



January 16, 2024

**Food Assistance Transmittal Letter No. 449**

**TO:** All Food Assistance Manual Holders  
**FROM:** Matt Damschroder, Director  
**SUBJECT:** **Food Assistance: providing replacement issuance to assistance groups.**

Currently, when a supplemental nutrition assistance program (SNAP) assistance group requests four or more SNAP Electronic Benefits Transfer (EBT) card replacements in a rolling 12-month period, our EBT vendor, Conduent, issues a notice alerting the assistance group of the excessive card replacement requests and a warning that the assistance group may be monitored for potential, suspicious activity.

On July 4, 2023, Governor DeWine signed into law the Amended Substitute Ohio House Bill 33 of the 135<sup>th</sup> General Assembly, which established operating appropriations for Ohio for state fiscal years 2024-2025. This changed the process for the replacement requirement for SNAP EBT cards when four or more cards have been requested within a 12-month period. The House Bill now requires the Ohio Department of Job and Family Services to follow the provisions outlined in 7 C.F.R 274.6(b)(5).

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 1/22/2024.

**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:

- The title of the rule has been updated to include replacement request of SNAP EBT cards;
- Language in paragraph (H) was stricken and moved to new paragraph (L);
- New language was added to paragraph (H) to explain the process when an assistance group (AG) requests a fourth EBT card within a rolling twelve-month period;

- Paragraph (I) was added to provide the process when an AG requests a fifth or more EBT card replacement within a rolling twelve-month period;
- Paragraph (J) was added to outline the process when the AG contacts the county agency after receiving the written notice for requesting five or more EBT card replacements;
- Paragraph (K) was added to instruct the county agency of the process when the AG does not contact the county agency in response to the written notice for the EBT card replacement request; and
- Minor changes were made for clarity.

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5101:4-7-11

**Food assistance: providing replacement issuance to assistance groups and benefit card replacement.**

County agencies ~~shall~~are to provide replacement benefit issuances to an assistance group (AG) in accordance with paragraph (A) to (G) of this rule when the ~~assistance group~~AG reports that food purchased with supplemental nutrition assistance program (SNAP) benefits was destroyed in an ~~assistance group's~~AG misfortune. ~~Lost or stolen benefits cannot be replaced.~~

When the AG reports that their SNAP electronic benefit transfer (EBT) card was lost, stolen or damaged, the county agency is to provide a replacement card to the AG in accordance with paragraph (H) to (K) of this rule.

Electronically stolen benefits are to be replaced in accordance with the food assistance change transmittal found in the food assistance certification handbook on the Ohio department of job and family services website.

(A) How is a replacement benefit requested?

- (1) Prior to issuing a replacement, the county agency ~~shall~~is to obtain a signed JFS 07222, "Statement Requesting Replacement of Supplemental Nutrition Assistance Program (SNAP) Benefits," from a member of the ~~assistance group~~AG or authorized representative attesting to the ~~assistance group's~~AG's loss.
- (2) The JFS 07222 may be mailed to the county agency if the ~~assistance group~~AG 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~~are to be provided only when an ~~assistance group~~AG 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~~AG misfortune.
- (2) Prior to issuing a replacement a JFS 07222 ~~must~~is to be received. The JFS 07222 ~~must~~is to be received within ten days of the date the misfortune was reported.
- (3) Replacement issuances ~~shall~~are to be provided to an ~~assistance group~~AG 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~~is to 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~~ shallis to 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," or its computer-generated equivalent in accordance with Chapter 5101:6-2 of the Administrative Code denying the replacement ~~shall~~ shallis to be issued within two working days.

- (5) The county agency ~~shall~~ shallis to deny or delay replacement issuances in cases in which available documentation indicates that the ~~assistance group's~~ AG's request for replacement appears to be fraudulent.

(C) What are the replacement benefit restrictions?

- (1) There ~~shall be~~ shallis no limit on the number of replacements of food purchased with SNAP benefits that was destroyed in an ~~assistance group~~ AG misfortune.
- (2) When a federal disaster declaration has been issued and the ~~assistance group~~ AG is eligible for disaster SNAP benefits under the provisions of 7 C.F.R. 280.1 (12/2005), the ~~assistance group~~ AG ~~shall~~ shallis not to receive both the disaster allotment and a replacement allotment for the misfortune.
- (3) Replacement issuances ~~shall~~ shallare to be provided in the amount of the loss to the ~~assistance group~~ AG, up to a maximum of one month's allotment.

(D) How is ~~assistance group~~ AG misfortune verified?

Upon receiving a request for replacement the county agency ~~shall~~ shallis to determine:

- (1) If the issuance was validly issued; and
- (2) That the destruction occurred in an ~~assistance group~~ AG misfortune or disaster, such as, but not limited to, a power outage of four hours or more, a fire or flood. This ~~shall~~ shallis to 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 benefit replacements?

- (1) The county agency ~~shall~~ shallis to document in the ~~assistance group's~~ case file of the AG 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~~ as mandated in paragraph (A) of this rule.

- (2) The county agency ~~shall~~ is to maintain, in readily-identifiable form, a record of the replacements granted to the ~~assistance group~~ AG, the reason, and the month. The record may be a case action sheet maintained in the case file, notations on the master issuance file, when readily accessible, or a document maintained solely for this purpose.

- (F) Are there hearing rights on benefit replacements?

The ~~assistance group~~ AG ~~shall~~ is to 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~~ are not to be made while the denial or delay is being appealed.

- (G) What is the process for intercounty benefit replacements?

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

- (H) ~~What is the process when there is a presidential disaster declaration?~~ happens when an AG requests a fourth EBT replacement card within a rolling twelve-month period due to the EBT card being lost, stolen, damaged or for any other reason?

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

- (1) When an AG requests a fourth EBT replacement card within a rolling twelve-month period, the AG is to be notified in writing by an automated system generated notice indicating that at the next request for a card replacement, the AG is to contact the county agency to provide an explanation for the requests before the next replacement card will be issued.

- (2) When a trafficking violation is suspected prior to the fourth card request, the county agency is to refer the individual to the fraud unit for investigation.

- (I) What happens when an AG requests a fifth or more EBT replacement card within a rolling twelve-month period?

When an AG requests a fifth or more EBT replacement card within a rolling twelve-month period, a replacement card is not to be issued until the AG contacts the county agency to provide an explanation for the request. The written automated system generated notice is to include the following:

- (1) Specify the number of card request and over what period of time it covers;
  - (2) Explain that the request exceeds the threshold and contact is to be made with the county agency before another card is issued;
  - (3) Provide all applicable information on how the individual is to comply by providing contact information such as whom to contact, a telephone number and address; and
  - (4) Include a statement that explains what is considered a misuse or fraudulent use of benefits and the possibility of referral to the fraud investigation unit for suspicious activity.
- (J) What is the process when an AG makes contact with the county agency after receiving the written notice, when five or more EBT cards have been requested?
- (1) When an AG makes contact with the county agency to provide an explanation for the card request, the county agency is to make the replacement EBT card available within two business days following the contact from the AG, regardless of whether or not an explanation was provided.
  - (2) When the AG contacts the county agency but refuses to provide an explanation for the card request or the explanation provided appears to be a trafficking violation as described in rule 5101:4-8-17 of the Administrative Code, the AG is to be referred to the fraud unit for investigation. The replacement EBT card is to be issued so that the AG has access to benefits while the investigation is being conducted.
  - (3) When the explanation is deemed appropriate, the county agency is to educate the AG on proper use of the card and the AG does not need to contact the county agency for additional EBT card requests, unless the pattern of card activity has changed since the initial contact and indicates possible trafficking activity. An appropriate explanation would be when the AG states they are homeless, disabled, a victim of crime, are in a domestic violence situation, or other vulnerable persons in situations who may lose their EBT card but are not committing fraud.
- (K) What happens when an AG does not contact the county agency to provide an explanation?

When five or more EBT cards have been requested and an individual does not contact the county agency in response to the written notice, the replacement card is not to be issued and the case is to be referred to the county agency's fraud unit for investigation.

(L) What is the process 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. 280.1 (12/2005) is utilized.

Effective: 1/22/2024

Five Year Review (FYR) Dates: 9/1/2028

CERTIFIED ELECTRONICALLY

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Certification

01/12/2024

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Date

Promulgated Under: 111.15  
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Rule Amplifies: 329.042, 5101.54, 5101.542  
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