



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #07-40-ELI

BUDGETING OF VISTA PAYMENTS

Date: November 1, 2007	Subtopic(s): CA and NCA FS Budgeting
AUDIENCE	The instructions in this policy directive are for all Job and Non-Cash Assistance (NCA) Food Stamp (FS) Center staff (formerly referred to as Non-Public Assistance [NPA] FS Centers). They serve as information for all other staff.
POLICY	<p>United States Department of Agriculture (USDA) regulations require that Volunteers in Service to America (VISTA) earnings for persons receiving FS benefits prior to joining the program must be excluded as earned income for FS budgeting purposes. This income exemption does not apply to persons who apply for FS benefits after joining VISTA.</p> <p>Individuals applying for or receiving Cash Assistance (CA) benefits will continue to receive the VISTA income exemption. The CA income exemption must be applied whether or not they are receiving FS benefits at the time.</p>
BACKGROUND	VISTA is a federally administered community service program that allows its members to work with sponsor organizations in activities designed to fight illiteracy, reduce unemployment and improve health services. Those who participate in the program for one year receive an education award of \$4,725 to pay for college or a \$1,200 post-service award. In addition to the education or post-service awards, members receive a health benefits package worth approximately \$2,700, child care allowances, travel allowances for training, a moving allowance (for members who relocate to serve in the program), liability insurance and a modest living allowance ranging between \$9,996–\$13,056 per year.

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*

Payments made to VISTA members are provided both federally and by the sponsoring organization.

Participants can serve in the program for a maximum of three years, but they may only receive the education award during the first two years of service.

Previously, as set forth by the Food Stamp Reauthorization Act of 2002, all VISTA payments were excluded as earned income when determining FS benefit eligibility. However, current USDA regulations require VISTA payments to be calculated as earned income for individuals who apply for FS benefits after joining VISTA. Individuals who were receiving FS benefits prior to joining VISTA continue to receive the income exclusion.

REQUIRED ACTION

Workers must carefully examine the sources of income listed on the FS application to establish whether the FS applicant/participant is receiving VISTA payments.

When an FS *applicant* is receiving VISTA income, it must be established when the payments began. Workers should therefore, ask the individual to provide documentation verifying the date VISTA payments began.

When an FS *participant* is receiving VISTA income, the Worker must confirm that the payments began after the initial receipt of FS benefits. For verification purposes, the Worker must review the FS application and all supporting documentation on file.

NCA FS Centers

Budgeting VISTA payments for new NCA FS applicants

When a new FS applicant has VISTA earnings, the Worker **must** calculate it as earned income for FS budgeting purposes.

The Worker must budget VISTA payments received by new applicants in WMS using Income Source Code **10** (VISTA) with a Program Indicator of **"F"** (Food Stamps only).

Budgeting VISTA payments for re-applicants or NCA FS participants

When an existing FS participant or re-applicant whose FS case has been closed for *less* than six months has VISTA earnings, the Worker must exclude the VISTA payments from earned income for FS budgeting purposes. This income exemption should only be applied after confirming that the individual joined VISTA after receiving FS benefits. VISTA payments for these individuals should not be entered in WMS.

Note: When a re-applicant whose FS case has been closed for *more* than six months has VISTA earnings, the Worker must budget these payments following the budgeting rules for new NCA FS applicants.

Employability status code for NCA FS applicants and participants

VISTA participants are exempt from work requirements. However, until a specific employability code is developed for VISTA, Workers should enter Employability Code **WE** (Employed Part-time or Full-time Exempt).

Job Centers

Budgeting VISTA payments for CA FS applicants/participants

VISTA income is exempt for CA budgeting purposes.

When it is determined that a CA applicant/participant is receiving VISTA income, the Worker must exempt those earnings for CA budgeting purposes.

CA FS budgeting rules

If the individual received FS before joining VISTA do not budget the VISTA income in WMS.

If the individual received VISTA income before receiving FS, budget the income in WMS for FS only. The Worker should use Income Source Code **10** (VISTA) with a Program Indicator of “**F**” to budget the VISTA payments solely to the FS portion of the case.

Employability Status for CA FS applicants/participants

VISTA participants are exempt from work requirements. However, until a specific employability code is developed for VISTA, Workers should enter Employability Code **27** (Employed Part-time or Full-time).

PROGRAM IMPLICATIONS

Paperless Office
System (POS)
Implications

There are no POS implications as a result of this procedure.

Food Stamp
Implications

New FS applicants are subject to a reduction or denial of benefits if they are receiving VISTA payments at the time of application. Current FS participants who join VISTA will not incur a reduction in benefits as a result of VISTA participation.

Medicaid
Implications

VISTA payments including medical benefits are to be disregarded as income and resources for Medicaid purposes. However, VISTA's health benefits program is to be utilized as the primary source of medical coverage for its participants. Those qualified to receive health benefits under VISTA must first submit all medical claims to the VISTA health plan contractor. Medicaid benefits should only be applied after the full value of VISTA health benefits has been exhausted.

In order to ensure that VISTA health benefits are utilized as a third party resource, health insurer code "**AM**" should be entered in WMS.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING- IMPAIRED IMPLICATIONS

For Limited English Speaking Ability (LESA) applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #06-12-OPE](#). For hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #06-13-OPE](#).

FAIR HEARING IMPLICATIONS

Avoidance/
Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Conferences at the Job Center

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen. In Model Offices, the Receptionist at Main Reception will issue an FH&C ticket to the applicant/participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant has presented good cause for the infraction or that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken. In addition, if the adverse case action still shows on the "Pending" (08) screen in WMS, the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to an 01 if the case has been granted aid continuing (ATC), or prepare and submit a CA Recoupment Data Entry Form ([LDSS-3573](#)) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report ([M-186a](#)).

If the determination is that the applicant/participant has not shown good cause for the infraction or that the Agency's action(s) should stand, the AJOS/Supervisor I will explain to the applicant/participant why s/he cannot settle the issue(s) in conference (SIC). The AJOS/Supervisor I must complete an **M-186a**.

Should the applicant/participant elect to continue his/her appeal by requesting a Fair Hearing or proceeding to a Fair Hearing already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Conferences at the NCA FS Center

If an applicant/participant comes to the NCA FS Center and requests a conference, the Receptionist must alert the Center Manager’s designee that the applicant/participant is to be seen. If the applicant/participant contacts the Eligibility Specialist directly, the Eligibility Specialist must advise the applicant/participant to call the Center Manager’s designee. In Model Offices, the Receptionist at Main Reception will issue a FS Conf/Appt/Problem ticket to the applicant/participant to route him/her to NCA Reception area and does not need to verbally alert the Center Manager. The NCA Receptionist will alert the Center Manager once the applicant/participant is called to the NCA Reception desk.

The Center Manager’s designee will listen to and evaluate the applicant/participant's complaint regarding the agency’s action. The applicant/participant must provide current verification of address to resolve the issue. After reviewing the documentation and case record discussing the issue with the Group Supervisor/Eligibility Specialist, the Center Manager’s designee will make a decision. The Center Manager’s designee will decide to resolve or defend the case based on all factors and on whether the case was closed correctly. The Center Manager’s designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets for the Job Centers

All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY “Case Notes” screens.

Evidence Packets for the NCA FS Center

All evidence packets must include the returned envelope, address verification, notices sent and any other pertinent information to support the Agency’s action.

REFERENCES

- [02 ADM 7](#)
- [05 ADM 14](#)
- [05 INF 17](#)
- [Food Stamp Source Book](#) (Section 12; page 277)