



February 10, 2023

**FOOD ASSISTANCE TRANSMITTAL LETTER NO. 438**

TO: All Food Assistance Manual Holders  
FROM: Matt Damschroder, Director

**SUBJECT: Food Assistance: Availability of Information, Program Administration, Office Operations, and Income Eligibility Verification System Information.**

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 03/01/2023.

**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.

Changes to the rule include:

- Paragraph (A) was amended for clarity;
- Old paragraph (A)(1)(b) to (A)(1)(b)(iv) was moved to new paragraph (A)(2) to (A)(2)(d), respectively;
- Old paragraph (A)(2) was moved to new paragraph (A)(3) and was amended for clarity;
- Paragraph (C)(1)(a) was amended to remove reference to Disability Financial Assistance (DFA);
- New paragraph (C)(1)(f) was added to indicate certain local educational agencies may be provided case file information without a written request;
- Paragraph (D) was amended with updated revision dates;
- Paragraph (E) was amended with updated revision dates; and
- Other minor changes for clarity.

5101:4-1-13

**Food assistance: availability of information, program administration, office operations, and income eligibility verification system information.**

(A) ~~How should the county agency make~~ What information about the supplemental nutrition assistance program (SNAP) information is the county agency to make available?

(1) ~~Required information to be made available.~~ State agency certification handbooks are to be made available for review upon request.

~~(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) (9/2019). This poster may be downloaded from the United States department of agriculture food and nutrition service (FNS) web site at <https://www.usda.gov/oascr/and-justice-all>.~~

~~(ii) The JFS 07207 "Your Food Assistance Rights" poster.~~

~~(iii) The JFS 08048 "Your Civil Rights" poster.~~

~~(iv) The JFS 08083 "Do You Have a Disability" poster.~~

(2) The following posters are to be displayed in all county agencies:

(a) The "And Justice for All" poster (Form AD-475B) (9/2019). This poster may be downloaded from the United States department of agriculture food and nutrition service (FNS) web site at <https://www.usda.gov/oascr/and-justice-all>;

(b) The JFS 07207 "Your SNAP Rights" poster;

(c) The JFS 08048 "Your Civil Rights" poster; and

(d) The JFS 08083 "Do You Have a Disability" poster.

~~(2)~~(3) 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.~~

(a) County agencies may make printed materials available such as pamphlets, fliers and posters that contain current basic information about the following items:

(i) Eligibility requirements and program benefits;

(ii) Application procedures including how to obtain and file applications;

(iii) The documentation required for completing applications;

(iv) 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;

(v) Expedited service;

(vi) Fair hearings;

(vii) Out-of-office interview provisions;

(viii) Procedures for filing a complaint;

(ix) The locations and hours of operation of the county agency; and

(x) 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) When this material is made available, it is to be available in languages other than English as outlined in rule 5101:4-1-05 of the Administrative Code and is to include the SNAP program nondiscrimination statement.

(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 that~~ provide assistance on a means-tested basis to low-income individuals or local or state Ohio works first (OWF) assistance programs. Examples are medicaid; ~~and~~ 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) in accordance with rule 5101:4-7-09 of the Administrative Code, 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.
- (f) Local educational agencies administering the national school lunch program established under the Richard B. Russell National School Lunch Act (12/2019) or the school breakfast program established under the Child Nutrition Act of 1966 (12/2010), for the purpose of directly certifying the eligibility of school-aged children for receipt of free meals under the

school lunch and school breakfast programs based on their receipt of SNAP benefits.

- (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~~ when 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~~ When a law enforcement officer provides written documentation indicating an assistance group member is fleeing to avoid prosecution or custody for a felony or has violated a condition of probation or parole 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~~)(12/2020) shall be subject to the safeguards established by the secretary of the treasury in 26 U.S.C 6103 (~~1/2013~~)(12/2020) 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~~)(11/2021).

(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) (12/2020), the state wage information collection agency, the IRS pursuant to 26 U.S.C. 6103 (1)(7)(B) (12/2020), 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~~)(04/2019).
- (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~~ When 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~~)(12/2018).



Effective: 3/1/2023  
Five Year Review (FYR) Dates: 10/14/2022 and 03/01/2028

CERTIFIED ELECTRONICALLY

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Certification

02/10/2023

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Date

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Rule Amplifies: 329.04, 329.042, 5101.54  
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