

From the Hotline

If you have any questions on this column or other policy and procedural material, please have your Hotline designee call the **Policy Hotline at 617-348-8478**.

Q. I. My SNAP client is receiving Retirement, Survivor’s and Disability Insurance (RSDI) benefits on behalf of her child. However, due to an overpayment, she is only netting half of the full RSDI benefit. Do I use the net unearned income amount in determining her eligibility and benefit amount?

A. I. Yes. For SNAP purposes, you must use the client’s net RSDI. When determining whether to use the gross or net amount of unearned income for SNAP clients who are repaying an overpayment to another benefit source, there are two questions to consider:

Is the income from a means-tested, public assistance program?

Is the overpayment the result of the client’s intentional failure to comply with the other program’s requirements, or was the overpayment an unintentional error and/or a mistake attributed to the other benefit program?

The Overpayment Unearned Income chart below explains how these answers impact a SNAP client’s eligibility and benefit amount.

Unearned Income Overpayment being Repaid

Overpayment Intent	Means-tested public assistance income including SSI, TAFDC, EAEDC, and state VSB benefits	Non-means-tested income including RSDI
Intentional failure to comply with benefit program rules	Repayment amounts are counted as income when determining SNAP benefit amount	Repayment amounts must not be counted as income when determining SNAP benefit amount
Unintentional failure to comply with benefit program rules	Repayment amounts must not be counted as income when determining SNAP benefit amount	Repayment amounts must not be counted as income when determining SNAP benefit amount

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- Q. 2.** The Overpayment Unearned Income chart shows that state Veterans' Service Benefits (VSB) are means tested. Is the same true for the client receiving a federal Veterans Administration (VA) pension?
- A. 2.** No. While some federal VA pensions are means-tested, SNAP regulations state that the gross income requirement, in the case of an overpayment being repaid, can only apply when the income source is a **public or general assistance program**. Federal VA pensions do not fall within this definition. Therefore, when calculating the SNAP eligibility and benefit amount for a client with a federal VA pension overpayment, remember to use his or her net pension amount. For information on how to treat state VSB income *not received as direct payments*, refer to Operations Memo 2009-13.
- Q. 3.** The Overpayment Unearned Income chart indicates that the only time SNAP rules permit the Department to count the gross overpayment income amount when determining SNAP eligibility is when a client intentionally fails to comply with the relevant program rules of a means-tested program. Is this true?
- A. 3.** Yes. For more details, refer to 106 CMR 363.220(C)(4).
- Q. 4.** My TAFDC client is receiving RSDI benefits. However, due to an overpayment, she is only netting half of the full benefit amount. Do I continue using the gross unearned income amount in determining her TAFDC eligibility and grant?
- A. 4.** Yes. For the TAFDC Program, remember to always use the gross unearned income amount, regardless of the client's intention to comply with the other program's rules. For more information, refer to 106 CMR 204.500.