1004 NON-FINANCIAL ELIGIBILITY PROVISIONS

1004.05 INTRODUCTION

REV:08/2001

This section outlines all the non-financial criteria a household must meet. Prior to determining a household's eligibility and benefit level, these non-financial criteria must be met by all household members for whom application has been made. This section also provides instructions on how to handle households which are ineligible after such a review.

These criteria are delineated in the major subsections below:

*	Residency	Section 1004.10
*	Household Composition	Section 1004.15
*	Citizenship and Immigration Status	Section 1004.20
*	Work Requirements	Section 1004.25
*	Work Requirements for Able-Bodied Adults Without Dependents (ABAWDS)	Section 1004.27
*	Voluntary Quit	Section 1004.30
*	Students	Section 1004.35
*	Social Security Numbers	Section 1004.40
*	Identity	Section 1004.45

1004.10 RESIDENCY

REV:08/2001

A household must be living in the project area where it files an application for participation. No individual may participate as a member of more than one household or in more than one project area in any month unless an individual is a resident of a shelter for battered women and children as defined in 1000.10.25 and was a member of a household containing the person who had abused her or him. Residents of shelters for battered women and children are handled in accordance with Section 1014.50.

Residency must not be interpreted to mean domicile which is sometimes defined as the legal place of residence or principle home. No durational residency requirements must be imposed. An otherwise eligible household must not be required to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Residency must not mean an intent to permanently reside in the state. However, a person in the state solely for vacation must not be considered a resident.

To facilitate participation by homeless households who are otherwise eligible, EBT cards and Personal Identification Numbers (PIN) should be issued at screening. Such households should pick up their EBT cards and PIN at the local SNAP/DHS Office that is authorizing participation. Such a household must be entered in the SNAP computer file using the local office's address as the household's mailing address to insure adequate administrative monitoring.

1004.10.05 Reporting

REV:08/1986

The application contains spaces for both a physical address and a mailing address. If the two are different, the agency representative should request that both addresses be given. A mailing address only, such as post office box or a rural route, is not sufficient as it does not indicate that the household resides in the state. If the address is a rural route, information should be given to identify the exact location of the home.

1004.10.10 Mandatory Verification

REV:08/2001

The residency requirement must be verified except in unusual cases (such as a homeless household, a migrant farm worker household or a household newly arrived in the project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification of residence cannot be accomplished in conjunction with the other verification, then the agency representative may use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establishes the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed.

The document(s) used to satisfy this requirement must be listed in the case log (CLOG).

Home Visit Home visits must be used as verification only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household. Any such arrangements must be explained in the case log (CLOG).

Collateral Contact A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the phone. The acceptability of a collateral contact must not be restricted to a particular individual but may be anyone who can be expected to provide an accurate third party verification of the household's statements(See 1001.60.25). Any such contacts should be explained in the case log (CLOG).

1004.15 HOUSEHOLD COMPOSITION

REV:08/2001

Households must list on their applications the various members they wish to be considered for SNAP benefits. If questionable, the agency representative should examine each application to determine if there are members who may not be eligible to participate in the household's receipt of benefits.

Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness are responsible for proving a claim of separateness (at the agency's request) in accordance with the provisions of Section 1010.30.05. Separate household status must be detailed in the case log (clog).

1004.20 CITIZENSHIP AND QUALIFIED ALIEN STATUS

REV:04/2003

To receive SNAP benefits, an individual must be either:

* A citizen of the United States as described in Section 1004.20.05; or

* An eligible qualified alien as described in Section 1004.20.10.

A household with a member who does not meet either of the above criteria must not be prevented from applying and, if eligible, receiving benefits for the remaining eligible members of the household. Procedures for handling households with undocumented immigrants are found in Section 1004.20.35.

1004.20.05 U.S. Citizenship - Definition

REV:01/2002

For SNAP purposes, the United States is defined as the fifty (50) States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. In addition, nationals from American Samoa and Swain's Island are considered United States citizens for SNAP purposes.

1004.20.05.05 Verification of U. S. Citizenship

REV:02/1989

U.S. citizenship must be verified only when the citizenship statement is inconsistent with other information on the application, previous applications or other documented information known to the agency representative. For example, verification would be required where a household presented an apparently counterfeit social security card, an employment office report stating that an individual was denied a job

due to lack of U.S. citizenship, or a student reporting that tax dependency was not an issue because his/her parents resided in another country.

1004.20.05.10 How to Verify U. S. Citizenship

REV:08/2001

When a household's statement that one or more of the members are U.S. citizens is questionable, the agency representative must request the household to provide acceptable verification.

Acceptable forms of verification include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by the U.S. Citizenship and Immigration Services (USCIS), such as Identification Cards for Use of Resident Citizens in the United States (USCIS Form I-179 or USCIS Form I-197) or U.S. Passports.

Participation in the RIW program may also be considered acceptable verification if verification of citizenship was obtained for that program.

If the above forms of verification cannot be obtained, and the household can provide a reasonable explanation as to why verification is not available, the agency representative may accept a signed statement from someone who is a U.S. citizen which declares, under penalty of perjury, that the member in question is a U.S. citizen. The signed statement must contain a warning of the penalties for helping someone commit fraud, such as, "If you intentionally give false information to help this person get SNAP benefits, you may be fined, imprisoned, or both."

A member whose citizenship is in question is ineligible to participate until proof of U.S. citizenship is obtained. The member whose citizenship is in question has his/her income, less a pro rata share, and all his/her resources considered available to any remaining household members as set forth in Section 1016.20. A case log entry should be made which indicates how citizenship was verified for each household member.

1004.20.10 Qualified Aliens - Policy

REV:07/2011

Prior to certification, the agency representative must determine the alien status of household members listed on the application as non-citizens. In doing this, however, the agency representative must not contact the U.S. Citizenship and Immigration Services (USCIS) without the written consent of the non-citizen. (This procedure is not applicable to SAVE policy in Section 1083.) Use of USCIS documentation is the primary source of verification.

Eligibility for participation in the Supplemental Nutrition Assistance Program is limited to non-citizens who:

* meet the criteria of a lawfully present non-citizen; or
* are in a qualified alien category; and/or
* meet a condition that allows qualified aliens to get SNAP benefits.

The following categories of lawfully present non-citizens are eligible for SNAP benefits on the same basis as citizens (i.e., they do not have to be qualified aliens):

* Naturalized citizens. (Technically, these individuals are not considered aliens since they have the same status as citizens.)

* Children under eighteen (18) years of age;

* Blind or disabled individuals receiving benefits or assistance for their condition as defined under section 3(r) of the Food Stamp Act regardless of when they entered the United States;

* American Indians born in Canada living in the United States under section 289 of the INA or non-citizen members of a Federally-recognized Indian tribe under section 4(e) of the Indian Self-Determination and Education Assistance Act. This provision is intended to cover Native Americans who are entitled to cross the United States border into Canada or Mexico. It includes, among others, the St. Regis Band of the Mohawk in New York, the Micmac in Maine, the Abenake in Vermont, and the Kickapoo in Texas.

* An individual lawfully residing in the United States who was a member of a Hmong or Highland Laotian tribe that rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (August 5, 1964 - May 7, 1975). This category includes the spouse (or unremarried surviving spouse) or unmarried dependent children of these individuals.

* An elderly individual who was born on or before August 22, 1931 and who was lawfully residing in the United States on August 22, 1996;

The following categories of qualified aliens may be determined eligible for SNAP benefits without a waiting period or having to meet an additional condition:

* Granted asylum under section 208 of the Immigration and Nationality Act (INA);

* Refugee admitted to the United States under section 207 of the INA;

* Deportation is being withheld under section 243(h) of the INA as in effect before 4/1/97, or removal is withheld under section 241(b)(3) of the INA;

* Cuban or Haitian entrant under section 501(e) of the Refugee

Education Assistance Act of 1980; or

* "Amerasian immigrants" as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;

* Trafficking victims under the Trafficking Victims Protection Act of 2000.

* Iraqi and Afghan Special Immigrants who were granted special immigrant status under section 101(a)(27) of the INA. This qualified alien status may be granted to Iraqi and Afghan nationals who have worked on behalf of the U.S. government in Iraq of Afghanistan. The Department of Defense Appropriations Act of 2010 (DoDAA), P.L. 111-118, 8120 enacted December 19, 2009, provides that SIVs are eligible for all benefits to the same extent and the same period of time as refugees;

* An individual who is lawfully residing in a State and is on active duty (other than for training) in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard (but not full-time National Guard) or is an honorably discharged veteran whose discharge is not because of immigration status. This category includes the spouse (or surviving spouse who has not remarried) or unmarried dependent children of these individuals. A discharge "Under Honorable Conditions" does not meet this requirement.

The following qualified aliens must meet one additional condition in order to be eligible for SNAP benefits:

* Individuals lawfully admitted for permanent residence (LPR) in the United States (holders of green cards);

* Individuals paroled into the United States under section 212(d)(5) of the INA for at least one (1) year;

* Under certain circumstances, a battered non-citizen spouse or child, non-citizen parent of a battered child or a non-citizen child of a battered parent with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of the INA;

* Granted conditional entry under section 203(a)(7) of the INA as in effect before 4/1/80

The qualified aliens listed above must meet only ONE of the following additional conditions in order to be eligible for SNAP benefits:

* Five years of residence- any individual that has lived in the U.S. as a qualified alien for five (5) years from the date of entry;

* Forty (40) qualifying work quarters- An LPR who can be credited with forty (40) qualifying quarters of work under the Social Security system (credits may be earned individually, in combination with a spouse and in some circumstances a parent);

* An elderly individual who was born on or before August 22, 1931 and who was lawfully residing in the United States on August 22, 1996;

* Children under eighteen (18) years of age- any qualified alien under eighteen (18) years of age who lawfully resides in the U.S.;

* Blind or disabled- blind or disabled individuals receiving benefits or assistance for their condition as defined under section 3(r) of the Food Stamp Act regardless of when they entered the United States;

* Military Connection- An individual who is lawfully residing in a State and is on active duty (other than for training) in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard (but not full-time National Guard) or is an honorably discharged veteran whose discharge is not because of alien status. This category includes the spouse (or surviving spouse who has not remarried) or unmarried dependent children of these individuals. A discharge "Under Honorable Conditions" does not meet this requirement.

1004.20.10.05 Verification of Status for Sec. 1004.20.10

REV:09/1997

Acceptable verification of qualified alien status is:

For refugee status, USCIS Form I-94 annotated: "Admitted as a refugee pursuant to Section 207 of the INA..."

For asylee status, USCIS Form I-94 annotated: "Asylee status granted pursuant to Section 208 of the INA valid to (date)."

For deportation withheld status, an order from an Immigration judge which shows deportation has been withheld under Section 243(h) or section 241(b)(3) of the INA.

For Cuban/Haitian entrants, USCIS Form I-94 annotated "Paroled under Sec. 212(d)(5), usually stamped "Cuban/Haitian".

For Amerasian immigrants, USCIS Form I-94 annotated with the codes AM6, AM7, or AM8; an I-551 with the codes AM6, AM7, or AM8; or a Vietnamese Exit Visa, Vietnamese passport, or U.S. passport, if stamped by USCIS with the codes AM1, AM2, or AM3.

USCIS Form I-688B will not be considered acceptable verification for the above statuses. Although I-688B indicates alien status, it does not reflect the date that status was granted. Therefore, it does not establish that the alien is eligible based on being in the United States less than five (5) years.

For lawfully admitted for permanent resident status, USCIS Form I-151 (being replaced by I-551).

Honorary discharge status, U.S. military discharge certificate (DD Form 214) that shows CHARACTER OF SERVICE as "Honorable" and does not show, in the NARRATIVE REASON FOR DISCHARGE entry, that the discharge was based on alien status, lack of U.S.

citizenship, or other "alienage" reason.

Active duty member of U.S. Armed Force status, green service identity card (U.S. Form DD-2) or (rarely) red service identity card and copy of current orders showing active duty (not active duty for training purposes only).

For verification of number of qualifying quarters of coverage that can be credited from the alien, her/his spouse, and/or her/his parents, use the certified earnings records from the Social Security Administration.

1004.20.10.05.05 Battered Immigrants/Qualified Alien Criteria

REV:04/2003

Certain categories of immigrants who have been subjected to battery or extreme cruelty in the United States by a family member with whom they reside are provided qualified alien status under Section 431 of PRWORA. Qualified alien status also extends to an immigrant whose child or an immigrant child whose parent has been abused. Additionally, this group of battered immigrants is exempt from deeming requirements as outlined in Section 1014.55.15.05.

An alien is a qualified alien as a battered immigrant if s/he meets the following four (4) requirements. In general, these rules apply to abused immigrants who are (or were) married to Legal Permanent Residents (LPRs) or U.S. citizens, or whose parents are LPRs or citizens:

* The battered immigrant must show that s/he has an approved or pending petition which makes a prima facie case for immigration status in one of the following categories: 1) a Form I-130 filed by their spouse or the child's parent; 2) a Form I-130 petition as a widow(er) of a U.S. citizen; 3) an approved self-petition under the Violence Against Women Act (including those filed by a parent); or 4) an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.

* The immigrant, the immigrant's child or the immigrant child's parent has been abused in the United States under the following circumstances:

* The immigrant has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.

* The immigrant's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the alien, or by a member of the spouse's or parent's family

residing in the same household if the spouse or parent consents to the battery or cruelty, and the immigrant did not actively participate in the battery or cruelty.

* The parent of an immigrant child has been battered or subjected to extreme cruelty in the United States by the parent's spouse, or by a member of the spouse's family residing in the same household as the parent, if the spouse consents to or acquiesces in such battery or cruelty.

* There is a substantial connection between the battery or extreme cruelty and the need for SNAP benefits; and

* The battered immigrant, child, or parent no longer resides in the same household as the abuser.

The conditions discussed above only establish that the battered immigrant is a qualified alien. In order for the immigrant to qualify for SNAP benefits based on her or his immigration status, such a qualified alien must meet the other conditions for eligibility such as the five (5) year residency requirement or an LPR with 40 qualifying quarters of work.

The five (5) year residency period begins when the prima facie case determination is issued or when the abused immigrant's I-130 visa petition is approved. In making its determination, the agency representative must remember that the relevant date for this immigrant's eligibility is the date that s/he obtained qualified alien status as an abused immigrant rather than the date of that individual's immigration status, such as that of an LPR.

Examples to assist the agency representative determine whether a substantial connection exists between the battery or extreme cruelty and the applicant's need for public benefits include the following situations where benefits are needed: to enable the applicant and the applicant's child or parent to become self-sufficient; to escape the abuser or community in which the abuser lives or to ensure the safety of the applicant; because of a loss of financial support, dwelling, or source of income due to separation from the abuser; to alleviate nutritional risk; or for medical attention, mental health counseling, or because of a disability that resulted from the abuse.

1004.20.35 Illegal Aliens

REV:08/2001

When a household is unable, or unwilling, to provide documentation of alien status for any household member, that member is classified as an ineligible alien. When a person is unable, or unwilling, to provide documentation of his/her alien status, that person is classified as an ineligible alien. In such cases the agency representative does not continue efforts to obtain documentation and does not report him/her to the U.S. Citizenship and Immigration Services (USCIS) office. Only in those instances where the agency representative has seen the deportation notice can the immigrant be reported to the USCIS office.

1004.20.40 Need for Documentation

REV:06/1991

The agency is responsible to offer to contact USCIS when the alien has an USCIS document which does not clearly indicate eligible or ineligible alien status. The agency does not need to offer to contact USCIS on the alien's behalf when the alien does not provide an document. However, when the agency accepts non-USCIS documentation determined to be reasonable evidence of the alien's immigration status, the agency representative must photocopy the document and transmit it to the USCIS for verification. Pending such verification, the agency must not delay, deny, reduce, or discontinue the individual's eligibility for benefits on the basis of the individual's immigration status. The agency does not need to receive the alien applicant's written consent in order to transmit the photocopy to USCIS.

The agency must provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status as of the 30th day following the date of application.

A reasonable opportunity is at least ten days from the date of the agency's request for an acceptable document. When the agency accepts non-USCIS documentation and fails to provide an alien applicant with a reasonable opportunity as of the 30th day following the date of application, the agency must provide the household with benefits no later than 30 days following the date of application provided the household is otherwise eligible.

1004.20.45 Certification of Remaining Household Members

REV:08/2001

A non-citizen is ineligible for SNAP benefits until acceptable verification is provided unless:

1. The FS worker has submitted a copy of a document provided by the non-citizen to USCIS for verification. Pending such verification, the worker cannot reduce, delay, deny or terminate the immigrant's benefits on the basis of the individual's immigration status; or
2. The applicant or the FS worker has submitted a request to the Social Security Administration for information regarding the number of quarters of work that can be credited to the individual, SSA has responded that the individual has fewer than forty (40) quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the ET must certify the individual pending the results of the investigation for up to six (6) months from the date of the original determination of insufficient quarters; or
3. The non-citizen applicant or the FS worker has submitted a request to a federal agency for verification of information which bears on the non-citizen's eligible

alien status. The FS worker must certify the individual pending the results of the investigation for up to six (6) months from the date of the original request for verification.

In all other situations, while awaiting acceptable verification, the alien member(s) of the household whose status is questionable is not eligible. The income and resources of the ineligible alien must be treated in the same manner as an ineligible individual, and must be considered available in determining the eligibility of any remaining members. (Cash payments from the ineligible alien member(s) to the household are considered income under the normal income standards found in Section 1010.) The alien(s) with unverified status must be considered an ineligible member(s) and the eligibility of the remaining household members (if any) must be determined as defined in Section 1016.20. If the agency representative determines from discussions with the household that the alien either does not wish to contact USCIS, or does not give the agency representative permission to make the contact for him/her, the household is given the option of withdrawing its application or participating without the alien member. However, should the agency representative subsequently receive verification of eligible alien status, the agency representative must act on the information as a reported change in household membership in accordance with the timeliness standards set in Section 1018.20.

1004.25 WORK REQUIREMENTS

REV:07/2011

The Food Stamp Act requires certain unemployed adults who are members of eligible households to register for work, and to comply with all the employment and training requirements. In Rhode Island, for FFY 2011 forward, until policy is amended otherwise, participation in an employment and training program is voluntary.

Each household member who is not exempt, must register for employment at the time of application, and once every twelve (12) months after initial registration, as a condition of eligibility. The registration form need not be completed by the member required to register; it can be completed by a responsible household member or an authorized representative.

Strikers whose households are eligible under the criteria in Section 1014.25 are subject to the work registration requirements unless exempt under 1004.25.05 of this section at the time of application.

1004.25.05 Exemptions from Work Registration

REV:07/2011

The following persons are exempt from the work registration requirement:

* Persons Under 16 or Over 60 Years of Age
* Persons with Disabling Conditions
* Persons Who Are Participants in the RIW Program
* Persons Who Are Caretakers

* Recipients of Unemployment Compensation
* Persons with Drug and Alcohol Dependency
* Employed Persons
* Self-employed Persons
* Persons Who Are Students
* Joint Applicants for SSI and SNAP

1004.25.05.05 Persons Under 16 or Over 60 Years of Age

REV:06/1987

Persons younger than 16 years of age or 60 years of age or older.

If a child has his/her 16th birthday within the certification period, the child must fulfill the work registration requirement as part of the next scheduled recertification process unless otherwise exempt.

Also exempt is a person age 16 or 17 who is not a head of household or who is attending school or is enrolled in an employment training program on at least a half-time basis.

1004.25.05.10 Persons with Disabling Conditions

REV:07/2011

Persons with disabling conditions incapable of gainful employment either permanently or temporarily. Persons claiming a temporary incapacity must be required to register once they become physically and mentally able to work.

* Verification

  Eligibility for and receipt of benefits from SSI is prima facie evidence of unemployability. In the case of an SSI household containing an "essential person", the individual situation must be examined to determine whether that essential person must register. In addition, receipt of disability payments under the Social Security Program (Retirement, Survivors and Disability Insurance (RSDI)) is considered proof of disability for purposes of this exemption.

  Other individuals claiming an exemption for a physical or mental Disability should furnish other verification which can substantiate such claim. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or a statement from a physician or licensed or certified psychologist. If the individual cannot afford to pay a physician, the agency representative should provide the address of the appropriate Rhode Island Health Center. Adequate documentation should appear in the case record to support the granting of this exemption. Additionally, a case log (clog) entry detailing the exemption is required. Receipt of Workers' Compensation may also indicate temporary disability.

1004.25.05.15 Work Requirements for RIW recipients

REV:08/2001

A household member subject to and complying with any work registration requirement under Title IV-A of the Social Security Act, including the RIW Employment Plan, is exempt from the SNAP work requirement.

A household member who is required to register for work under a Title IV-A program and who fails to comply with a registration requirement which is not comparable with the SNAP work registration requirement must not be denied SNAP benefits solely for this failure. The member loses his/her special exemption and must register for work with the Supplemental Nutrition Assistance Program if not otherwise exempt.

1004.25.05.20 Persons Who Are Caretakers

REV:08/2001

A parent or other household member who is responsible for the care of a dependent child under six (6) or an incapacitated person. If the child has his/her sixth birthday within a certification period, the individual responsible for the care of the child must fulfill the work registration requirement as part of the next scheduled recertification process, unless that individual qualifies for another exemption.

* Verification

  If a parent and another member of the household both claim to be responsible for the care of the same dependent child or incapacitated adult, the actual responsibility should be determined by discussion with the applicant. A summary of the fact leading to the exemption should be made in the case log.

1004.25.05.25 Recipients of Unemployment Compensation

REV:06/1987

A person who is in receipt of Unemployment Compensation (UCB). A person who has applied for, but has not yet begun to receive UCB is also exempt, but only if that person was required to register for work with the Department of Labor and Training (DLT) as part of the UCB application process. If the exemption claimed is questionable, the agency representative is responsible to verify the exemption with the Department of Labor and Training.

If a person's UCB expires or is suspended, s/he must register for work unless otherwise exempt. A household member who is required to register for work under the UCB program and who fails to comply with a work registration requirement which is not comparable with the SNAP work registration requirement must not be denied SNAP benefits solely for this failure. Such member loses his/her special exemption and must register for work with the Supplemental Nutrition Assistance Program if not otherwise exempt.

1004.25.05.30 Persons with Drug or Alcohol Dependency

REV:06/1987

A regular participant in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or nonresident basis.

* Verification

  Regular participation in the program may be verified through the organization or institution operating the program.

1004.25.05.35 Employed Persons

REV:06/1987

A person who is employed and working a minimum of thirty hours weekly or receiving weekly earnings at least equal to the State or Federal minimum wage, whichever is higher, multiplied by (30) hours is exempt. This includes migrant and seasonal farmworkers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this does not prevent individuals from seeking additional services from the Department of Labor and training).

* Verification

  If a person claims to be exempt by reason of employment of at least 30 hours per week, verification of the amount of income received from such employment, as is elsewhere required for certification, is sufficient to establish the exemption, provided the amount of income appears to be consistent with employment for thirty (30) hours a week under the general conditions prevailing in the community. However, if the individual does not meet this test, but still claims to be employed, then, in cooperation with the agency representative, the applicant is requested to supply documentary evidence of the existence of an employee - employer relationship and that the number of hours worked is equivalent to thirty (30) hours a week.

  Factors to be considered, while not all inclusive, are:

  1.Does the wage meet State or Federal minimums?

  2.Have deductions of amounts for Federal and/or State income taxes, Social Security tax, etc., been made by the employer?

  3.Does the employer pay unemployment insurance premiums on behalf of the employee?

* Hobbies, Volunteer Work, etc.

  Persons engaged in hobbies or volunteer work or any other activity which cannot (because of the minimal amount of monies received from such activity) be considered as gainful employment, must not be considered exempt from work

registration regardless of the amount of time spent in such activity.

1004.25.05.40 Self-employed Persons

REV:06/1987

Persons who are self-employed and working a minimum of thirty (30) hours weekly or receiving weekly earnings equal to or greater than the State or Federal minimum wage, whichever is higher, multiplied by thirty (30) hours.

* Verification

  If a person claims to be exempt by reason of self - employment, verification of the amount of income received from self-employment is sufficient to establish the exemption, provided the amount of income appears to be consistent with a conclusion of full-time (30) hours a week) employment. If the income is not sufficient, but the person still claims to be self-employed, such person must cooperate with the agency representative in establishing that the income received from the self-employment enterprise is at least sufficient to be considered gainful employment and that the volume of work claimed justifies a determination that the self-employment enterprise is a full-time job for the purposes of this exemption. The household must cooperate in providing adequate documentation to substantiate the claim.

1004.25.05.45 Persons Who Are Students

REV:06/1987

A student enrolled at least half-time in any recognized school, training program, or institution of higher education, provided that a student enrolled at least half time in an institution of higher education has met the eligibility requirements in Section 1014.20. A student enrolled in a school, training program or institution of higher education remains exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out or does not intend to register for the next normal school term (excluding summer school.) A person who is not enrolled at least half-time or who experiences a break in enrollment status due to graduation, expulsion, or suspension, or who drops out or otherwise does not intend to return to school, must not be considered a student for the purpose of qualifying for this exemption.

* Verification

  For students, aged 16 through 59, the agency representative may check with the institution or place of training, to determine if the school or training program is recognized by a Federal, State or local government agency, and if the student's hours meet the half-time requirement. Persons enrolled in correspondence courses where physical attendance

is not regularly required are not exempt.

1004.25.05.50 Applicants for SSI and SNAP Benefits

REV:06/1987

Household members who are applying for SSI and SNAP benefits under SSI/SNAP joint application processing have the requirement for work registration waived until:

* they are determined eligible for SSI and thereby become exempt from work registration; or,

* they are determined ineligible for SSI and, where applicable, a determination of their work registration status is then made through recertification procedures, in accordance with Section 1018.15.

1004.25.10 Determining Exemptions to Work Registration

REV:06/1987

The agency representative determines which household members meet the exemption to the registration requirements at the time of initial certification, recertification, change in employment status, or the required twelve-month registration period.

In general, work registration exemptions must be verified prior to certification only if inconsistent with other information on the application, previous applications, or other documented evidence known to the agency.

1004.25.15 Loss of Exemption Status

REV:08/2001

Persons losing exemption status due to any changes in circumstances which are subject to the reporting requirements described in Section 1018.05 (such as loss of employment that also results in a loss in earned income of more than one hundred dollars ($100.00) a month, or departure from the household of the sole dependent child for whom an otherwise non-exempt household member was caring) must register for employment when the change is reported.

If the change is reported in person by the household member required to register, the person should complete the work registration form at the time the change is reported, unless this is not possible, in which case the household member must return the form to the agency representative within 10 days.

If the change is reported in person by a household member other than the member required to register, the person reporting the change may complete the form at the time the change is being reported or deliver the form to the member required to register.

If the change is reported by phone or through the mail, the agency representative is responsible for providing the participant with a work registration form.

Participants are responsible for returning the form to the agency representative within 10 calendar days from either the date the form was handed to the household member reporting the change in person, or the date the agency representative mailed the form. If the participant fails to return this form, a notice of adverse action must be issued stating that the participant or, if the individual is the head of household, the household is being terminated and the reason, but that the household can avoid termination by returning the form.

Those persons who lose their exemption due to a change in circumstances that is not subject to the reporting requirements of Section 1018.05 must register for employment at their households' next recertification.

1004.25.20 Work Registration Procedures

REV:07/2011

The agency must register for work each household member who is not exempt as defined in the provisions in 1004.25.05. Non-exempt work registrants are known as mandatory work registrants. When it is determined that an applicant/recipient must register, the agency representative must explain to the applicant/recipient the pertinent work requirements, the rights and responsibilities of the work-registered household member(s) and the consequences of failure to comply. A written summary (SNAP-510) of these matters is provided to each work registrant. It is also provided to a previously exempt member or a new household member who becomes subject to the work registration requirement.

Work registration is accomplished by completing the SNAP-511 for each household member required to register for employment. This form may be completed by the applicant or authorized representative for each household member who is required to register for employment. The date the registration form is completed is recorded in the case log (CLOG).

1004.25.20.05 Screening for Referral for E & T Activities

REV:07/2011

Using established interview techniques, the SNAP representative elicits information needed to assess a participant’s employability and at the same time, explain the available employment and training services as well as the participant's responsibilities.

Upon certification of the household for SNAP benefits, mandatory work registrants are informed that they have the opportunity to voluntarily enroll in employment and training activities. . If they wish to enroll, the agency representative completes the last portion of the SNAP-511 and forwards the form to the SNAP E&T contractor. Additionally, any SNAP recipient who is exempt from work registration

may also volunteer for employment and training activities by completing a SNAP-511.

Referral to the SNAP E&T Program is accomplished by forwarding the SNAP-511 to the SNAP E&T contractor.

1004.25.25 Work Registrant Requirements

REV:07/2011

All mandatory work registrants must:

* Complete a work registration form (SNAP-511)

* Respond to a request from the SNAP representative for supplemental information regarding employment status or availability for work;

* Report to an employer when referred by the SNAP E&T Program if the potential employment meets the suitability requirements in 1004.25.40;

* When involved in a SNAP employment and training activity, accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable State or Federal minimum wage.

* Not voluntarily quit a job without good cause (see Section 1004.26)

1004.25.30 Employment and Training Activities

REV:07/2011

Persons required to register for work and those exempt from work registration may voluntarily participate an Employment and Training Activity.. Except in those circumstances identified in Section 1004.25.25, such volunteers are not subject to disqualification for failure to meet participation requirements. Those E&T activities that are available to volunteers may not include all of the components listed in Section 1004.25.30.10, but may vary based on the SNAP E&T State Plan and E&T contract. Available E&T activities are described to work registrants at application and re-registration.

1004.25.30.10 E & T Components

REV:07/2011

Following are the components that comprise the employment and training activities in which SNAP recipients may participate.

Group Job Search Component

Group Job Search is a service provided in a structured workshop setting consisting of: training in networking as a job search technique; instruction in completing job applications and writing resumes; developing job interview skills; and advice on presentation for interviews. Peer group support and exploration

of individual career interests are among the methods used. Participants are expected to contact employers in accord with E&T contractor guidance to enable monitoring of their progress.

Individual (or Independent) Job Search Component

Individual (or Independent) Job Search is a service provided to those work registrants, who during the previous six (6) months, have either been employed or have successfully completed or participated in Vocational Training, Job Club, Group Job Search Workshop, or an approved educational course. Participants are expected to contact
Employers in accord with E&T contractor guidance to enable monitoring of their progress.

Vocational Skills Training Component

Opportunities for vocational skills training are made available to E&T participants who have some work experience but do not possess occupationally-oriented skills. E&T participants could receive OJT with private employers or classroom training. Services are designed to enable participants to re-enter the labor market.

Remedial and Basic Education Component

E&T participants may be referred to educational activities in order to improve their basic reading and math skills, and subsequently, to improve their employment prospects. These activities are Literacy Training, Basic and Remedial Education, Graduate Equivalency Diploma (GED) Training and English as a Second Language (ESL). Assignment to these educational activities is based on assessments by the SNAP E&T contractor and the service providers. All educational activities to whichwork registrants are referred will meet the minimum requirement of twelve (12) hours per month for two (2) months.

1004.25.30.15 SNAP E&T Outcomes

REV:07/2011

If the participant completes the assigned component and locates employment, the SNAP E&T contractor informs the agency representative via an SNAP-512. The agency representative acts on this change in circumstances in accordance with Section 1018.05.

1004.25.30.20 Support Services

REV:07/2011

* Transportation Allowance

Upon written documentation from the service provider, the SNAP E&T contractor may authorize an expense payment of $3.00 per day for each day the participant is involved in a component activity.

* Dependent Care Reimbursement

Reimbursement for dependent care expenses is allowable up to $160 per month per dependent expenses that are incurred while a participant is fulfilling an E&T obligation. Reimbursement is limited to dependent care expenses for children under age thirteen (13) and incapacitated persons. If an individual's dependent care costs exceed $160 per month per dependent, s/he may be exempt from participation in an E&T component in accordance with Section 1004.25.30.10.

No reimbursement is made for payment to dependent care providers who reside in the same household as the dependent child or incapacitated person. The SNAP E&T contractor is responsible for oversight, documentation and invoicing.

* Work-Readiness Fee

Allowances for work-related expenses are approved, managed and invoiced by the SNAP E&T contractor. In the non-vocational education component, course registration fees and such materials as may be needed to complete the course may qualify. In the vocational training component, program registration fees, miscellaneous equipment (e.g., stethoscopes, special shoes, and uniforms) required by a program under the vocational component may also qualify for the use of this fee. The fee is authorized by the SNAP E&T contractor for a participant who is actively engaged in an approved E&T component. This fee is excluded as income for SNAP purposes.

1004.25.35 Failure to Comply With a Work Requirement

REV:07/2011

Certain work requirements still apply to mandatory work registrants even under a voluntary E&T program. The requirements with which a SNAP work registrant must comply are listed in Section 1004.25.25. If an individual (other than the head of household, as defined in 1002.35.05), who is required to register refuses or fails without good cause to comply with the requirements imposed by Section 1004.25.25, that individual is ineligible to participate in the Supplemental Nutrition Assistance Program and is treated as an ineligible household member. (See Section 1016.20.05.)
If the head of household who is required to register fails to comply, the entire household is ineligible to participate as provided below.

Length of Sanction

Ineligibility in both cases continues for two (2) months or until the member who caused the violation:

* Complies with the requirements of this section;
* Leaves the household; or
* Becomes exempt from work registration, as provided in 1004.25.05, (other than through the exemptions for the RIW Program participants or UCB recipients);

whichever occurs first.

When a noncompliant head of household moves from one household to another, a sanction is imposed on the new household for the remainder of the disqualification period if s/he is designated the head of household. If the individual moves into a household in which an adult parent of children has been selected head of household, the household sanction can not be imposed unless the new household designates her/him as its head. If the member who failed to comply joins another household where s/he is not the head of household, the individual is to be ineligible for two (2) months and must be considered an ineligible household member as provided in Section 1016.20.05.

1004.25.35.05 Determining Good Cause

REV:07/2011

The SNAP worker is responsible for determining good cause in those instances when a work registrant has failed to comply with the requirements set forth in Section 1004.25.25. The registrant is responsible for submitting evidence in support of any claim of good cause.
The SNAP agency representative must consider the facts and circumstances, including information submitted by the household member involved, the employer, or the E&T contractor

Good cause includes circumstances beyond the member's control, such as, but not limited to:

* Illness or incapacity;

* Illness of another household member sufficiently serious to require the presence of the registrant;

* Unanticipated household emergency;

* Court-required appearance;

* Incarceration;

* Breakdown in transportation arrangements with no readily accessible means of transportation;

* Inclement weather which prevented the registrant and other persons similarly situated from traveling to, or accepting a bona fide offer of employment;

* Problems caused by the inability of the registrant to speak, read or write English;

* Lack of adequate child care for children who have reached age six (6) but are under age twelve (12).

1004.25.35.10 Notice of Adverse Action and Fair Hearing

REV:07/2011

Within five (5) days of noncompliance with the work requirements as listed in Section 1004.25.25 , the SNAP E&T contractor notifies the SNAP Eligibility Technician of the noncompliance via aSNAP-512 The SNAP ET must issue a Notice of Adverse Action (NOAA).

The work registrant has ten (10) days to respond and offer evidence of good cause. The Notice of Adverse Action must state the particular act of noncompliance committed, the proposed period of disqualification and must specify that the individual or household may reapply at the end of the disqualification period. Information is also included describing the action which can be taken to end or avoid the sanction. The disqualification period begins with the first month following the expiration of the adverse notice period, unless a fair hearing is requested.

Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of non-exempt status, or determination of failure to comply with the work registration or employment and training requirements of this section. Individuals or households may appeal agency actions such as exemption status, the type of requirement imposed, or agency refusal to make a finding of good cause if the individual or household believes that a finding of failure to comply has resulted from improper decisions on these matters. The SNAP Eligibility Technician should receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative is available for questioning on the telephone during the hearing. A household must be allowed to examine its employment component case file at a reasonable time before the date of the hearing, except for confidential information (which may include test results) that the agency determines should be protected from release. Information not released to a household may not be used by either party at the hearing. The results of the hearing are binding on the agency.

1004.25.40 Suitable Work

REV:01/2002

Any employment is considered suitable if:

The wage offered is at least the highest of:

* the applicable Federal minimum wage;
* the applicable State minimum wage; or,
* eighty percent (80%) of the Federal minimum wage, if neither the State or Federal minimum wage is applicable.

The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably expect to earn at least equals the applicable hourly wages specified above.

The registrant, in order to be hired or to continue working, is not required to join, resign from, or refrain from joining any legitimate labor organization.

The work offered is not at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under Section 208

of the Labor- Management Relations Act (Taft-Hartley), or unless an injunction has been issued under Section 10 of the Railway Labor Act.

Employment is considered suitable unless the registrant demonstrates, or the agency representative determines, that:

* The risk to health and safety is unreasonable.

* The member is physically or mentally unable to perform the essential functions of the job, as documented by medical evidence or by reliable information from other sources.

* The employment offered within the first thirty (30) days of registration is not in the registrant's major field of experience.

* The distance from the registrant's home to the place of employment is unreasonable based on the expected wage and the time and cost of commuting. Daily commuting time should not exceed two hours per day, not including the transportation of a child to and from a child-care facility. Neither should employment be considered suitable if the distance to the place of employment prohibits walking, and both public and private transportation are unavailable to use in getting to the job site.

* The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs. For example, a Sabbatarian could refuse to work on the Sabbath and not affect the household's eligibility.

1004.25.45 Ending Disqualification

REV:07/2011

Following the end of the two-month disqualification period for failure to comply with work requirements such as refusal to register for work, participation may resume if the disqualified individual or household (if the household is disqualified due to the head of household’s failure or refusal to register for work) applies again and is determined eligible.

Eligibility may also be reestablished within a disqualification period if the household is otherwise eligible and the member who caused the disqualification becomes exempt from the work requirement, is no longer a member of the household (although any new household containing this member must be subject to disqualification for the remainder of the disqualification period), or the member complies as follows:

* Refusal to register--completes the work registration form.

* Refusal to respond to a request from an agency representative requiring supplemental information regarding employment status or availability for work--compliance with the request.

* Refusal to report to a specific employer when referred by an agency representative --reporting to this employer if work is still available or to another employer to whom referred.

* Refusal to accept a bona fide offer of suitable employment when referred by an agency representative--acceptance of this employment, if still available to the participant, of any other employment with earnings equivalent to the refused job, or any other employment of at least thirty (30) hours per week with weekly earnings equal to the Federal minimum wage multiplied by thirty (30) hours.

1004.25.50 Reporting Requirements

REV:07/2011

The household is required to report all changes in income, such as a job placement. The requirements for reporting changes in household circumstances are discussed in Section 1018.

1004.26 VOLUNTARY QUIT PROVISION

REV:08/2001

No household is eligible to participate in the Supplemental Nutrition Assistance Program as specified below when the head of household (as defined in 1002.35.05) voluntarily and without good cause quits a job of twenty (20) hours a week or more, within the sixty (60) days prior to the date of application or at anytime thereafter. At the time of application, the agency representative must explain to the applicant the consequences of the head of household quitting his/her job without good cause and the consequences of a person joining the household as its head if that person has voluntarily quit employment.

Persons who are exempt from the work registration provisions are exempt from the voluntary quit provision. For example, a RIW recipient is exempt from the voluntary quit provision as s/he is considered registered for employment services by virtue of signing the DHS-2, Statement of Need.

1004.26.05 Determination of Voluntary Quit

REV:01/1989

When a household files an application for participation, or when a participating household reports the loss of a source of income, the agency representative must determine whether any household member voluntarily quit his/her job. Benefits are not delayed beyond the normal processing times outlined in 1001.65.15 pending the outcome of this determination.

This provision applies only if:

* the employment involved twenty (20) hours or more per week

or provided weekly earnings at least equivalent to the Federal minimum wage multiplied by twenty (20) hours;

* the quit occurred within sixty (60) days prior to the date of application or anytime thereafter; and,
* the quit was without good cause.

Changes in employment status which result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer are not considered a voluntary quit for purposes of this section.

If an individual quits a job, secures new employment at comparable wages or hours and is then laid off or, through no fault of his/her own loses the new job, the earlier quit does not form the basis of a disqualification.

An employee of the Federal Government or of a State or local government who participates in a strike against such government, and is dismissed from his/her job because of participation in the strike, must be considered to have voluntarily quit his/her job without good cause.

1004.26.10 Applicant Households

REV:07/2011

In the case of an applicant household, the agency representative must determine whether any currently unemployed (i.e., employed less than twenty (20) hours per week or receiving less than weekly earnings equivalent to the State or Federal minimum wage multiplied by twenty (20) hours) household member who is required to register for work has voluntarily quit his/her most recent job within the last sixty (60) days.

If the agency representative learns that a household has lost a source of income after the date of application but before the household is certified, the agency representative must determine whether a voluntary quit occurred.

1004.26.15 Participating Households

REV:01/1989

In the case of a participating household, the agency representative must determine whether any household member voluntarily quit his/her job while participating in the program, or in the time between application and certification.

1004.26.20 Head of Household

REV:12/1994

When a determination of voluntary quit is established for a household member, the agency representative then determines if the member who quit is the head of household as defined in 1002.35.05.

1004.26.25 Determination that Quit was with Good Cause

REV:01/1989

Upon a determination that the head of household voluntarily quit employment, the agency representative must determine if the voluntary quit was with good cause as defined in 1004.30.45.

1004.26.30 Disqualification for an Applicant Household

REV:01/1989

In the case of an applicant household, if the voluntary quit was without good cause, the household's application for participation is denied and sanction imposed for 90 days, starting from the date of the quit. The agency representative must provide the applicant household with a notice of denial in accordance with Section 1012.25. The notice must inform the household of the following:

* the period of disqualification;

* the right to reapply at the end of the 90-day period; and

* the right to a fair hearing.

1004.26.35 Disqualification for Participating Household

REV:01/1989

If the agency representative determines that the head of a participating household voluntarily quit his/her job while participating in the program or later discovers a quit occurred within sixty days prior to application or between application and certification, s/he provides the household with a notice of adverse action as specified in Section 1018.10., within ten days after the determination of a voluntary quit is made.

Such notification must contain:

* the particular act of noncompliance which was committed;

* the proposed period of disqualification;

* the actions which may be taken to end or to avoid the disqualification: and,

* specification that the household may reapply at the end of the disqualification period.

Except as otherwise specified in this section, the period of ineligibility runs continuously for three (3) months or ninety (90)

days beginning with the first of the month after all normal procedures for taking adverse action have been followed. The 90- day disqualification period may be converted to a three (3) calendar month period only for participating households.

If a voluntary quit occurs in the last month of a certification period or is determined in the last thirty (30) days of the certification period, the household is denied recertification for a period of ninety (90) days beginning with the day the certification period ends. If such a household does not apply for SNAP benefits by the end of the certification period ,a claim is established for the benefits received by the household for up to ninety days beginning the first of the month after the month in which the quit occurred. If there are fewer than ninety days from the first of the month after the month in which the quit occurred to the end of the certification period, a claim is imposed. The household remains ineligible for benefits for a prorated number of days, with the end result that a claim was established or the household was ineligible for a full ninety days.

Each household has a right to a fair hearing to appeal a reduction or termination of benefits due to a determination that the head of household voluntarily quit his/her job without good cause. If the participating household requests a fair hearing and the agency's determination is upheld, the disqualification period begins with the first of the month after the hearing decision is rendered.

Persons who have been disqualified for quitting a job as head of one household must carry their sanction with them if they join a new household as its head. The new household is ineligible for the remainder of the sanction period unless the person who caused the disqualification ends it in a manner prescribed in 1004.30.50.

1004.26.40 Application in 3rd Disqualification Month

REV:01/1989

If an application for participation in the program is filed in the third month of disqualification, the agency representative must use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligible criteria are met.

1004.26.45 Good Cause

REV:06/1991

Good cause for leaving employment includes the good cause provisions specified in 1004.25.35.05 and resigning from a job that does not meet the suitability criteria specified in 1004.25.40.

Good cause for leaving employment must be substantive, not solely an allegation, and includes:

* discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;

* work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

* acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education that requires the primary wage earner to leave employment;

* acceptance by any other household member of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education in another area which requires the household to move and thereby requires the primary wage earner to leave employment;

* resignations by persons under the age of sixty (60) which are recognized by the employer as retirement;

* employment which becomes unsuitable by not meeting the criteria as specified in 1004.25.40., after the acceptance of such employment;

* acceptance of a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the State or Federal minimum wage, whichever is higher, multiplied by twenty (20) hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty (20) hours a week or weekly earnings of less than the State or Federal minimum wage multiplied by twenty (20) hours; and

* leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work. Even though work may not yet be available at the new job site, the quitting of the previous employment is considered as with good cause if it is part of the pattern of that type of employment.

1004.26.50 Verification

REV:01/1989

Verification of questionable information provided by the household is obtained as specified in Section 1002.60.10. The client is the primary source. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the agency representative offers assistance to obtain the needed verification.

Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives, and grievance committees or organizations.

Whenever documentary evidence cannot be obtained, the agency representative substitutes a collateral contact. The agency representative is responsible for obtaining verification from acceptable collateral contacts provided by the household.

A household is eligible when the requested verification is unattainable because the cause for the quit resulted from circumstances which, for good reason, cannot be verified, such as a resignation from employment due to discrimination practices, unreasonable demands by an employer, or because the employer cannot be located.

1004.26.55 Ending a Voluntary Quit Disqualification

REV:01/1989

Following the end of the disqualification period, a household may begin participation in the program if it applies and is determined eligible.

Eligibility may be reestablished during a disqualification period and the household, if otherwise eligible, permitted to resume participation if the member who caused the disqualification secures new employment which is comparable in salary or hours to the job which was quit, or leaves the household. Comparable employment may entail fewer hours or a lower net salary than the job which was quit. Eligibility may also be reestablished if the violator becomes exempt from the work registration requirements through 1004.25.05., other than paragraphs 1004.25.05.15. or 1004.25.05.25. Should a household which has been sanctioned split into more than one household, the sanction must follow the member who caused the disqualification. If a head of household who committed the violation joins another SNAP household as head of the household, that household is ineligible for the balance of the period of ineligibility.

A household determined ineligible due to a voluntary quit without good cause may reestablish eligibility if a new and otherwise eligible member joins as its head of household as defined in 1002.35.05.

1004.27 TIME LIMIT FOR ABLE-BODIED INDIVIDUALS

REV:07/2011

Unless exempt, an individual is ineligible to participate in SNAP as a member of any household if s/he has, in the previous thirty-six (36) months, received SNAP benefits for three (3) months (consecutive or otherwise) during which s/he did not:

* Work twenty (20) or more hours per week, averaged monthly;

* Participate in and comply with the requirements of a work program for more than twenty (20) or more hours per week;

* Participate in and comply with the requirements of an appropriate SNAP E&T (unpaid) Work Experience program (if it is an available component under the RI SNAP E&T plan);

* Receive benefits due to exemption from these work

requirements (Exemptions are located in Sections 1004.25.05 and 1004.27.05.); or

* Receive benefits due to regaining eligibility as discussed in Section 1004.27.10.

A work program is defined as:

* A program under the Workforce Investment Act (WIA);

* A program under section 236 of the Trade Act of 1974 (known as the Trade Readjustment Act or "Trade Program"); and

* The SNAP E&T Program other than a job search or job search training program. Such a program may contain job search or job search training as a subsidiary component as long as such component is less than half the requirement.

Working means:

* Work in exchange for money;

* Work in exchange for goods or services ("in-kind" work); or

* Unpaid work

A prorated month during the initial application month is not counted during the three-month time limit.

Households adversely affected by this provision must be issued timely and adequate notice of such determination.

Note: Rhode Island currently has a waiver in place that allows all SNAP recipients living in Rhode Island, regardless of meeting the above criteria, to be exempt from the three-month time limit on receipt of SNAP benefits.

1004.27.05 Exemptions from Time Limits

REV:07/2011

An individual is exempt from the time limit set forth in Section 1004.27 if s/he is:

* Under eighteen (18) or fifty (50) years of age or older (a person is considered over age fifty (50) on her or his fiftieth (50th) birthday);

* Medically certified as physically or mentally unable to work;

* A parent (natural, adoptive, or step) of a household member under age 18, even if the household member who is under age eighteen (18) is not him/herself eligible for SNAP benefits;

* Pregnant;

* Is a member of a SNAP household in which one of the members is under age eighteen (18), even if the household member who is under age 18 is not him/herself eligible for SNAP benefits;

* Otherwise exempt pursuant to Section 1004.25.05.

Note: Rhode Island currently has a waiver in place that allows all SNAP recipients living in Rhode Island, regardless of meeting the above criteria, to be exempt from the three-month time limit on receipt of SNAP benefits.

1004.27.10 Provision for Regaining Eligibility

REV:02/2007

An individual denied eligibility due to the time limit shall regain eligibility to participate in the SNAP program if during a thirty (30) day period, the individual:

1. Works eighty (80) or more hours;

2. Participates in and complies with the requirements of a work program as defined in Section 1004.30 for eighty (80) or more hours; or

3. Participates in and complies with the requirements of an appropriate SNAP Employment and Training (unpaid) Work Experience program.

If an individual loses this employment or ceases to participate in a work or workfare program, participation can continue for up to three (3) consecutive months (beginning from the date the agency representative is notified that work has ended, after which the only cure during the thirty-six (36) month period will be to comply with the work requirement or become exempt. An individual shall not receive benefits under this paragraph more than once in any three-year period.

An individual who is subject to the ABAWD requirements and is not exempt or eligible for an additional three-month period due to fulfilling the work requirement, is ineligible for SNAP benefits in the month of re-application. The only pro-rated month that is not counted toward the three-month time limit for ABAWD's is the initial application month.

1004.35 STUDENTS

REV:04/1993

Any person who is (1) aged 18 through 49; (2) physically and mentally fit; and, (3) enrolled at least half-time in an institution of higher education shall be ineligible to participate in the Food Stamp Program unless such person complies with the eligibility requirements described in 1004.35.05.

"Institution of higher education" means any institution which normally requires a high school diploma or equivalency for enrollment.

This rule does not apply to persons under 18 or over 50, persons physically or mentally unfit for employment, persons attending high school, persons participating in on-the-job training programs, persons not attending school at least half-time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education. Such persons are certified in accordance with Section 1014.20.

If inability to work due to mental or physical unfitness is claimed, verification is required. Receipt of temporary or permanent disability benefits issued by governmental or private sources is sufficient verification. These benefits include, but are not limited to, TDI, SSI, RSDI disability benefits, and Workers' Compensation. For an individual who does not receive any such benefits, a statement from a physician or licensed or certified psychologist is sufficient verification.

1004.35.05 Eligibility Requirements

REV:08/2001

In order to be eligible to participate in the SNAP Program, any student (as defined in 1004.35) must meet at least one of the following criteria:

1. Under age 18 or age 50 or older;

2. Not physically or mentally fit;

3. Employed and paid for a minimum of 20 hours per week;

4. Receiving RIW;

5. Responsible for the care of a child under age 6;

6. Enrolled full-time in an institution of higher education and is a single parent with responsibility for the care of a dependent child under age 12 (regardless of the availability of child care);

7. Responsible for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and work 20 hours per week or participate in a state or federally financed work study program;

8. Participating in a state or federally funded work study program (funded under Title IV-C) during the regular school year;

9. Assigned to or placed in an institution of higher learning through:

a. the Workforce Independence Act (WIA) program,

b. a food stamp employment or training program,

c. a program under section 236 of the Trade Act of 1974, or

d. a state or local government employment and training program, as determined to be appropriate by FNS.

1004.35.05.05 Enrollment Defined

REV:06/1987

The enrollment status of a student begins on the first day of the school term of the institution of higher education. Such enrollment is deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

1004.35.10 Treatment of Income and Resources

REV:06/1987

The income and resources of an ineligible student are handled as outlined in Section 1016.25.

1004.40 SOCIAL SECURITY NUMBERS (SSN)

REV:08/2001

A household participating, or applying for participation in the Food Stamp Program, is required to provide the agency with the SSN for each household member or apply for one before certification. If an individual has more than one number, all numbers are required.

The agency representative must explain to applicants and participants that refusal to provide an SSN will result in the disqualification of the individual for whom an SSN is not obtained in accordance with 1004.40.10.

Ineligible immigrant (non-citizen) household members required by Sections 1002.15 and 1002.15.05 to be included as a household member, can be designated as non-applicants for the purposes of providing a Social Security Number to the agency. Non-applicant household members do not have to provide the agency with a SSN when applying for the U.S. Citizen children. Such members, however, must comply with all required information on income and resources.

1004.40.05 Obtaining SSNs for FSP Household Members

REV:06/1987

For those individuals who provide SSNs prior to certification, recertification, or at any office contact, the agency representative records the SSN and verifies it in accordance with procedures in 1004.40.25.

For those individuals who do not have an SSN, the agency representative completes Form SS-5 (Application for Social Security Number). A supply of SS-5s is available in each SNAP Office. Verification of identity, age, and citizenship or alien status, as required by SSA, must be documented. (See Section 1080 for instructions on completing the SS-5. For further information, consult the Welfare Enumeration Manual.)

For individuals who do not know if they have an SSN or are unable to find their SSN, the procedure above is followed.

1004.40.10 Failure to Comply

REV:06/1987

If the agency determines that a household member has refused or failed without good cause to provide or apply for an SSN, then the individual is ineligible to participate in the SNAP. The disqualification applies to the individual(s) for whom the SSN is not provided and not to the entire household. The earned or unearned income of an individual disqualified from the program for failure to comply with this requirement must be considered as outlined in Section 1016.20.

1004.40.10.05 Determining Good Cause

REV:06/1987

In determining if good cause exists for failure to comply with the requirement to apply for or provide the agency with an SSN, the agency representative considers information from the household member, the Social Security Administration, and the agency (especially if the agency either did not process the SS-5 or did not process it in a timely manner). Documentary evidence or collateral information indicating the household member has applied for the SSN or made every effort to supply SSA with the necessary information must be considered good cause for not complying with this requirement. Good cause does not include delays due to illness, lack of transportation or temporary absence, because the Social Security Administration makes provision for mail-in applications in lieu of applying in person.

If the household member can show good cause why an application for an SSN has not been completed in a timely manner, that person is allowed to participate for one month in addition to the month of application. If the household member applying for an SSN has been unable to obtain the documents required by SSA, the agency representative 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 such a household member to continue to participate. Once an application has been filed, the agency must permit the member to continue to participate pending notification to the agency of the household member's SSN.

1004.40.15 Ending Disqualification

REV:08/1987

The household member disqualified may become eligible upon providing the agency with an SSN. Completion of the SS-5 is sufficient to end a disqualification due to failure to comply with the SSN requirement.

1004.40.20 Use of the SSN

REV:06/1987

The agency is authorized to use social security numbers in the administration of the SNAP Program. To the extent determined necessary by USDA and HHS, the agency has access to information regarding individual Food Stamp Program applicants and participants who receive benefits under Title XVI of the Social Security Act:

* to determine such household's eligibility to receive assistance, and the amount of assistance;

* to verify information related to the benefits of these households;

* to use the State Data Exchange (SDX) to the maximum extent possible;

* to prevent duplicate participation;

* to facilitate mass changes in Federal benefits;

* to determine the accuracy and/or reliability of in - formation given by households; and

* to request and exchange information on individuals through the Income and Eligibility Verification System (IEVS).

1004.40.20.05 Entry of SSNs into InRhodes

REV:08/2001

The agency representative must enter the SSN for all recipients of SNAP benefits into InRhodes on the appropriate member panel.

Household members without a Social Security Number should have 666 entered in the SSN field.

1004.40.25 Verification of SSN

REV:08/2001

The agency must verify the Social Security Numbers (SSNs) reported by the household by submitting them to the Social Security Administration (SSA) for verification according to procedures established by the SSA. The agency should not delay the certification for, or issuance of, benefits to an otherwise eligible household solely to verify the SSN of a household member.

Once an SSN has been verified, the agency makes a permanent annotation to its file to prevent the unnecessary reverification of the SSN in the future. The agency accepts as verified an SSN which has been verified by another program participating in the IEVS.

Verification Procedure

The SSNs of all Food Stamp recipients are "data matched" with Social Security Administration files every night. An asterisk (*) indicates the number has been verified and no further action is necessary. When the SSN entered in InRhodes does not match SSA files a "D" will be computer generated in the SSN verification field. The agency representative is required to check the verifications in the case file to insure the correct information has been entered into InRhodes. If there is no error, the agency representative must contact the individual to review the SSN information (including name and date of birth) given to the agency.

If this review indicates that the Food Stamp file is correct, an SS-5 must be submitted to the Social Security Administration with the correct information.

1004.45 IDENTITY

REV:06/1987

The identity of the person making application must be verified.

When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household must be verified.

Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work or school ID, an ID for health benefits or for another assistance or social services program, a voter registration card, wage stubs, or a birth certificate. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed.