided in paragraph (B)(4) of this rule, if the amount of benefits obtained by the calculation in paragraph (B)(2) of this rule is less than the minimum benefit for one- and two-person AGs assistance groups only, the AG assistance group shall be provided the minimum benefit.

(4) Ninety per cent reductions

In the event the national reduction in benefits is ninety per cent of the projected issuance for the affected month, the provision for a minimum benefit may be disregarded and all AGs assistance groups may have their benefits lowered by reducing maximum food assistance allotment amounts by the percentage specified by FNS. The benefit reduction notice issued by FNS to effectuate a benefit reduction will specify whether minimum benefits are to be provided to AGs assistance groups.

(5) Timeliness standard

Whenever a reduction of allotments is ordered for a particular month, reduced benefits shall be calculated for all AGs assistance groups for the designated month. All requests or waivers to delay implementation will be denied.

(6) Restored or retroactive benefits

Allotments or portions of allotments representing restored or retroactive benefits for a prior unaffected month shall not be reduced, suspended, or cancelled, even if they are issued during an affected month.

(C) Suspensions and cancellations How are suspensions and cancellations processed?

If a decision is made to suspend or cancel the distribution of food assistance benefits in a given month, ODJFS shall notify county agencies of the date the suspension or cancellation is to take effect.

(1) Minimum allotment provision deleted

In the event of a suspension or cancellation of benefits, the provision for the minimum benefit for AGs assistance groups with one or two members shall be disregarded and all AGs assistance groups shall have their benefits suspended or cancelled.

(2) Timeliness standard

Upon receiving notification that an upcoming month's issuance is to be suspended or cancelled, county agencies shall take immediate action to effect the suspension or cancellation in the month indicated. No delays will be permitted.

(3) Resumption benefits

Upon being notified by ODJFS that a suspension of benefits is over, county agencies shall act immediately to resume issuing benefits to certified AGs assistance groups and shall resume benefit issuance as soon as practicable.

(4) Cases still must be processed

If the action in effect is a suspension or cancellation, eligible AGs assistance groups shall have their allotment levels calculated according to normal procedures. However, the allotments shall not be issued for the month the suspension or cancellation is in effect.

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FATL 360**Effective Date: February 1, 2016****Most Current Prior Effective Date: March 1, 2011**

A county agency shall use the systematic alien verification for entitlements (SAVE) program established by the department of homeland security United States citizenship and immigration service (USCIS). The county agency can access this system through the web-enabled SAVE system to verify the validity of documents provided by aliens applying for food assistance benefits. When accessing the SAVE system the county agency shall ensure that the individual's privacy is protected to the maximum degree possible.

(A) How does the county agency verify the authenticity of documents using SAVE?

There are two web-based verification methods for SAVE: initial verification and additional verification:

- (1) Initial or primary verification uses the alien's alien registration number, or "A-number". This verification is used for most applicants.
- (2) Additional or secondary verification provides a more extensive validation **if when** problems appear in the verification of alien status. Secondary verification is required in any of the following situations:
 - (a) The document appears to be counterfeit or altered.
 - (b) An individual presents unfamiliar USCIS documentation or a document indicates immigration status, but does not contain an "A-number."
 - (c) The document contains an "A-number" in the A60 000 000 series.
 - (d) The document contains an "A-number" in the A80 000 000 series.
 - (e) An alien has no immigration documentation and is hospitalized, medically disabled, or can otherwise show good cause for the alien's inability to present documentation, and for whom securing such documentation would constitute an undue hardship.
 - (f) An alien presents a foreign passport and/or a I-94 "Arrival-Departure Record" form and the "Admission for Permanent Residence" endorsement is more than one year old.
 - (g) When an individual claims lawful permanent (or conditional) resident status because they are a battered alien, a parent of a battered child(ren) or a victim of domestic violence.
 - (h) A "Certificate of Naturalization" or a "Certificate of Citizenship" is presented, and verification of U.S. citizenship status is required.
 - (i) When an automated check through the SAVE system returns with a response "institute additional verification" or when there is a material discrepancy between an individual's documentation and the record contained in the SAVE system.

(B) What is the SAVE system?

- (1) The SAVE system is an information-sharing initiative allowing authorized staff to validate a noncitizen's immigration status by accessing USCIS data. The USCIS protects the individual's privacy in accordance with the Immigration and Nationality Act (INA) of 1952 and other applicable statutes. No consent for release of information is required to use SAVE.
- (2) The county agency shall compare the information provided through the SAVE system with the documents provided by the individual. If the documentation matches in SAVE, the process is complete.
- (3) SAVE does not determine eligibility; SAVE only provides information regarding alien status. Eligible alien status shall be determined in accordance with rule 5101:4-3-07 of the Administrative Code.

(C) How does SAVE verification affect eligibility?

- (1) No eligibility determination is delayed, denied, reduced or terminated solely because of pending SAVE verification.
- (2) ~~If~~ When an individual appears eligible with available USCIS documentation and all other program eligibility criteria are met, the county agency shall issue benefits to the assistance group while awaiting a response from USCIS.
- (3) ~~If~~ When the county determines an alien is ineligible after using the SAVE system, the county agency shall send prior notice of adverse action to the assistance group in accordance with the provisions set forth in rule [5101:6-2-04](#) of the Administrative Code.

(D) What is the process to request verification manually?

- (1) The manual verification process is required when the automated check or initial inspection of an individual's documentation, or information provided from such documentation, reveals discrepancies.
- (2) To conduct a manual verification the county agency shall mail the following documents to USCIS:
 - (a) The G-845 "Document Verification Request" ~~(07/08)~~ (5/2015). This form may be found at <http://www.uscis.gov/forms>.
 - (b) A copy of the individual's original immigration documentation.
 - (c) ~~If~~ When necessary, the G-845 supplement "Document Verification Request Supplement" ~~(07/08)~~ (5/2015) should be used to request additional information regarding the alien's immigration status in order to make an eligibility determination. The G-845 supplement shall be submitted with the G-845 and cannot be used alone. This form may be found at <http://www.uscis.gov/forms>.

(E) How is the use of SAVE documented?

- (1) When the initial verification response from SAVE is received, the county agency shall print a copy of the "Initial Verification Result" for the case file.
- (2) ~~If~~ When an additional verification request ~~was~~ is submitted to SAVE, the county agency shall print a copy of the "Additional Verification Result" for the case file.
- (3) Whenever the county agency initiates a manual third step verification, the case file shall contain a copy of the G-845, photocopies of documentation, and a copy of the G-845 supplement, if necessary.
- (4) Once the SAVE response is received, the case file shall contain a copy of the annotated G-845.

(F) What are allowable uses of information received through SAVE?

The county agency shall use information obtained through the SAVE program only for:

- (1) Verifying the validity of documentation of alien status presented by an applicant;
- (2) Verifying an individual's eligibility for benefits;
- (3) Investigating whether participating assistance groups received benefits to which they were not entitled, if an individual was previously certified to receive benefits on the basis of eligible alien status; and
- (4) Assisting with or conducting administrative disqualification hearings, or criminal or civil prosecutions based on receipt of food assistance benefits to which participating assistance groups were not entitled.

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FAH.8000. Lost Benefits and Claims Against Households

FATL 364

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(A) What is restoration of food assistance benefits?

Restoration of benefits is when an assistance group is issued benefits because they have been determined eligible, and additional benefits are due to them because an incorrect amount was issued.

(B) Who is eligible for a restoration of benefits?

Assistance groups who:

- (1) Have lost benefits due to an agency error.
- (2) Were determined to have committed an intentional program violation that has been reversed.
 - (a) An individual would not be entitled to restoration of lost benefits for the period of disqualification based solely on the fact that a criminal conviction could not be obtained, unless the individual successfully challenged the disqualification period imposed by an administrative disqualification in a separate court action. Participation in an administrative disqualification hearing in which the assistance group contests the county agency assertion of intentional program violation shall be considered notification that the assistance group is requesting restored benefits.
 - (b) For each month the individual was disqualified, not to exceed twelve months prior to county agency notification, the amount to be restored, if any, shall be determined by comparing the allotment the assistance group received with the allotment the assistance group would have received had the disqualified member been allowed to participate. ~~if~~When the assistance group received a smaller allotment than it should have received, the difference equals the amount to be restored.
- (3) Receive a judicial action determining benefits were wrongfully withheld. When the assistance group's situation has been reviewed and determined through the judicial process that the benefits have been wrongfully withheld, the county agency shall restore the assistance group's benefits. ~~if~~When the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, the benefits shall be restored for a period of no more than twelve months from the date the court action was initiated. When the judicial action is a review of a county agency action, the benefits shall be restored for a period of no more than twelve months from the first of the following dates:
 - (a) The date the county agency receives a request for restoration; or
 - (b) ~~if~~When no request for restoration is received, the date the fair hearing action was initiated; but never more than one year from when the county agency is notified of, or discovers, the loss.
- (4) Have gained categorical eligibility. Assistance groups who gain categorical eligibility are entitled to restored benefits back to the date of the original food assistance application, the date it gained categorical eligibility, or the date categorical eligibility for the specific type of assistance group was created, whichever is later. To determine the prior months of eligibility and the date when restored benefits should begin, consult rule [5101:4-4-27](#) of the Administrative Code.
- (5) Have been found to be eligible for a restoration of benefits ~~which was~~that were discovered by the agency. The county agency shall automatically take the necessary action to restore the benefits. No action by the assistance group is necessary. Benefits shall not be restored ~~if~~when the benefits were lost more than twelve months prior to the month the loss was discovered by the county agency in the normal course of business, or were lost more than twelve months prior

to the month the county agency was notified in writing or orally of a possible loss to a specific assistance group.

The county agency shall notify the assistance group of its:

- (a) Entitlement to restored benefits;
- (b) Amount of benefits to be restored;
- (c) Any offsetting that was done;
- (d) The method of restoration; and
- (e) The right to appeal through the fair hearing process.

(C) What are the specific timeframes for making a restoration?

- (1) County agencies shall issue restored benefits within thirty days from the date the lost benefits were discovered.
- (2) Restored benefits due under rule [5101:4-2-02](#) of the Administrative Code shall be restored to assistance groups that are categorically eligible within ten days after the discovery date.
- (3) ~~If~~When a restoration is ordered through a compliance as a result of a fair hearing decision, it ~~must~~shall be completed in accordance with division 5101:6 of the Administrative Code.

(D) When can a restoration be made?

Benefits can only be restored up to twelve months prior to whichever occurs first:

- (1) The date the county agency receives the request for a restoration from the assistance group; or
- (2) The date the county agency is notified or otherwise discovers that a loss to an assistance group has occurred.

(E) How are restorations tracked?

- (1) Each county shall maintain an accounting system for documenting an assistance group's eligibility for restored benefits and calculating the balance. At a minimum, the county agency shall use the [JFS 07424](#), "Report of Claim Determination/Lost Benefits" (~~rev. 08/01~~)(rev. 8/2001) in the case record.
- (2) The calculation of the restored benefit ~~should~~shall ~~also~~ be documented and stored in the case record.
- (3) The county agency shall have a system in place that readily identifies outstanding claims against assistance groups so they can be offset against the restored benefit amount prior to issuing the restoration.

(F) How is eligibility determined for lost benefits?

The county agency shall determine ~~if~~when the assistance group was actually eligible for the month the loss occurred. In ~~cases~~instances where there is insufficient information in the ~~assistance group's~~ case record, the county agency shall advise the assistance group of what ~~must~~shall be provided to demonstrate eligibility for these months. For each month the assistance cannot provide the necessary information to demonstrate its eligibility, the assistance group shall be considered ineligible.

(G) How is the amount of the restoration determined?

After correcting the loss for future months and excluding those months for which benefits may have been lost prior to the twelve-month time ~~limits~~limit, the county agency shall calculate the amount to be restored as follows:

- (1) Incorrect allotment - ~~if~~when the assistance group was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the assistance group participated.

- (a) Under issuance - ~~if~~when the assistance group received a smaller allotment than it was eligible to receive, the difference between the actual and correct allotments equals the amount to be restored.
 - (b) Offsetting claims - ~~if~~when a claim against an assistance group is unpaid or terminated as provided in rule [5101:4-8-19](#) of the Administrative Code, the amount to be restored shall be offset against the amount due on the claim before the balance, if any, is restored to the assistance group. At the point in time the assistance group is certified and receives an initial allotment, the initial allotment shall not be reduced to offset claims, even ~~if~~when the initial allotment is paid retroactively.
- (2) Delay, denial, or termination - ~~if~~when the loss was caused by an incorrect delay, denial, or termination of benefits, the months affected by the loss shall be calculated as follows:
- (a) Incorrect denial: ~~if~~when an eligible assistance group's application was incorrectly denied, the month the loss initially occurred shall be the month of application, or for an eligible assistance group filing a timely reapplication, the month following the expiration of ~~its~~the certification period.
 - (b) Incorrect delay: ~~if~~when an eligible assistance group's application was delayed, the months for which benefits may be lost shall be calculated in accordance with procedures in rule [5101:4-2-01](#) of the Administrative Code.
 - (c) Incorrect termination: ~~if~~when an assistance group's benefits were incorrectly terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.

(H) What are the payment methods of restoration?

There are two ways to issue a restoration of benefits:

- (1) Lump sum - the county agency shall restore lost benefits to an assistance group by issuing an allotment equal to the amount of benefits that were lost. The amount restored shall be issued in addition to the allotment the assistance group is currently eligible to receive.
- (2) Monthly installment - the county agency shall honor reasonable requests by assistance groups to restore lost benefits in monthly installments ~~if~~when, for example, the assistance groups fears the excess benefits may be stolen or that the amount to be restored is more than it can use in a reasonable period of time.

(I) What if the assistance group ~~make-up is different than when~~composition has changed since the benefit loss occurred?

When lost benefits are owed to an assistance group and the assistance group's membership has changed, the county agency shall restore the lost benefits to the assistance group containing a majority of the individuals who were assistance group members at the time the loss occurred. ~~if~~When the county agency cannot locate or determine the assistance group ~~which~~that contains a majority of assistance group members, the county agency shall restore the lost benefits to the assistance group containing the individual who was head of the assistance group at the time the error occurred.

(J) What happens ~~if~~when the assistance group disagrees with the determination of the restoration request or benefit amount?

~~if~~When the assistance group does not agree with the county agency's decision regarding the lost benefits or with the amount of lost benefits computed by the county agency the following procedures apply:

- (1) ~~if~~When the assistance group does not agree with the amount to be restored as calculated by the county agency or any other action taken by the county agency to restore lost benefits, the assistance group may request a fair hearing within ninety days from the date the assistance group is notified of ~~its~~the entitlement to restoration of lost benefits. ~~if~~When a fair hearing is requested prior to or during the time lost benefits are being restored, the assistance group shall receive the lost benefits as determined by the county agency pending the results of the fair

hearing. ~~if~~When the fair hearing decision is favorable to the assistance group, the county agency shall restore the lost benefits in accordance with that decision.

- (2) ~~if~~When an assistance group believes it is entitled to restoration of lost benefits, but the county agency does not agree, the assistance group has ninety days from the date of the county agency determination to request a fair hearing. The county agency shall restore lost benefits to the assistance group only ~~if~~when the fair hearing decision is favorable to the assistance group. Benefits lost more than twelve months prior to the date the county agency was initially informed of the assistance group's possible entitlement to lost benefits shall not be restored.

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FATL 351

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- (A) The county agency shall establish and collect a claim against any assistance group that trafficked benefits or received more food assistance benefits than it was entitled to receive. A recipient claim is an amount owed because of overpaid benefits or benefits that are trafficked. Trafficking is defined in paragraph (J) of rule [5101:4-8-17](#) of the Administrative Code. Prompt corrective action to prevent further overpayment is required. A food assistance claim is a federal debt subject to this rule and other regulations governing federal debts. This rule describes the three types of claims and the procedures the county agency ~~must~~ shall follow when handling these claims.
- (B) Who is responsible for paying a claim?
- (1) Each person who was an adult member of the assistance group when the overpayment or trafficking occurred. For collection purposes, an adult is an individual ~~aged~~ age eighteen or older at the time of the overpayment, except for individuals under the age of twenty-two living in the home of their parent(s). Additionally, collection is required from individuals under the age of eighteen when the individual is the head of the assistance group or the only person in the assistance group.
 - (2) Any person connected to the assistance group, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.
 - (3) A sponsor of an alien household member ~~if~~ when the sponsor is at fault or contributed to the claim.
 - (4) ~~If~~ When a change in assistance group composition occurs, county agencies may pursue collection action against any assistance group that includes a member who was an adult member of the assistance group that received the overpayment. The county agency may also offset the amount of the claim against restored benefits owed to any assistance group containing a member who was an adult member of the original assistance group at the time the overpayment occurred.
- (C) What are the three types of claims?
- (1) Intentional program violation claim: any claim for an overpayment or trafficking resulting from an individual committing an intentional program violation. An intentional program violation is defined in paragraph (B) of rule [5101:6-20-02](#) of the Administrative Code.
 - (2) Inadvertent household error claim: any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the assistance group.
 - (3) Agency error claim: any claim for an overpayment caused by an action or failure to take action by the county agency.
- (D) When is a claim considered an intentional program violation?
- A claim shall be handled as an intentional program violation claim ~~if~~ when the overpayment or trafficking consisted of the individual intentionally:
- (1) Making a false or misleading statement, or misrepresenting, concealing or withholding facts; or
 - (2) Committing any act constituting a violation of the Food and Nutrition Act of 2008, the food assistance program regulations, or any state statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of food assistance benefits, or the electronic benefit transfer (EBT) card.
- (E) What instances require an intentional program violation determination?

A claim shall be handled as an intentional program violation claim only when an individual is disqualified as a result of:

- (1) An administrative disqualification hearing;
- (2) A determination by a federal, state, or local court;
- (3) Signing the [JFS 04026](#) "Waiver of Administrative Disqualification Hearing (~~rev. 5/2001~~)(rev. 1/2015); or
- (4) Signing the [JFS 04027](#) "Disqualification Consent Agreement" (~~rev. 5/2002~~)(rev. 1/2015)-~~a disqualification consent agreement~~ in cases referred for prosecution.

(F) When is a claim considered an inadvertent household error?

A claim shall be handled as an inadvertent household error claim ~~if~~ when the overpayment was caused by:

- (1) A misunderstanding or unintended error on the part of the assistance group;
- (2) A misunderstanding or unintended error on the part of a categorically eligible assistance group provided a claim can be calculated based on a change in net income and/or assistance group size; or
- (3) Social security administration action or failure to take action resulting in the assistance group's categorical eligibility, provided a claim can be calculated based on a change in net income and/or assistance group size.

(G) What instances require an inadvertent household error claim determination?

Instances of an inadvertent household error ~~which~~ that may result in a claim include, but are not limited to, the following;

- (1) The assistance group unintentionally failed to provide the county agency with correct or complete information;
- (2) The assistance group unintentionally failed to report to the county agency changes in its circumstances ~~which~~ that it was required to report; or
- (3) The assistance group unintentionally received benefits or more benefits than it was entitled to receive pending a fair hearing decision because the assistance group requested a continuation of benefits based on the mistaken belief it was entitled to such benefits.

(H) When is a claim considered an agency error?

A claim shall be handled as an agency error claim ~~if~~ when the overpayment was caused by county agency action or failure to take action, or, in the case of categorical eligibility, an action by a county agency or the state or local government resulting in the assistance group's improper eligibility for public assistance provided a claim can be calculated based on a change in net income and/or assistance group size.

(I) What instances require an agency error claim determination?

Instances of an agency error ~~which~~ that may result in a claim include, but are not limited to, the following:

The county agency:

- (1) Failed to take prompt action on a change reported by the assistance group;
- (2) Incorrectly computed the assistance group's income or deductions, or otherwise assigned an incorrect allotment;
- (3) Incorrectly issued a duplicate EBT card to an assistance group and the card was subsequently transacted;
- (4) Continued to provide the assistance group with food assistance benefits after its certification period expired and no reapplication interview was conducted; or

(5) Failed to provide an assistance group a reduced level of food assistance benefits because its public assistance grant changed.

(J) When is a claim determination not required?

A claim shall not be established ~~if~~when an overpayment occurred due to the agency's failure to ensure the assistance group fulfilled the following:

- (1) Signed the application form;
- (2) Completed current work registration; or
- (3) Was certified in the correct county.

(K) How is a claim documented against an assistance group?

- (1) The [JFS 07424](#) "Reporting of Claim Determination/Lost Benefits" (rev. ~~08/018/2001~~) shall be completed on all food assistance claims including trafficking related claims.
- (2) All JFS 07424 forms shall be completed and properly filed at the county agency. The county department of job and family services director or designee is responsible for reviewing and approving all claims regardless of the amount.
- (3) Prompt corrective action to prevent a further overpayment is required.

(L) What is the claim management process and what are the time frames for establishing claims?

- (1) Within three months of the complaint, the county agency ~~must~~shall screen to determine if a potential claim exists. If a potential claim exists the claim ~~must~~shall be logged into ~~client registry information system enhanced (CRIS-E)~~ the statewide automated eligibility system. The date the complaint is entered into ~~CRIS-E~~ the system is the "discovery or referral date" unless the referral of a potential claim is based on a quality control finding as set forth in paragraph (L)(3) of this rule.
- (2) When a potential claim exists, within five months of the "discovery or referral date", the county agency ~~must~~shall investigate, obtain verification, calculate the claim and mail the initial demand notice which is the "established date" unless a potential intentional program violation exists. When a potential intentional program violation exists the claim ~~must~~shall be referred to the county prosecutor or the Ohio department of job and family services (ODJFS) bureau of state hearings for an administrative disqualification hearing within three months of the date the claim is calculated. Once the decision is rendered, the initial demand notice is issued.
- (3) For potential claims based on quality control findings, within ten business days after receiving the quality control finding the county agency ~~must~~shall enter the potential claim into ~~CRIS-E~~ the statewide automated eligibility system. This is the "discovery or referral date". The county agency ~~must~~shall investigate, obtain verification, calculate the claim, and mail the initial demand notice within five months of the referral date.
- (4) The county agency ~~must~~shall ensure that no less than ninety per cent of all claim referrals are either established or disposed of according to the above time frames.

(M) What is the process ~~if~~when it is determined that internal fraud or gross negligence has occurred during the county certification process?

~~If~~When it is determined by the United States department of agriculture (USDA), or ~~the office of families and children food assistance section~~ ODJFS in conjunction with USDA, that there has been gross negligence or fraud on the part of the county agency in the certification of assistance groups or the issuance of food assistance benefits, the county agency will be liable for the dollar amount of benefits issued as the result of such negligence or fraud.

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FATL 351**Effective Date: August 1, 2015****Most Current Prior Effective Date: [December 1, 2009](#)**

The county agency shall calculate claims, make collections, and disqualify assistance group members based on the date of overpayment, date of discovery, and the food assistance regulations in effect at the time of the overpayment.

- (A) How is the claim amount calculated for non-trafficking claims?
- (1) A county agency ~~must~~shall calculate a claim back to at least twelve months prior to when it became aware of the overpayment. For all claims, the county agency cannot include any amounts occurring more than six years before it became aware of the overpayment. For an intentional program violation claim, the claim ~~must~~shall be calculated back to the month the act of the intentional program violation first occurred.
 - (2) To calculate a claim, the county agency shall:
 - (a) Determine the correct amount of benefits the applicant should have received for each month ~~an assistance group received an overpayment~~. Do not apply the earned income deduction to any earned income the assistance group failed to report in a timely manner. ~~If~~When the agency failed to act on reported earned income apply the earned income deduction.
 - (b) ~~To determine the overpayment subtract~~Subtract the amount of the benefit the applicant should have received from the benefit amount actually received. This is the amount of the overpayment. ~~If~~When the overpayment equals zero or is negative dispose of the claim referral.
 - (c) ~~If the county agency is aware of~~Reduce the overpayment amount when there are any expunged benefits from the assistance group's electronic benefit transfer account ~~the county agency should reduce the overpayment amount by the amount of the expunged benefits~~. The county agency ~~must~~shall document any reduction of an overpayment claim by use of expunged benefits via the ~~client registry information system enhanced (CRIS-Estatewide automated eligibility system)~~. The difference from the amount of the expunged benefits and the overpayment amount is the amount of the claim.

- (B) How is the amount of an intentional program violation claim calculated?

~~If~~When an assistance group member is found to have committed an intentional program violation, the county agency shall disqualify that individual and initiate collection action against the remaining adult assistance group members.

For intentional program violation claims, the amount of food assistance benefits collected shall be the greater of twenty ~~percent~~per cent or twenty dollars per month of the assistance group's monthly entitlement, before disqualification of the assistance group member found to have committed the intentional program violation.

~~If~~When the assistance group member is determined to have committed the intentional program violation by intentionally failing to report a change in the assistance group's circumstances, the first month affected by the assistance group's failure to report shall be the first month in which the change would have been effective had it been reported timely. When calculating the claim amount, the county agency shall allow the maximum reporting allowance of ten days from the date of change plus the maximum allowance for notice of adverse action of fifteen days. Therefore, for the purposes of claim calculation, a change cannot be effective sooner than twenty-five days from the date the change occurred.

Prior to the determination of an intentional program violation or the signing of either a waiver of right to a disqualification hearing or a disqualification consent agreement in cases of deferred adjudication, the claim against the assistance group shall be handled as an inadvertent household error claim.

(C) How is the amount of an inadvertent household error claim calculated?

~~If~~When due to a misunderstanding or inadvertent error on the part of the assistance group, the assistance group failed to report a change in its circumstances within ten days of the date the change became known to the assistance group, the first month affected by the assistance group's failure to report shall be the first month in which the change would have been effective had it been reported timely. When calculating the claim amount, the county agency shall allow the maximum reporting allowance of ten days from the date of change plus the maximum allowance for notice of adverse action of fifteen days. Therefore, for the purposes of claim calculation, a change cannot be effective sooner than twenty-five days from the date the change occurred.

(D) How is the amount of an ~~administrative~~agency error claim calculated?

~~If~~When the assistance group timely reported a change, but the county agency did not timely act on the change, the first month affected by the county's failure to act shall be the first month the county agency should have made the change effective. Therefore, ~~if~~when a notice of adverse action was required but was not provided, the county agency shall assume that the maximum advance notice period of fifteen days would have expired without the assistance group requesting a fair hearing.

(E) How are trafficking claims calculated?

Claims arising from trafficking-related offenses shall be the value of the trafficked benefits as determined by:

- (1) The individual's admission;
- (2) Adjudication; or
- (3) The documentation that forms the basis for the trafficking determination.

(F) Claim offset

After calculating the amount of the claim, the county agency shall offset the amount of the claim (even ~~if~~when the claim is one hundred twenty-five dollars or less) against any amount of lost benefits which have not yet been restored to the assistance group. The county agency shall not offset against retroactive or initial benefits in accordance with paragraph ~~(J)~~(G) of rule [5101:4-8-03](#) of the Administrative Code. The county agency shall then initiate collection action for the remaining balance, ~~if any.~~ ~~If~~When the county agency did not complete a [JFS 07424](#), "Report of Claim Determination/Lost Benefits" (~~rev. 8/01~~)(rev. 8/2001) because the claim was one hundred twenty-five dollars or less, at the time the offset action is taken, the county agency shall complete the JFS 07424 so documentation exists as to why the lost benefit amount was reduced.

(G) Processing intentional program violations

Individuals found to have committed an intentional program violation either through an administrative disqualification hearing, a federal, state, or local court, or who have signed either a waiver of right to an administrative disqualification hearing, or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the program for a period of twelve months for the first offense, except as provided in paragraphs (H) to (K) of this rule, for a period of twenty-four months upon the second occasion of any intentional program violation, except as provided in paragraphs (H) to (K) of this rule, and permanently for a third occasion of any intentional program violation.

The disqualification period for non-participants at the time of the administrative disqualification or court decision shall take precedence in accordance with division 5101:6 of the Administrative Code.

(H) Controlled substance violation

Individuals found by a federal, state, or local court to have used or received food assistance benefits in a transaction involving the sale of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), (~~4/2007~~12/2014) shall be ineligible to participate in the program for a

period of twenty-four months upon the first occasion of such a violation and permanently upon the second occasion of such a violation.

(I) Firearms, ammunition, or explosives violation

Individuals found by a federal, state, or local court to have used or received food assistance benefits in a transaction involving the sale of firearms, ammunition, or explosives shall be permanently ineligible to participate in the program upon the first occasion of such violation.

(J) Trafficking food assistance benefits of five hundred dollars or more

An individual shall be permanently disqualified ~~if~~when ~~he/she is~~ convicted by a federal, state, or local court of trafficking food assistance benefits for an aggregate amount of five hundred dollars or more.

For purposes of this rule, "trafficking" is defined as fraudulently using, transferring, altering, acquiring or possessing food assistance benefits or presenting food assistance benefits for payment or redemption knowing the same to have been fraudulently obtained or transferred for cash or consideration other than eligible food. "Acquiring food assistance benefits" does not include providing false information as part of the certification, reapplication, or reporting changes processes.

(K) Receipt of multiple benefits simultaneously

An individual shall be ineligible to participate in the food assistance program for a ten-year period ~~if~~when the individual is found, through an administrative disqualification hearing, a federal, state, or local court, or who has signed either a waiver of right to administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, of having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously under the food assistance program.

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FATL 351**Effective Date: August 1, 2015****Most Current Prior Effective Date: February 1, 2012**

- (A) When ~~must~~ shall a county agency initiate collection on a claim?
- (1) When a claim is over one hundred twenty-five dollars.
 - (2) When a claim is one hundred twenty-five dollars or less if:
 - (a) The assistance group is participating in the program; or
 - (b) The claim has already been established; or
 - (c) The claim was discovered as an overpayment in a quality control review; or
 - (d) The county agency has adopted the policy to pursue all claims regardless of the amount. ~~If~~ When the county agency chooses this option, assistance groups shall be informed of this policy.
- (B) When can a county agency opt not to collect on a claim?
- (1) For claims of one hundred twenty-five dollars or less that cannot be recovered by reducing the assistance group's allotment because they are not participating in the program, the county agency ~~must~~ shall record the amount of the claim in the case file so that this amount may be used to offset any lost benefits that may be owed the assistance group at a later date. The county agency does not have to complete the JFS 07424, "Report of Claim Determination/Lost Benefits" (~~rev. 8/01~~)(8/2001).
 - (2) ~~In addition, the~~ The county agency shall have the option to initiate collection action for claims of one hundred ~~twenty-five~~ twenty-five dollars or less at such time multiple overpayments for an assistance group total in excess of one hundred ~~twenty-five~~ twenty-five dollars. ~~If~~ When the county agency chooses this option, assistance groups shall be informed of this policy.
- (C) What is the process for notifying assistance groups of the intent to collect on a claim?
- (1) The county agency ~~must notify the assistance group in writing that the county agency intends~~ shall send a demand letter or written notification to the assistance group of the intent to begin the collection action on a claim, in accordance with Chapter 5101:6-2 of the Administrative Code.
 - (2) The claim is considered established for tracking purposes as of the date of the initial demand letter or written notification.
 - (3) ~~If~~ When the claim or the amount of the claim was not established at a hearing, the county agency ~~must~~ shall provide the assistance group with a one-time notice of adverse action.
 - (4) The due date or time frame for repayment ~~must~~ shall be no later than thirty days after the date of the initial written notification or demand letter.
 - (5) ~~If~~ When any nonparticipating assistance group, against which collection action has been initiated, does not respond to the first demand letter, additional demand letters may be sent at reasonable intervals, such as thirty days, until the assistance group has responded by paying or agreeing to pay the claim, the criteria for terminating collection action has been met, or the county agency initiates other collection actions. ~~If~~ When an assistance group falls behind in making payments or is unable to pay the claim, the assistance group's eligibility shall not be affected.
- (D) What ~~must~~ shall repayment agreements contain?
- Any repayment agreement for any claim ~~must~~ shall contain: ~~due dates or timeframes for the periodic submission of payments. The agreement must specify that the assistance group is subject to~~

~~involuntary collection action(s) if payment is not received by the due date and the claim becomes delinquent.~~

- (1) Due dates or time frames for the submission of payments; and
- (2) Language specifying that the assistance group is subject to involuntary collection action if payment is not received by the due date and the claim becomes delinquent.

(E) What determines ~~if~~ when a claim is delinquent?

Notwithstanding paragraph (F) of this rule, a claim is considered delinquent when:

- (1) ~~The claim is considered delinquent when it~~ It has not been paid by the due date and a satisfactory payment arrangement has not been made. The date of delinquency is the due date on the initial written notification/demand letter, issued in accordance with paragraph (C) of this rule. The claim will remain delinquent until payment is received in full, a satisfactory payment agreement is negotiated, or allotment reduction is invoked; ~~or~~
- (2) ~~The claim is considered delinquent when a~~ A payment arrangement is established and a scheduled payment has not been made by the due date. The date of delinquency is the due date of the missed installment payment. The claim will remain delinquent until payment is received in full, allotment reduction is invoked, or ~~if~~ when the county agency determines to either resume or renegotiate the repayment schedule.
- (3) ~~The claim is not delinquent if another claim for the same assistance group is currently being paid either through an installment agreement or allotment reduction and the county agency expects to begin collection on the claim once the prior claim(s) is settled.~~
- (4) ~~The claim is not delinquent if the county agency is unable to determine delinquency status because collection is coordinated through the court system.~~

(F) When is a claim not considered delinquent, even though payments on the claim have not been received?

The claim is not considered delinquent when:

- (1) Another claim for the same assistance group is currently being paid either through an installment agreement or allotment reduction and the county agency expects to begin collection on the claim once the prior claim is settled;
- (2) The county agency is unable to determine delinquency status because collection is coordinated through the court system; or
- (3) The claim is awaiting a fair hearing decision.

~~(F)~~(G) How are claims handled when a claim is subject to a fair hearing?

- (1) ~~If~~ When the hearing officer determines a claim exists against the assistance group, the assistance group ~~must~~ shall be re-notified of the claim. Delinquency ~~must~~ shall be based on the due date of this subsequent notice and not on the initial pre-hearing demand letter sent to the assistance group.
- (2) ~~If~~ When the hearing officer determines a claim does not exist then the claim is terminated or written off in accordance with paragraph ~~(H)~~(J) of this rule.

~~(G)~~(H) ~~Reduction of claim amount~~ What amount should be collected when the claim is reduced by a court or local prosecutor? :

Reduction by a court or local prosecutor of the amount an assistance group owes on a claim does not automatically relieve the county agency from administratively pursuing collection of the total claim amount. For example, if the amount of the original claim was two hundred dollars but this amount was arbitrarily reduced by a local county prosecutor to one hundred dollars, the county agency has the obligation to administratively pursue the total of two hundred dollars. The county agency may attempt to collect any overpayment it has determined to have been received by an assistance group in excess of the amount ordered to be repaid by a court. The assistance group cannot be forced, however, to pay

the excess amounts. The county agency shall not invoke allotment reduction without the assistance group's permission to collect amounts in excess of the court-ordered restitution. Should new evidence be produced ~~which~~that, according to current regulations, alters the county's determination on the original claim, the original claim amount shall be revoked and a new amount initiated.

~~(H)~~(I) When can a county agency compromise on a claim amount?

A county agency may compromise a claim or any portion of a claim ~~if~~when it can be reasonably determined an assistance group's economic circumstances dictate that the claim will not be paid in three years. Compromising a claim is an agreement to adjust the total owed at the end of three years ~~if~~when the assistance group has made payments corresponding with its financial circumstances throughout that period of time.

- (1) The county agency may use the full amount of the claim (including any amount compromised) when determining the amount of benefits that ~~must~~shall be offset in accordance with rule [5101:4-8-03](#) of the Administrative Code.
- (2) The county agency may reinstate any compromised portion of a claim ~~if~~when the claim becomes delinquent.

~~(H)~~(J) When can a county agency terminate and write off a claim?

A terminated claim is a claim in which all collection action has ceased. A claim written off is no longer considered an account receivable subject to continued federal, state and county agency collection and reporting requirements.

The following ~~sets forth~~ describes the claim termination policy:

- (1) Invalid claim: ~~if~~when the county agency finds the claim is invalid it ~~must~~shall discharge the claim and reflect the event as a balance adjustment rather than a termination, unless it is appropriate to pursue the overpayment as a different type of claim (i.e., as an inadvertent household error rather than an intentional program violation claim.)
- (2) Death of all adult assistance group members: ~~if~~when all adult assistance group members die then the county agency ~~must~~shall terminate and write off the claim, unless the county agency plans to pursue the claim against the estate.
- (3) Claim balance less than twenty-five dollars: ~~if~~when the claim balance is less than twenty-five dollars and the claim has been delinquent for ninety days or more the county agency ~~must~~shall terminate and write off the claim, unless other claims exist against this assistance group resulting in an aggregate claim total of twenty-five dollars or more.
- (4) Not cost effective: ~~if~~when the county agency determines it is not cost effective to pursue the claim any further (i.e., the cost of further collection action exceeds the amount that can be recovered) the county agency ~~must~~shall terminate and write off the claim.
- (5) Delinquent claim: ~~if~~when the claim is delinquent for three years or more the county agency ~~must~~shall terminate and write off the claim unless it plans to continue to pursue the claim through the treasury offset program.
- (6) Cannot locate the assistance group: ~~if~~when the assistance group cannot be found the county agency may terminate and write off the claim.

~~(J)~~(K) When can a terminated or written off claim be reinstated?

- (1) Previously terminated or compromised claims may be reactivated ~~if~~when the assistance group provides a voluntary payment. County agencies shall only reactivate an amount equal to the offset or voluntary payment amount, rather than reactivating the full value of the outstanding claim amount. Reactivating only the amount equal to the offset or the voluntary payment does not change the status of the original claim. The balance remains in terminated or compromised status. To reactivate a previously compromised claim, the balance of the claim ~~must~~shall be recompromised by renegotiating with the assistance group.

- (2) ~~If~~ When a specific event (e.g. winning the lottery) occurs ~~which~~ that increases the likelihood of further collections, the county agency may reinstate the claim ~~in accordance with paragraph (J) of this rule.~~

~~(K)~~(L) What are acceptable forms of payment?

- (1) Reducing benefits before issuance: this includes allotment reductions and offsets to restored benefits; however, the county agency ~~must~~ shall follow the instructions and limits found in paragraphs ~~(L)~~(M)(1) and ~~(L)~~(M)(3) of this rule.
- (2) Reducing benefits after issuance: benefits may be recouped from an assistance group's electronic benefit transfer (EBT) account; however, the county agency ~~must~~ shall follow the instruction and limits found in paragraph ~~(L)~~(M)(2) of this rule.
- (3) Cash: cash, check, money order and credit or debit cards are acceptable forms of repayment; however, ~~if~~ when a county agency does not have the capability to accept credit or debit cards it does not have to accept this form of repayment.
- (4) Public service: an assistance group member may be required to perform public service to repay a claim; however, this form of payment ~~must~~ shall be ordered by a court specifically for the repayment of a claim. ~~If~~ When the court does not order a rate of pay, the federal minimum wage shall be used.
- (5) Treasury offset program: to offset the claim with federal payments the county agency ~~must~~ shall follow the procedures ~~found~~ described in rule [5101:4-8-30](#) of the Administrative Code.

~~(L)~~(M) What collection methods are available to the county agency?

- (1) Allotment reduction: a county agency ~~must~~ shall automatically collect payments for any claim by reducing the amount of monthly benefits an assistance group receives in accordance with rule [5101:4-8-17](#) of the Administrative Code unless the assistance group agrees to make higher regular payments to repay the claim.
 - (a) For an intentional program violation claim, limit the amount reduced for each category of the claim to the greater of twenty dollars per month or twenty per cent of the assistance group's monthly entitlement, before disqualification of the assistance group member found to have committed the intentional program violation, in accordance with rule 5101:4-8-17 of the Administrative Code, unless the assistance group agrees to a higher amount.
 - (b) For an inadvertent household error or ~~administrative agency~~ error claim, limit the amount reduced for each category of the claim to the greater of ten dollars per month or ten per cent of the assistance groups monthly allotment, unless the assistance group agrees to a higher amount.
 - (c) The county agency shall not reduce the initial allotment when the assistance group is first certified unless the assistance group agrees to this reduction.
 - (d) When an assistance group has multiple claims against it, the county agency shall invoke allotment reduction on one claim at a time. The county agency shall recoup claims in sequence, obtaining full payment on the oldest claim before proceeding to the next claim.
- (2) EBT reduction: the county agency ~~must~~ shall allow an assistance group to pay its claim using benefits from its EBT account.

The county agency ~~must~~ shall comply with the following EBT claims collection and adjustment requirements:

- (a) Collecting from active (or reactivated) EBT benefits:
 - (i) The county agency ~~must~~ shall obtain written permission from the assistance group pursuant to paragraph ~~(L)~~(M)(2)(d) of this rule. This permission may be obtained in advance.

- (ii) Oral permission is allowed for one time reductions as long as the county agency sends the assistance group a receipt of the transaction within ten days after the reduction.
 - (iii) The county agency may retain a percentage of the collection as an incentive pursuant to rule [5101:4-8-23](#) of the Administrative Code.
- (b) For making an adjustment with expunged EBT benefits:
- (i) The county agency ~~must~~ shall adjust the amount of any claim by subtracting any expunged amount from the EBT benefit account for which the county agency becomes aware. The county agency ~~must~~ shall document the use of the expunged benefits as a claim offset in ~~CRIS-E~~ the statewide automated eligibility system to ensure no duplicate use.
 - (ii) The county agency ~~cannot~~ shall not retain a percentage of the collection as an incentive pursuant to rule 5101:4-8-23 of the Administrative Code when using expunged benefits to collect on an overpayment claim.
- (c) A collection from an EBT account ~~must~~ shall be non-settling against the benefit drawdown account.
- (d) At a minimum, any agreement with the assistance group to collect a claim using active EBT benefits ~~must~~ shall include:
- (i) A statement that this collection activity is strictly voluntary;
 - (ii) The amount of the payment;
 - (iii) The frequency of the payment (i.e., whether monthly or one time only);
 - (iv) The length (if any) of the agreement; and
 - (v) A statement that the assistance group may revoke this agreement at any time.
- (3) Offsets to restored benefits: the county agency ~~must~~ shall reduce any restored benefits owed to an assistance group by the amount of any outstanding claim, except for an "initial" benefit month in accordance with paragraph ~~(H)~~(G) of rule 5101:4-8-03 of the Administrative Code. Offsetting may be done at any time during the claim establishment and collection process.
- (4) Lump sum payments: the county agency ~~must~~ shall accept any payment for a claim whether it represents full or partial payment. The payment may be in any of the acceptable formats.
- (5) Installment payments: the county agency may accept installment payments made for a claim as part of a negotiated repayment agreement.
- ~~If~~ When the assistance group fails to submit a payment in accordance with the terms of its negotiated repayment schedule, the assistance group's claim becomes delinquent and will be subject to additional collection actions.
- (6) Public service: ~~if~~ when authorized by a court, the value of a claim may be paid by the assistance group performing public service. ~~If~~ When the court does not order a rate of pay, the federal minimum wage shall be used.
- (7) Other collection actions: the county agency may employ any other collection actions to collect claims. These actions include, but are not limited to, referrals to collection and/or other similar private and public sector agencies, and small claims court.
- (8) Unspecified joint collections: when an unspecified joint collection is received for a combined public assistance and food assistance recipient claim, each program ~~must~~ shall receive its pro rata share of the amount collected. An unspecified joint collection is when funds are received in response to correspondence or a referral containing both the food assistance and other program claim~~(s)~~ and the debtor does not specify which claim to apply the collection.

The county agency ~~must~~ shall not use additional collection methods against individuals in an assistance group that is already having its benefit reduced unless the additional payment is voluntary.

The county agency may continue to use any other collection method against any individual who is not a current member of the assistance group even ~~if~~ when the assistance group is undergoing allotment reduction.

For ~~administrative~~ agency error claims established prior to September 22, 1996 the county agency may not use involuntary allotment reduction for the collection. ~~if~~ When an individual volunteers for allotment reduction the county agency ~~must~~ shall accept the allotment reduction for collection.

~~(M) How much of an assistance group's allotment can be collected when there are multiple claims?~~

- ~~(1) Inadvertent household errors and administrative error claims: the greater of ten per cent or ten dollars must be deducted each month for each category of claim.~~
- ~~(2) Intentional program violation claims: the greater of twenty per cent or twenty dollars must be deducted each month for each category of claim.~~
- ~~(3) Multiple claims: if an assistance group has multiple claims against it, the county agency shall invoke allotment reduction on one claim at a time. The county agency shall recoup claims in sequence, obtaining full payment on the oldest claim before proceeding to the next claim. The county agency shall not consider subsequent claims to be delinquent while the assistance group has a current allotment reduction on an earlier claim.~~

(N) What happens ~~if~~ when an assistance group overpays on a claim?

~~if~~ When an assistance group has overpaid a claim, the county agency ~~must~~ shall determine if there are other food assistance claims the overage can be applied to. ~~if~~ When there are no other claims the overage ~~must~~ shall be refunded. The assistance group shall be paid by whatever method the county agency deems appropriate considering the circumstances. The county agency shall issue ~~that~~ the amount to the assistance group ~~which~~ that includes the incentive retained by the county agency.

(O) How is the claim handled ~~if~~ when a food assistance recipient moves to or from another state?

- (1) Unless a transfer occurs as outlined in paragraph (O)(2) of this rule, the county agency is responsible for initiating and continuing collection action on any food assistance recipient claim regardless of whether the assistance group remains in the state.
- (2) The county agency may accept a claim from another state agency ~~if~~ when the assistance group with the claim moves into the county. The state agency ~~which~~ that overpaid benefits to the assistance group shall have the first opportunity to collect any overpayment. However, ~~if~~ when the state agency ~~which~~ that overpaid benefits to the assistance group does not take prompt action to collect, then the county agency administering the area into which the assistance group moves should initiate action to collect the overpayment. Prior to initiating action to collect such overpayments the county agency shall contact the state agency ~~which~~ that overpaid benefits to ascertain that it does not intend to pursue prompt collection. The incentive for any collected claims shall be retained by the county agency collecting the overpayment. Once a county agency accepts the responsibility for an overpayment claim, the claim is the county agency's responsibility for future collection and reporting.

(P) How is a claim handled ~~if~~ when a food assistance recipient moves to a different county?

- (1) When an assistance group moves and applies for or receives food assistance benefits from a new county of residence, the assistance group case file material shall be transferred to the new county of residence.
- (2) Any associated claim case shall not transfer from the original county of residence to the new county of residence. However, the transferred assistance group case file ~~must~~ shall contain copies of documentation that a claim exists. When there is an associated claim case, the county shall follow the procedures outlined in the case file transfer procedures for food assistance.

- (3) The county establishing the claim remains responsible for any applicable court action or collection action concerning an outstanding claim balance.
- (4) The new county of residence shall implement allotment reduction for claim collection upon the request of the original county.
- (5) When the new county of residence makes a collection on a claim, it shall be entered into the ~~client registry information system enhanced (CRIS-E)~~ statewide automated eligibility system.
- (6) The county agency that initially completes the claim and, in the case of an intentional program violation the prosecution or administrative disqualification hearing, is entitled to the applicable incentive. These incentives will be restored on a quarterly basis.

(Q) ~~Bankruptcy~~ What happens when a claim is included in a bankruptcy proceeding?

A county or state agency shall act on behalf of the United States department of agriculture food and nutrition service (FNS) in any bankruptcy proceeding against bankrupt assistance groups with outstanding recipient claims. Bankruptcy information ~~must~~ shall be documented in ~~CRIS-E~~ the statewide automated eligibility system. Bankruptcy of one assistance group member does not terminate a claim ~~if~~ when there are other adult assistance group members liable for the claim.

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(A) What are the county agency retention rates?

A retention rate is the amount of incentive the county agency can keep from the overpayment collection ~~for intentional program violation and inadvertent household error claims. The county agency cannot retain any amount from administrative error claim collections.~~ The rates are as follows:

- (1) Intentional program violation claim: thirty-five per cent.
- (2) Inadvertent household error claim: twenty per cent.
- (3) Agency error claim: no retention.

The county agency ~~cannot~~ shall not retain any of the amount by which the original allotment was reduced because of removing the intentional program violation individual from the assistance group. The county agency ~~can~~ may retain the corresponding portion of the collected overpayment amount.

~~If~~ When an inadvertent household error and ~~administrative~~ agency error occurred but it cannot be determined which months are from the ~~administrative~~ agency error and which months are an inadvertent household error, the claim ~~must~~ shall be classified as an ~~administrative~~ agency error and the county agency shall not retain any portion of the collection. ~~If~~ When the county discovers overpayments spanning several months, some months attributable solely to assistance group error and some months to agency error, two claims ~~must~~ shall be established in order to retain twenty per cent of the collections on the inadvertent household error claim. Overpayments occurring in months attributable to assistance group error ~~must~~ shall be calculated independently of the months attributable to agency error. The county agency must complete a separate [JFS 07424](#) "Report of Claim Determination/Lost Benefits" (~~rev. 8/01.~~)(rev.8/2001.)

~~If~~ When an overpayment is a result of an inadvertent household error and ~~administrative~~ agency error with the same month, the claim is considered an ~~administrative~~ agency error and the county agency may not retain any amount from the overpayment.

(B) What is the county agency retention rate when a claim established as an inadvertent household error claim becomes an intentional program violation claim?

The county agency shall retain twenty per cent of the collection (except expungements) on an inadvertent household error claim. The county agency shall retain twenty per cent of the amounts recovered on a claim being handled as an inadvertent household error claim pending a determination by an administrative disqualification hearing officer or a court of appropriate jurisdiction that an intentional program violation was committed, or receipt of either a signed waiver or consent agreement. Once the determination or signed document is obtained, the county agency may recover from the state an additional fifteen per cent incentive on collections made before the change in claim status. The county agency shall update the ~~client registry information system enhanced (CRIS-E)~~ statewide automated eligibility system when there is a change in claim status. The county agency shall revise the JFS 07424 when the status of a claim is changed from inadvertent household error to intentional program violation.

(C) What are the accounting procedures for monitoring overpayment claims?

- (1) County agencies ~~must~~ shall maintain an accounting system for monitoring recipient claims against assistance groups. This accounting system shall consist of both the system of records maintained for individual debtors and the accounts receivable summary data maintained for these debts.

At a minimum, the accounting system ~~must~~ shall document the following for each claim:

- (a) The date of discovery;

- (b) The reason for the claim;
- (c) The calculation of the claim;
- (d) The date the claim was established;
- (e) The methods used to collect the claim;
- (f) The amount and incidence of any claim processing charges;
- (g) The reason for the final disposition of the claim;
- (h) Any collections made on the claim;
- (i) Any correspondence, including follow-up letters, sent to the assistance group;
- (j) ~~In cases containing an~~ An intentional program violation claim shall also include the administrative disqualification hearing decision, a disqualification consent agreement, waiver of administrative disqualification hearing, or court order indicating the assistance group was convicted of intentional program violation; and
- (k) ~~In cases of terminated~~ Terminated claims shall also include the basis for termination of collection action.

(2) At a minimum the accounting system ~~must~~ shall also identify the following for each claim:

- (a) Those assistance groups whose claims have become delinquent (~~CRIS-E~~ the statewide automated eligibility system automatically issues a notice to recipients whose installment agreement repayments are delinquent); and
- (b) Those situations in which an amount not yet restored to an assistance group can be used to offset a claim owed by the assistance group; and
- (c) Those assistance groups with outstanding claims that are applying for benefits.

(D) What happens to the retained incentive funds?

The county agency shall deposit all cash collections reported into its public assistance fund. The county's public assistance fund then will be adjusted as part of the quarterly reconciliation process to reflect the amount of total collections the county agency is entitled to retain.

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FATL 398

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(A) What is the treasury offset program (TOP)?

The TOP allows the United States department of the treasury to offset eligible federal payments as a means of collecting past-due ~~food assistance~~ supplemental nutrition assistance program (SNAP) claims established in accordance with this chapter of the Administrative Code.

(B) What is an eligible federal payment?

Eligible federal payments include:

- (1) Federal income tax refunds;
- (2) Federal salary income, including military pay;
- (3) Federal retirement income, including military retirement income;
- (4) Contractor/vendor payments;
- (5) Certain federal benefit payments, such as social security, railroad retirement (other than tier 2), and black lung (part B) benefits; and
- (6) Other federal payments, including certain loans that are not exempt from offset.

(C) Which claims are referred to the TOP?

~~ODJFS~~ The Ohio department of job and family services (ODJFS) refers claims that are legally enforceable and past-due.

(1) A claim is legally enforceable when:

- (a) The case record contains verification that the debtor has been notified of hearing rights concerning the claim;
- (b) The ~~county agency has~~ case record contains documentation showing the claim was properly established in accordance with this chapter;
- (c) The claim balance is twenty-five dollars or more; and
- (d) The claim has not been discharged in bankruptcy and there is not a bankruptcy stay in effect.

(2) When is a claim past due? ~~A claim is past due when payment has not been received for one hundred twenty days and the debtor has not responded to a notice of default.~~

A claim is past due when payment has not been received for one hundred twenty days and the debtor has not responded to a notice of default.

A claim is not past-due when:

- (a) A state hearing on the issue of the establishment of the claim is pending;
- (b) In accordance with paragraph (C) of rule 5101:4-8-19 of the Administrative Code, the thirty days allowed for the debtor's response to a food assistance repayment agreement have not expired;
- (c) The debtor is making regular payments according to the terms of their negotiated repayment schedule;
- (d) The claim has already been paid off; or
- (e) There is another documented reason why the claim is not legally enforceable or past-due.

(D) Is the debtor notified prior to the referral to the TOP?

No later than sixty days before the referral to the TOP, at least one debtor on a claim is notified of the pending referral.

(E) Will a payment made on the claim cancel the referral to the TOP?

(1) When a debtor makes an acceptable repayment arrangement the claim shall not be referred for offset. An acceptable repayment arrangement means:

(a) When the claim balance is five hundred dollars or less, the balance shall be paid in full within sixty days of the mailing date of the notice issued in accordance with paragraph (D) of this rule.

(b) When the claim balance is more than five hundred dollars:

(i) Payment(s) totaling five hundred dollars must are to be received within sixty days of the mailing date of the notice issued in accordance with paragraph (D) of this rule; and

(ii) The debtor must is to agree in writing to repay the balance of the claim.

(2) Any payment which that the county agency receives in response to the notice issued in accordance with paragraph (D) of this rule shall be credited to the claim proposed to be referred for offset. The county agency shall enter the repayment information into the statewide automated eligibility system on the day that the repayment is received. When the claim balance is more than five hundred dollars, a payment of less than five hundred dollars will not prevent or cancel the offset action.

(F) What are the responsibilities of the county agency?

The county agency shall:

(1) Have a nationwide toll-free telephone service available to the debtor during the agency's regular business hours. The county agency's toll-free telephone number and mailing address shall be printed on all notices issued to debtor.

(2) Verify the debtor's identifying information before discussing the claim with the individual.

(3) Comply with the federal taxpayer information safeguarding requirements described in rule 5101:9-9-25 of the Administrative Code.

(4) ~~Complete a requested~~ Forward written requests ~~review on a claim~~ to ODJFS, office of fiscal and monitoring services, bureau of program integrity (BPI) for a review on a claim that has not yet been referred to the TOP in accordance with rule 5101:4-8-30.1 of the Administrative Code.

(5) Submit the JFS 07430 "Offset Programs Referral Cancellation/Refund Request" (~~rev. 2/2012~~), to ODJFS ~~the Ohio department of job and family services~~ within one business day of the determination that a referral ~~should~~ is to be canceled.

(G) What happens when the amount of the offset exceeds the amount of the claim?

When the amount of the offset exceeds the amount of the claim, the debtor shall be refunded the difference between the unpaid amount of the claim and the amount offset.

Effective: 3/1/2020

Five Year Review (FYR) Dates: 11/21/2019 and 03/01/2025

Certification: CERTIFIED ELECTRONICALLY

Date: 02/20/2020

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Prior Effective Dates: 08/01/1995, 07/01/1996, 09/13/1996, 09/01/1998 (Emer.), 11/01/1998, 01/01/2004, 04/01/2009, 04/15/2010, 08/01/2014

FATL 398

Effective Date: March 1, 2020

Most Current Prior Effective Date: August 1, 2014

In accordance with rule 5101:4-8-30 of the Administrative Code, an individual financially responsible (debtor) for a ~~food assistance~~ supplemental nutrition assistance program (SNAP) claim that disagrees with a referral to the treasury offset program (TOP) may request a review by the ~~county agency~~ Ohio department of job and family services (ODJFS), office of fiscal and monitoring services, bureau of program integrity (BPI), and then by the United States department of agriculture (USDA) food and nutrition service (FNS).

(A) What are the responsibilities of ~~the county agency~~ BPI when a written review request concerning the referral of the debt to the TOP is received?

~~The county agency~~ BPI shall:

- (1) Conduct a review on all requests received within sixty days of the mailing date of the notice issued in accordance with paragraph (D) of rule 5101:4-8-30 of the Administrative Code. ~~The county agency~~ BPI will not conduct a review on requests received later than sixty days after the mailing date of the notice.
- (2) Not refer a claim for offset while the claim is under review.
- (3) Verify the debtor's social security number.
- (4) Verify that when someone other than the debtor makes a written request for review on behalf of the debtor, the request includes a statement signed by the debtor, authorizing the person to represent the debtor.
- (5) For written review requests issue ~~issue~~ a written notice to the debtor within ~~fifteen~~ thirty days of receipt of the written request for review, when it is determined that the claim is legally enforceable and past-due. The notice includes:
 - (a) A statement that the claim will be referred to the TOP unless the debtor makes an acceptable repayment arrangement on the claim in accordance with paragraph (E) of rule 5101:4-8-30 of the Administrative Code; and
 - (b) Instructions and time limits to request a review by FNS of the ~~county agency~~ BPI determination. The request for an FNS review ~~must~~ is to be received by the USDA FNS midwest regional office within thirty days from the mailing date of the notice.
- (6) For written review requests issue ~~issue~~ a written notice to the debtor within ~~fifteen~~ thirty days of the receipt of the written request for review, when it is determined that the claim is not legally enforceable and/or past-due. This notice includes:
 - (a) A statement that the claim will not be referred to offset; and
 - (b) A statement that the county agency or BPI may take action necessary to establish and/or recover the claim.
- (7) Cancel the ~~claim-referral~~ in accordance with rule 5101:4-8-30 of the Administrative Code, when a determination is made that a claim is not legally enforceable and ~~or~~ past-due.
- (8) Issue a copy of the written notice(s) sent to the debtor to the county agency.

(B) When an FNS review of the ~~county agency~~ BPI determination has been requested, who does FNS notify of their determination?

FNS notifies ~~the Ohio department of job and family services (ODJFS)~~ BPI and the debtor of its determination. ~~ODJFS~~ BPI will then notify the applicable county agency of the FNS determination.

- (1) When FNS determines that ~~the county agency~~BPI correctly determined the claim to be past due and legally enforceable, FNS notifies the debtor that any further appeal mustis to be made through the courts and the referral to the TOP will proceed.
- (2) When FNS determines that ~~the county agency~~BPI incorrectly determined the claim to be past due and legally enforceable, FNS notifies ~~ODJFS~~BPI about any corrective action that mustis to be taken with respect to the claim.

Effective: 3/1/2020

Five Year Review (FYR) Dates: 11/21/2019 and 03/01/2025

Certification: CERTIFIED ELECTRONICALLY

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Rule Amplifies: 5101.54

Prior Effective Dates: 08/01/1995, 07/01/1996, 09/13/1996, 09/01/1998 (Emer.), 11/01/1998, 01/01/2004, 04/01/2009, 04/15/2010, 08/01/2014

FACH Desk Aids

For additional resources visit the Office of Family Stability website at:

<http://innerweb.odjfs.state.oh.us/ofam>

Verification Requirements and Reason Codes

[Click here to view Verification Requirements and Reason Codes.](#)

Guide for Non-English Language Interpretation

[Click here to view Twelve Different Language Interpretation Requests.](#)

Combat Zone Tax Exclusion Areas

[Click here to view Combat Zone Tax Exclusion Areas.](#)

Iraqi and Afghan Special Immigrant Visa Holders- Eligibility for Public Assistance Verification of SIV Status

[Click here to view Iraqi and Afghan Special Immigrant Visa Holders- Eligibility for Public Assistance Verification of SIV Status](#)

Simplified Guide for Determining Eligibility of Noncitizens

[Click here to view Simplified Guide for Determining Eligibility of Noncitizens](#)

Summary of Tax-Preferred Retirement Accounts/Plans

[Click here to view Summary of Tax-Preferred Retirement Accounts/Plans](#)

Food Assistance Appendix

Appendix 15 JFS 07402WS - Application Worksheet

[Click here to view the JFS 07402WS, Application Worksheet](#)

Appendix 16 Instructions for Completing the Application Worksheet (JFS 07402-WS)

[Click here to view the Instructions for Completing the Application Worksheet \(JFS 07402-WS\)](#)

Appendix 18-A JFS 04218 -Notice of Missed Interview
[Click here to view the JFS 04218, Notice of Missed Interview](#)

Appendix 18-B JFS 04218-SPA - Aviso De Entrevista Perdida
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Appendix 19-A JFS 04219 -Request for Contact
[Click here to view the JFS 04219, Request for Contact](#)

Appendix 19-B JFS 04219-SPA - Solicitud Para Contactar

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Appendix 20 Determination of Food Stamp Benefits when OAC 5101:4-6-16 Applies
[Click here to view the Determination of Food Stamp Benefits when OAC 5101:4-6-16 Applies](#)

[Click here to view the JFS 07424, Report of Claim Determination/Lost Benefits](#)

Appendix 21-A Instructions for Completing JFS 07424 - Report of Claim Determination/Lost Benefits

[Click here to view the Instructions For Completing JFS 07424 - Report Of Claim Determination/Lost Benefits](#)

Appendix 21-B Summary Sheet - Claim Determination/Lost Benefits (Model)

[Click here to view Appendix 21-B, Summary Sheet - Claim Determination/Lost Benefits \(Model\)](#)

Appendix 23-A JFS 04196 - Food Stamp Change Report for Assistance Groups with Earned Income

[Click here to view the JFS 04196, Food Stamp Change Report for Assistance Groups with Earned Income](#)

Appendix 23-B JFS 04196-SPA - Reporte De Cambios En Grupos Con Ayuda De Estampillas Para Comida (Food Stamps) Con Ingresos Devengados

[Click here to view the JFS 04196-SPA, Reporte De Cambios En Grupos Con Ayuda De Estampillas Para Comida \(Food Stamps\) Con Ingresos Devengados](#)

Appendix 25-C Food Stamp Allotment Proration (FSP-13)

[Click here to view the FSP-13, Food Stamp Allotment Proration](#)

Appendix 27 Receipt for Application for a Social Security Number (SSA 5028-5029)

[Click here to view The Receipt for Application for a Social Security Number \(SSA 5028-5029\)](#)

Appendix 33 JFS 03900 - Notice of Intercounty Transfer

[Click here to view the JFS 03900, Notice of Intercounty Transfer](#)

Appendix 34 Food Stamp Notice of Change (Model)

[Click here to view the sample of Food Stamp Notice of Change \(Model\)](#)

Appendix 35 Record of Changes to Hand Book

[Click here to view the sample of Record Of Changes To Hand book](#)

Appendix 37 Social Security Administration Transmittal for Food Stamp Applications (SSA-4233)

Currently not available in electronic format.

Appendix 39 JFS 07355 - Notice of Application for Social Security Number
[Click here to view the JFS 07355, Notice of Application for Social Security Number](#)

Appendix 42 Food Stamp Overpayment Report
[Click here to view the Food Stamp Overpayment Report](#)

Appendix 48 Notice of Food Stamp Work Registration Responsibility

Obsolete per [FATL 299](#)

Appendix 49 **JFS 07446 - Work Registration**

Obsolete per [FATL 299](#)

Appendix 55-A JFS 07222 - Statement Requesting Replacement Food Assistance Benefits
[Click here to view the JFS 07222, Statement Requesting Replacement Food Assistance Benefits](#)

Appendix 55-B JFS 07222-SPA - Statement Requesting Replacement Food Stamps (Spanish Version)

[Click here to view the JFS 07222-SPA, Statement Requesting Replacement Food Stamps \(Spanish Version\)](#)

Appendix 55-C JFS 07222-SOM - Statement Requesting Replacement Food Stamps (Somali Version)

[Click here to view the JFS 07222-SOM, Statement Requesting Replacement Food Stamps \(Somali Version\)](#)

Appendix 61 Compromise Agreement
[Click here to view the Compromise Agreement](#)

Appendix 62 G-845S - SAVE Document Verification Request

[Click here to view the sample of G-845S - SAVE Document Verification Request](#)

Appendix 63 G-845 - SAVE Document Verification Request Supplement
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Appendix 63-A SAVE Instructions for Completion of the Document Verification Request (G-845S) and Document Verification Request Supplement (G-845)

[Click here to view the SAVE Instructions for Completion of the Document Verification Request \(G-845S\) and Document Verification Request Supplement \(G-845\)](#)

Appendix 67 Sample Certification Letter for Adult Victims of Severe Forms of Trafficking
[Click here to view the Sample Certification Letter for Adult Victims of Severe Forms of Trafficking](#)

Appendix 68 Sample Letter for Children Who are Victims of Severe Forms of Trafficking
[Click here to view the Sample Letter for Children Who are Victims of Severe Forms of Trafficking](#)

Appendix 69 Sample Recertification Letter for Adult Victims of Severe Forms of Trafficking
[Click here to view the Sample Recertification Letter for Adult Victims of Severe Forms of Trafficking](#)

Appendix 70
Trafficking

Sample Re-eligibility Letter for Children Who are Victims of Severe Forms of

[Click here to view the Sample Re-eligibility Letter for Children Who are Victims of Severe Forms of Trafficking](#)

Appendix 72 JFS 07251 - Request for Disclosure of Information Obtained from Food Stamp Assistance Groups by Law Enforcement Officials

[Click here to view the JFS 07251, Request for Disclosure of Information Obtained from Food Stamp Assistance Groups by Law Enforcement Officials](#)

[Click here to view the Ohio Department of Job and Family Services - Claim Referral Plan](#)

Appendix 77 Flow Chart - Food Stamp Claim Referral Process (AE and IHE Referrals - Non QC)

[Click here to view the Flow Chart - Food Stamp Claim Referral Process \(AE and IHE Referrals - Non QC\)](#)

Appendix 78 Flow Chart - Food Stamp Claim Referral Process (IPV Referrals)

[Click here to view the Flow Chart - Food Stamp Claim Referral Process \(IPV Referrals\)](#)

Appendix 79 Flow Chart - Food Stamp Claim Referral Process (AE and IHE Referrals - Identified by QC)

[Click here to view the Flow Chart - Food Stamp Claim Referral Process \(AE and IHE Referrals - Identified by QC\)](#)

[Click here to view the JFS 07430, Offset Program Referral Cancellation / Refund Form](#)

Appendix 81 Treasury Offset Program Review Decision - Overruled

[Click here to view the sample of Appendix 81, , Treasury Offset Program Review Decision - Overruled](#)

Appendix 82 Treasury Offset Program Review Decision - Sustained

[Click here to view the sample of Appendix 82, Treasury Offset Program Review Decision - Sustained](#)

Appendix 98 IEVS Specifications Glossary
[Click here to view the IEVS Specifications Glossary](#)

Appendix 100 JFS 01846 - Case Worksheet - Cash, Food Stamp, and Medical Assistance Interview

[Click here to view the JFS 01846, Case Worksheet - Cash, Food Stamp, and Medical Assistance Interview](#)

Appendix 101-A JFS 07200 - Request for Cash, Food Stamp and Medical Assistance
[Click here to view the JFS 07200, Request for Cash, Food Stamp and Medical Assistance](#)

Appendix 101-B JFS 07200-SPA - Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia Médica

[Click here to view the JFS 07200-SPA, Pedido para Recibir Efectivo, Estampillas de Alimentos y Asistencia Medic](#)

Appendix 101-C JFS 07200-SOM -Codsiga Kaashka, Gargaarka Cuntada (Food Stamp), iyo Gargaarka Caafimaadka (Medical Assistance)

[Click here to view the JFS 07200-SOM, Codsiga Kaashka, Gargaarka Cuntada \(Food Stamp\), iyo Gargaarka Caafimaadka \(Medical Assistance\)](#)

Appendix 102-A JFS 07501 - Your Rights and Responsibilities

[Click here to view the JFS 07501, Your Rights and Responsibilities](#)

Appendix 102-B JFS 07501-SPA - Sus Derechos y Obligaciones
[Click here to view the JFS 07501-SPA, Sus Derechos y Obligaciones](#)

Appendix 102-C JFS 07501-SOM - Xuquuqdaada iyo Waajibaadka (Your Rights and Responsibilities translated into Somali)

[Click here to view the JFS 07501-SOM, Xuquuqdaada iyo Waajibaadka \(Your Rights and Responsibilities translated into Somali\)](#)

Appendix 105 JFS 07449 - Work Registration/Information Sharing Form

Obsolete per [FATL 299](#)

Procedures

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Procedure # 1 - Procedures for Application Processing

Reference Section - November 2008

[Click here to view the Procedures for Application Processing](#)

Procedure # 2 - Procedures for Reapplication Processing

Reference Section - May 2005

[Click here to view the Procedures for Reapplication Processing](#)

Procedure # 3 - Procedures for Processing Reported Changes Nonpublic Assistance (NA) AGS

March 2002

(REFERENCE RULE 5101:4-7-01)

1. AG reports required or voluntary information changes to the eligibility worker, via fax, telephone, electronically, in person, by the JFS 07443 Change Report form or through other means.
2. Eligibility worker obtains JFS 07402WS Application Worksheet from case record and documents or documents in CRIS-E:
 - Date change was reported.
 - The reported change.
 - Any computations required by the change.
 - The effect of the reported change on the AG's eligibility or allotment. NOTE: Changes having NO effect must be documented to reflect this.
 - Signature of eligibility worker and date.

For no change in benefits, go to step 3. For increases, go to step 4. For decreases go to step 9.

3. When the reported change does not affect the AG's eligibility or benefits, complete the "change" portion of the JFS 07401 Action Taken on Your Food Stamp Case or its CRIS-E equivalent indicating that the benefit amount is unchanged, and mail to the AG. Include a new JFS 07443 Change Report form and return envelope when needed. No further action by the eligibility worker is necessary.
4. When the reported change results in an increase in benefits complete the "change" portion of JFS 07401 Action Taken on Your Food Stamp Case or its CRIS-E equivalent, indicating that the allotment will be increased along with the amount of the new allotment, date it will begin, and current certification period. If mandatory verification is needed, specify what needs to be verified on the JFS 04219, "Request for Contact" (RFC) which specifies the date that verification must be received (10 days from the date the change was reported). Go to next step.
5. If the AG provides the mandatory verification within the ten-day period, authorize benefits in compliance with timeliness standard which applies to the type of change reported. (See Chart #2, TIMELINESS STANDARDS FOR INCREASES IN BENEFITS.) The time period should begin with the date the change was reported. Go to step 7.
6. If the AG does not provide the mandatory verification within the ten-day period but does provide it at later date, authorize benefits in compliance with timeliness standard which applies to the type of change reported. The time period should begin with the date the verification is provided. Go to step 7.
7. Mail notification form (JFS 07401 Action Taken on Your Food Stamp Case or its CRIS-E equivalent) and include a new JFS 07443 Change Report form and return envelope when needed. No further action is necessary.
8. If it is determined that the AG has refused to provide the mandatory verification, complete and mail a notice of adverse action indicating the effective date and reason for the termination. If the AG appeals, benefits are continued at original level. If AG does not appeal, go to step 12. Failure to report or verify expenses for shelter costs, utility costs, dependent care expenses, medical expenses, or legally-obligated child support paid to a non-household member will result in the AG's eligibility and benefit level being determined without a deduction for the claimed but unverified expense.
9. When the reported change results in a decrease in benefits, notify the AG of any needed verification on the Request for Contact (RFC) and allow ten days to provide. If no response complete the notice of adverse action to terminate. If no further verification is needed, complete the notice of adverse action, indicate amount of reduced allotment, the effective date, and the reason. Go to next step.
10. Mail notice of adverse action and, when needed, a new Change Report form and return envelope to AG. If AG requests a hearing before expiration of the notice, go to step 11. If not, go to step 12.

11. If AG requests a hearing, continue benefits at original level pending the hearing decision, unless the AG specifically indicates that it wants the change processed. Follow fair hearing procedures in Chapter 5101:6 of the Administrative Code.
12. If AG does not request a hearing, authorize reduction or termination of benefits as appropriate, in time to affect the first allotment issued the month after expiration of the notice of adverse action.

Procedure # 4 - Procedures for Processing Reported Changes Public Assistance (PA) AGS

March 2002

(REFERENCE RULES 5101:4-6-17 and 5101:4-7-01)

1. AG reports required or voluntary information regarding changes to the eligibility worker, via fax, telephone, electronically person, by the JFS 07443 Change Report form or through other means.
2. Eligibility worker obtains JFS 07402WS Application Worksheet from case record and documents or documents in CRIS-E:
 - Date change was reported.
 - The reported change.
 - Any computations required by the change.
 - The effect of the reported change on the household's eligibility or allotment. NOTE: Changes having no effect must be documented to reflect this.

For no change in benefits, go to step 3.

For increases due to reduction or termination of PA benefits, go to step 4.

For other increases, go to step 5.

For decreases which are also PA benefit decreases or terminations, go to step 11.

For other decreases, go to step 12.

If unable to determine food stamp eligibility or benefit amount, go to step 14.

3. When the reported change does not affect the AG's eligibility or benefits, complete the "change" portion of JFS 07401 Action Taken on Your Food Stamp Case or its CRIS-E equivalent, indicating that the benefit is unchanged, and mail to the AG. Include a new JFS 07443 Change Report form and return envelope when needed. No further action by the eligibility worker is necessary.
4. When the reported change results in an increase in food stamp benefits due to a reduction or termination in PA benefits, complete and mail the PA notice of adverse action JFS 04065 Important Notice About Your Welfare Benefits or its CRIS-E equivalent for the PA change. Do not increase food stamp benefits until the notice of adverse action period expires (15 days). If AG appeals, both PA and food stamp benefits are continued at original level. If AG does not appeal, go to step 6.
5. When the reported change results in an increase in food stamp benefits and in PA benefits, go to step 6.
6. Complete the "change" portion of JFS 07401 Action Taken on Your Food Stamp Case or its CRIS-E equivalent, indicating that the benefit will be increased, along with the amount of the new benefit, the date it will begin and the current certification period. If mandatory verification is needed, specify what needs to be verified on the JFS 04219, "Request for Contact" (RFC) which specifies the date verification must be received (10 days from the date the change was reported).
7. If the AG provides the mandatory verification within the ten-day period, authorize benefits in compliance with timeliness standard which applies to the type of change reported. (See chart #2, TIMELINESS STANDARDS FOR INCREASE IN BENEFITS.) The time period should begin with the date the change was reported. Go to step 9.
8. If the AG does not provide the mandatory verification within the ten-day period but does provide it at a later date, authorize benefits in compliance with timeliness standard which applies to the type of change reported. The time period should begin with the date the verification is provided. Go to step 9.
9. Mail notification from (JFS 07401 Action Taken on Your Food Stamp Case or its CRIS-E equivalent), and include a new JFS 07443 Change Report form and return envelope when needed. No further action is necessary.

10. If it is determined that the AG has refused to provide the mandatory verification, complete and mail a notice of adverse action (JFS 04065) indicating the effective date and reason for the termination. If AG appeals, benefits are continued at original level. If AG does not appeal, go to step 13. Failure to report or verify expenses for shelter costs, utility costs, dependent care expenses, medical expenses, or legally-obligated child support paid to a non-household member will result in the AG's eligibility and benefit level being determined without a deduction for the claimed but unverified expense.
11. When the reported change results in a decrease or termination in food stamp benefits and a decrease or termination in PA benefits, complete and mail a single notice of adverse action (JFS 04065 or its CRIS-E equivalent) indicating the amount of the reduced benefit amount, the effective date of the reduction or termination, and the reason. If AG appeals, both PA and food stamp benefits are continued at original level. If AG does not appeal, go to step 13.
12. When the reported change results in a decrease in food stamp benefits and does not result in a decrease in PA benefits, complete and mail a notice of adverse action (JFS 04065 or its CRIS-E equivalent) indicating the amount of the reduced benefit amount, the effective date of the reduction, and the reason. If AG appeals, benefits are continued at original level. If AG does not appeal, go to step 13.
13. If AG does not request a hearing, authorize reduction or termination of benefits as appropriate, in time to affect the first benefits issued the month after expiration of the notice of adverse action. No further action is necessary.
14. When the change results in a termination of PA benefits within the food stamp certification period, but food stamp eligibility or benefit level cannot be determined due to insufficient information, issue a notice of adverse action (JFS 04065 or its CRIS-E equivalent) for the PA termination and a Request for Contact (RFC) stating what information is needed to determine food stamp eligibility. Do not take any action to affect food stamp benefits until the PA notice of adverse action period expires. If the AG appeals, both PA and food stamp benefits are continued at original level. If AG does not appeal, go to step 15.
15. If the AG does not request a hearing, complete a request verification and allow ten days to provide, if verification not provided, issue an adverse notice and take appropriate action.
16. If verification is provided with ten days, act on the change as appropriate.

Procedure # 5 - Procedures for Work Registration (Obsolete)

Obsolete per FSTL 236 dated October 3, 2001.

Procedure # 6 - Procedures for Determining Fault

July 2001

(REFERENCE RULE 5101:4-5-07 OF THE ADMINISTRATIVE CODE)

Delay on the 30th Day the Result of:	AG at Fault:	Agency at Fault:
Incomplete Application	Application not complete even though worker has offered or attempted to offer help to complete it	Worker did not offer help or explanation regarding how to complete the application
One or more members of AG have not registered for work	1. Worker explained who must register, by what day they must register; and	1. AG was not informed of who must register; and/or
	2. Offered to help complete the necessary form(s); and	2. Registration form(s) was not provided and explained; and/or
	3. Given the AG at least 10 days between notification and the 30th day after application to register these members; OR	3. The AG's first interview was scheduled more than 20 days after application, thus allowing it less than 10 days to complete the necessary registration(s).
	4. AGs missed the first interview, another was scheduled between the 20th and 30th day after filing and the worker completed 1 and 2 above.	
Incomplete Verification	1. Worker explained which statements need verification, what is acceptable verification, by what date verification is needed; and	1. Worker did not explain what verification was needed; and/or
	2. Offered/provided the AG assistance to obtain the verification as required (ref: rule 5101:4-2-09of the Administrative Code); and	2. Did not offer/provide the AG assistance as required in rule 5101:4-2-09 of the Administrative Code; and/or
	3. Allowed the AG at least 10 days between the request for the particular verification which is missing and the 30 th day; OR	3. Scheduled the AG's first interview more than 20 days after application, thus allowing it less than 10 days to provide the needed verification; OR
	4. The AG missed that first interview, another was scheduled between the 20 th and 30 th day after filing <i>and</i> the worker completed 1 and 2 above at that time.	4. Worker discovered need for further verification after the interview but failed to allow 10 days between the request for verification and day 30. OR
		5. Worker offered assistance but neglected to follow through on a collateral contact or release of information.
Other Interview Factors	1. AG missed first interview and <i>requested</i> the second to be scheduled after the 30 th day.	1. Worker scheduled the AG's first interview more than 30 days after the AG filed its application.
	2. AG missed both scheduled interviews and requested a third. No	2. The AG missed its first interview and requests a second interview and the worker

	matter when the third occurs, any delay which occurs is considered the AG's fault.	schedules the second more than 30 days after the application was filed.
Other Factors		1. The worker or other staff neglects to complete required processing actions, such as completing the food stamp budget, authorizing the benefits, even though the AG has completed all of its requirements.

Procedure # 7 - Procedures for Cases Involving Delays

July 2001

(REFERENCE RULE 5101:4-5-07)

SITUATION	STEPS	EFFECT ON BENEFITS
AG fails to appear for scheduled interview, or fails to provide verification requested on the date of application and no subsequent requests for verification were made.	1,3,8	Denied; no benefits.
AG at fault on day 30, does <i>not</i> complete required actions by day 60, agency completes by day 60.	1,7,8*	Denied; no benefits.
AG at fault on day 30, completes required actions by day 60, agency completes by day 60.	1,9	No benefits for month of application; benefits begin month after month of application.
AG at fault on day 30, completes required actions by day 60, agency does <i>not</i> complete by day 60.	1,4,5,9	No benefits for month of application; benefits begin month after month of application.
Agency at fault on day 30, no action needed by AG, agency completes by day 60.	2,9	Benefits for month of application.
Agency at fault on day 30, further action <i>is</i> necessary by AG, AG completes by day 60, agency completes by day 60.	2,9	Benefits for month of application.
Agency at fault on day 30, further action is needed by AG, AG completes by day 60, agency does not complete by day 60.	2,4,5,9	Benefits for month of application.
Agency at fault on day 30, further action <i>is</i> needed by AG, AG does <i>not</i> complete by day 60, agency completes by day 60.	2,4,7	Denied; no benefits.

Steps and Actions:

STEPS and ACTIONS

1. Send denial letter (JFS 07401 Action Taken on Your Food Stamp Case) on the 30th day or CRIS-E equivalent.
 2. Send pending notice (JFS 07401) on 30th day or CRIS-E equivalent.
 3. Complete worksheet (JFS 07402WS Application Worksheet or document in CRIS-E), deny application on the 30th day.
 4. Determine fault on 60th day.
 5. Continue processing.
 6. Send denial letter (JFS 07401) on 60th day or CRIS-E equivalent.
 7. Complete worksheet (JFS 07402WS or document in CRIS-E), deny application on 60th day.
 8. No further notice necessary.
 9. Complete worksheet (JFS 07402WS or document in CRIS-E), determine monthly allotment and certification period, authorize benefits, send eligibility notice (JFS 07401) or CRIS-E equivalent.
- These steps apply to all AGs determined to be at fault on day 30 *except* those who did not appear for the scheduled interview, *or* those who failed to provide verification requested on the same day the application was filed and no subsequent requests for verification were made. AGs denied on the 30th day for these reasons must file new applications if participation in the program is desired.

Procedure # 8 - Procedure for Calculating Self-Employment Income

July 2001

1. Average self-employment income over the period of time the income is intended to cover. If the averaged amount does not accurately reflect the actual circumstances (due to a substantial increase or decrease) calculate the self-employment income on the basis of anticipated earnings.
2. If the enterprise has existed for less than a year, the self-employment income must be averaged over the period of time the business has been in operation and the amount projected over the coming year.
3. Determine monthly self-employment income.
 - Add all gross self-employment income (actual or anticipated).
 - Add any capital gains (actual or anticipated).
 - Deduct costs of producing the self-employment income which includes (but is not limited to):
 - Identifiable costs of labor, stock, raw material (including seed and fertilizer),
 - Principal and/or interest payments on the purchase price of income-producing real estate and capital assets, equipment, machinery and other durable goods,
 - Insurance premiums of real estate, equipment, or other income producing property,
 - Property or similar taxes on income-producing property (do not deduct income or social security taxes as these are accounted for in the earned income deduction), and
 - Any other identifiable cost of producing that particular AG's self-employment enterprise including separate and identifiable costs of a home used in the self-employment enterprise.
 - Divide the remaining amount of the income by the number of months over which the income is being averaged. **THIS AMOUNT IS THE MONTHLY NET SELF-EMPLOYMENT INCOME AND MUST BE ADDED TO ANY OTHER EARNED INCOME RECEIVED BY THE AG.**
4. If the cost of producing the income exceeds the income derived (as in the case of a farmer who receives or anticipates to receive \$1,000 or more from the farming enterprise), losses must be prorated to a monthly amount.
 - Offset farm losses first against other self-employment income.
 - Offset remaining farm self-employment losses against the total amount of earned and unearned income AFTER the 20% earned income deduction has been applied.
5. Complete the eligibility determination as for any other AG. Shelter costs deducted as a cost of doing business cannot be allowed as part of the AG's other shelter costs.

Procedure # 9 - Procedures for Determining Need for Expedited Service and Issuance of Benefits

Reference Section - May 2005

[Click here to view the Procedures for Determining Need for Expedited Service and Issuance of Benefits](#)

Procedure # 10 - Quality Control Findings (Obsolete)

Obsolete per FSTL 279 dated October 25, 2006.

Procedure # 11 - Determination of an AG's Eligibility During an IPV Disqualification Period

NOTE: These examples will not be updated to reflect changes due to cost of living adjustments.

EXAMPLE #1 Nondisqualified AG members are eligible during the IPV disqualification period.

John Doe, Jane Doe, and Mary Doe apply for food stamps on 2/1. John Doe is subject to a 12-month IPV disqualification which began on December 1 of the previous year and will end November 30. The AG's situation is as follows.

John: \$500 monthly unearned income

Jane: \$400 monthly unearned income

Mary: no income

Resources: \$1,000 (includes John's resources)

Shelter costs: \$500 rent plus utilities (AG is eligible for the utility standard)

No one is elderly or disabled, as defined in the Glossary.

Presume that the AG does not meet any type of categorical eligibility.

The determination of the eligibility of the AG members who are not subject to IPV disqualification is done as follows.

Resource test: Jane and Mary have \$1,000 in resources counted toward them. This does not exceed their resource limit.

Gross income test: Since neither Jane nor Mary is elderly or disabled and they are not categorically eligible, the gross income test is applicable. The gross income standard for a two-person AG is \$1219. Since John's income has to be counted toward Jane and Mary, the AG has \$900 gross monthly income. Jane and Mary pass the gross income test.

Net income test: Since Jane and Mary are not categorically eligible, they are subject to the net income test for a two-person AG. The maximum net income a two-person AG may have is \$938. The AG's net income is determined as follows.

\$500 unearned income (John)
+400 unearned income (Jane)
<u> 0</u> (Mary)
\$900
- <u>134</u> standard deduction
\$766
\$500 rent
+ <u>244</u> utility standard
\$744 total shelter expenses
- <u>383</u> 50% of \$766
\$361 shelter deficiency
\$766

-300 shelter deduction (maximum allowed for this AG)
--

\$466 net adjusted income (is compared to net income standard)
--

The maximum net adjusted income an AG of two may have is \$938. (Jane and Mary pass the test.)

Issuance of benefits: Jane and Mary are eligible for an allotment. An AG size of 2 with a net (adjusted) income of \$466 receives \$98 per month in food stamps. Unless a change occurs, this amount will be issued through the end of the IPV disqualification period.

EXAMPLE #2 Nondisqualified AG members are ineligible during the IPV disqualification period.

George Smith, Mary Smith, and Bill Smith apply for food stamps on 4/1. George is serving a 12-month IPV disqualification period that began March 1 and will end April 30. The AG's situation is as follows.

George: \$600 monthly unearned income

Mary: \$700 monthly unearned income

Bill: no income

Resources: \$1,000 (includes George's resources)

Shelter costs: \$350 rent plus utilities (AG is eligible for the utility standard)

No one is elderly or disabled as defined in the Glossary.

The AG is not categorically eligible.

The determination of the eligibility of the AG members who are not subject to IPV disqualification is done as follows.

Resource test: Mary and Bill have \$1,000 in resources counted toward them. This does not exceed their resource limit.

Gross income test: Since neither Mary or Bill is elderly or disabled and they are not categorically eligible, the gross income standard is applicable. The gross income maximum for a two-person AG is \$1,219. Since George's income has to be counted toward Mary and Bill, Mary and Bill's gross monthly income is \$1,300. Mary and Bill fail the gross income test.

The AG would be issued a denial notice. The AG should be advised to reapply when George's disqualification period ends.

Procedure # 13 - Calculation of Claims: Month of Overpayment Involves Work Program Activity

Obsolete per [FATL 299](#)

Procedure # 14 - AG Subject to Verification Requirements for Refusing to Cooperate with Quality Control Reviewer (Obsolete)

Obsolete per FSTL 264 dated May 5, 2005

Procedure # 15 - Primary and Secondary Save Verification Procedures (Obsolete)

Obsolete per FSTL 263 dated April 13, 2005

Example #1: Extra Hours Credited Toward Future Work Activity Obligation.

An AG received a \$100 food stamp allotment for a given month. A member of the AG was obligated to participate in a work activity 19 hours ($\$100$ divided by $\$5.15$, the federal minimum wage at the time) during that month. It is discovered that the AG should have received an allotment of $\$50$ for the given month, and based on this allotment the work activity obligation should have been 9 hours ($\$50$ divided by $\$5.15$). The AG member participated the full 19 hours. The AG member is considered to have performed 10 extra hours of work activity which is credited toward future food stamp work activity obligations. The claim against the AG is $\$50$.

Example #2: No Crediting of Extra Hours, Work Activity Obligation Based on Allotment. Claim is Established as IHE or AE.

An AG received a \$150 allotment for a given month and a member was assigned to participate 29 hours (\$150 divided by \$5.15, the federal minimum wage) in a work activity for food stamp purposes. During that month the member actually participated 20 hours. It is determined that the AG should have received a \$100 allotment.

The amount of the claim is determined as follows and will be for the amount overpaid or the amount of the actual allotment not worked off, whichever is less:

\$150 actual allotment	\$ 5.15 hourly rate
- <u>100</u> corrected allotment	X <u>9</u> number of hours not worked
\$ 50 overpaid	\$46.00 amount of the actual allotment not worked off (\$46.35 rounded down to \$46)

Since only that portion of an overpayment which was not worked off is subject to claim action, the claim for the month is \$46.

Example #3: No Crediting of Extra Hours, Work Activity Obligation Based on Allotment. Claim is Established as IHE or AE.

An AG received a \$150 allotment for a given month and a member was assigned to participate 29 hours (\$150 divided by \$5.15, the federal minimum wage) in a work activity for food stamp purposes. During that month the member actually participated 20 hours. It is determined that the AG should have received a \$140 allotment.

The amount of the claim is determined as follows and will be for the amount overpaid or the amount of the actual allotment not worked off, whichever is less:

\$150 actual allotment	\$ 5.15 hourly rate
- <u>140</u> corrected allotment	X <u>5</u> number of hours not worked
\$ 10 overpaid	\$25.75 amount of the actual allotment not worked off (\$25.75 rounded down to \$25)

The claim for the month is \$10. The claim cannot exceed the amount overpaid.

Example #4: Work Activity Based on Allotment, Claim is Established as an IPV.

An AG received a \$150 allotment for a given month, during which an AG member performed 20 hours of a 29-hour work activity obligation. The county agency determines that the AG was ineligible for the entire allotment. The claim is established as an IPV for \$150.

If at the time the claim is established the person who performed the work activity is still subject to a work activity, he/she is credited with 20 hours of work activity participation in a future month(s).

If the person who performed the work activity is not subject to work activity at the time the claim is established there is no crediting of the extra hours he/she participated in a work activity.

Example #5: Work Activity Obligation not Based on Monthly Allotment. Claim is established as IHE or AE.

An AG member was assigned a work activity of 80 hours for a given month. The AG's allotment divided by an hourly rate was not used to determine the 80 hours. He/she performed all 80 hours. The AG received an allotment of \$150 for the month. It is determined that the AG should have received an allotment of \$75. A claim cannot include any portion of an overpayment that was worked off.

Step 1:

Step 1.		
A.	Actual allotment	\$ 150
B.	Corrected allotment	- <u>75</u>
C.	Overpayment	\$ <u>75</u>

Step 2:

Step 2.		
D.	Hours of work activity participation	<u>88</u>
E.	Federal minimum wage	\$ <u>5.15</u>
F.	Value of work activity participation	\$ <u>4.12</u> = \$ _____ (after dropping cents)

Step 3:

Step 3.		
G.	Enter the amount from line A.	\$150
H.	Enter the amount from line F.	- <u>412</u>
I.	Subtract line H from line G. If a negative number, enter 0.	\$ <u>(262)</u> = <u>0</u>
If 0, no claim exists; enter 0 on line P and "n/a" on lines J thru O.		
If greater than 0, go to step 4.		

Step 4:

Step 4.		
J.	Enter the amount from line B.	\$ <u>N/A</u>
K.	Enter the amount from line F.	- <u>N/A</u>
L.	Subtract line K from line J.	\$ <u>N/A</u>
If a negative amount, go to step 5 and enter this amount on line N.		
If 0 or greater, the value of the claim is the amount that appears on line C; go to step VI and enter the amount that appears on line C; enter "n/a" on lines M thru O.		

Step 5:

Step 5.		
M.	Enter the amount from line C.	\$ <u>N/A</u>
N.	Enter the amount from line L.	- <u>N/A</u>
O.	Subtract line N from line M. Enter this amount on line P.	\$ <u>N/A</u>

(This is the amount of the overpayment which was not worked off.)

Step 6:

Step 6.

P.	Claim amount	\$ <u>0</u>
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Enter the dollar amount as instructed on line I, L, or O.

Since the value of the work activity, \$412, exceeds the value of the actual allotment, no claim exists for the given month.

Example #6: Work Activity Obligation not Based on Monthly Allotment. Claim is established as AE or IHE.

An AG member was assigned a work activity of 80 hours for a given month. The AG's allotment divided by an hourly rate was not used to determine the 80 hours. He/she performed 11 hours. The AG received an allotment of \$200 for the month. It is determined that the AG should have received an allotment of \$30. A claim cannot include any portion of an overpayment that was worked off.

Step 1:

Step 1.		
A.	Actual allotment	\$ 200
B.	Corrected allotment	- <u>30</u>
C.	Overpayment	\$ 170

Step 2:

Step 2.		
D.	Hours of work activity participation	11
E.	Federal minimum wage	x \$ 5.15
F.	Value of work activity participation	\$ 56.65 =\$ 56 (after dropping cents)

Step 3:

Step 3.		
G.	Enter the amount from line A.	\$ 200
H.	Enter the amount from line F.	- <u>56</u>
I.	Subtract line H from line G. If a negative number, enter 0.	\$ 144
If 0, no claim exists; enter 0 on line P and "n/a" on lines J thru O.		
If greater than 0, go to step 4.		

Step 4:

Step 4.		
J.	Enter the amount from line B.	\$ <u>30</u>
K.	Enter the amount from line F.	- <u>56</u>
L.	Subtract line K from line J.	\$ <u>(26)</u>
If a negative amount, go to step 5 and enter this amount on line N.		
If 0 or greater, the value of the claim is the amount that appears on line C; go to step VI and enter the amount that appears on line C; enter "n/a" on lines M thru O.		

Step 5:

Step 5.		
M.	Enter the amount from line C.	\$ 170
N.	Enter the amount from line L.	- <u>26</u>
O.	Subtract line N from line M. Enter this amount on line P.	\$ 144

(This is the amount of the overpayment which was not worked off.)

Step 6:

Step 6.

P.	Claim amount	\$ <u>144</u>
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Enter the dollar amount as instructed on line I, L, or O.

Of the \$170 overpayment, \$144 was not worked off. The claim for the month is \$144.

Example #7: Work activity not based on allotment. Claim is established as an IPV.

An AG received a \$150 allotment for a given month during which an AG member performed 30 hours of work activity. The county agency determines that the AG was ineligible for the entire allotment. The claim is established as an IPV for \$150. There is no crediting of any work hours performed, even if the person who performed the work activity is subject to a work activity at the time the IPV claim is established.

This worksheet may be reproduced by the county agency and used to show how an AE or IHE claim was determined under rule 5101:4-3-11 of the Administrative Code (when there is no crediting of hours of participation in a work activity).

AG Name _____ Case/Cat/Seq _____

Month(s): _____

Steps 1 and 2:

Step 1.			Step 2.		
A.	Actual allotment	\$ _____	D.	Hourly rate	\$ _____
B.	Corrected allotment	- _____	E.	Number of hours not worked	X _____
C.	Overpayment	\$ _____	F.	Amount of allotment not worked off	\$ _____

Steps 3:

Step 3.	
G.	Claim amount \$ _____ (The amount on line C or line F, whichever is less.)

Month(s): _____

Steps 1 and 2:

Step 1.			Step 2.		
A.	Actual allotment	\$ _____	D.	Hourly rate	\$ _____
B.	Corrected allotment	- _____	E.	Number of hours not worked	x _____
C.	Overpayment	\$ _____	F.	Amount of allotment not worked off	\$ _____

Steps 3:

Step 3	
G.	Claim amount \$ _____ (The amount on line C or line F, whichever is less.)

Month(s): _____

Steps 1 and 2:

Step 1.			Step 2.		
A.	Actual allotment	\$ _____	D.	Hourly rate	\$ _____
B.	Corrected allotment	- _____	E.	Number of hours not worked	x _____
C.	Overpayment	\$ _____	F.	Amount of allotment not worked off	\$ _____

Steps 3:

Step 3.	
G.	Claim amount \$ _____ (The amount on line C or line F, whichever is less.)

This worksheet may be reproduced by the county agency and used to show how an AE or IHE claim was determined under rule 5101:4-3-11 of the Administrative Code.

AG Name _____ Case/Cat/Seq _____

Month(s): _____

Steps 1:

Step 1.

A.	Actual allotment	\$ _____
B.	Corrected allotment	- _____
C.	Overpayment	\$ _____

Steps 2:

Step 2.

D.	Hours of work activity participation	_____
E.	Federal minimum wage	x \$ _____
F.	Value of work activity participation	\$ _____ = \$ _____ (after dropping cents)

Steps 3:

Step 3.

G.	Enter the amount from line A.	\$ _____
H.	Enter the amount from line F.	- _____
I.	Subtract line H from line G. If a negative number, enter 0.	\$ _____
If 0, no claim exists; enter 0 on line P and "n/a" on lines J thru O.		
If greater than 0, go to step 4.		

Steps 4:

Step 4.

J.	Enter the amount from line B.	\$ _____
K.	Enter the amount from line F.	- _____
L.	Subtract line K from line J.	\$ _____
If a negative amount, go to step 5 and enter this amount on line N.		
If 0 or greater, the value of the claim is the amount that appears on line C; go to step VI and enter the amount that appears on line C; enter "n/a" on lines M thru O.		

Steps 5:

Step 5.

M.	Enter the amount from line C.	\$ _____
N.	Enter the amount from line L.	- _____
O.	Subtract line N from line M. Enter this amount on line P.	\$ _____
(This is the amount of the overpayment which was not worked off.)		

Steps 6:

Step 6.

P.	Claim amount	\$ _____
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Enter the dollar amount as instructed on line I, L, or O.

Procedure 16 - Case File Transfer Procedure for Food Stamps

[Click here to view the Case File Transfer Procedure for Food Stamps](#)

Charts

Chart 1

Sources of Verification - Residency

GENERALLY AVAILABLE FROM THE RECIPIENT:	OTHER SOURCES:
1. Voter Registration Card	1. Home Visit
2. Library Card	2. Collateral Contact
3. Utility Bills	3. Telephone Directory
4. Rent Receipts, Mortgage Receipts, Lease Agreement	4. Tax Office Records
5. Driver's License	5. Church or Synagogue Records
6. Piece of Mail Received at Stated Address	
7. Real Estate Tax Receipts	
8. Renters, Home Owners, or Standard Fire Insurance Policy	
9. Statement of Intent to Reside in _____	
10. School Registration	
11. Letter from Employer Containing Job Offer	
12. Statement from Nonrelative	

Sources of Verification - Age/Relationship

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Birth Certificate
2. Baptismal Certificate
3. Confirmation Papers
4. Military Service Papers
5. Immigration Papers
6. Naturalization Papers
7. Hospital Birth Records
8. Adoption Record
9. Passport
10. Voter Registration Card
11. Family Records (Bible, Birthday Books, Genealogy, Newspaper Birth Announcements)
12. Marriage License
13. Driver's License
14. Employee ID. Card
15. Life Insurance Policy
16. Support Decree
17. School Records

OTHER SOURCES:

- A. State or Federal Census Records
- B. Statement from Person Attending Birth (e.g., Physician, Mid-WifeNurse, Relative, etc.)
- C. Medical Records

Sources of Verification - Citizenship/Alien Status

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Naturalization Papers/Certifications of citizenship (INS Form I-179, INS Form I-197)
2. Permanent Visa
3. Birth Certificate/Hospital Birth Records
4. Refugee Registration Cards
5. U.S. Passport
6. INS ID Card
7. Baptismal Record (Only when place and date of birth is shown.)
8. Family Bible/Religious Records
9. Military Service Records
10. Indian Census Records
11. Voter Registration Cards
12. Signed statement from a U.S. citizen which declares under penalties of perjury that individual in question is a U.S. citizen
13. Alien Registration Cards/Re-entry Permits
14. INS Form I-151 or I-551 (Form I-151 will not be valid after August 1, 1993.)
15. INS Form I-94 if annotated with either:
 - a) Sections 203(a)(7), 207, 208, 212(d)(5), 243(h), or 241(b)(3) of the Immigration and Nationality Act: **or**
 - b) One or a combination of the following terms: Refugee, Parolee, or Asylee.
16. INS Form G-641, "Application for Verification of Information from INS Records", when annotated at bottom by INS representative as lawful admission for humanitarian reasons
17. Documentation that alien is classified pursuant to Sections: 101(a)(2), 203(a), 204(a)(1)(a), 207, 208, 212(d)(5), 241(b)(3), 243(h), or 244(a)(3), of the Immigration and Nationality Act
18. Court order stating that deportation has been withheld pursuant to Section 241(b)(3) or 243(h) or of the Immigration and Nationality Act
19. INS Form I-688
20. Verified citizenship for OWF Program

OTHER SOURCES:

16. State Department Records
17. Immigration and Naturalization Service

Sources of Verification - Work Registration

The following sources may be used to verify the exempt status of persons not required to register for work

A. AGE, CARETAKER OF CHILD UNDER 6:

1. Birth Certificate
2. Adoption Papers/Records
3. Hospital/Clinic Records
4. Church Records
5. Baptismal Certificate
6. Bureau of Vital Statistics
7. U.S. Passport
8. Family Bible
9. Census Records

B. DISABILITY:

1. Receipt of Temporary or Permanent Disability Benefits From a Government or Private Source Including SSA, SSI, RSDI, DA, or Worker's Compensation.
2. Statement From a Medical Authority

C. SUBJECT TO AND COMPLYING WITH OWF:

1. Appropriate Documentary Evidence or Documentation in the Case Record

D. CARETAKER OF INCAPACITATED PERSON:

1. Collateral Contact

E. UNEMPLOYMENT COMPENSATION:

1. Letter or Official Document Showing Receipt of UCB
2. Documentation in Case Record or Contact with SESA to Verify that Person Applied for UC and Registered for Work with SESA

F. PARTICIPANT IN ADDICT OR ALCOHOLIC TREATMENT CENTER:

1. Documentation or Contact with Center

G. SELF-EMPLOYED AT LEAST 30 HOURS A WEEK OR RECEIVING WEEKLY EARNINGS EQUAL TO FEDERAL MINIMUM WAGE X 30 HOURS:

1. Business Records or Form IRS 1040 (Tax Return)
2. Copy of Contract or Contact with Crew Chief or Employer for Migrant and Seasonal Workers.

H. EMPLOYED AT LEAST 30 HOURS A WEEK OR RECEIVING WEEKLY EARNINGS EQUAL TO FEDERAL MINIMUM WAGE X 30 HOURS:

1. Statement From Employer

I. STUDENT:

1. Contact with School Authorities

J. VERIFICATION OF CURRENT REGISTRATION:

1. Forms ES-511, ES - 511c, ODHS 7446, or ODHS 7449
2. SESA Printout
3. Contact with SESA or Work Program Staff

4. Case Record.

Sources of Verification - Income

EARNED INCOME	UNEARNED INCOME
GENERALLY AVAILABLE FROM THE RECIPIENT:	GENERALLY AVAILABLE FROM THE RECIPIENT:
1. Pay Stubs	1. SSA Award Letter
2. Pay Envelope	2. Benefit Payment Check
3. Employee's W-2 Form	3. Unemployment Compensation Award Letter
4. Wage Tax Receipts	4. Pension Award Notice
5. Income Tax Return - State and /or Federal	5. Divorce or Separation Decrees
6. Self-employment Bookkeeping Records	6. Court Order
7. Sales and Expenditure Records	7. Contribution Check
	8. Veterans Administration Award Notice
	9. Correspondence on Benefits
	10. Income Tax Record - State and Federal
	11. Support Agreement
	12. Correspondence on Support Payments
	13. Rental Agreement or Lease
	14. Income Producing Contract
OTHER SOURCES:	OTHER SOURCES:
1. Employer's Wage Record	1. Unemployment Compensation
2. Wage/Hour Records	2. Employer's Records
3. Statement from Employer	3. Worker's Compensation Award
4. Employment Service Office Notice	4. Union Records
5. Occupation Tax Agency	5. Veterans Administration (Local Service Officer etc.)
6. Local Wage Tax Agency	6. Lawyer's Records
7. State Income Tax Bureau	7. Insurance Company Records
8. Employer's Records of Attached Wages	8. Lodge, Club or Fraternal Organization Records
9. Wage Match with SESA or SSA	9. Personal or Income Tax Records.
10. IEVS Matches	10. Railroad Retirement Board Records
	11. United Mine Workers Union (Black Lung Benefits)
	12. Court Record
	13. Probation Office Record
	14. Statement of Person Making Contribution
	15. Cancelled Checks of Persons Making Contribution
	16. Receipts for Contribution

	17. Financial Aid Statements
	18. Rent Receipts of Tenant, Roomer, or Boarder
	19. Statement of Person Providing Income In-Kind
	20. SDX System
	21. Local SSA 1610
	22. Bureau of Indian Affairs
	23. Local Armed Services
	24. Support Services Records
	25. BENDEX
	26. Contact with SSA District Office
	27. Social Security - Form SSA 1610
	28. IEVS Matches

Sources of Verification - Medical and Dependent Care Expenses

MEDICAL EXPENSES

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Billing Statements
2. Itemized Receipts
3. Medicare Card Indicating Part "B" Coverage
4. Health Insurance Policy Showing Premium
5. Medicine/Pill Bottles with Costs on Label
6. Statement From Pharmacy
7. Repayment Agreement with Physician/Hospital
8. Statement From Doctor Verifying Over-The-Counter Drug Prescribed
9. Bill for Visiting Nurse, Homemaker, Home Health Aide, Etc.
10. Lodging/Transportation Receipts From Obtaining Medical Treatment or Services
11. Receipts for Dog Food/Veterinarian Service for Seeing Eye/Hearing Dog
12. Bill or Receipt for Prescribed Equipment and /or Medical Supplies (Includes Rental Costs)

OTHER SOURCES:

1. Statement From Collateral Contact

DEPENDENT CARE

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Cancelled Checks
2. Paid Receipts

OTHER SOURCES:

1. Contact with Dependent Care Provider

Sources of Verification - Shelter Costs

1. CONTINUING SHELTER COSTS:

1. Rent Receipt
2. Mortgage Payment Book
3. Rent/Lease Agreement
4. Statement from Bank or Mortgage Company
5. Statement from HUD
6. Statement from Person with Whom A/R Shares Shelter Costs
7. Receipt/Stub for Campground Fees

B. ACTUAL UTILITIES:

1. Utility Bills
2. Cancelled Checks for Utilities
3. Contact with Organization Providing Utility
4. Statement from Utility Company
5. Statement/Receipt from Land lord for Utilities

C. DISASTER DAMAGE:

1. Bills
2. Contact with Party Providing Reimbursement

D. TAXES AND INSURANCE:

1. Property Tax Statements
2. Fire Insurance/Homeowners Policy or Billing Statements
3. Bills or Correspondence with Taxing Authority or Insurance Agency Which Show the Amount of Taxes and Whether They are Included in the Mortgage Amount.
4. Tax and Insurance Statement

E. UNOCCUPIED HOMES:

1. Receipts
2. Contact with Mortgage Company or Land lord.
3. Collateral Contact

F. OTHER:

1. Real Estate Sales Agreement
2. Receipt for Firewood
3. Statement from Collateral Contact

C-8 Sources of Verification - Social Security Numbers

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Social Security Card
2. Official Document Containing SSN
3. Copy of SSA - 5028, Receipt for Application for SSN

OTHER SOURCES:

1. BENDEX or SDX
2. SSN Verified in Case Record for OWF, Medicaid or Similar Program
3. Copy of SS-5, Application for SSN
4. Collateral Contact with Social Security Administration

Sources of Verification - Resources

LIQUID RESOURCES

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Bank Books
2. Stock Certificates
3. Bond Certificates
4. Mortgages
5. Notes
6. Securities
7. Credit Union Statements
8. Savings and Loan Statements
9. Bank Statements
10. Payment Check for Lump Sum

OTHER SOURCES:

1. Bank Records
2. Stock Brokers
3. Credit Union Records
4. Judgement and Lien Records
5. Savings and Loan Records
6. Credit Applications
7. Charge Account Applications

NON-LIQUID RESOURCES

GENERALLY AVAILABLE FROM THE RECIPIENT:

1. Deed
2. Sales Agreement
3. Mortgages
4. Life Estate Agreement
5. Articles of Agreement
6. Real Estate Tax Receipts
7. School Tax Receipts
8. Income Tax Return
9. Will
10. Life Insurance Policy
11. Burial Arrangement Contract

OTHER SOURCES:

1. Court House Records
2. Tax Records
3. Title Search

4. Utility Company Records
5. Charge Account or Charge Account Application Records
6. Written Value Assessment from Local Business (e.g., Auto, Boat, etc.)
7. NADA Bluebook
8. Statement from Insurance Company Indicating Cash Value of Policy
9. Statement Showing Current Value of Burial Plot
10. Real Estate Tax Transfer Division
11. Municipal Inspection Compliance Records
12. State Department of Motor Vehicles
13. Car Dealers
14. Sales Slips
15. Local Merchants
16. Catalog
17. Insurance Appraisal
18. Banks
19. Real Estate Firms

Chart 2

Timeliness Standards Increases in Benefits

TYPE OF CHANGE	ALLOTMENT AFFECTED
Increase in allowable deduction. Decrease in gross monthly income of \$49.99 or less.	The first allotment issued 10 days after the change was reported and verified must be increased. The change may be made earlier.
Additional AG member added. Decrease in gross monthly income of \$50 or more.	The first allotment issued 10 days after the change was reported and verified must be increased. The change may be made earlier. However, the increase must take effect no later than the month following the month in which the change was reported and verified.

Chart 3

Verification Requirements

October 2005

[Click here to view Chart 3 - Verification Requirements](#)

Chart 4

Processing Standards For Expedited Service

July 2001

When an applicant indicates that he/she is in need of food stamp benefits by completing the appropriate section of the application, the county agency shall review the information provided to determine if eligibility for expedited service is likely to exist. The person screening applications should be looking for AGs which meet any one of the following situations. If eligibility for expedited service may exist, an interview is to be scheduled to allow expedited service to be rendered within the appropriate time frame.

AGs found eligible for expedited service, in accordance with rule 5101:4-6-09 of the Administrative Code, shall have their benefits issued as described in the following situations.

SITUATION: AG WITH ZERO NET MONTHLY INCOME AND LIQUID RESOURCES OF \$100 OR LESS

ACTION: Certification for program benefits shall be completed with **24 hours** or if mitigating circumstances occur, within **72 hours** after application. The benefits may be personally handed to the AG name or his authorized representative immediately following certification under this provision unless the AG requests in writing that it would prefer the benefits mailed. In the even of such a request, the county agency shall immediately mail the benefits and place the AG's written request in the case file.

SITUATION: AG WITH LESS THAN \$150 GROSS MONTHLY INCOME AND LIQUID RESOURCES OF \$100 OR LESS, or

DESTITUTE (as defined in 5101:4-6-09) MIGRANT OR SEASONAL FARMWORKER AG WITH LIQUID RESOURCES OF \$100 OR LESS, or

AG WHOSE MONTHLY RENT/MORTGAGE PLUS UTILITY COSTS EXCEED ITS TOTAL GROSS MONTHLY INCOME AND LIQUID RESOURCES

ACTION: The benefits shall be mailed no later than the close of business on the **sixth calendar day** following the date of application or available for pickup no later than the close of business on the **seventh calendar day** following the date of application to any AG meeting any one of the situations listed above.

When the screening process fails to identify an AG eligible for expedited service, benefits shall be provided within the appropriate time frame (for the situations described above) from the date it was determined eligibility for the service exists, rather than the date of application.

Chart 5

Providing Lost Benefits

The following are the various situations in which an AG is entitled to restoration of lost benefits:

1. County agency error.
2. County agency failed to give the AG sufficient time to verify a deduction and its benefits were lowered as a result (rules 5101:4-4-23 and 5101:4-5-07(c) of the Administrative Code).
3. County agency caused delay at end of 30 and 60 days from filing date (rule 5101:4-5-07 of the Administrative Code).
4. AG denied at end of 60 days from filing date due to county agency delay, but may file for lost benefits (5101:4-5-07 of the Administrative Code).
5. County agency fails to take action within time frames on reported changes that increase the AG's benefits (rule rule 5101:4-7-01 of the Administrative Code).
6. County agency fails to take action on timely application for reapplication and the AG loses benefits for month(s) following the last month of its previous certification period (rule 5101:4-7-07 of the Administrative Code).
7. County conference, state hearing decision, or reconsideration in the client's favor.
8. ADH decision reversed by a court (rule 5101:4-8-03 and Chapter 5101:6 of theAdministrative Code).
9. Lost benefits ordered as a result of class action or other suits.
10. AG's eligibility or benefit levels were adversely affected because federal energy assistance payments were counted as income and /or resources.
11. Federal regulations mandate restoration of lost benefits due to change in eligibility regulations (rule 5101:4-8-03 of the Administrative Code).

The following situations are hand led as reported changes and the AG is not entitled to lost benefits:

1. Verification of eligible alien status provided and member added (rule 5101:4-3-07 of the Administrative Code).
2. Verification of deductible expenses provided (if sufficient time given AG) and income is lowered (rule 5101:4-4-23 of the Administrative Code).

Chart 6

Types of Replacement Allotments

TYPE OF LOSS	REPLACEMENT	RESTRICTIONS ON NUMBER OF REPLACEMENTS
Coupons or ATP un-delivered in mail (lost or stolen in the mail), including partial allotments	Yes Rule 5101:4-7-11 of the Administrative Code	No more than two (2) countable replacements within any 6-month period.
ATP card stolen after receipt	Yes Rule 5101:4-7-11 of the Administrative Code	Rule 5101:4-7-11 of the Administrative Code
Coupons issued to person not authorized to receive them	Yes Rule 5101:4-7-11 of the Administrative Code	
Coupons or ATP received, destroyed in a misfortune or disaster	Yes Rule 5101:4-7-11 of the Administrative Code	No more than two (2) countable replacements within any 6-month period. Rule 5101:4-7-11 of the Administrative Code
Mutilated or improperly manufactured ATP or coupons	Yes Rule 5101:4-7-11 of the Administrative Code	No restrictions on number of replacements. Rule 5101:4-7-11 of the Administrative Code
Food destroyed in an AG misfortune or disaster	Yes Rule 5101:4-7-11 of the Administrative Code	
Coupons detached from book cover	Yes Rule 5101:4-7-11 of the Administrative Code	
Old-Series coupons returned	Yes Rule 5101:4-7-11 of the Administrative Code	
Coupons lost, stolen or misplaced after receipt	No Rule 5101:4-7-11 of the Administrative Code	
ATP lost or misplaced after receipt	No Rule 5101:4-7-11 of the Administrative Code	Replacement not allowed.
Coupons or ATP destroyed in other than a misfortune	No Rule 5101:4-7-11 of the Administrative Code	

Examples

Example 1 - Reserved

Example 2

Work Registration Examples For Self-Employed AGS

July 2001

The following are examples of handling work registration procedures for self-employed AGs:

- A cash crop farmer who performs actual farming activity eight months out of the year is exempt from registration during the other four months of the year if his annual income from farming equals the federal minimum wage multiplied by 30 hours when considered on a weekly basis. In other words, annual income divided by 52 must at least equal 30 times the federal minimum wage.
- A franchise operator hires other people to perform the actual day-to-day operation of the business. He does not work at least 30 hours weekly on the business. He does not make enough annually to equal weekly earnings of 30 times the federal minimum wage. This member must register for work unless he is otherwise exempt.
- A tourist shop owner operates the business at least 30 hours per week during the tourist season. The shop is closed during the off season and the owner does not work at the business during that time. The owner would be exempt from work registration during the tourist season. However, she would have to register for work during the off season unless:
 - The income made during the tourist season is tended to provide annual support and it equals an annual weekly amount of 30 times the federal minimum wage; OR
 - She qualifies for another work registration exemption.

Example 3

Incentives Due County/Monies Due State

IPV - Intentional Program Violation

IHE - Inadvertent Household Error

AE - Administrative Error

EXAMPLE 1 - Cash Collections - Monies Due State (PA Fund Deduction)

County Monthly Collections	Incentive Computation	Due State
\$1,000 - IPV	$\$1,000 \times .35 = \350	\$ 650
500 - IHE	$500 \times .20 = \underline{100}$	400
<u>300</u> - AE	\$450	<u>300</u>
\$1,800 - Total		\$1,350
<u>-450</u> - CDJFS Incentive		
\$1,350 - Due State		

The county will deposit the \$1,800 in its PA fund. The amount due the state will be deducted from the county's PA fund during the quarterly reconciliation.

EXAMPLE 2 - Coupon/EBT Coupon Conversion Collections Only - Monies Due County (Restoration to PA Fund)

County Monthly Collections	Incentive Computation	Due State
\$200.00 - IHE	$\$200 \times .20 = \40.00	\$160.00
<u>5.00</u> - IPV	$5 \times .35 = \underline{1.75}$	<u>3.25</u>
\$205.00 - Total	\$41.75	\$163.25
<u>-41.75</u> - CDJFS Incentive		
\$163.25 - Due State		

There are no cash collections to deposit in the PA fund. The \$205 collected in coupons must be supported with an FNS-471 form. The amount due the county will be restored during the quarterly PA fund reconciliation.

EXAMPLE 3 - Coupon/EBT Coupon Conversion and Cash Collections - Monies Due State (PA Fund Deduction)

County Monthly Collections	Incentive Computation	Due State
\$400.00 - Cash IPV	$\$400 \times .35 = \140	\$260
100.00 - Cash IHE	$100 \times .20 = 20$	80
25.00 - Cash AE		25
<u>200.00</u> - Coupons IHE	$200 \times .20 = \underline{40}$	<u>160</u>
\$725.00 - Total Collection	\$200	\$525
<u>-200.00</u> - CDJFS Incentive		
\$525.00 - Due State		

The \$200 collected in coupons must be supported with an FNS-471 form. Cash collections of \$525 are deposited in the county's PA fund. The amount due the state will be deducted during the quarterly PA fund reconciliation process.

EXAMPLE 4 - Coupon/EBT Coupon Conversion and Cash Collections - Monies Due County (Restoration of PA Fund)

County Monthly Collections	Incentive Computation	Due State
\$ 50.00 - Cash IHE	\$ 50 X .20 = \$10.00	\$ 40.00
10.00 - Cash AE		10.00
<u>200.00</u> - Coupons IHE	200 X .20 = <u>40.00</u>	<u>160.00</u>
\$260.00 - Total Collection	\$50.00	\$ 210.00
- <u>50.00</u> - CDJFS Incentive		
\$210.00 - Due State		

The \$200 collected in coupons must be supported with an FNS-471 form. The cash collection of \$60 is deposited in the county's PA fund. The amount due the county will be restored during the quarterly PA fund reconciliation.

EXAMPLE 5 - Cash Collections and Allotment Reductions - Monies Due State (PA Fund Deduction)

County Monthly Collections	Incentive Computation	Due State
\$600.00 - IPV Allotment Reduction	\$600 X .35 = \$210	\$390
400.00 - Cash IPV	400 X .35 = 140	260
300.00 - Cash IHE	300 X .20 = <u>60</u>	240
<u>150.00</u> - Cash AE	\$410	<u>150</u>
\$1,450.00 - Total		\$1,040
- <u>410.00</u> - CDJFS Incentive		
\$1,040.00 - Due State		

Cash collections of \$850 are deposited in the county's PA Fund. The amount due the state will be deducted during the quarterly PA fund reconciliation process.

EXAMPLE 6 - Cash Collections and Allotment Reductions - Monies Due County (Restoration of PA Fund)

County Monthly Collections	Incentive Computation	Due State
\$400.00 - IPV Allotment Reduction	\$400 X .35 = \$140	\$260
200.00 - Cash IPV	200 X .35 = 70	130
<u>100.00</u> - Cash IHE	100 X .20 = <u>20</u>	<u>80</u>
\$700.00 - Total	\$230	\$470
- <u>230.00</u> - CDJFS Incentive		
\$470.00 - Due State		

Cash collections of \$300 are deposited in the county's PA fund. The amount due the county will be restored during the quarterly PA fund reconciliation process.

EXAMPLE 7 - Coupon/EBT Coupon Conversion, Allotment Reduction, and Cash Collections - Monies Due County (Restoration of PA Fund)

County Monthly Collections	Incentive Computation	Due State
\$500.00 - IPV Allotment Reduction	\$500 X .35 = \$175.00	\$325.00
5.00 - Coupons IPV	5 X .35 = 1.75	3.25
100.00 - Coupons IHE	100 X .20 = 20.00	80.00
400.00 - Cash IPV	400 X .35 = 140.00	260.00

50.00 - Cash IHE	50 X .20 = <u>10.00</u>	40.00
<u>10.00</u> - Cash AE	\$346.75	<u>10.00</u>
\$1,065.00 - Total		\$718.25
- <u>346.75</u> - CDJFS Incentive		
\$718.25 - Due State		

The \$105 collected in coupons must be supported by an FNS-471 form. Cash collections of \$460 are deposited in the county's PA Fund. The amount due the county will be restored during the quarterly PA fund reconciliation process.

EXAMPLE 8 - Coupon/EBT Coupon Conversion, Allotment Reduction, and Cash Collections - Monies Due County

(Restoration of PA Fund)

County Monthly Collections	Incentive Computation	Due State
\$400.00 - IPV Allotment Reduction	\$400 X .35 = \$140	\$260
200.00 - Coupons IHE	200 X .20 = 40	160
<u>100.00</u> - Cash IHE	100 X .20 = <u>20</u>	<u>80</u>
\$700.00 - Total	\$200	\$500
- <u>200.00</u> - CDJFS Incentive		
\$500.00 - Due State		

The \$200 collected in coupons must be supported with an FNS-471 form. Cash collections of \$100 are deposited in the county's PA fund. The amount due the county will be restored during the quarterly PA fund reconciliation process.

Example 4 - Reserved

Example 5 - Reserved

Examples 6 and 7 - Offsetting Farm Losses

Example 6

Income from a self-employment farming operation and another self-employment enterprise are the AG's only sources of income. The offsetting of any farm loss and the determination of the earned income deduction are as follows.

\$10,000	total annual income from farming operation
- 11,000	allowable business costs
\$(1,000)	farm loss to be offset against other self-employment
\$ 8,000	total annual income from other self-employment enterprise
- 2,200	allowable business costs
\$ 5,800	income from other self-employment enterprise after allowable business expenses
- 1,000	loss from farming operation
\$ 4,800	total annual net profits (countable gross income)
\$ 4,800	divided by 12 = \$400 gross monthly income from self-employment
\$ 400	gross monthly self-employment
x . 20	
\$ 80	is the monthly earned income deduction

\$400 gross monthly income minus \$80 monthly earned income deduction minus other deductions equal the monthly net (adjusted) income.

Example 7

The AG has income from a self-employment farming operation, a self-employment operation which is not related to farming, wages (\$800 per month), and unearned income (\$500 per month). How is offsetting done and how is the earned income deduction calculated? Answer: Any loss from the farming operation would be offset against other sources of income in the order listed above.

\$ 20,000	total annual income from farming operation
- 30,000	allowable business costs
\$ (10,000)	annual farm loss to be offset against other self-employment
\$ 8,000	total annual income from other self-employment enterprise
- 2,200	annual allowable business costs
\$ 5,800	income from other self-employment enterprise after allowable business expenses
- 5,800	annual losses from farming operation (\$5,800 of \$10,000 in losses)
\$ 0	total annual net profits from self-employment (countable income)

*At this point the AG still has \$4,200 per year in losses from the farming operation that can be used to offset earned and unearned income.

\$ 800	monthly income from wages
- 350	monthly losses from farming operation (\$4,200 divided by 12 months)
\$ 450	monthly income from wages which is countable in determining eligibility

* The entire loss from the farming operation has been used. There is no farm loss remaining to reduce the AG's unearned income.

\$ 450	monthly income (from wages) remaining after offsetting
x .20	
\$ 90	earned income deduction

\$950 (\$450 from wages after offsetting is completed and \$500 unearned income) gross monthly income minus \$90 monthly earned income deduction minus other deductions equal monthly net (adjusted) income.

Example 8 - Reserved

Example 9

Budgeting "Change Reporting" Cases

July 2001

The following questions and answers deal with AGs who are subject to change reporting. These situations illustrate how changes in income and AG composition are to be handled in accordance with rule 5101:4-7-01 of the Administrative Code.

Question #1 - A change reporting AG's gross income is \$860 (\$200 per week x 4.3). In months when the AG receives four pays, is the AG eligible for increased benefits in accordance with rule 5101:4-7-01 of the Administrative Code?

Answer - No. There has been no change in the weekly income amount.

Question #2 - The Smiths are a change reporting AG. On September 7, the county agency is informed that Mr. Smith has left the home. He had earned income of \$300 per month. Are the remaining members of the AG eligible for a supplement based on a loss of more than \$50 per month of income, if the county agency opts to process the change prior to October?

Answer - No. Mr. Smith was properly included in the AG for September. His income is used for that AG for September. The earliest date the remaining members' allotment would reflect the loss of Mr. Smith and his income is the allotment to be issued for October.

Question #3 - A member of a change reporting AG has earned income of \$4.50 per hour and works 40 hours per week. The gross monthly income was calculated to be \$774 ($\$4.50 \times 40 = \$180 \times 4.3 = \774 per month). On January 3, the AG reports and verifies the hourly rate of pay was decrease by 20¢ per hour. Is the AG entitled to an increase for January, if the county agency opts to process the change prior to February?

Answer - Determine the number of pays to be received in January which will actually reflect the change in the hourly rate.

\$ 180 Pay #1 in January ($40 \times \$4.50$)
+ 172 Pay #2 in January ($40 \times \$4.30$)
+ 172 Pay #3 in January ($40 \times \$4.30$)
+ 172 Pay #4 in January ($40 \times \$4.30$)

\$ 696 January gross earned income

Divide \$696 by 4 (# of pays in January) - $\$174 \times 4.3 = \748 . The loss of income is \$26 ($\$774 - \748). The AG is not eligible for a supplement for January because the decrease in gross income was less than \$50.

February's benefit is increased using \$739 gross earned income ($\$172 \times 4.3 = \739).

Question #4 - A member of a change reporting AG has earned income of \$4.60 per hour and works 40 hours per week ($\$4.60 \times 40 = \$184 \times 4.3 = \$791$ per month). On March 16, he reports and verifies that his hours were reduced to 25 per week. His last pay check in March will be his first at the 25 hours per week. Is he entitled to an increase for March, if the county opts to process the change prior to April?

Answer - Add the actual gross income amounts from each pay to be received in March.

\$ 184 Pay #1 in March
+ 184 Pay #2 in March
+ 184 Pay #3 in March
+ 115 Pay #4 in March

\$ 667 March gross earned income

\$667 divided by 4 (# pays in March) = $\$166 \times 4.3 = \713 per month. The loss of income for March is \$78 ($\$791 - \713). The AG is entitled to a supplement for March based on \$713 gross earned income, if the county opts to process the change in the month of change.

April's benefit is increased using \$494 gross earned income ($\$115 \times 4.3 = \494).

Question #5 - A member of a change reporting AG has been receiving worker's compensation. He reports that he did not receive his check at the regular time and he verifies he will not receive any more checks pending a decision of his eligibility. Is this a situation which would require increasing the AG's benefits in accordance with rule 5101:4-7-01 of the Administrative Code?

Answer - Yes.

Question #6 - On June 23, a member of a change reporting AG reports a loss of income of \$50 or more. The AG is informed of the verification requirement and the deadline by which it must be submitted. On July 20, the AG submits verification of the loss of income. Is the AG eligible to receive increased food stamp benefits covering the month of June, if the county opts to process the change in June?

Answer - No. The AG has 10 days to provide the verification once a change is reported. This was not done, thus the date the change is considered to have been reported is July 20 (rule 5101:4-7-01 of the Administrative Code); the AG is not entitled to increased benefits for June.

Question #7 - A change reporting AG has had weekly income of \$250 (\$1,075 per month). On October 5, it reports and verifies that this source of income stopped. The last check was received on October 3. What amount of income from the terminated source would be used in rebudgeting October, if the county opts to process the change for October?

Answer - \$250 because the income has actually stopped.

Question #8 - A change reporting AG receives public assistance. On September 2, the county agency makes the determination that the public assistance must be terminated and prepares a ODJFS 4065 or its CRIS-E equivalent to terminate assistance for September 30. There is not enough information to process the change for food stamp benefits. How is this handled?

Answer - Rule 5101:4-6-17 of the Administrative Code speaks to the proper procedure. In this situation if the AG does not ask for a hearing prior to the end of the adverse action period, the county agency shall request the necessary verification, allowing the AG at least 10 days to provide the verification. If the verification is provided, the change is processed. If the verification is not received, the county agency shall issue an adverse action notice and take the appropriate action.

Question #9 - A member of a change reporting AG has earned income of \$5.00 per hour and works 40 hours per week. The gross monthly income of \$860 has been used ($\$5.00 \times 40 = \$200 \times 4.3 = \860 per month). On June 23, the AG reports and verifies its last paycheck in the month will not be for a full 40 hours. The employed AG member had to take 9 hours leave without pay due to an emergency. No other pay check will be affected. Is this AG entitled to a supplement for June, if the county opts to process the change.

Answer - The change in income is calculated as follows:

\$ 200 Pay #1 in June

+ 200 Pay #2 in June

+ 200 Pay #3 in June

+155 Pay #4 in June

\$ 755 June gross earned income

\$755 divided by 4 (# of pays in June) = $\$188 \times 4.3 = \808 per month. $\$860 - \$808 = \$52$ which entitles the AG to a supplement in June based on \$808 gross earned income, if the county agency chooses to process the change in June rather than the month following the change.

Since this is a temporary change, July's budget does not have to be changed.

Question #10 - A change reporting AG was receiving income of \$325 per month social security. On December 12, they report and verify that the social security income stopped in September. What is the first month the AG can receive increased benefits.

Answer - December, but no later than January.

