



**Working Families Food Stamp Initiative Q & As**

1. **Q.** As of January 1, 2008, should all Non-Cash Assistance (NCA) Food Stamp (FS) applications be screened for Working Families Food Stamp Initiative (WFFSI) eligibility using the Food Stamp Application Expedited Processing Summary Sheet Form (**LDSS-3938 NYC**)?

**A.** Yes.

2. **Q.** Should recertifications of NCA FS households also be screened in the same manner?

**A.** No. The establishment of ongoing eligibility for the WFFSI will be automatically determined by the Worker's entries in the WMS budget for hours worked and income earned.

3. **Q.** Can Form **LDSS-3938 NYC** be used to screen phone requests for a Food Stamp application?

**A.** Yes, but the WFFSI categorical waiver of the face-to-face interview at application is based on work hours and/or earned income information submitted in the actual application. However, based on the screening over the phone, the Worker may determine that a hardship (employment and the need to take time off from work, etc.) exists for this particular household and the face-to-face interview may be waived due to that hardship.

4. **Q.** Are you saying that a household that appears to be qualified to participate in the WFFSI, based on the work hours and/or earned income information submitted in their application, also needs to have a hardship to have the face-to-face application interview waived?

**A.** No. As stated in 07 ADM-10, if the information on the application indicates that the household is presumptively qualified to participate in the WFFSI, then the face-to-face interview at application may be waived for the household. No case-by-case documentation of hardship is necessary. The U.S. Department of Agriculture (USDA) has approved a blanket waiver of the face-to-face application interview requirement for all NCA FS applicant households that meet the WFFSI qualifying criteria.

5. **Q.** Once a district is waiving the face-to-face interview at application for WFFSI-qualified households, what should the process be when a household submits an application, either in person or by mail or—down the road—electronically, that indicates that they are qualified for the WFFSI and are eligible for expedited processing? What if they have a food emergency, but are **not** eligible for expedited processing? Does dealing with the emergency take precedence over waiving the face-to-face interview?

## Attachment A

**A.** First, the WFFSI-qualified household has a right to a phone interview for FS. That does not mean that they cannot choose to have a face-to-face interview, that also is their right.

Second, regardless of how an application is submitted, if a household is found eligible for expedited processing, a benefit must be issued within the expedited timeframe. A full eligibility interview always must be done in order for eligibility for expedited processing to be determined. If a household submits an application in person and the application is screened and it appears that the household is both eligible for expedited processing and is qualified for the WFFSI, it might be in the household's interest to have a face-to-face on the day they submit the application if that would mean that the expedited issuance would get done sooner.

For a household with a food emergency that is **not** eligible for expedited processing, the household still has a right to a phone interview for FS. However, if the district intends to meet the emergency by giving a voucher and/or by getting FS to the household as soon as possible and could accomplish that more quickly if the application interview could be done at the Agency, then the household should be told so and given an opportunity to waive its right to a phone interview.

6. **Q.** If an adult member of a household is working 30 or more hours per week, but **not** earning \$175.50 or more per week, does the household qualify for the WFFSI?

**A.** Yes. As stated in 07 ADM-10, if a household has one adult member **either** working 30 hours or more per week, **or** earning \$175.50 or more per week, the household qualifies for the WFFSI. Two common instances of this would be self-employed individuals such as day care providers or farmers whose budgeted earned income, given the hours worked, is often less than the federal minimum wage.

7. **Q.** If the household includes two (or more) adults, do both (or all) of them have to be working 20 hours or more per week or earning \$117 or more per week?

**A.** No. If one adult in the household is either working 30 hours or more per week or earning \$175.50 or more per week, then the household qualifies for the WFFSI regardless of how much the other adults in the household are working or earning. However, if no adult member is working at least 30 hours per week and no adult member is earning at least \$175.50 per week, then two of the adult household members must **both** either be working 20 or more hours per week or be earning \$117 or more per week.

## Attachment A

8. **Q.** Regarding self-employment, what documentation has to be provided by the household regarding hours worked?

**A.** To waive the face-to-face application interview, you should rely on the information provided on the application. For ongoing participation, you may accept an attestation by the household as to hours worked. If the local district believes that the attestation is questionable, it may require further verification.

9. **Q.** OK, we understand that we can use the earnings and hours information on the application to determine if the household “**presumptively**” qualifies to participate in the WFFSI, but what verification is required to qualify for ongoing participation?

**A.** To determine earnings for the Food Stamp Program, we ask the household to provide a record of the earnings for the last four weeks (e.g., pay stubs, direct deposit statements, etc.). Ongoing participation should be based on the wages and work hours information provided on these records. As when determining earned income and employment hours for other purposes, they should be averaged if the hours and income vary from week to week or pay period to pay period.

10. **Q.** When should a household’s ongoing participation in the WFFSI be re-evaluated? Can a household’s participation status be changed during a certification period?

**A.** A household’s ongoing participation in the WFFSI **must** be evaluated at application and recertification. It **may** be changed in response to information about hours and earnings that is reported and verified during the certification period, but the local district is **not required** to change the WFFSI participation status during the certification period. Please note, however, that **we are not saying that changes in income that are reported and “verified upon receipt” do not have to be budgeted. They most certainly do.** We are only saying that such changes do not have to affect WFFSI participation except at application and recertification.

11. **Q.** Can a “terminated” claim be re-established against a WFFSI-qualified household?

**A.** No, unless the claim originally was established due to an Intentional Program Violation (IPV). A terminated claim cannot be re-established against any member of a household that currently is participating in the WFFSI. However, once the household no longer is qualified to participate in the WFFSI, then any terminated claim may be re-established against the household.

## Attachment A

12. **Q.** Are districts required to compromise claims for WFFSI-qualified households currently in receipt of FS?

**A.** No, as stated in Section VI-E of 07 ADM-10, “[e]xcept for FS claims that were established because of overpayments due to either an IPV or fraud, the entire amount of any existing claims that will not be collected within a three-year period at the current rate of recoupment may be compromised for currently active FS households that are qualified to participate in the WFFSI.” So, claims may be compromised to the extent outlined in the ADM, but local districts are not required to do so.

13. **Q.** Can new FS claims be established against households participating in the WFFSI?

**A.** Yes. The claims provisions of 07 ADM-10 addresses the re-establishment of terminated claims, and the compromise of existing claims. We have no new waivers that change policy regarding the establishment of new claims. (See 04 ADM-1 for more details on calculating overpayments and establishing claims.)

14. **Q.** When should active cases be converted to the WFFSI?

**A.** As stated in 07 ADM-10, in NYC WMS, conversion will be system-generated off of budget information.

15. **Q.** The WFFSI ADM mentions use of an Integrated Voice Response System (IVRS) for use with recertifications and change reporting. Will OTDA be developing such an IVRS for statewide use? If so, when?

**A.** The New York City Human Resources Administration (HRA) has developed an IVRS for use at recertification with its pure aged/disabled FS population, and OTDA has applied to the USDA for a waiver that would permit HRA to use IVRS to recertify a certain portion of those households. However, currently, we have no authority to use this technology to recertify WFFSI-qualified households or to use it in processing reported changes. As stated in the ADM, we are exploring the use of IVRS for these purposes, but, securing federal permission for such expanded uses will depend on the results of the HRA project and others like it elsewhere in the country. So, OTDA has no immediate plans to develop an IVRS for statewide use.

## Attachment A

16. **Q.** To qualify for the WFFSI, can the hours or wages of a sanctioned or ineligible person be counted during the screening process?

**A.** When screening a submitted application, it often is impossible to determine (or unclear) which household members are ineligible, sanctioned or disqualified, so the answer is that when screening the application, it is **not** necessary to make a determination of such status. This only applies when determining whether a household is **presumptively** qualified to participate in the WFFSI, in other words, when determining if the face-to-face interview may be waived for the household. However, the wages and hours of a sanctioned, disqualified or ineligible individual may **not** be used when determining if a household qualifies for **ongoing** participation in the WFFSI.

17. **Q.** Can applicants who file an electronic application, when that is implemented, qualify for the WFFSI?

**A.** Yes, an electronic application will have to be treated like any other application and screened to see if the household presumptively qualifies for the WFFSI and waiver of the face-to-face application interview.

One other point, the purpose of the electronic FS application is to make the application process easier for both the household and the local district, to reduce the need for the household to come into the local district office to apply and be interviewed. So, even if a household filing an electronic application does not presumptively qualify for the WFFSI, the local district should explore the possibility of a case-by-case hardship waiver to the face-to-face interview requirement. Employment and the need to take time off from work to be interviewed, transportation issues, child and dependent care issues, illness or temporary incapacity, age and disability all qualify as hardships.

Also, you should remember that households where all adult members are either disabled or 60 years of age or older should be informed that they automatically qualify for a waiver to the face-to-face interview, and that if they request such a waiver, it must be granted.

18. **Q.** How should identity be established for expedited processing for households that qualify for a waiver of the in-person application interview?

**A.** First, it is important to note that this is not a new issue since waivers to the “in-person” interview have been around for a long time. Obviously, we hope that some documentation will have been submitted with the application. The documentation usually used to verify identity – for example, Driver’s License, Passport, or Social Security Number will suffice. Please remember that copies of such documents are acceptable unless their validity is questionable.

## Attachment A

But we understand that this question really concerns what to do when no such documentation has been provided. A statement from another person verifying the applicant's identity is acceptable. When no other option is available, and **only** as a means of pending verification of identity when a determination of eligibility for expedited processing must be made, an attestation by the applicant as to his/her identity is permissible. Identity should be otherwise verified prior to establishing eligibility for ongoing FS benefits.

19. **Q.** When should Form **W-120D**, Notice of Outstanding Required Documentation Requirements or Form **W-113K**, Documentation Requirements and/or Assessment Follow-Up be sent to households that qualify for a waiver of the face-to-face interview?

**A.** The Agency has two basic options. The first is to send Forms **W-113K/W-120D** as soon as the application packet has been received and reviewed. The advantage of this approach is that it informs the household as soon as possible in the application process about the documentation, based on a review of the submitted application, that they still must provide in order for eligibility to be determined. However, if the interview reveals information that was not included or clear on the submitted application, an additional request for verification may have to be provided to the household.

The other basic option is to wait and see if documents related to the application come in following the filing date of the application, and to send Forms **W-113K/W-120D** **immediately** after the eligibility interview has taken place. The advantage of this approach is, as noted above, that the household often reveals information during the interview that was not included or clear on the submitted application, and this new information must be verified. Also, documentation often arrives after the application has been reviewed and processing has begun but before the interview has taken place. This approach reduces duplicate requests for documentation and helps ensure that only those documents that are still needed to determine eligibility and benefit amount are requested. It also reduces the likelihood that duplicate and unnecessary documentation is submitted. The disadvantage of this approach is that, if the household has not otherwise received clear instructions from the local district, or has not taken the time to read the other information provided in the application packet about what documentation is needed to determine eligibility, the household then may have as little as ten days following the interview to provide all necessary documentation. This compressed timeframe may result in unnecessary denials, and may affect application processing timeliness and fair hearing requests.

## Attachment A

20. **Q.** Assuming we mail Forms **W-113K/W-120D** to the household following the phone interview, can the household be given **more than** 10 days following the date Forms W-113K/W-120D were sent to provide outstanding documentation?

**A.** Yes, of course. Households must be given **at least** 10 days following the date of the interview to provide any outstanding verification. Except where expedited processing is required, the LDSS is not **required** to make an eligibility determination until 30 days following the filing date of the application. Even then, if for some reason the interview could not be conducted until **28** days (for example) following the filing date, the household still must be allowed 10 days to provide the documentation, even though this would extend the eligibility determination beyond the 30-day limit.

21. **Q.** Can CA FS households qualify for the WFFSI?

**A.** No.

22. **Q.** Must a household include a child in order to qualify for WFFSI?

**A.** No, **any** NCA FS household that meets the qualifying criteria for the WFFSI qualifies to participate in the project.

23. **Q.** Will households that provide day care qualify for the WFFSI?

**A.** Yes, households that provide day care can qualify for the WFFSI.

24. **Q.** How will we determine hours worked by self-employed individuals?

**A.** Generally, the attestation of the household to the hours worked will be sufficient. However, there should be some evidence such as recent or present earnings that self-employment really is occurring.