

From the Hotline

- Q.** My food stamp client who is elderly and disabled is living with her spouse who is employed. The spouse is paying for health insurance through his employer. Can the wife's portion of the health insurance payment be deducted as an excess medical expense, and if so, how do I determine the amount that is deductible?
- A.** Yes, medical expense deductions in excess of \$35 per month are allowed as a deduction when incurred by an elderly or disabled food stamp client, per 106 CMR 361.210.

In determining how much of the insurance payment to deduct, use the amount that would be equivalent to one individual's full monthly health insurance premium. In other words, rather than deducting the insurance company's increment for one additional person, deduct the full amount that the health insurance company charges for a single insured individual.

For more information on excess medical deductions, refer to 106 CMR 364.400(C).

- Q.** I have a food stamp client who is a Legal Permanent Resident (LPR). She was granted her status on May 27, 1998 and is considered a "window immigrant" for food stamp purposes. The client lives with her niece who was also granted LPR status on the same day. This means that both individuals are not subject to the food stamp sponsor deeming regulations.

Now that this client has lost her job, she is applying for TAFDC for herself and her niece. Can I apply the "window immigrant" policy to the TAFDC Program as well?

- A.** Yes. Any TAFDC client whose LPR status was granted between December 19, 1997 and May 31, 1998 may also be considered a "window immigrant" for TAFDC purposes. Most of these individuals received their LPR status using the non-binding I-134 Affidavit of Support. LPRs who were sponsored by family members or other individuals and who have an LPR status granted date before June 1, 1998 are not subject to TAFDC sponsor deeming regulations. Any noncitizen adult or child who falls into this category must not be asked for affidavit of support documents.

For more information, refer to the "Window Immigrants" FYI in the June, 2006 issue of *Transitions*.

For more information on the noncitizen LPR status in the TAFDC Program, refer to 106 CMR 203.675(A).

Work Requirement Exemption Changes

FS
State Letter 1331
Field Operations Memo
2008-2

State Letter 1331, effective January 7, 2008, clarifies several criteria used to determine exemptions from work requirements in the Food Stamp Work Program (FS/WP) and the Food Stamp Employment and Training Program (FS/ET). These clarifications are as follows.

- A person older than 59 years of age is exempt from FS/ET.
- A person living in a household where a household member is under age 18, even if that household member is not eligible for food stamps, is exempt from both FS/ET and FS/WP.