



December 20, 2022

**Food Assistance Transmittal Letter No. 437**

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

**SUBJECT: Five-Year Review: Food assistance: 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 based on regulations from the United States Department of Agriculture (USDA) Food 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 01/01/2023.

**Chapter 3000**

**5101:4-3-22 "Food assistance: Nonfinancial Eligibility Standard-Social Security Numbers."**

This rule describes the social security number requirement for participation in the supplemental nutrition assistance program (SNAP). Changes to the rule include:

- The term "applicant" was replaced with "assistance group" in paragraphs (B)(1)(b), (B)(1)(c), and (B)(2) to align with federal regulations;
- Paragraph (C)(2) was stricken and moved to new paragraph (D) for clarity;
- The term "reapplication" was replaced with "recertification" in paragraph (E)(2);
- Paragraph (F)(1) was amended to align with federal regulations to include the SSA 2853 "Message from Social Security" as proof of application for a social security number (SSN) for a newborn infant;
- Language was removed from paragraph (F)(4) as it was repetitive to paragraph (F)(5);
- Paragraph (G) was amended to include the SSA 2853 as documentation that should be included in the case record to verify a SSN; and
- Other minor changes for clarity.

5101:4-3-22

**Food assistance: nonfinancial eligibility standard-social security numbers.**

(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 when an applicant or recipient is unable to provide a SSN?

(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~~assistance group of the required verification for the social security administration (SSA) when the ~~applicant~~assistance group 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~~assistance group 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~~Assistance groups 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~~assistance group is unable to provide proof of application for a SSN for a newborn, the ~~applicant~~assistance group 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 assistance group 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)~~(D) of this rule.

(C) What happens when an applicant or recipient refuses or fails to provide a SSN without good cause?

(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)~~(2) In order for a disqualified applicant assistance group member to regain eligibility, the applicant they must supply the county agency with the required SSN.

(D) How is good cause for failure to comply with the requirement to apply for or provide an SSN determined?

(1) 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 is to consider information provided by the assistance group, SSA and the county agency.

(2) 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 is to be considered good cause for not complying timely with the requirement.

(3) 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.

(4) Except for newborns who have received benefits in accordance with paragraph (B)(2) of this rule, when an assistance group member can show good cause why an application for a SSN has not been completed in a timely manner, that individual is to be eligible to receive supplemental nutrition assistance program (SNAP) benefits for one month in addition to the month of application.

(5) If the assistance group member applying for a SSN has been unable to obtain the documents required by SSA, the county agency is to make every effort to assist the individual in obtaining these documents.

(6) Good cause for failure to apply is to be shown monthly in order for an assistance group member to continue to maintain eligibility. Once an application has been filed, the county agency is to permit the assistance group member to maintain eligibility pending notification of the county agency of the assistance group member's SSN.

(7) When good cause is not established, the assistance group member for whom the number is not provided is disqualified.

~~(D)~~(E) When is an SSN verified?

(1) For those individuals who provide SSNs prior to certification, reapplication/recertification 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 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) 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 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)~~(F) How is an SSN verified?

- (1) A completed SSA form number SS-5 "Application for a Social Security Card" (rev. 10/2021) or a form SSA 2853 "Message from Social Security" (rev. 08-2009) 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) 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), that is for a SSN that cannot be used for work purposes, or any "official document" containing the SSN can be used. 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 county agency shall verify the number either by matching it with information received from SSA or completing a JFS 07355.

~~(F)~~(G) 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 shall be retained in the case record.~~ One of the following is to be retained in the case record: A photocopied or scanned copy of the social security card, an original JFS 07355, a SSA 2853, a SSA 5028 or a SSA 5029. When photocopies cannot be made, the county agency shall record full details regarding documents seen and in whose possession they remain.

~~(G)~~(H) What can the SSNs of applicants and recipients be used for?

County agencies are authorized to use SSNs in the administration of 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 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.

Effective: 1/1/2023  
Five Year Review (FYR) Dates: 10/14/2022 and 01/01/2028

CERTIFIED ELECTRONICALLY

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Certification

12/19/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 5101.54  
Rule Amplifies: 329.04, 329.042, 5101.54  
Prior Effective Dates: 04/01/1981, 06/01/1981, 06/18/1981, 10/01/1981,  
06/01/1983, 09/24/1983, 09/03/1986 (Emer.),  
10/15/1986, 11/01/1986 (Emer.), 01/16/1987,  
04/10/1987 (Emer.), 06/22/1987, 07/01/1996,  
04/01/1997 (Emer.), 06/06/1997, 06/07/1998,  
05/01/2003, 11/01/2007, 03/01/2011, 09/01/2012,  
01/01/2018