



# FAMILY INDEPENDENCE ADMINISTRATION

Matthew Brune, Executive Deputy Commissioner



James K. Whelan, Deputy Commissioner  
Policy, Procedures, and Training

Stephen Fisher, Assistant Deputy Commissioner  
Office of Procedures

## POLICY DIRECTIVE #11-31-ELI

*(This Policy Directive replaces PD #02-49-ELI and PB #06-150-ELI)*

### CASH ASSISTANCE, FOOD STAMPS, AND EMPLOYMENT REQUIREMENTS FOR INDIVIDUALS 16 THROUGH 20 YEARS OF AGE

<b>Date:</b> November 28, 2011	<b>Subtopic(s):</b> Eligibility and Employment
<b>AUDIENCE</b>	The instructions in this policy directive are for Job Center and Non Cash Assistance Food Stamp Center staff and are informational for all others.
<b>PURPOSE</b>	<p>The purpose of this policy directive is to:</p> <ul style="list-style-type: none"> <li>• Ensure that individuals of any age are afforded the opportunity to apply for assistance, and</li> <li>• Inform staff that an exemption from work requirements can be granted due to attendance in a secondary school or the equivalent on a full-time basis for individuals 16 through 19 years of age.</li> </ul>
<b>POLICY</b>	<p>Any individual who requests an application must be allowed to <u>apply</u> for Cash Assistance (CA), Food Stamps (FS) and Medical Assistance (MA), regardless of age. Additionally, individuals over the age of 18 may request to establish his/her own CA case, even while residing in his/her parent(s) household.</p> <p>Individuals 16 through 19 years of age without a high school diploma or its equivalent are exempt from employment requirements while attending a high school, General Equivalency Diploma (GED) program, or other vocational or technical training on a full-time basis. While participating in secondary education or the equivalent, he/she is considered as engaged in an approved full-time activity.</p>

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Individuals 18 through 20 years of age not in high school or a GED program are subject to the same eligibility and employment requirements as an adult but should be encouraged to participate in educational activities designed to help obtain a high school diploma or its equivalent.

All individuals 18 years of age or older applying for or in receipt of cash assistance must be referred for finger imaging. In addition, all caseheads must be finger imaged (regardless of age) and must have an eligibility review by the Bureau of Eligibility Verification (BEV) as a condition of eligibility.

OCSE considers an individual a minor until he/she turns 21 years of age.

While an individual under the age of 21 is legally entitled to financial support from his/her parent(s), he/she is entitled to apply for and receive, if eligible, CA, MA, and FS benefits. If an individual under the age of 21 is not residing with a parent, he/she must also comply with Office of Child Support Enforcement (OCSE) efforts to obtain an order of financial support from the absent parent(s). A minor's eligibility for cash assistance does not negate the legally responsible parent's liability for financial support.

Note that a minor is not required to legally pursue "emancipated minor" status through any court proceeding or provide any legal documentation of emancipation to apply and be eligible for CA. A minor living apart from his/her parents can receive, and be payee for his/her own case based upon his/her capacity to self-represent.

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## BACKGROUND

Consistent with Federal and State regulations, the Family Independence Administration (FIA) is responsible for the development and implementation of effective strategies to assist all individuals who apply for or are in receipt of CA to achieve financial independence through participation in meaningful activities and appropriate supports and services.

FIA promotes a personal responsibility philosophy of "Work First" for all CA applicants and participants. Nonexempt individuals in receipt of CA are required to engage in appropriate work or work preparation activities, consistent with an individual's abilities, for 35 hours per week. FIA's goal is to assist these individuals in finding and sustaining gainful employment as the foundation for self-sufficiency.

With individuals 16 to 20 years of age, FIA's focus is twofold: 1) to stress the need for a high school diploma, GED or other vocational training as the means to economic independence and 2) to encourage young adults to enroll in programs that will provide support and services to help them achieve their educational and employment goals.

Individuals 16 and 17 years of age are subject to educational requirements and must be in school with the goal of obtaining a high school diploma or GED unless there is an indication that they cannot make satisfactory progress. In this case, the minor must participate in another educational activity or in a job skills training program.

Individuals 18 and 19 years of age who are not otherwise exempt from work requirements, and not attending high school, GED classes, or a vocational/technical training program are required to participate in an approved work activity. Nonexempt individuals 18-19 years of age who do not have a high school diploma or its equivalent must be assigned to appropriate educational activities, unless the agency determines that participation in such educational activities is not appropriate based on the employment plan.

FIA uses the Employability Plan (EP) to assess an individual's employability at a given point in time. An EP is prepared for every individual 18 to 59 years of age and minor heads of households in receipt of or applying for CA. An EP is also required for 16 or 17 year olds who are not attending secondary school or its equivalent even if they are on their parent's case.

Nonexempt CA applicants are required to participate in pre-employment activities (intake, assessment, and ongoing job search and preparation). The individual is referred to a Back -to-Work (BTW) vendor whose initial responsibility is to conduct an employment assessment by testing and evaluating an applicant's education and basic skills proficiency, individual abilities, and interests to support the development of an individual employment plan.

If he/she has not completed high school or received a GED and is not currently enrolled in an educational or training program, upon case acceptance the out-stationed worker will offer a referral to the Begin Employment, Gain Independence Now (BEGIN) program.

Participants who do not have a 9<sup>th</sup> grade reading level are encouraged to participate in basic literacy services to increase their literacy level and/or prepare them for the attainment of a high school diploma or GED. This can be accomplished through assignment to the BEGIN program.

See Employment  
Process Manual

If the applicant is already enrolled in a vocational/educational training program or post-secondary education, a referral to BTW is not made; instead, the individual is flagged for referral to the Training and Assessment Group (TAG) upon case acceptance. Attendance in school may be approved as a full-time engagement activity.

Individuals 20 years of age or older enrolled in other approved vocational training/educational activities may have his/her enrollment counted as full-time engagement activities for a 12-month lifetime limit, if the training/educational activity is consistent with the individual's employment plan. Vocational training/education hours may include classroom time, required supplemental time such as lab hours, and up to one hour of supervised homework time for each hour of class time provided the total homework time reported for participation does not exceed the hours required or advised by the respective educational program. Once the individual has exhausted their 12 month lifetime limit, he/she may continue in their educational/training program and have up to 15 of those hours counted toward their 35 hour mandatory work week.

## REQUIRED ACTION

### **Filing an Application**

When a minor applies for CA, he/she must be allowed to file an application, even if he/she is currently active on his/her parent(s) CA case. Filing an application is not a determination of eligibility. The minor has to comply with all filing unit and eligibility requirements to receive CA.

### **Application Interview**

- *Living With a Parent/Legal Guardian*

For the purpose of determining eligibility for cash assistance, once the interview process begins, the parent/legal guardian or adult relative residing with a minor under age 18 must be present at the application interview. If the adult is not present, the application process must be deferred to require the parent/legal guardian to report for the interview.

The case must be registered in WMS to preserve the application filing date when the interview is deferred

See [PD #09-22-ELI](#) for  
Unmarried Minor  
Parents/Pregnant Teens

The parent, legal guardian or adult relative is required to sign the application as the applicant on behalf of the minor for individuals under the age of 18, unless the minor has a child of his/her own. If the minor is 18 years of age or older, the parent, legal guardian or adult relative is not required to be part of the CA filing unit.

However, the parent is still required to report his/her income and resources and household composition for the purpose of determining the minor's eligibility for CA until the minor reaches age 21.

When a minor under the age of 18 who lives with a parent, legal guardian or adult relative applies, the JOS/Worker must:

- Conduct the interview,
- Have the minor sign the application,
- List the individual(s) required to report to the interview as well as all other required documentation on the Documentation Requirements and/or Assessment Follow-Up (Form **W-113K**),
- Verify answers previously provided by the minor upon return with the parent, legal guardian or adult relative.
- Have the adult sign the application.
  - If the adult is the legal guardian/adult relative, make him/her the payee for the minor; or,
  - If the adult is the minor's parent, add him/her to the case and make him/her the casehead.
- Refer the parent/legal guardian to OCSE to seek support from the absent parent(s), if any.

If the parent (residing with the minor) who is a mandated CA filing unit member does not report, deny the minor's application using CA rejection code **N14** (Filing Unit Member Failed to Apply).

If the legal guardian or adult relative does not report to the interview, the case cannot be denied but verification of all income and resources received on behalf of the minor must be provided and counted in determining CA and FS eligibility. The legal guardian/adult relative or other non-legally responsible adult residing in the household does not have to be on the case. However, their income and resources must be reported for CA purposes, in compliance with Federal reporting requirements, but do not have to be documented.

See page 20 for details  
on FS eligibility  
requirements

For Food Stamp purposes, the minor and parent living in the same household must be one FS filing unit until the minor turns 22 years of age even if they consider themselves separate economic units who do not purchase and prepare meals together. If the parent fails to apply as part of the FS household, deny the FS case using FS rejection code **E77** (Living with Parent). If the minor is under the parental control of the adult household member/legal guardian, the adult must be part of the FS filing unit until the minor turns 18 years of age. If the adult/legal guardian who has parental control of the minor fails to apply, or the minor fails to include the adult/legal guardian who has parental control in the FS filing unit, the FS application must be denied using rejection code **E71** (Child Under Parental Control).

- *Not Living With a Parent/Legal Guardian/Adult Relative*

If the individual is a pregnant or parenting teen, see [PD #09-22-ELI](#) for instructions.

If the individual is living on his/her own and has reason not to return to the parent's household, there are no interviewing restrictions. These individuals are to be interviewed in the same manner as all other adult heads of households.

Minors must be allowed to apply for CA independently, even if he/she is currently active on his/her parent(s) case. Circumstances surrounding the need to apply must be reviewed before eligibility is determined.

These individual's may request to be removed from his/her parent's case.

Sometimes individuals who are living apart from their parents file their own application for CA, MA, or FS but are already known in the Welfare Management System (WMS) as active on their parent(s)' case. In these instances, the JOS/Worker must:

- register the case in WMS,
- continue with the application interview,
- request verification of residence and the effective date of the move to the new address,
- assess the reason why he/she no longer resides with the parent(s),
- have the Job Center Liaison contact the Job Center of the parent(s)' case to have the minor removed from the case.

See [PD #08-33-OPE](#) on  
Mandated Reporters

**Note:** As mandated reporters, agency staff are required to report child abuse, maltreatment, or neglect to the New York State Child Abuse and Maltreatment Register (SCR) by phone at (800) 635-1522 to make a verbal report, when presented with reasonable cause to suspect such or, while acting as a representative of the Agency, any person comes before them and states from personal knowledge, facts, conditions, or circumstances which, if correct, would mean that a child has been abused or maltreated.

See [PB #11-04-ELI](#) for  
FS Reconstituted  
Households

The JOS/Worker can issue emergency assistance, if the applicant is eligible, such as immediate needs and/or food stamps to the applicant as a reconstituted household through the same day issuance system. However, since the individual cannot be active on two cases at the same time, the individual can only be placed in Single Issue (SI) status until the line on the former case is closed. These benefits must be manually issued outside of the Paperless Office System (POS).

### **16 through 17 Years of Age**

Applicants/participants who are minors between 16 and 17 years of age must comply with the same eligibility and employment requirements as an adult, unless they are attending secondary school or the vocational equivalent.

See the School  
Attendance Desk Guide  
See [LDSS-4888](#)

- *Employment Requirements*

Minor applicants/participants must comply with the same employment assessment requirements as an adult, unless otherwise exempt (See exemptions on page 8.) The JOS/Worker must initiate an EP to conduct a preliminary assessment of employability and address all barriers.

- *Assessments*

Minors 16 through 17 years of age who are not attending secondary school or its equivalent must be assessed and assigned to appropriate activities, including educational activities, unless they are determined otherwise exempt by the agency.

See the [Employment Process Manual](#)

The JOS/Worker must make a referral to the BTW employment vendor who is responsible for conducting further assessments by testing and evaluating the individual's educational and skill level.

Based on this assessment, an individual employment plan is developed. If the minor prefers to focus on finding a job, the BTW employment vendor will also assist him/her with accessing job development resources, resume writing, enhancing work behaviors, and seeking/obtaining employment.

After the case is accepted, if the vendor assessment indicates that the participant is not attending secondary school or its equivalent and has not obtained a high school diploma or the equivalent, the Out-Stationed Worker must offer the participant a referral to BEGIN. BEGIN will facilitate enrollment in secondary school or GED classes.

- If the 16 and 17 year old is not attending secondary school or its equivalent and has not completed high school or has not received a General Education Degree (GED), he/she should be encouraged to enroll in a high school, GED class or the BEGIN Program.
  - If the applicant is not enrolled in secondary school and desires to continue his/her education, the Out-Stationed Worker must generate a referral to the BEGIN program once the case is accepted.
  - If the participant is interested in training, the Out-Stationed Worker must make a TAG referral.
- *Exemptions*
    - Educational Exemption

Individuals 16 through 17 years of age are exempt from employment requirements while attending secondary school or its equivalent full-time. He/she is considered as engaged in an approved full-time activity and remains exempt through the age of 19 while in secondary school or its equivalent.

If the minor is currently enrolled in GED or approved vocational training at the Department of Education (DOE), City University of New York (CUNY), or a private school, he/she may continue the education program as a full-time activity if he/she provides documentation of enrollment. The JOS Worker must give the individual the FIA School/Training Enrollment Letter (**W-700D**) for the school/training program to complete.



- Medical Exemption

If the minor is under the age of 18 and claims a physical or mental health barrier to employment, the JOS must request medical documentation of the claimed physical or mental impairment. The minor is required to obtain the documentation from his/her own medical provider.

**Note:** If a person under 18 years of age who claims a medical or psychological barrier to employment cannot provide medical documentation, the worker should alert the Center Director who will contact the Regional Manager for guidance.

- *Non-Compliance*

Individuals who are legally responsible for other members of the CA unit and who fail to comply with employment requirements are subject to the same case action/sanction as any other adult. Individuals who are not legally responsible for other members of the CA unit are subject to the following case actions/sanctions for non-compliance with employment requirements:

Applicants:

- A 16 or 17 year old applicant who claims to be attending secondary school or its equivalent, but does not provide documentation of attendance is ineligible and subject to a rejection/denial of the household's CA application;
- A 16 or 17 year old applicant who is not attending secondary school or its equivalent and fails to comply with applicant assessment requirements is ineligible for CA and is subject to a rejection of his/her CA application (individual ineligible);
- A non-exempt 16 or 17 year old applicant who has obtained a high school diploma or its equivalent is ineligible for CA and is subject to rejection of his/her CA application (individual ineligible) if he/she fails to comply with applicant job search requirements;
- A non-exempt 16 or 17 year old applicant who is not attending secondary school or its equivalent is subject to an employment sanction if he/she willfully and without good cause fails to comply with participation in educational activities designed to help the individual complete secondary school or its equivalent or other appropriate job skills training.

Participants:

- A 16 or 17 year old participant who claims to be attending secondary school or its equivalent on a full-time basis, but fails to document such attendance is ineligible for CA and subject to closure of the entire CA case.
- A 16 or 17 year old participant who is not attending secondary school or its equivalent and alleges to be unable to work or participate in work activities, but fails to provide documentation to support the alleged exemption from work requirements is ineligible for CA and subject to closure of the entire CA case.
- A non-exempt 16 or 17 year old participant who fails to comply with CA employment requirements, such as employment assessment or attendance in secondary school or appropriate job skills training, must be offered conciliation and is subject to an employment sanction if the noncompliance is determined willful and without good cause.

If the CA application is denied or the case/individual is closed, a separate determination for FS and MA must be made.

- *Categorical Eligibility*

These individuals are not eligible for Family Assistance (FA) or Safety Net Federally Participating (SNFP).

An individual who is 16 years of age and older who does not have a child of his/her own and does not reside with a parent, legal guardian, or another adult relative may be eligible to receive cash assistance in the Safety Net Cash Assistance (SNCA) or (Safety Net Non Cash) category, if he/she:

- lives separate and apart from his/her family;
- is not in receipt of foster care; and
- all other eligibility requirements are met.

If the individual is under the age of 18 and is an unmarried pregnant or parenting teen, he/she may be eligible for Family Assistance (FA). See [PD #09-22-ELI](#) for Unmarried Minor Parents/Pregnant Minors details and instructions.

- *Financial Eligibility*

Financial eligibility for a minor who is not living with either parent is determined according to the current procedure for all other applicants. The minor's benefits would be calculated based solely on income he/she receives and does not include the income, needs, or resources of the absent parents. However, a referral to the OCSE to pursue financial support from both absent parents must be made.

If the minor is not living with a parent or other adult relative, or is a married minor, his/her full or part time earnings must be included in the budget as regular employment income regardless of whether or not he/she is in school. All appropriate work deductions must be applied.

### **18 through 20 Years of Age**

- *Employment Requirements*

#### 18 and 19

Minor applicants/participants, who are 18 and 19 years of age, must comply with an employment assessment. Nonexempt minor applicants/participants must comply with the same employment requirements as any other nonexempt adult.

Individuals 18 or 19 years of age who are not otherwise exempt from work requirements, and not attending high school, GED classes, or a vocational/technical training program are required to participate in approved work activities. Non-exempt individuals 18 or 19 years of age who do not have a high school diploma or its equivalent must be assigned to appropriate educational activities, unless the Agency determines based on the employment assessment and employment plan that participation in such educational activities is not appropriate for the participant.

See the School Attendance Desk Guide [LDSS-4888](#)

See [PD #07-17-EMP](#) For instructions on 19-year-old participants attending school

An applicant/participant who is 18 or 19 years of age is not required to participate in other work activities if he/she:

- does not have a high school diploma or GED; and
- has documented he/she is currently in full-time attendance at a secondary, vocational or technical school or GED program.

The individual in full-time attendance in a secondary school, or the vocational or technical equivalent is considered engaged in a full-time activity until his/her 20th birthday.

## 20 and Older

An applicant/participant 20 years of age or older who is enrolled in a vocational training/educational activity must have his/her enrollment counted as a full-time activity up to a lifetime limit of 12 months. Thereafter, enrollment may be counted as a secondary activity for up to 15 hours weekly.

- *Exemptions*

- Medical Exemption

If the minor is 18 years of age or older and claims a medical, physical or mental health barrier to employment, he/she must be referred to and comply with the Wellness, Comprehensive Assessment, Rehabilitation, and Employment (WeCARE) program. If WeCARE has deemed the minor to have the potential to become employable, he/she must cooperate with medical treatment or rehabilitation activities as a condition of eligibility for CA.

- Non-Medical Exemption

If a minor claims a non-medical exemption, process the claim in accordance with current procedure. Some instances of non-medical exemptions include but are not limited to:

- Domestic violence (See [PD #10-08-ELI](#))
- Substance abuse (See [PD #02-11-EMP](#) and [PD #02-52-EMP](#))
- Needed at home to care for a disabled household member (Instructions will be provided separately)

- *Assessment*

The JOS/Worker must conduct an employment assessment via the EP and must refer all applicants/participants who are 18 years of age or older, who are not determined otherwise exempt, to the BTW vendor if they have completed high school, obtained a GED, or are not enrolled in a school or vocational training and do not wish to do so. The BTW vendor will conduct a further assessment of the individual's educational and skill level.

After the case is accepted, and based on the results of BTW's educational and skill level assessment, the Out-Stationed Worker must:

- Offer a referral to BEGIN if the assessment indicates the participant has not obtained a high school diploma or the equivalent and is not currently attending secondary school or its equivalent. BEGIN will facilitate enrollment in secondary school or GED classes; or
  - Refer the participant to TAG if he/she is interested in training; or
  - Assign the participant to a primary work activity if he/she prefers to focus on finding a job. The BTW vendor will continue to assist him/her with accessing job development resources, resume writing, enhancing work behaviors and seeking/obtaining employment.
- *Non-Compliance*

Individuals who are applying for or in receipt of cash assistance for themselves or who are the legally responsible parent of another case member fail to comply with employment requirements are subject to the same case action/sanction as any other adult. Individuals who are not legally responsible for other members of the CA unit are subject to the following case actions/sanctions for non-compliance with employment requirements:

Applicants:

- An 18 or 19 year old applicant who claims to be attending secondary school or its equivalent, but does not provide documentation of attendance is ineligible and subject to a rejection of his/her CA application (individual denial);
- A non-exempt 18 or 19 year old and a 20 year old applicant who fails to comply with applicant assessment requirements is ineligible for CA and is subject to a rejection of his/her CA application (individual denial);
- A non-exempt 18 or 19 year old applicant who is not attending secondary school or its equivalent and a non-exempt 20 year old is ineligible for CA if he/she fails to comply with applicant job search requirement (individual denial),

- A non-exempt 18 or 19 year old applicant who is not attending secondary school or its equivalent and a non-exempt 20 year old is subject to an employment sanction if he/she willfully and without good cause fails to comply with applicant employment requirements including participation in educational activities designed to help the individual complete secondary school or its equivalent.
- An 18 or 19 year old applicant who is not attending secondary school or its equivalent and a non-exempt 20 year old who claims a medical barrier to employment and who fails to comply with WeCARE are subject to a denial of the entire cash assistance case.
- A non-exempt 18 or 19 year old applicant who claims a non-medical barrier to employment and who fails to comply with verifying such a barrier (other than domestic violence) is subject to a denial of his/her CA application (individual denial).

Participants:

- An 18 or 19 year old participant who claims to be attending secondary school or its equivalent on a full-time basis, but fails to document such attendance is ineligible for CA and subject to a discontinuance of CA benefits.
- A non-exempt 18 or 19 year old participant who is not attending a secondary school or its equivalent or a non-exempt 20 year old who willfully and without good cause fails to comply with CA employment requirements including participation in appropriate educational activities must be offered conciliation and is subject to an employment sanction.
- An 18 or 19 year old participant who is not attending secondary school or its equivalent or a 20 year old who claims to be exempt from employment requirements for medical reasons must be given a WeCARE referral. A participant who fails to comply with WeCARE is ineligible for CA and is subject to discontinuance of CA benefits.
- A non-exempt 18 or 19 year old participant who claims a non-medical barrier to employment and who fails to comply with verifying such a barrier (other than domestic violence) is ineligible for CA (individual ineligibility/line closing).

- *Categorical Eligibility*

Categorical eligibility is the same for all minors on their own case. (See 16 to 17 year olds categorical eligibility on page 10.)

- *Financial Eligibility*

Financial eligibility for a minor who is not living with either parent is determined according to the current procedure for all other applicants. If all other eligibility requirements are met, the minor's benefits would be calculated based solely on the income received and does not include the income, needs, or resources of the absent parents. However, the JOS/Worker must refer the minor to OCSE to pursue financial support from both parents.

If the minor is not living with a parent or other adult relative, or is a married minor, his/her full or part time earnings must be included in the budget as regular employment income regardless of whether or not he/she is in school. All appropriate work deductions must be applied.

### **Determining Financial Eligibility for a Minor Residing with a Parent Not on CA**

- *Financial Eligibility*

Financial eligibility using the parent's income must be determined for a minor applicant or participant 18 through 20 years old living with a parent who is:

- not in receipt of or applying for CA, and
- is not in receipt of Supplemental Security Income (SSI)

Financial eligibility is determined by applying different budgeting rules, depending on the household circumstances. The following types of budgeting rules may apply:

- *Allen Budgeting:*

Allen budgeting is a method of calculating the needs and budgeting the income of a legally responsible relative of a dependent child or spouse that is not required to be part of the CA household and choose not to apply for CA benefits. In Allen Budgeting, the excess income of the non-applying parent must be applied to the needs of the CA household.

See [PA Budgeting Manual](#), page A-46 and [PB #06-150-ELI](#) for Allen budgeting instructions.

Refer to [TA Source Book](#)  
Chapter 13

- Legally responsible relatives residing in the home with a dependent child at least 18 years of age may choose to apply or not to apply for CA. However, the income of the relative must be considered when the CA budget is calculated.
- The needs of the CA household are calculated as if the non-applying legally responsible relative were also applying for CA.
- For FS purposes, the Non Cash Assistance (NCA) parent cannot be considered a separate household. He/she must apply and his/her income must be counted in full.

To calculate a budget using the Allen budgeting method, include the needs and income of the non-applying parent(s) as follows:

- Enter the number of legally responsible individuals in the LRR field of the Household Screen (**NSBL02**) of the WMS Budget (cannot be more than two [2] LRRs).
- Enter the appropriate income source code and amount on the Individual Income/Needs Screen (**NSBL06**) and enter program code **L** in the PROG field. Program code **L** will prorate the needs and multiply the prorated share by the number of LRRs.
  - If the parent's income is equal to or greater than his/her prorated share, the parent's income and needs are automatically counted.
  - If the parent's income is less than his/her prorated share of the CA household's needs, the parent's needs and income cannot be counted. WMS will display the message "LRR NOT ALLOWED TO BE IN PA HOUSEHOLD". Recalculate the budget, delete the entry in the LRR field, and remove the income with the program code **L**. The budget will be calculated based only on the needs of the applying household.

To create an Allen budget through the Paperless Office System (POS), the JOS/Worker must proceed as follows:

- Enter the LRR indicator in the **POS Budget Household** window.



- Enter the income source code and amount from the legally responsible relative along with the program indicator (“L”) on the active or applying public assistance (PA) individual in the **POS Budget Individual** window.
- After the budget calculation, if the income of the legally responsible relative is less than his/her pro rata share of the PA household’s needs, POS will bring up the following message:

“You must calculate the budget without counting the Legally Responsible Relative. Please remove the value from the LRR field, remove the income source codes, amounts and program indicators from all individuals where the program indicator is ‘L’. Recalculate the budget with the remaining household members.”

- Do not save this budget when the above message appears. Instead, return to the **POS Budget Household** window and recalculate as per the instruction.

▪ *Three Generation Household Budgeting:*

The three generation household budgeting rule is applied when the unmarried applicant:

- Has a dependent child of his/her own;
- Is under 21 years of age;
- Is living with a parent not in receipt of CA because the parent is ineligible or does not want to apply; and
- The parent is not in receipt of Supplemental Security Income (SSI).

The law requires the grandparent (the parent of the minor applicant) to be responsible for the financial support of the minor parent until he/she turns 21 years of age. Based on the age of the minor, the grandparent may also be responsible for the financial support of the grandchild.

- If the minor under 18 years of age is applying for CA for him/herself and his/her child(ren), the non-applying grandparent’s income must be deemed available for CA purposes and applied against the CA grant of the minor and the minor’s child(ren).

Three generation households consist of the grandparent as the parent of a minor who also has a child of his/her own.

Refer to the [Public Assistance Budgeting Manual](#), page A-39

The grandparent's income *in excess* of his/her own cash assistance level of needs must be applied toward the needs of both his/her dependent minor and the minor's child(ren) using income source code **53** (Income from Step-parent). **Note:** The Grandparent and Step parent budgeting methodology is the same.

If the minor is married, the parent is not financially responsible for support. The financial responsibility belongs to the spouse.

- If the unmarried 18 through 20 year old is applying for CA for him/herself and his/her child(ren), the non-applying grandparent(s) are still financially responsible for the minor's needs but are not financially responsible for the needs of the minor's child (grandchild). The grandparent's income must be applied only against the minor's prorated share of the CA grant using income source code **90** (Income from Grandparent).

In POS, income source code **53** or **90** must be reflected in the **POS Budget Individual** window of the minor's line.

The JOS/Worker must use the Step-Parent/Grandparent Budget Worksheet – Cash Assistance (**W-648B**) to manually determine the amount of income to apply to the WMS budget on the minor's line.

In either of the above instances, the grandparent and all of the grandparent's income must be included in the minor's food stamp household.

### **Determining Categorical Eligibility of a Minor Residing with a Parent on CA**

If a minor applicant/participant lives in a household where the parent receives CA under the FA/SNFP category, the minor can remain on the parent's FA case until age 19 if he is attending secondary school or the vocational or technical training equivalent regardless of his/her expected date of graduation, even if there are no other children in the household. If the minor 18 years of age or older wishes to establish his/her own case as a separate suffix in the same household, the JOS/Worker must determine the category of assistance under which the minor's benefits may be issued. However, a minor under the age of 18 cannot receive assistance for him/herself separate from his/her parent(s) residing in the same household.

- FA/SNFP

If the dependent minor is 18 years of age and not attending secondary school or the equivalent vocational or technical training, the minor must be evaluated to determine if he/she is eligible for Essential Person status.

- To determine eligibility for Essential Person status, the JOS/Worker must:

- First determine that the individual is no longer eligible for FA or SNFP in his/her own right (is not the legally responsible parent of another member in the CA/FS household).
- Determine the individual's eligibility for SNCA/SNNC.
- Evaluate the presence of other children in the CA or FS household to determine whether the household is eligible to continue receiving CA under the FA of SNFP category.

If the individual has a child of his/her own on the CA/FS case, he/she may be FA/SNFP eligible.

There are other children in the household

If there is at least one other child under 18 years of age in the FA household, designate the individual as an Essential Person, if otherwise eligible. Provide FA/SNFP as a separate suffix of the case ("Danks" Essential Person) for him/her to receive his/he own CA benefits directly.

See Essential Person [PD #10-11-ELI](#)

A 'Danks' Essential Person case exists when an FA/SNFP case contains an Essential Person who has no legal lines of responsibility to the other case members and also declares himself/herself to be a separate economic unit. A separate FA suffix would be established for the Essential Person. If the Essential Person is already in receipt of CA, the JOS/Worker must:

- Have the Essential Person complete a new Common Application (**LDSS-2921**). An [LDSS-2921](#) must be on file for each new suffix created.
- Split the Essential Person from the existing suffix into a separate suffix in active (AC) status. (He/she is not subject to a new application eligibility determination).
- If he/she has not yet been finger imaged, refer him/her to the Automated Finger Imaging System (AFIS) operator.

See the [Authorization of Grants Manual](#) for instructions on splitting a suffix.

When the essential person is provided his/her own FA suffix, the JOS/Worker must enter the following on the POS TAD to identify the essential person:

- categorical code **14** (essential person)
- relationship code **12** (essential person)

Note: An individual who is not legally responsible for other household members and who willfully and without good cause refuses or fails to comply with employment requirements must be offered conciliation and is subject to an employment sanction as a member of a household with dependent children. However, unlike other employment sanctions, the reduction in CA benefits payable to the household would be incremental (individual is removed from the CA budget) as the individual is not legally responsible for any other CA household member.

- SNCA/SNNC

If there are no other children in the household and the minor is 18 years of age, not attending school or not attending school on a full-time basis, or is more than one month beyond his/her 19<sup>th</sup> birthday, the household is no longer eligible for FA. The case must be reclassified to SNCA/SNNC. The minor may receive his/her own CA grant as a Safety Net Assistance individual. The JOS/Worker must split the suffix and make the minor a separate SNCA/SNNC suffix.

**Determining Financial Eligibility for a Minor Residing With a Parent on CA**

- *Student Earnings*

For CA budgeting purposes, dependent individuals under 21 years of age who are living with a parent and are full-time or part-time students, are entitled to have their earnings disregarded as student income. In determining financial eligibility and the need for CA, the full or part-time earned income of the minor dependent individual must be disregarded if the individual is:

- Under 21 years of age,
- Living with a parent or other adult caretaker relative, and is enrolled in one of the following:

- Elementary or high school,
- Two or Four year college or university,
- vocational or technical training program designed to prepare the individual for gainful employment or participation, or
- Job Corps training program.

If one of the above criteria is met, JOS/Workers must not factor in a dependent student's earnings from either part-time or full-time employment when determining financial eligibility and need for CA.

Refer to [PD #03-21-ELI](#) for budgeting student earnings

The income must be reflected in the budget but not calculated in determining the grant amount. To exempt the dependent student's earned income, the JOS/Worker must enter the following on the Individual Screen (**NSBL06**) of the WMS budget:

- Employability status code **01** – “Dependent Student Employed Full-Time or Part-Time” in the **EMP** field.
- The appropriate income source code (i.e.; **01**-wages, **05**-child care provider) in the **SRC** field, amount of earned income in the **GROSS** field, how often the income is received in the **FREQ** field, and **B** (Both CA and FS) in the **PROG** field to indicate the program area to which the income would otherwise be budgeted.

To reflect this in POS, the JOS/Worker must enter the employment status code, income source code and amount of the minor individual in the **POS Budget Individual** window.

**Note:** Earned income during summer recess by a dependent student who will return to full-time schooling should also be disregarded in determining eligibility and degree of need.

**PROGRAM  
IMPLICATIONS**  
Food Stamp  
Implications

**FS Eligibility Requirements**

FS eligibility rules differ from CA rules. Therefore, a separate FS eligibility determination is required when a CA application is denied for eligibility related reasons.

The following individuals living together must be one food stamp household even if they do not customarily purchase and prepare meals together:

See the [Food Stamp Source Book](#), Sec. 5, Special Household Definition, for details on determining separate household status.

- a spouse of a member of the household;
- parents and their children or step children under 22 years of age regardless of whether the minor has their own children or spouse;
- children under 18 years of age (other than foster children) who are under the parental control of an adult household member who is not the minor's parent or step parent.

A minor is not under parental control if he/she provides more than 50% of his/her own financial support which may be from sources such as wages, Supplementary Security Income (SSI), or receipt of his/her own CA grant, etc.

A minor 21 years of age or younger applying for food stamps who resides with a parent can file the application and be deemed the casehead as long as the parent(s) and siblings under the age of 22 are included in the food stamp filing unit. All countable income and resources of all mandated household members must be taken into consideration in determining eligibility and benefit level.

See [PD #11-12-OPE](#) for EFS criteria and detailed instructions.

A Minor living with a parent or other mandated household member must provide information on the income of all FS filing unit members and the household expenses in order to determine eligibility for expedited food stamp service (EFS). If the income amount is unknown, the household cannot receive FS on an expedited basis. If the information is subsequently provided at the eligibility interview (when screening and eligibility interview are not done on the same day), EFS FS may be provided.

### Earnings of a Minor

The earnings of any household member continues to be exempt when determining eligibility for FS if the household member meets all of the following criteria:

- He/she is under the age of 18, and
- He/she is an elementary or secondary school student, and
- He/she lives with a parent or is under the parental control of an adult household member.

### FS Student Eligibility

High school is not an institution of higher education.

Students 18 through 49 years of age enrolled at least half-time in an institution of higher education must meet one of the following requirements, unless otherwise exempt, in order to be eligible for Food Stamps (FS). The student must be:

See [Food Stamp Source Book](#), Section 5, page 91.

See [PB #11-71-ELI](#) Clarification on Student Eligibility Criteria for Food Stamps

- In receipt of FA or SNFP;
- A provider of more than half of the physical care for a child under 6 years of age or an incapacitated person;
- Enrolled in school full-time and be a single parent responsible for the care of a child between 6 and 12 years of age;
- A provider of more than half the care of a child under age 12 and who does not have adequate child care to go to work or school;
- A participant in a state or federally funded work-study program under Title IV-C during the school year;
- 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);
- Employed for an average of 20 hours per week, and paid at least minimum wage; or
- In receipt of Unemployment Insurance Benefits (UIB) and enrolled in an institution of higher education at least half-time approved by DOL.

If none of the previous criteria applies to the individual enrolled in an institution of higher education, he/she is a disqualified student. A student may be eligible for CA, but ineligible/disqualified for FS. To identify a disqualified student, the following entries must be made in the WMS budget:

See [Public Assistance Budgeting Manual](#), page A-31 for Ineligible Student budgeting.

- Household Screen (**NSBLO2**)
  - Enter Shelter Proration Indicator Code "1" in the **PRO IND** field;
- Individual Income/Needs Screen (**NSBLO6**)
  - If the FS ineligible student has no individual income:
    - Enter income source code **97** in the **INCOME:SRC** field.
    - Leave **INCOME:GROSS** field blank.
    - Enter a code "1" in the **INCOME:FREQ** field.
    - Enter program indicator code "1" in the **INCOME:PROG** field.
  - If the FS ineligible student has other individual income:
    - Enter the appropriate income source code for the income type in the **INCOME:SRC** field.
    - Enter the amount of income received in the **INCOME:GROSS** field.
    - Enter the appropriate frequency code in the **INCOME:FREQ** field.
    - Enter program indicator code "1" in the **INCOME:PROG** field.

If the FS ineligible individual is the only person on the FS case, the FS application must be denied using FS denial code **F90** (Ineligible Student [HH=1]).

See LDSS-4888

## **FS Employment Requirements**

### Food Stamp Employment and Training (FSET)

FS work requirements for nonexempt individuals include participation in an FSET program as assigned by the Agency.

- 16 through 17 Years of Age

A minor 16 through 17 years of age who is the head of household or who is attending high school, GED classes, vocational or technical school or employment program at least half-time but who fails to document the exemption will be deemed a work registrant and be subject to the food stamp work requirements.

- 18 Years of Age or Older

A person age 18 years of age or older and not otherwise exempt is subject to the FS work requirements.

### FSET Exemptions

- Younger than 16 years of age or is 60 years of age or older;
- Victims of domestic violence;
- Employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage, multiplied by 30 hours;
- Physically or mentally unfit for employment;
- A parent or household member who is responsible for the physical care of a dependent child under the age of six or an incapacitated person;
- An individual participating in an alcohol/drug treatment or rehabilitation program who is determined to be unable to work;
- Individuals age 16 or 17 years of age who is not the head of household or is attending school or an employment training program on at least a half-time basis;
- Student (verified as enrolled at least half time who meet student eligibility criteria);
- Receiving UIB. An applicant for unemployment compensation is exempt if he/she was required to register for work as part of the unemployment compensation process;
- Pregnancy within 30 days of medically verified date of delivery;



- Refugee training program (participating at least half time);
- An applicant for SSI and food stamps under the joint processing provisions until such time as the individual is determined to be:
  - Eligible for SSI and thereby exempt from work registration; or
  - Ineligible for SSI and a subsequent re-determination of his/her employability is made; and
- A PA/FS participant subject to and compliant with CA work requirements provided that an individual participate in a work experience program for the number of hours derived by dividing the household's food stamp benefit by the federal or state minimum wage, whichever is higher.

Medicaid  
Implications

There are no education or work requirements for Medicaid.

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

For Limited English-Speaking Ability (LESA) and hearing-impaired applicants and participants, make sure to obtain appropriate interpreter services in accordance with [PD #10-12-OPE](#) and [PD #08-20-OPE](#).

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**FAIR HEARING  
IMPLICATIONS**

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date.

Avoidance/  
Resolution

The applicant/participant must receive either adequate or timely and adequate notification of all actions taken, depending upon the circumstances of his/her case. Remember to make every reasonable attempt to resolve the issue.

Conferences

An applicant/participant can request and receive a conference with a Fair Hearing & Conference (FH&C) AJOS I/Supervisor I at any time. If the applicant/participant comes to the Job Center and requests a conference, the Receptionist must notify the FH&C AJOS/Supervisor I

In Model Centers, 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 staff.

The FH&C AJOS/Supervisor I will interview the participant and evaluate any material presented, 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.

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If the participant has presented good cause for the infraction or shown that the outstanding Notice of Intent (NOI) 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 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 the Welfare Management System (WMS), the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to 01 if the case has been granted Aid to Continue (ATC), or prepare and submit a PA Recoupment Data Entry Form – WMS ([LDSS-3573](#)) to delete a recoupment. The AJOS/Supervisor I must complete a Conference Report ([M-186a](#)).

**Evidence Packets** Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing, which has already been 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.

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## REFERENCES

[04-ADM-06](#)  
[08 ADM 07](#)  
[06-INF-12](#)  
[06-INF-30](#)  
[10-INF-10](#)  
 18 NYCRR 352.20(a)(1), (2), 352.30(a), 352.32(e), 369.2(c), 369.3(c), 385.2, 385.6, 385.7, 385.9, 385.11, 385.12  
[Temporary Assistance Source Book](#), Chapter 13: Section L  
[Food Stamp Source Book](#), Section 5, page 91  
[Public Assistance Budgeting Manual](#), A-16, A-46  
[Authorization of Grants Manual](#)

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## RELATED ITEMS

[PD #03-21-SYS](#)  
[PD #07-23-ELI](#)  
[PD #08-33-OPE](#)  
[PB #08-128-ELI](#)  
[PD #09-22-ELI](#)  
[PD #10-11-ELI](#)  
[Employment Process Manual](#)