



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #12-53-ELI (This Policy Bulletin Replaces PB #11-71-ELI)

CLARIFICATION ON STUDENT ELIGIBILITY CRITERIA FOR FOOD STAMPS

Date: July 3, 2012	Subtopic(s): Food Stamps
<p> This procedure can now be accessed on the FIAweb.</p> <p>Note: As of August 29, 2012, any reference to the Food Stamp Program in this notice shall mean the Supplemental Nutrition Assistance Program (SNAP) and any reference to Food Stamp benefits or Food Stamps (FS) shall mean SNAP benefits.</p>	<p>The purpose of this policy bulletin is to inform Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff of a change to the previous policy bulletin. The previous policy bulletin stated that one of the criteria that would allow students to be considered eligible for food stamps was to be employed for at least an average of 20 hours a week and earning at least the minimum wage.</p> <p>In general, the eligibility criteria do not include a minimum wage requirement.</p> <p>Note: This change only applies to those employed by others. Self-employed individuals must still receive weekly earnings at least equal to the Federal minimum wage multiplied by 20.</p> <p>A student must meet one of the following eligibility criteria in order to participate in the FS program:</p> <ul style="list-style-type: none"> • Be a Family Assistance (FA) or Federally-funded Safety Net Assistance (FSNA) participant. • Provide more than half the physical care for a child under 6 years of age or an incapacitated person. • Enroll in school full-time who is a single parent responsible for the care of a child under 12 years of age. • Anticipate working during the school term. • Placed in a school through the Workforce Investment Act (WIA), Food Stamp Employment Training (FSET), Job Opportunities and Basic Skills (JOBS) Training Program or the Department of Labor (DOL).

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Revised:
Removed minimum
wage earning
requirement for non-self
employed

- Participate in a state or federally funded work study program under Title IV-C during the school year:
 - The work study must be approved at the time of application for FS or at the time the individual becomes a “student” as defined by FS rules.
 - The work study must be approved for the school term.
- Employed for an average of at least 20 hours per week and be paid for such employment. If self-employed, the student must work an average of at least 20 hours per week and earn an amount at least equal to the federal minimum wage multiplied by 20. This means that a college student can work less than 20 hours per week and still participate in the FS Program, as long as at the end of the month his/her total number of hours worked averages at least 20 hours per week.
- Receive Unemployment Insurance Benefits (UIB) and be enrolled at least half-time in an institution of higher education that has been approved by the Department of Labor (DOL). If approved, the student will have received a TCC316.1 document. The student may request copies of the form if they have lost or misplaced it by calling DOL, Special Programs Unit at 518-402-0189.

Note: Work study income that is earned by a student as part of a financial aid or educational assistance package should not be considered when determining eligibility or when calculating the Food Stamp benefit amount. This income is excluded because it is considered to be part of the grant or scholarship package. If the earnings of a student are not clearly defined as part of a financial aid or educational assistance package, the verification of the employment as part of a work study program may be obtained from the Financial Aid office of the institution of higher learning.

Employment Examples

Ineligible student

Example A

A FS participant attending Hunter College works part-time with a catering company earning \$8 per hour. In the month of July, he worked the following hours:

July

07/01/11: 15 hours

07/08/11: 15 hours

07/15/11: 20 hours

07/22/11: 14 hours

07/29/11: 10 hours

 74 Total hours worked for the month

To calculate the average hours worked per week, divide the total hours worked in the month by 4.333.

$$74 \div 4.333 = 17$$

In this example the student worked a total of 74 hours, but he is not eligible for FS because the average hours per week totals less than 20 hours.

Eligible Student

Example B

A FS participant attending Hunter College works part-time with a catering company earning \$8 per hour. In the month of August, he worked the following hours:

August

08/05/11: 15 hours

08/12/11: 20 hours

08/19/11: 35 hours

08/26/11: 25 hours

 95 Total hours for the month

To calculate the average hours worked per week, divide the total hours worked in the month by 4.333.

$$95 \div 4.333 = 22$$

In this example the student worked an average of about 22 hours per week and is eligible for FS.

Revised:

Student earns less than minimum wage and is self-employed at a rate equal to less than minimum wage

Refer to [PB #09-86-OPE](#) for more information on the federal minimum wage.

Example C

James Smart is a full-time student at Hunter College and is applying for FS benefits on his mother's case. He works, on average, 12 hours per week, stocking shelves at a local supermarket for \$5 per hour. He is also self-employed and spends, on average, 10 hours per week, working on his new social networking site for fellow astronomy students, called Spacebook. He has been making, on average, \$50 per week from Spacebook.

The 12 hours that James works at the supermarket **would** count toward meeting the 20-hour employment requirement even though it is at a rate less than the minimum wage. The 10 hours of self-employment working on Spacebook does **not** count towards work hours because this self-employed income is not earned at a rate at least equal to the federal minimum wage (\$50 per week/10 hours per week = \$5 per hour).

Note: Workers should determine the weekly average using hours worked during the 30 days prior to the date of application and/or recertification. If the 30-day period prior to the application date does not provide an accurate representation of the number of hours worked weekly, a longer period than the 30 days can be used to obtain a more accurate representation.

Once a determination of Food Stamp student eligibility is made, a reassessment is not required until the next recertification.

Effective Immediately

References:

[02-ADM-07](#)

[09-ADM-08](#)

[11-INF-06](#)

7 CFR 273.5 Students

18 NYCRR 385.3

18 NYCRR 387.1 (ii)

FSSB, Section 5, pages 91-92

Related Item:

[PB #09-86-OPE](#)