



August 23, 2023

Food Assistance Transmittal Letter No. 444

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Five-Year Review Food Assistance: types of excluded income, strikers, and providing replacement issuance to assistance groups.

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 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.

The Office of Family Assistance (OFA) has completed a review of the following rules and these rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 9/1/2023.

Chapter 4000

5101:4-4-13 "Food assistance: types of excluded income."

This rule describes how to determine the monthly benefit allotment amount for the Supplemental Nutrition Assistance Program (SNAP). Changes to the rule include:

- Added the amendment date to the National School Lunch Act of 1946 to paragraph (C)(1)(c);
- Updated the amendment date of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 in paragraph (C)(1)(e);
- Added the year 2008 to the Food and Nutrition Act in paragraph (C)(1)(f);
- Added the amended public law 113-128 Workforce Innovation and opportunity Act (WIOA) to paragraph (C)(1)(i);
- Updated the public law enactment date in paragraph (C)(1)(j);

- Paragraph level reference to a rule was stricken from paragraph (J); and
- Minor grammatical corrections were made for clarity.

Chapter 6000

5101:4-6-07 "Food assistance: strikers."

This rule describes the eligibility of strikers in SNAP. Changes to the rule include:

- Edits were made to paragraph (A)(3) to remove language referencing completion of the work registration form since an individual is identified as a work registrant in the Ohio Benefits Worker Portal (OBWP);
- Updated the example provided in paragraph (A)(5)(b); and
- Minor grammatical changes were made for clarity.

Chapter 7000

5101:4-7-11 "Food assistance: providing replacement issuance to assistance groups."

The rule describes the process for providing replacement issuance to SNAP assistance groups. Changes to the rule include:

- Edits were made to paragraph (D)(1) to align with federal regulations;
- Edits were made to paragraph (D)(2) to include power outages of four hours or more as an example of an assistance group misfortune or disaster;
- Revision dates were removed from forms;
- Updated rule citation in paragraphs (C)(2) and (H);
- Minor grammatical changes were made for clarity; and
- JFS Form 07222 "Statement Requesting Replacement of Supplemental Nutrition Assistance Program (SNAP) Benefits" was updated to remove redundant language and to include information on how to submit the form to the county agency.

5101:4-4-13

Food assistance: types of excluded income.

The following payments shall be excluded as income for supplemental nutrition assistance program (SNAP):

- (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 vendor payments are counted as income unless they are made for medical assistance, child care assistance, energy assistance as defined in paragraph (I)(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 are diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded. 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 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) 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), as amended by Pub. L. No. 116-94 (12/2019).
- (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 ~~(2/1971)~~(1/1971).
- (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 SNAP or public assistance at the time they joined the Title I program, except assistance groups 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 of 2008 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 SNAP participation shall not alter the exclusion once an initial determination has been made. New applicants who were not receiving public assistance or 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, (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 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, 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 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 and Aleut residents of the Pribilof islands and the Aleutian islands west of Unimak island, Pub. L. No. 100-383, (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), as amended by Pub. L. No. 113-128, the Workforce Innovation and Opportunity Act (WIOA), (7/2014) 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, (8/1998) section 181(a)(2), as amended by Pub. L. No. 113-128, the Workforce Innovation and Opportunity Act (WIOA), (7/2014).
- (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, ~~(8/1986)~~(10/1986) section 303(a)(1), Veteran's Benefits Improvement and Health Care Authorization Act of 1986, 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, (1/1988).
- (m) SNAP benefits that may be exchanged for food at farmers' markets under WIC demonstration projects, Pub. L. No. 100-435, (9/1988) section 501, 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.)(1/1989) 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, (2/1991), Agent Orange Act of 1991, authorized ~~veterans'~~veteran's 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 (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, (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'~~veteran's educational benefits, and the like, 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 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 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, (9/2006), that amended the Workforce Innovation and Opportunity Act (WIOA) of 1998. These payments are to be treated like WIOA 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, 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, (8/1994).
- (v) Pub. L. No. 103-322, (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, 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 shall be excluded from income for SNAP purposes.

- (w) Notwithstanding any other provision of law, the allowance paid under Pub. L. No. 104-204, (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.
 - (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.
- (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 (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, (3/2010).

- (2) Payments made to American Indians or Alaska natives that are excluded by law. A list of funds provided to American Indians or Alaska natives that are excluded by law can be found at:

<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. 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. 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. 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 when they are under the parental control of another assistance group member. 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). When the student turns eighteen during the certification period, the student's income shall be excluded until the month following the month 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 (3/2010); or prevention, retention and contingency (PRC) payments made to divert an assistance group from becoming dependent on cash assistance when the payment is not defined as assistance. Temporary assistance for needy families (TANF) non-recurrent, short term benefits are defined in 45 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 that is acquired from the sale of blood or blood plasma.

(6) Garage sales

Any income 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 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 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)) 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 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, guardianship payments, or kinship support payments received by assistance groups with individuals who are considered to be boarders in accordance with rules 5101:4-2-03 and 5101:4-6-03 of the Administrative Code.
- (4) In accordance with 7 C.F.R 273.9 (5/2015), any payment made to an employment and training participant under 7 C.F.R 273.7 (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 the other necessary equipment, and books or training manuals. These costs are to not include the cost of meals away from home.

Effective: 9/1/2023
 Five Year Review (FYR) Dates: 6/13/2023 and 09/01/2028

CERTIFIED ELECTRONICALLY

Certification

08/21/2023

Date

Promulgated Under: 111.15
 Statutory Authority: 5101.54
 Rule Amplifies: 329.04, 329.042, 5101.54, 5101.884
 Prior Effective Dates: 06/02/1980, 12/01/1980, 01/01/1981, 06/18/1981,
 10/01/1981, 02/12/1982, 09/27/1982, 06/17/1983,
 07/01/1983 (Temp.), 08/19/1983, 09/24/1983,
 11/01/1983 (Temp.), 12/22/1983, 12/25/1983 (Temp.),
 02/01/1984 (Temp.), 02/16/1984 (Temp.), 04/01/1984,
 08/01/1984 (Emer.), 10/20/1984, 12/31/1984 (Emer.),
 02/22/1985 (Emer.), 04/01/1985, 05/02/1985,
 05/03/1985 (Emer.), 08/01/1985, 08/16/1985 (Emer.),
 09/23/1985 (Emer.), 11/01/1985 (Emer.), 01/01/1986,
 05/01/1986, 08/01/1986 (Emer.), 08/20/1986 (Emer.),
 10/01/1986 (Emer.), 11/15/1986, 04/10/1987 (Emer.),
 06/22/1987, 07/01/1987 (Emer.), 08/01/1987 (Emer.),
 09/01/1987 (Emer.), 10/25/1987, 10/29/1987 (Emer.),
 11/28/1987, 01/22/1988, 03/24/1988 (Emer.),
 06/18/1988, 07/20/1988 (Emer.), 10/16/1988,
 07/11/1989 (Emer.), 09/17/1989, 10/01/1989 (Emer.),
 12/21/1989, 05/25/1990, 10/01/1990, 02/17/1991,
 05/01/1991 (Emer.), 06/01/1991, 10/01/1991,
 02/03/1992, 08/01/1992 (Emer.), 10/30/1992,
 08/01/1993, 02/01/1994, 09/01/1994, 01/01/1995,
 08/01/1995, 08/01/1995 (Emer.), 10/13/1995,
 02/01/1996, 09/22/1996 (Emer.), 11/22/1996,
 12/21/1996, 04/01/1997 (Emer.), 06/06/1997,
 09/01/1997, 02/01/1998 (Emer.), 02/23/1998,

09/28/1998, 07/15/1999, 10/01/1999 (Emer.),
12/16/1999, 06/01/2001, 12/05/2002, 06/01/2003
(Emer.), 06/16/2003, 07/17/2005, 06/12/2008,
10/01/2008 (Emer.), 12/18/2008, 09/01/2010,
09/01/2013, 09/01/2018, 04/01/2021

5101:4-6-07

Food assistance: strikers.

(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 ~~requirements 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) 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~~ the individual becomes exempt from work registration but continues to be considered a striker until a formal, written resignation is submitted to the first employer.
- (5) Examples of nonstrikers who are eligible for participation in 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~~ warehouse staff preventing ~~newspapers~~ products from being ~~printed~~ packed for delivery and, consequently, truck drivers who are not working because there are no ~~papers~~ packages 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?

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. 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~~when 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 SNAP benefits are subject to the employment and training program unless otherwise exempt from participation.

Effective: 9/1/2023
Five Year Review (FYR) Dates: 6/13/2023 and 09/01/2028

CERTIFIED ELECTRONICALLY

Certification

08/21/2023

Date

Promulgated Under: 111.15
Statutory Authority: 5101.54
Rule Amplifies: 329.04, 329.042, 5101.54
Prior Effective Dates: 06/02/1980, 10/01/1981, 02/12/1982, 04/01/1983,
07/01/1987 (Emer.), 09/28/1987, 10/01/1990,
12/01/1994, 08/01/1995 (Emer.), 10/13/1995,
02/01/1999, 02/01/2004, 01/01/2009, 06/01/2013,
09/01/2018

5101:4-7-11

Food assistance: providing replacement issuance to assistance groups.

County agencies shall provide replacement issuances to an assistance group when the assistance group reports that food purchased with 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 Supplemental Nutrition Assistance Program (SNAP) Benefits," ~~(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 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 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) 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. ~~When~~ 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. ~~When~~ 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. 12/2012)~~ 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 SNAP benefits 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 SNAP benefits under the provisions of 7 C.F.R. ~~280~~280.1 (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 power outage of four hours or more, a fire or flood. This shall be verified through a collateral contact 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~~when 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?

When an assistance group that has recently moved from one county to another requests a replacement of benefits ~~or~~of food destroyed in a misfortune, both county agencies shall cooperate in determining whether replacement is appropriate. ~~When~~When it is determined a replacement issuance is appropriate, the county of current residence shall issue the replacement.

(H) What is the process ~~if~~when there is presidential disaster declaration?

When there is a presidential disaster declaration, the Ohio disaster SNAP plan developed in accordance with 7 C.F.R. ~~280~~280.1 is utilized.

Effective: 9/1/2023
Five Year Review (FYR) Dates: 6/13/2023 and 09/01/2028

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Statutory Authority: 5101.54
Rule Amplifies: 329.042,5101.54
Prior Effective Dates: 06/02/1980, 05/01/1982, 09/27/1982, 03/20/1983,
08/01/1992 (Emer.), 10/30/1992, 02/01/1995,
05/01/1997, 05/01/1999, 02/01/2004, 05/22/2004,
03/23/2006, 01/01/2009, 09/01/2009, 06/01/2013,
09/01/2018