



August 30, 2022

FOOD ASSISTANCE TRANSMITTAL LETTER NO. 435

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Rule Change to Implement Federal Requirements for Expungement.

Ohio Administrative Code rule 5101:4-2-11 is amended to implement final regulations of the Agricultural Improvement Act of 2019 (2018 “Farm Bill”) issued by the United States Department of Agriculture Food and Nutrition Services (FNS) on the electronic benefit transfer (EBT) expungement process.

This rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 09/24/2022.

Chapter 2000

5101:4-2-11 "Food assistance: timeliness standard and benefit issuance."

This rule describes the general timeliness standards for application processing and the benefit issuance method for the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include:

- Paragraph (G) was added to explain when benefits are expunged from an EBT account; and
- Paragraph (H) was added to explain the noticing requirements for the expungement process.

5101:4-2-11

Food assistance: timeliness standard and benefit issuance.**(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 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 that has not provided necessary verification to determine eligibility.

(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. When 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" 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) When the county agency conducted an interview with an assistance group and verifications requested in accordance with 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.

(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 when requested by the assistance group.

(C) How are benefits issued?

Supplemental nutrition assistance program (SNAP) benefits will be issued to assistance groups into an account and drawn down electronically by means of an electronic benefit transfer (EBT) card that recipients use to make purchases. The county agency shall inform an assistance group of the date the benefits will be available.

(D) How are assistance group-initiated 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 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 a retailer-initiated 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 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 shall contact the EBT card vendor's customer service center to request a replacement card. The vendor mails the replacement EBT card within two business days of receiving the replacement request from the assistance group.

(G) When are benefits expunged from an EBT account?

SNAP benefits are expunged from an EBT account when:

(1) An EBT account is inactive. An EBT account is considered inactive when the assistance group has not made a purchase or return for nine months (two hundred and seventy-four days).

(a) SNAP benefits are expunged from the EBT account as each benefit allotment ages to nine months (two hundred and seventy-four days) since the date of issuance or since the date of last account activity, whichever date is later.

(b) If at any time after the expungement process begins, the assistance group initiates activity affecting the balance of the account, SNAP benefits will stop expunging from the EBT account and the aging process will start over for the remaining benefits.

(2) When it is verified that all members of the assistance group are deceased, the entire remaining SNAP balance in the assistance group's EBT account is expunged at that time.

(H) What are the expungement noticing requirements?

(1) Not later than thirty days before benefit expungement is scheduled to begin, the assistance group is provided written notice that benefits in their EBT account are approaching expungement due to inactivity. The notice includes:

(a) The date upon which benefits are scheduled to be expunged.

(b) The steps necessary to prevent the expungement and

(c) The right to request a fair hearing.

(2) A notice is not required when benefits are expunged in accordance with paragraph (G)(2) of this rule.

Effective: 9/24/2022

Five Year Review (FYR) Dates: 9/1/2025

CERTIFIED ELECTRONICALLY

Certification

08/29/2022

Date

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