

Food Stamp Policy:

DTA HOTLINE Q&As for 6/2000 through 12/2004

Each month DTA Central issues a newsletter to field offices, called "DTA Transitions" with policy clarifications from the Policy Hotline, entitled "Hotline Focus." Below is a selection of food stamp-related policy clarifications. Months in which there were no food stamp policy questions are not included. All Hotline Foci are now available on the following website: www.masslegalservices.org, Benefits section.

December 2004 **Standard Utility Allowance: Air Conditioning and Fuel Assistance**

- Q. Although the cooler months are here, I am still recertifying AUs using the Heating/Cooling SUA even though many of my recipients are not currently paying for any heating or cooling costs. If my recipient normally pays for cooling costs during the spring and summer months but has neither heating nor cooling expenses during the winter, is he still entitled to Heating/Cooling SUA when his 12- month certification period ends this month?
- A. Yes. SUAs are yearly amounts. Although your recipient is not currently paying any heating or cooling costs, it would be appropriate to use the Heating/Cooling SUA as long as cooling is a regular, recurring expense in the spring and summer months
- Q. A food stamp AU lives in a subsidized housing unit. Currently, all of their expenses are included in the rent and the AU has not had an SUA deduction. However, starting in the spring our local housing authority began billing the AU an additional \$17.00 per month for use of an air conditioner. The AU received their last bill for air conditioner usage in October. Is the AU eligible for the Heating/Cooling SUA because it incurs an extra charge for the use of an air conditioner?
- A. Yes. This AU is eligible for the Heating/Cooling SUA not only during the summer months, but throughout the year. SUAs are yearly amounts. Although this AU will not be paying cooling costs over the next several months, it is appropriate to use the Heating/Cooling SUA as long as the cooling is a regular, recurring expense.
- Q. Is a food stamp AU's eligibility for the Heating/Cooling SUA based on: a) *eligibility* for the LIHEAA/Fuel Assistance Program; b) actual *receipt* of a LIHEAA/Fuel Assistance payment; or c) the *authorization* of a LIHEAA/Fuel Assistance payment?
- A. Eligibility for the Heating/Cooling SUA is based on the receipt of a LIHEAA/Fuel Assistance payment, either already or reasonably anticipated to be received. If a LIHEAA/Fuel Assistance payment has been authorized, the AU Manager can anticipate with reasonable certainty that it will be received. Note: AUs that have their utilities included in their rent may receive a LIHEAA/Fuel Assistance payment.
- Q. What is considered "reasonable anticipation" of receipt of LIHEAA/Fuel Assistance?
- A. "Reasonable anticipation" of receipt of LIHEAA/Fuel Assistance must be determined on an individual household basis. There are some guidelines that may be used. For example, if a food stamp AU received LIHEAA/Fuel Assistance during the previous heating season and anticipates applying again and LIHEAA/Fuel Assistance funds are available, it is likely that a LIHEAA/Fuel Assistance payment will be received and the AU would then be entitled to the Heating/Cooling SUA. Provider agencies for the LIHEAA/Fuel Assistance payment are the best source of information if receipt of LIHEAA/Fuel Assistance funds is questionable. More information on the

SUA topic is located in A User's Guide: Transitional Assistance Programs and BEACON, Chapter XIV, pages I-4 through I-6 as well as in 106 CMR 364.400 (G).

July 2004 Earnings of a minor student

- Q. I have a TAFDC recipient with a 17-year-old son who graduated from high school. This child is planning to attend college starting in the fall. Over the summer months, he has been taking care of a neighbor's child. He is working full time and his earnings have been above the minimum wage.How is the income treated for food stamp purposes?
- A. For food stamp purposes, the 17-year-old's earnings are countable since the child is no longer attending secondary school (or a lower level school) or a GED Program at least half-time. For more information on excluded income in the Food Stamp Program, refer to 106 CMR 363.230 (H).

June 2004 Income tax refunds, EITC, Semi-Annual Reporting

- Q. I have a recipient who recently received an income tax refund. How do I treat this payment?
- A. In both cash programs (TAFDC and EAEDC), tax refunds (state and federal) are not counted as income, but instead are treated as countable assets. Refer to 106 CMR 204.120(I) and 106 CMR 321.120(I) for more details.

In the Food Stamp Program, tax refunds are considered a nonrecurring lump sum payment. The payment is noncountable income in accordance with 106 CMR 363.230(I). The tax refund is, however, counted as an asset in the month received. For more details, refer to 106 CMR 363.130(E).

- Q. My recipient's refund includes an Earned Income Credit (EIC). How is this payment treated?
- A. For the TAFDC, EAEDC and Food Stamp Programs, the EIC is considered noncountable income. EIC is noncountable as an asset in the month of receipt and in the following month. In the third month, any remaining portion of the EIC payment is considered a countable asset. Refer to 106 CMR 204.120(I) and 106 CMR 321.120(I) for more details. Information on this topic is also in the Food Stamp Manual at 106 CMR 363.140(G).

- Q. I have a food stamp applicant who is homeless but also work program required. When I read the regulations on Universal Semiannual Reporting Requirements (USR), I noticed they require that I put homeless individuals on USR. At the same time, the policy says that individuals required to participate in the food stamp work program are an exception to the USR requirement. Which regulation do I apply in this situation?
- A. If your applicant meets the work program USR exception mentioned at 106 CMR 366.110 (C), then the applicant should not be put on USR. This way, the applicant's compliance with the work program requirement can be properly monitored.

May 2004 Non-countable income-contributions

- Q. My food stamp recipient told me that her uncle is willing to pay her landlord \$300 towards her total \$600 monthly rental obligation? Do I count any of this money as income?

- A. No. If a portion of your food stamp recipient's rent is being paid directly to a landlord, then the gain or benefit is considered an excluded vendor payment, and it is not countable as income. Only the housing expense that your recipient continues to incur (\$300) is used in the shelter deduction when calculating the food stamp benefit amount. Refer to 106 CMR 363.230 (B) for more details.
- Q. My food stamp recipient is also receiving TAFDC for herself and her two children. How would the circumstances described in the previous question affect the recipient's TAFDC grant?
- A. Since your TAFDC recipient is paying a portion of her own rent, her uncle's payment to the landlord does not impact the amount of her TAFDC grant. Refer to 106 CMR 204.250 (AA).
- Q. If the recipient's uncle decides to pay his niece's entire rental obligation to the landlord, would this change the food stamp benefit calculation?
- A. Yes. If the uncle begins paying the entire rental obligation of \$600, then the recipient is no longer paying any shelter expense. Enter zero as the shelter expense on BEACON to correctly calculate the food stamp benefit amount.

April 2004 Out-of-state address; Semi-annual reporting

- Q. A food stamp recipient came into the office and reported a change of address. She said she would be moving in two weeks to Missouri. When the AU Manager entered the information on BEACON, she erroneously entered the out-of-state address. She should have closed the food stamp AU. Will BEACON accept an out-of-state address?
- A. Yes. BEACON will accept an out-of-state address, but cannot issue the food stamp benefits to an AU with an out-of-state address. Therefore, in the future, it is important to properly close the food stamp AU. At the AU Composition Results window, select "Residency" from the drop-down box under Reason Category and select "No longer MA resident" from the Reason drop-down bar. Indicate the new address in the Narrative tab and file the verification in the AU record. The AU Manager can mail a copy of the closing notice to the out-of-state address. Due to appeal decisions and other maintenance issues, it is possible that food stamp benefits may need to be issued to the AU after it closes or moves out of state. Therefore, AU Managers must not enter an out-of-state address in BEACON. Otherwise, the food stamp recipient may unnecessarily experience an interruption in food stamp benefits.
- Q. I have a food stamp applicant who is waiting to hear about the status of his Unemployment Compensation (U.C.) claim. He believes he will soon be receiving the U.C. benefits but is not currently receiving them. Should I still put this applicant on Universal Semiannual Reporting (USR)?
- A. Yes. By putting the food stamp AU on USR, you are ensuring adequate error protection. If you are uncertain about the status of the U.C. benefits, wait to process the food stamp application. If by day 29 your applicant still hasn't heard about the receipt of U.C. benefits, then open the food stamp AU on USR without the U.C. income. Also at this time, provide the client with a FS-USR-2 form which identifies the applicable gross income limits. Remind the client that income exceeding the limit must be reported. Remember also to indicate the potential receipt of U.C. benefits on the Narrative tab and check the External Agency Matches, Unearned Income View from the TAO Office Explorer for information on the start date for the U.C. benefits. At the next recertification, you must verify any new information and update BEACON. For further information on USR, refer to 106 CMR 366.110 and *A User's Guide*, Chapter IV, Section C.

January 2004

Treatment of lump sum payments

- Q.** A father came into our office this morning applying for TAFDC. He recently won the Massachusetts State Lottery and slightly over two months ago, he received a check for \$7,000. He claims that because of back bills and other responsibilities, he was unable to save any of this money. He says that all of the income was spent. If this is true, should I still be considering this income? (TAFDC answer not included here) Since the individual described in the question above is also applying for food stamp benefits, how is the lump sum treated in the Food Stamp Program?
- A.** Lump sum payments in the Food Stamp Program are treated as an asset in the month received. (Refer to 106 CMR 363.230.) Since the individual received the payment over two months ago, the payment itself would not be considered an asset. However, you would still want to determine whether or not the applicant is categorically eligible as well as whether or not he has access to other countable assets that were acquired as a result of the lump sum payment. Information on countable assets in the Food Stamp Program is found in the regulations at 106 CMR 363.130.

December 2003 Homeless Shelter Deduction

In response to recent quality control errors, the questions below concern homeless, food stamp recipients and how to accurately process their food stamp benefits on BEACON.

- Q.** Last week, a food stamp recipient came into our office and reported that she is homeless and temporarily living in a shelter with her daughter. She is not paying rent or utilities. How do I accurately enter this information on BEACON?
- A.** At the Address window, click on the homeless indicator box and a check mark will appear. Although *None* should be indicated for “permanent address,” a mailing address must be entered. When a food stamp AU [assistance unit] is homeless and has no shelter expenses, BEACON will use the \$143 FS Homeless Shelter/Expense Deduction amount, but this will occur only if the homeless indicator is checked. Refer to *A User’s Guide, Transitional Assistance Programs and BEACON*, Chapter IV, page A-5 and Chapter V, page 5 for more details.
- Q.** This week, the same recipient described in the question above returned to our office and reported that she is staying temporarily with her friend. Her completed Shared Housing Verification form shows that she is planning to pay \$300 per month in rent plus a separate charge for heat. How do I indicate these changes on BEACON, and how does this affect my recipient’s food stamp benefit calculation?
- A.** Food stamp regulations still consider this a homeless AU and allow homeless recipients who are staying in temporary situations to use their actual shelter expenses if it means that the shelter deduction is going to be greater than the standard \$143 amount. Refer to 106 CMR 364.400(F)(2). On BEACON, make sure that the homeless indicator remains checked and enter the new mailing address. Also, since the AU has shelter and utility expenses that exceed the \$143 amount, enter actual expenses on BEACON. BEACON is programmed to compare the \$143 Homeless Shelter/Expense Deduction to the calculated Excess Shelter Deduction amount using actual expenses. The system will use the higher deduction in the food stamp benefit calculation.
- Q.** One of my homeless food stamp recipients is temporarily staying with his cousin and pays only a total of \$30 for phone and rent each month. I entered this information on BEACON but BEACON continues to allow the \$143 Homeless Shelter/Expense deduction? Is this correct?

A. Yes. BEACON appropriately allowed this deduction. The Homeless Shelter/Expense deduction of \$143 was greater than the actual shelter deduction. BEACON is designed to use the higher deduction amount.

Q. What do I do when this food stamp recipient finds a more permanent address?

A. Once the recipient finds a more permanent address, enter the new address and be sure to click on the homeless indicator to *remove* the check mark on BEACON. Failure to do so could result in an error as the \$143 Homeless Shelter/Expense deduction could continue to be used incorrectly.

August 2003 Earnings of a Student; SUA for Air Conditioning

Q. I have a TAFDC AU with a 17-year-old child who has recently graduated from high school. The dependent child will be entering a local community college in September. He intends to work full-time throughout the summer months before attending college in the fall. He is earning almost \$8.00 per hour at a small business in the neighborhood. How do his wages affect the AU's grant amount?

A. Despite the fact that this employment is occurring over the summer break, this 17-year-old is an eligible dependent child and is considered a full-time student. He may have his earnings disregarded for a period not to exceed six months in the calendar year. The six-month period starts with the first month in a calendar year in which the dependent child has earned income. Once this dependent child reaches 18 years of age, he must be closed. Procedures for using the six-month Dependent Earnings Counter in BEACON can be accessed through BEACON Help. Regulations concerning full-time student earnings can be found at 106 CMR 204.260.

Q. How are these earnings (in the Question above) treated in the Food Stamp Program?

A. In this situation, the earnings are countable. However, if the earnings were from a 17-year-old student attending secondary (or lower-level) school or a GED program at least half-time, then the income would be excluded. Refer to 106 CMR 363.230 (H) for more details on excluded income.

Q. During a recent recertification interview, a food stamp AU member reported to me that he had recently purchased an air conditioning unit. He was pleased that the landlord did not charge him additional rent for using the unit. He currently incurs only a monthly rent and telephone bill. Is this person entitled to the heating/cooling SUA because he uses an air conditioning unit?

A. No. Since this individual does not incur any extra charge for using the air conditioner, he is not entitled to the heating/cooling SUA. For more information on the SUA, refer to 106 CMR 364.400 (G) (2).

Q. A food stamp recipient lives in a subsidized housing unit. Currently, all of her expenses are included in the rent, and she has not had an SUA deduction. However, her local housing authority recently began billing her an additional \$17.00 per month for use of the air conditioner. Is she eligible for the heating/cooling SUA during the summer months because she incurs an extra charge for the use of her air conditioner?

A. She is eligible for the heating/cooling SUA *not only* during the summer months, but throughout the year. SUAs are yearly amounts. Although this individual will not be paying cooling costs later

in the year, it is appropriate to use the heating/cooling SUA as long as the cooling is a regular, recurring expense.

July 2003 SSN Verification Issues

- Q.** An applicant came into the office yesterday and applied for food stamp benefits. When I asked for his social security number (SSN), he gave me what he thought was his number. I questioned him further, however, because he was stumbling over the final digit and couldn't seem to settle on whether the last digit was a "2" or a "3." I suggested he bring his card in with him so that we could both be certain of the number. In this example, is it acceptable to ask an applicant to give us his social security card for verification of the SSN?
- A.** No. It is not acceptable to ask any applicant or recipient for a social security card as verification of the SSN, *under any circumstances*. Instead, take down what the individual believes is his or her SSN. The Department will then verify that number by a computer match with the Social Security Administration (SSA). SSN Verification Matches are sent daily from SSA to DTA and are used to report name, SSN number and date of birth discrepancies.
- Q.** In the above example, what happens if the applicant gave the wrong SSN ?
- A.** If the wrong SSN is given, a discrepancy will be received on the SSN Verification Match View. In this example, the AU Manager could call the applicant to double check the number or simply enter the other SSN given by the applicant. This *new* SSN would be verified overnight by SSA. If the SSN comes back again as discrepant, the applicant must provide verification of the SSN as it is now questionable. The applicant may choose to verify the SSN by providing his social security card or by getting written verification from the SSA. (The SSN could be verified by using the ENUM-2 form.) It is not acceptable, even in this situation, for an AU Manager to require the applicant to provide the social security card.
- Q.** During a routine application interview, the food stamp applicant repeated her social security number and I entered it onto the RFA. She then attempted to hand me her social security card, but I politely declined to see the card. Instead, I informed the applicant that the Department no longer requires an applicant to provide a copy of their social security card as verification of their social security number. Was my response correct?
- A.** Yes. As in the previous examples, the Department will verify this social security number through a computer match with the Social Security Administration. If multiple social security numbers are verified for the applicant, or if the number given to the Department cannot be verified by SSA, the applicant will be required to obtain written verification from SSA. Regulations concerning SSN requirements and verifications in the Food Stamp Program can be found at 106 CMR 362.500. Regulations concerning SSN requirements and verifications in the TAFDC and EAEDC Programs can be found at 106 CMR 701.230. Procedures regarding SSN Verification Matches are in *A User's Guide*, pages II-A-27 through IIA-29.

June 2003 Undocumented Immigrants; SUA and Pre-paid Phone Cards

- Q.** An undocumented noncitizen and her two citizen children were in my office last month applying for TAFDC and food stamp benefits. Since the mother is not a member of the food stamp AU, why is BEACON counting her earnings in the food stamp benefit calculation?

- A.** In the Food Stamp Program, federal regulations mandate that, for a noncitizen “not legally residing” in this country, the income and assets are counted in their entirety. Refer to 106 CMR 365.520 (A) for more details. Remember, however, if the noncitizen is disqualified from the Food Stamp Program due to his or her ineligible *legal* noncitizen status, then the income is *not* counted. See 106 CMR 365.520(B) for more information. For TAFDC purposes, a categorically ineligible noncitizen parent is legally obligated to support his or her children. As long as the parent(s) is living in the same household as the dependent child, his or her income must be deemed to the AU in accordance with 106 CMR 204.330(B)(1).
- Q.** When I asked my food stamp applicant to list her utility expenses, the only item she verified was her use of a pre-paid cell phone calling card. If the telephone SUA is an allowable deduction for AUs that use a cell phone as their only utility, can I consider a pre-paid cell phone calling card an allowable SUA deduction as well?
- A.** No. A pre-paid calling card is a one-time payment and cannot be considered an allowable deduction since there is no regular bill or due date for this service. More information on the SUA is located in *A User’s Guide*, pages XIV-I-4 through XIV-I-6 as well as 106 CMR 64.400.

May 2003 SUA Changes of April 2003

- Q.** My food stamp recipient has verified that she pays a mortgage on a single family residence. Since she owns and lives in her own home, can I assume that she is eligible for the Heating/Cooling SUA as long as she confirms that she is paying her own heating bills?
- A.** Yes. If your recipient verifies that she owns a single family home, it may be assumed that she is responsible for her own heating bills. This SUA would also be appropriate for a recipient who provides you with a rental agreement verifying that her rental amount does not include heat. Therefore, the Heating/Cooling SUA would be appropriate.
- Q.** If I assume that the Heating/Cooling SUA is appropriate when my recipient either owns a single family home or pays a rental amount that does not include heat, how do I verify that I have used the appropriate SUA? Do I still need to request utility bills or a written statement from the recipient?
- A.** To verify that you are using the appropriate SUA, confirm with the recipient that she is paying her own heating bills and request a copy of the recipient’s mortgage agreement or rental/lease agreement stating that utilities are not included. This is sufficient verification for using the Heating/Cooling SUA.
- Q.** Although the warmer months are approaching, I am still recertifying AUs using the Heating/Cooling SUA even though many of my recipients are not currently paying for any heating or cooling costs. If my recipient normally pays for heating costs during the fall, winter and spring months but has no expenses for heating or cooling during the summer, is he entitled to the Heating/Cooling SUA when his certification period ends this month?
- A.** Yes, SUAs are yearly amounts. Although your recipient is not currently paying any heating or cooling costs, it would be appropriate to use the Heating/Cooling SUA as long as heating is a regular, recurring expense during the year. More information on the SUA is located in *A User’s*

Guide: Transitional Assistance Programs and BEACON, Chapter XIV, pages I-4 through I-6 as well as in 106 CMR 364.400(G).

April 2003 Child Support Income Deduction; Out-of-State Recipients

- Q.** I have a food stamp recipient who is up to date in his child support payments. He is required by a court order to pay \$200 monthly in child support. For the past nine months, he has also been providing an additional \$75 per month in child support payments and verified this with his cancelled checks. Can I include the additional \$75 monthly amount in his child support deduction when calculating his food stamp benefit amount?
- A.** Although child support is an acceptable food stamp benefit deduction, it must be “legally obligated” child support. This means it must be legally binding by court order or some other administrative process to be an acceptable deduction. Since the \$75 is not a legally enforceable payment or arrearage amount, the additional payment may not be deducted from his income. In addition to child support payments, remind your recipient that legally obligated health insurance and arrearage payments may be deducted as well. For more information on this topic, refer to 106 CMR 364.400 (G), *A User’s Guide*, pages XIV-G-1 and XIV-G-2, as well as Field Operations Memo 95-30. Effective March 24, 2003, the monthly amount of child support payments made by an AU member may also be excluded from the AU’s gross income test.
- Q.** I took a TAFDC application. The applicant completed all the information needed on the Child Support windows and signed the T-A34/36 form. Some verifications are outstanding and the AU can not yet be approved. Should I send the documents to DOR now?
- A.** No. The child support documents should not be sent to DOR until the AU has been authorized to receive TAFDC benefits. When DOR receives the documents, they match the information to the child support data that is sent nightly from BEACON. This data is not sent until the AU is authorized for benefits. Also, DOR cannot start child support procedures until the AU is an active TAFDC AU. Please refer to *A User’s Guide*, XIII-G-14 for more information.
- Q.** Yesterday, a food stamp recipient informed me that she was leaving for Florida to visit her sister on a six-week vacation. Can I close this food stamp AU?
- A.** Vacations are not an acceptable reason to terminate a food stamp AU. In this example, ask the client further questions to determine whether or not the family intends to return to Massachusetts once the vacation is over. Food stamp regulations concerning residency do not require the intent to permanently reside in the State. In addition, individuals vacationing in an area are not considered residents of that area. For more information on this topic, refer to 106 CMR 362.100.

November 2002 Disabled Non-Citizens

- Q.** I have read Field Operations Memo 2002-20 regarding disabled noncitizens, and I noticed that PRO decision code 120 is now acceptable to identify a disability for food stamp purposes. Is code 120 acceptable only for disabled *noncitizens* or is the code now an acceptable disability code for other food stamp recipients as well?
- A.** PRO decision code 120 is now acceptable to identify a disability for any food stamp recipient who is otherwise eligible for benefits. For more information on this topic, see *A User’s Guide: Transitional Assistance Programs and BEACON*, section XIII-H, pages 53-54.

May 2002 Treatment of School Income

- Q.** I have a food stamp client who works for our local school department and has an annual contract. He will not be working during the summer months and has opted to receive his income during the ten-month school period. How do I consider his income?
- A.** When considering the income of school employees, remember that each employee may receive their earnings differently. Some are paid over 10 months and others are paid over a 12-month period. In both situations, teachers and school employees, who work under a renewable annual contract, are considered to be receiving their pay over the entire year even though they may opt to receive their salary only during the school year. Refer to 106 CMR 365.430 for more details.

June 2002 Heating SUA, Fuel Assistance

- Q.** Is a food stamp AU's eligibility for the Heating SUA based on: a) *eligibility* for the LIHEAA (fuel assistance) Program; b) actual *receipt* of an LIHEAA payment; or c) the *authorization* of a LIHEAA payment?
- A.** Eligibility for the Heating SUA is based on receipt of a LIHEAA payment—either already or reasonably anticipated to be received. If a LIHEAA payment has been authorized, the AU Manager can anticipate with reasonable certainty that it will be received. Note: AUs that have their utilities included in their rent may receive a LIHEAA payment.
- Q.** What is considered "reasonable anticipation" of receipt of LIHEAA?
- A.** "Reasonable anticipation" of receipt of LIHEAA must be determined on an individual household basis. There are some guidelines that may be used. For example, if a food stamp AU received LIHEAA during the previous heating season and anticipates applying again and LIHEAA funds are available, it is likely that a LIHEAA payment will be received, and the AU would then be entitled to the Heating SUA. The Provider agencies for the LIHEAA payment are the best sources of information if receipt of LIHEAA funds is questionable.
- Q.** I think that my food stamp AU meets the criteria for a LIHEAA payment and would be eligible if she applied. Can I give this household a Heating SUA?
- A.** No. If the AU has not applied and does not intend to apply for LIHEAA, it cannot be anticipated with reasonable certainty that a LIHEAA payment will be received. The Heating SUA is given to AUs who have received or will be receiving LIHEAA. You should encourage all individuals who may be eligible for LIHEAA to apply.

July 2002 3-Month ABAWD Limit

- Q.** I have a food stamp client who moved to Massachusetts from New Hampshire. He is a Food Stamp Work Program required individual but I don't know how to determine if he has used up his three months of non-participation with the Food Stamp Work Program. How can I make this determination?

- A. Although the Food Stamp Program is national, you are only responsible for determining the client's non-participation limit of three months out of 36 months *within Massachusetts borders*. There is currently no system that can track work program requirement activity from state to state. Regulations concerning the work program requirement and the Food Stamp Employment and Training Program requirement are found in 106 CMR 362.300, 362.310 and 362.320.

January 2002 SUA - Utility Allowance

- Q. Can the cost of a cell phone be considered a utility allowance deduction in the Food Stamp Program?
- A. Yes. The cost of a cell phone can be considered the basic service for one telephone.

November 2001 Work Requirements

- Q. Do we exempt from the Food Stamp Work Program requirements a food stamp recipient with refugee status who attends a training program operated by the Office of Refugee Resettlement?
- A. Refugees participating in recognized refugee training programs at least half-time are exempt from the Food Stamp Work Program requirements. Such participants are exempt as students enrolled half-time in a recognized training program. Refugee training programs approved, funded or operated by the Office of Resettlement are recognized training programs. See 106 CMR 362.310(B)(8) and 362.320(B)(8).

October 2001 Work Requirements

- Q. An individual subject to FS/ET completes the job search requirement within 60 days. According to food stamp policy, the FS/ET requirement has been met for 12 months. If the AU closes and the individual reapplies within the 12 months, must the FS/ET requirement be met at reapplication?
- A. No. The FS/ET requirement has been met for 12 consecutive months. See 106 CMR 362.310(D)(3).

March 2001 Treatment of Subsidized Adoption Income

- Q. A food stamp applicant receives Subsidized Adoption income for a severely disabled child. The child must stay in the hospital at least three days per week. Do we count this income toward the food stamp assistance unit's eligibility?
- A. Yes. Subsidized Adoption income is unearned income and must be counted in determining eligibility. Only income listed in 106 CMR 363.230 is excluded in determining eligibility for food stamp benefits.

July 2000 Shelter Expenses, SUA, DV Shelter Eligibility, Voluntary Quit

- Q. I have an NPA food stamp case with the family living in subsidized housing. The total rent is \$836.00, though the family has to pay only \$248.00 a month. The grantee's out-of-state parent has

begun paying the \$248.00 directly to the landlord to help the family out. What can I allow as a shelter expense?

- A. The assistant unit's shelter expense is reduced to zero. Both the subsidized portion of the rent paid by the government and the direct payment of the balance by the parents are forms of vendor payments. As such, they are not countable as income. Any expense covered by an excluded vendor payment (except energy assistance under LIHEAA) cannot be allowed as a deduction. See 106 CMR 364.410(B)(2).
- Q. Can a food stamp benefit recipient qualify for the full unheated standard utility allowance (\$199.00) even though she pays only \$36.00 a month for electricity?
- A. Yes. The appropriate standard utility allowance is **always** used when the actual expenses are the same as, or less than, the standard amount. You only use actual verified expenses when they **exceed** the standard amount and would result in a benefit increase. Be careful not to give the full standard allowance to a household sharing utility expenses with another household or households. You must prorate the appropriate standard utility allowance equally among the households even if the other households are not receiving food stamp benefits. See 106 CMR 364.400.
- Q. An applicant is living in a battered women's shelter, which provides two meals per day to its residents. Is this woman eligible for food stamp benefits?
- A. Yes, under an exception to the residents of institutions rule, residents of shelters for battered women and their children are eligible for food stamp benefits even if the shelter provides meals. See 106 CMR 361.240 for other exceptions to the residents of institution rule.
- Q. If an assistance unit member is unemployed due to a voluntary quit during the 60 days before applying for food stamp benefits, does the disqualification penalty (*first violation*: 3 months; *second violation*: 6 months; *third violation*: 12 months) begin from date of application or date of voluntary quit?
- A. The penalty is imposed from the date of quit. For example, if an assistance unit member is unemployed and voluntarily quit a job 30 days before applying, the household would be ineligible for 60 days. See 106 CMR 362.340 and 106 CMR 367.800.

June 2000 Income of Child in Institution

- Q. A food stamp recipient receives a Social Security check for his child who is not part of the food stamp household since the child is a resident of an institution. Is the Social Security countable to the food stamp household?
- A. Any portion of the Social Security income which is not used for the care and maintenance of the child would be countable to the food stamp household. The household must verify the amounts used for the care and maintenance of the child.