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## Informational Letter

### Section 1

<b>Transmittal:</b>	03 INF 10
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Temporary Assistance
<b>Date:</b>	March 3, 2003
<b>Subject:</b>	Food Stamp Program Questions and Answers: Application Processing, Six-Month Reporting, Transitional Benefits and Standard Utility Allowances
<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors CAP Coordinators TOP Coordinators Fraud Investigation Directors Staff Development Coordinators
<b>Contact Person(s):</b>	Food Stamp Policy - Eastern Regional Team at 800-343-8859, extension 3-1469
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02 ADM-7 01 ADM-16 01 ADM-9 01 ADM-8					

### Section 2

#### I. Purpose

This release provides answers to questions asked during recent food stamp regional meetings. The questions and answers clarify Food Stamp (FS) policies regarding application/recertification processing (pages 2-9), six-month reporting (pages 9-18), transitional benefits (pages 18-27) and the standard utility allowances (SUA)(pages 27-28).

## II. Background

These questions were received from local social service districts (SSD) after the release of:

- 01 ADM-8: “Changes in Applicant Services and Recertification Procedures for FS Households” (Correction issued January 22, 2002)
- 01 ADM-9: “Six-Month Reporting Rules for Households with Earned Income” (Correction issued February 12, 2002)
- 01 ADM-16: “Transitional Benefit Alternative: Transitional Food Stamp Benefits for Family Assistance Leavers” (Correction issued January 22, 2002)
- 02-ADM-7: “Food Stamp Program Reauthorization Changes”.

## III. Program Implications

These policy clarifications should assist districts to administer the Food Stamp Program.

## IV. Applicant Services and Recertification Procedures

### a. Interview Requirements

**Q 1)** Please clarify the 2nd paragraph on page 2 in the "INTERVIEW REQUIREMENTS" section (and page 4) of 01 ADM-8 relating to the interview requirement for pure SSI households (all members in receipt of SSI) and Group Home residents who use the LDSS-3035 application for certification and recertification. Is there a need for this population to be interviewed at certification or recertification?

**A 1:** Yes. It became apparent that some districts mistakenly believed the use of the “mail-in application” LDSS-3035 and waiver of the “in-person interview” meant no interview was required at all. This is incorrect. As stated in 01 ADM-08, “In instances where the in-person interview is waived, the social services district (SSD) must conduct the interview by telephone or by scheduled home visit. SSDs are reminded that, when the requirement to appear in-person is waived, the requirement to be interviewed has not been waived; SSDs are still required to interview the household by phone or scheduled home visit.” However, recognizing the potential administrative burden of this requirement, NYS OTDA is trying to be as lenient as possible and interpret the “interview” in as broad terms as possible. For instance, the telephone ‘interview’ does not need to be in-depth but rather may be somewhat cursory, so long as the local district feels it obtains sufficient information to determine the household’s circumstances. As an example, one monthly phone interview with an authorized representative from a Congregate Care facility could suffice for all the SSI residents due for recertification that month. (Note: Per a forthcoming ADM, the LDSS-3035 will be replaced by the simplified LDSS-4826: “FS Benefits Application”.)

**Q 2)** Please clarify the fourth paragraph in the "INTERVIEW REQUIREMENTS" section (on page 4) of 01 ADM-8. Does this mean that a household with no earned income (receiving NYS disability benefits, UIB, child support, etc.) and a six-month certification period does not always need a face-to-face/phone/home visit interview and can be recertified every other time through a "mail-in" process?

**A 2:** No. This paragraph informs districts that they must conduct face-to-face interviews at the time of initial certification, and at least once every twelve months thereafter. Districts may assign a twelve-month certification period to “no-earned income” households, and therefore

only be required to interview them once during the year at recertification. Likewise, if a household was initially certified for less than twelve months, the district can choose to extend the certification period without actually conducting a recertification interview, so long as they do not authorize the household beyond twelve months from the date of initial certification.

- Q 3)** Please clarify the fifth paragraph in the "INTERVIEW REQUIREMENTS" section (on page 5) of 01 ADM-8. What is the appropriate/required/recommended certification period for pure SSI households who have wages?
- A 3:** In the background section on certification procedures (page 2 of 01 ADM-8), districts are reminded that Non-Temporary Assistance (NTA) FS households are assigned the longest certification period possible based on the stability of their household circumstances. If these SSI households reside in a group home setting, they are not subject to six-month reporting rules and could be certified for periods up to twelve months (future regulation changes will eventually permit certification periods up to twenty-four months). Otherwise, they are subject to six-month reporting rules and should be certified for six months.
- Q 4)** Does this paragraph mean that pure SSI households that have wages must have a face-to-face certification/recertification interview (or if waived for hardship, must have a phone interview or home interview)?
- A 4:** Regardless of whether the household has wages, as stated in #1 & #2 above, the SSD must conduct either a phone interview or a home interview when the "in-person" interview is waived.

#### **b. Required Certification Periods**

- Q 5)** What types of households have become newly eligible for a 12-month cert period? Does this include ALL households (except those with earned income) that would have previously been certified for 6 months or less?
- A 5:** Yes, as stated in the background section on certification procedures (page 2 of 01 ADM-8), NTA-FS households are assigned the longest certification period possible based on the stability of their household circumstances. "Households likely to experience frequent and significant changes may be assigned shorter certification periods."
- Q 6)** May group home/facility residents who have sheltered workshop wages be certified for 12 months? Or 24 months with a 12-month contact?
- A 6:** If the group home residents are SSI or SSD recipients (exclusion of SSD is new and is included in a corrected revision to 01 ADM-9), they are not subject to six-month reporting rules and may be certified for up to 12 months, unless all adult household members are elderly or disabled, in which case they could (when future regulation changes permit) be certified for up to 24 months. If the residents are not SSI or SSD recipients and have wages, they are subject to six-month reporting rules. As stated in section IV.B of 01 ADM-9,

“Cases subject to six-month reporting requirements must be certified for periods of six months unless the SSD obtains approval from OTDA for longer certification periods. In addition, six-month reporters are required to have face-to-face recertifications unless the in-person interview is waived for hardship conditions.”

**Q 7)** Does this mean that pure SSI households that have earned income must be certified for no more than 6 months?

**A 7:** Yes, if not residing in a group home setting (see Answers #3 and 6, above).

**Q 8)** If an elderly/disabled household is certified for 24 months, or a non-elderly/disabled household is certified for 12 months, and then begins employment, does their certification period change?

**A 8:** No. In addition, no certification periods greater than 12 months are currently allowed. NYS OTDA will approve 24-month certification periods once future regulation changes are complete.

**Q 9)** If the certification period in # 8 above remains at 24 months, are other actions necessary with regard to reporting requirements?

**A 9:** No certification periods greater than 12 months are currently allowed. When NYS OTDA approves 24-month certification periods (once future regulation changes are complete), if a six-month reporting household has been certified for 24 months WMS will send a Change Report Form (LDSS-3151) on the fourth weekend of the 5<sup>th</sup>, 11<sup>th</sup>, and 17<sup>th</sup> months of the FS Certification Period. If households have a change, they will be required to report that change within ten days of receipt of that form. Workers must process those reported changes during the 6<sup>th</sup>, 12<sup>th</sup>, and 18<sup>th</sup> months and have budgets reflect the reported changes effective the 7<sup>th</sup>, 13<sup>th</sup>, and 19<sup>th</sup> months of the 24-month certification period.

**Q 10)** If a six-month reporting household with only unearned income is certified for 12 months, and then begins employment, are any other actions necessary?

**A 10:** No, provided that the information received by the district does not indicate that the household’s income exceeds 130% of their applicable poverty level. If the information does indicate that the household may have exceeded the 130% threshold, the district should send a Request For Contact (RFC) asking for verification of the amount of total gross income.

**Q 11)** When districts have a state-approved waiver allowing TA/FS unearned income cases to have a 12 month certification, what do they do for FS if the required locally developed TA 6 month mailer is not returned in a completed fashion?

**A 11:** If the TA eligibility mailer is not completed on time, the district should discontinue the TA, and must send a Request For Contact (RFC) for FS (CNS Code V19 or LDSS-4753, see Q#25 for more information on RFC). If the household fails to respond to the RFC the district

will then discontinue the FS benefits with appropriate timely notice. Note: In many cases this subsequent two-step process may make the FS closing a month later than the TA closing.

**c. Verification Requirements, Interview Requirements and Notices**

**Q 12)** Please clarify the 3rd paragraph in the "VERIFICATION REQUIREMENTS" section on page 5 of 01 ADM-8. Are we required to notify clients in advance of a home visit to be made by a Special Investigations Unit (FEDS) to confirm/verify questionable items such as residence, household composition, etc.?

**A 12:** Yes.

**Q 13)** Does this same (advance notice) requirement apply to investigators who are doing fraud investigations?

**A 13:** Yes.

**Q 14)** Please clarify the "RECERTIFICATION REQUIREMENTS" section on page 7 of 01 ADM-8. When a household files their recertification application timely, misses their initial interview, but calls to reschedule it, must we send them a notice of missed interview at the time the initial interview is missed?

**A 14:** Yes. For Upstate districts, CNS FS Case Reason Code Z98 is the appropriate code to use to system generate this notice. In NYC workers could generate appropriate language by entering code Z11 "Second Recert Call-in Letter" on the Client Notices Batch entry screen WCN022.

**Q 15)** When an application for recertification has been filed but the interview has been missed, is there any minimum time period between the sending of the notice of the missed interview and the closing of the case for failure to report to an interview?

**A 15:** A minimum of 10 days should be allowed. The SSD should schedule the recertification interview allowing at least 10 days after the interview in which to provide verification before the certification period expires.

**Q 16)** What would be the appropriate action when a household files a recertification application but reschedules a number of interviews, with the last being at the end of the certification period, and then fails to keep it?

**A 16:** Deny the recertification (WMS closing transaction) for failure to keep the interview. If the household complies with all requirements within 30 days following the end of the certification period, the case should be reopened with benefits prorated from the date of compliance.

**Q 17)** Regarding households that file their recertification application timely and keep a timely interview, but who get closed at the end of their certification period for failure to provide required verification: Do they still have 60 days from their recertification application filing date to submit the required verification?

**A 17:** Yes, they have 60 days following the submission of the recertification application. However, once the certification period ends without the needed verification on file, caused by the household's failure to provide requested verification, benefits are prorated from the date that verification is received by the district. (See the next question about verification requests made late in the last month of certification.)

**Q 18)** A household submits a recertification application prior to the end of the certification period (but after the 15th of the last month in the certification period). The household is also interviewed prior to the end of the certification period, and there is verification pending with the ten-day period for response extending beyond the end of the certification period.

- When do FS benefits begin if the verification is submitted within the ten-day response period?
- When do FS benefits begin if the verification is submitted after the ten-day response period?

**A 18:** If the verification is submitted within the ten-day response period, the benefits start with the first day of the new certification period, resulting in uninterrupted benefits with no proration. If the household causes a delay in the recertification by submitting the verification beyond the ten-day response period, the benefits start with the date the household submits the verification, resulting in interrupted benefits and pro-ration of benefits for the first month of the new certification period. However, delays in recertification which are caused by the SSD do not result in prorated benefits.

**Q 19)** If a client submits a recertification application after the end of the certification period but within 30 days, when do the FS benefits begin?

**A 19:** If found eligible, benefits start with the date the recertification application was filed. The benefits are interrupted and prorated from the date of application for the partial initial month of the new certification period.

**Q 20)** When a household is closed for failure to submit verification (FS Case reason code V21), workers have to enter the date the recertification application was received under the "recertification date" (screen 1). The CNS notice produced tells the household it has 60 days to submit the verification without having to submit a new application. We believe that under the new rules the household really has only 30 days after the end of the certification period to do this. Is this correct?

**A 20:** No. The CNS letter is correct in stating that the household has 60 days from the date it submitted the recertification application to comply with the request for verification and avoid having to reapply. To generate the correct dates in NYC, the worker must enter the CED in the TAD when closing the case.

However, see Q & A #'s 16 - 18 regarding proration of the benefits. As evident in Q & A # 19, households may actually receive more benefits if filing a new application after the end of their expired certification period.

**Q 21)** If a household submits the recertification application and is interviewed within 30 days after the end of the certification period, you treat the application like a recertification. What if the household (as an applicant) would qualify for expedited processing? Can the verification be pending?

**A 21:** Any household with a break in participation can, if it meets the criteria, receive expedited processing regardless of whether the application is processed by an intake or under-care unit of the agency. Households recertifying late have a break in participation. The benefits are prorated back to the date of the recertification application. (In this situation benefits are not effective back to the first day of the first month of the new certification period.) Reminder: Households do not “apply” for expedited processing. All new applications must be screened and provided with expedited processing when appropriate. This includes new “applications” that are processed as a recertification because their break is less than 30 days.

#### **d. Failure of Household to Access Benefits**

**Q 22)** When the TA portion of a TA/FS case is being closed for failure to access their TA benefits for 2 months, what is the appropriate action to take on the FS case?

**A 22:** Upstate: The TA worker should generate a CNS notice using FS Case Level Reason Code V19 (RFC) for FS. When done with the TA closing notice (Note: For TA closings and FS to continue) V19 must be used along with an additional case level reason code - J05, B10, L10-L14, R11 and R12 in Upstate WMS.

NYC: The Request for Contact (RFC) is a manual notice, form LDSS-4753.

**Q 23)** When the TA portion of a TA/FS case is being closed for failure to access TA benefits for 2 months, does the FS action to be taken differ depending on whether the household is a six-month reporter or a non-six-month reporter (10 day reporter)?

**A 23:** No.

#### **e. Request For Contact & Notice Issues**

**Q 24)** Is the CNS Notice (using V-19) / manual LDSS-4753 “Request For Contact”(RFC) a request for information, a request for verification, or both?

**A 24:** Depending on the type and level of information needed by the district, a request for contact (RFC) notice can be either a request for information or a request for verification, or both. In some situations the district may request ‘information’ and the household’s response may lead to a subsequent realization that more verification is needed to determine eligibility. The

worker would then send the household another request for contact (RFC) notice requesting the specific documentation required.

**Q 25)** What if the district knows when first contacting the household that specific documentation will be needed? Are there times when the LDSS-2642 “Documentation Requirements” can be substituted for the LDSS-4753 RFC and vice versa?

**A 25:** Yes, there are times when these forms can be substituted for one another but they are not always interchangeable. 93 ADM-20 mandates use of the LDSS-2642 when verification is requested for a TA case. For TA/FS cases this one form may be used to request the verification needed by both programs (whereas the RFC would be inadequate for TA purposes). When requesting specific documentation from a Non-TA Food Stamp household the worker could use either form as both advise the household of exactly what must be submitted, when it must be submitted, and the consequences of not providing the verification. However, if the district needs only a lesser level of information, which the household can provide by a note or phone call, the Request For Contact (RFC) notice is more appropriate as it gives a greater degree of flexibility regarding what is being requested.

Upstate: This notice may be issued in CNS using the 00 Transaction Type and FS Case Level Reason Code V19, or by completing and mailing the manual LDSS-4753 form.

NYC: The Request for Contact (RFC) is a manual notice, form LDSS-4753.

**Q26)** When is a Notice of Adverse Action (NOAA) (Timely Notice) issued in follow-up to the request for contact (RFC) notice?

**A26:** Complete failure of the household to respond in any way to the Request For Contact (RFC) notice would result in a NOAA, and subsequent (10 day) case closing action using code M20 “Refusal to Provide Information” (during the certification period). As stated in Answer #22 in some instances the household’s response may require further follow up and a request for verification. A household’s failure to provide the required documentation when specific verification was already requested (via either the Request For Contact (RFC) notice OR the LDSS-2642 “Documentation Request” as explained in Answer #25) would result in a NOAA, and subsequent (10 day) case closing action using CNS FS Case Level Reason Code V21 “Failure to Provide Verification”.

**Q27)** Does the household’s failure to provide necessary documentation always result in a NOAA and the timely initiation of case closing?

**A27:** No, failure to verify some factors (such as deductions) might simply result in a disallowance and reduction of benefits, rather than an inability to determine eligibility. For example, failure to verify shelter expenses would result in loss of the shelter deduction (and possibly the SUA and HEAP auto-payment) but would not prevent the district from determining eligibility.

Additionally, the household’s provision of documentation must be interpreted in the context of six-month reporting rules. Effective October 1<sup>st</sup> 2002, the answer to this question hinges on the word “necessary”, and on whether the information provided results in an increase of benefits or a decrease. Districts must require all changed eligibility factors to be documented

at recertification. If households fail to document at recertification, their food stamp application is denied.

Since most households are now subject to six-month reporting rules, they are not going to be required to document changes that they voluntarily report during the certification period (they are only required to report an excess of 130% of the federal poverty level). Failure of a six-month reporting household to verify a change that increases benefits would result in that change being pended for discussion and verification at the recertification interview. If, during the certification period (between required six-month contact points), a six-month reporting household voluntarily reports a change that would result in a decrease in food stamp benefits, the change can be enacted only if the household has provided (as the primary source) such detail that the eligibility worker does not need any further documentation. In essence, the voluntarily reported change becomes “verified upon receipt” only if the information reported by the household is complete without any other information needed to perform the budgetary action. If so, it would consequently result in a reduction of benefits immediately after timely notice. The worker would also make a note to pend any further verification until the next recertification.

## **V. Six-Month Reporting**

### **a. Periodic Mailers and Change Report Forms**

**Q 28)** When will the system generate and mail unearned income cases a LDSS-3151 “Change Report Form”?

**A 28:** The system will generate an LDSS-3151, at the end of the 5<sup>th</sup> month of the certification period, for processing in the 6<sup>th</sup> month to establish the benefit level for the remainder of the certification period, effective on the 7<sup>th</sup> month of the certification period. WMS also is being modified to generate change reports in the 11<sup>th</sup> and 17<sup>th</sup> months for those few cases in districts with OTDA approval to do 24-month certification for elderly/disabled (once State regulations are approved). As specified in 02-ADM-07, these six-month contact Change Report Forms must be mailed by the State but return of the forms by the unearned income households is a requirement only if they have a reportable change.

**Q 29)** When will the system generate and mail earned income cases a periodic mailer?

**A 29:** The system will generate a periodic mailer at the end of the 5<sup>th</sup> month of the certification period, for processing in the 6<sup>th</sup> month to establish the benefit level for the remainder of the certification period, effective with the 7<sup>th</sup> month of the certification period. WMS also is being modified to generate periodic reports in the 11<sup>th</sup> and 17<sup>th</sup> months when districts with OTDA approval begin to do 24 month certifications for elderly/disabled households who begin receiving earned income subsequent to their certification. It is anticipated that the need for this periodic report function for food stamps will be rare.

**b. Six-Month Reporting (01 ADM-09) and Requests for Contact (01 ADM-08) and Reauthorization Changes (02 ADM-07)**

It is the intention that once certified, six-month reporting households in general will have a benefit amount established for the length of their six-month contact period. Only under relatively rare and unusual circumstances would the benefit rate be changed (or be terminated in the situation of the original household members exceeding the 130% limit).

**Q 30)** The proper use of the Request For Contact (RFC) notice is even more confusing as it relates to households subject to six-month reporting. Under what conditions would a RFC notice be used for six-month reporting households?

**A 30:** The RFC is used very sparingly for six-month reporting households, in the following conditions:

- A household that has verbally reported a move within the district, and the move is left unverified. In a TA/FS case, the TA case would close (if the family fails to respond), but the FS portion must remain open. Additionally, the TA income would be removed, and the household would receive the Transitional Benefits Alternative (TBA). However, under such a situation if the TA/FS case were to be moving out of district, the RFC would be sent for FS and, if the household failed to respond, food stamp benefits would be discontinued with a timely and adequate notice.
- To confirm/verify a phone report from a client who has called to indicate that the household income has exceeded the 130% poverty level.
- To investigate or clarify some information from the last certification interview if information received from another source has called into question the accuracy/completeness of the household's reporting at the last certification.

**c. Six- Month Reporters, Requests for Contact, and Moves**

**Q 31)** What is the appropriate action to take when a six-month reporter's mail is returned with no forwarding address (whereabouts unknown)?

**A 31:** Send a Request For Contact (RFC) and, if household fails to respond, discontinue benefits by closing the case with timely and adequate notice.

For a TA/FS case, the TA portion of the case would close using the reason code E60 "unable to locate", a Request For Contact (RFC) notice (using CNS FS Case Reason Code V19 in combination with another FS Case Reason Code – see Q&A # 22) is sent to determine if FS will continue.

If the household responds and complies with the RFC: The Transitional Benefits Alternative (TBA) is allowed for six-month reporters but not allowed for non-six-month (Change) reporters. This is because at the time of the TA closing, the non-six month reporting household is not in compliance with a FS reporting requirement. However, a separate determination for normal ongoing FS must be made if the change-reporter household responds and complies with the RFC.

Whenever closing the TA portion of the case and continuing FS, the PA/FS Indicator must reflect the appropriate status of the FS case.

**Q 32)** What is the appropriate action to take for a six-month reporting household when the post office returns mail and lists a new address that is still within the local district?

**A 32:** For an NTA/FS case, the benefits would continue until the end of the certification period.

The TA case remains open if the post office verifies a move within a district. The TA case would only close if whereabouts were unknown and there was return mail, or if the client failed to comply with a request for verification of the new address.

In this instance, because an address is provided, the TA worker must send a TA Request for Verification to the household. If the household fails to comply, the TA closing is V20-failure to provide verification. For a TA/FS case that moves within the district and the TA closes, the FS portion must remain open, the TA income would be removed and the household would receive the Transitional Benefits Alternative (TBA). The TBA is allowed for FA or SNA-FP households (WMS Case Types 11 & 12). SNA-FNP (WMS Case Type 16) households must be separately determined for food stamps as non-TBA households.

**Q 33)** If a SSD has a phone number on file, is it appropriate to contact the household to solicit information regarding the address change?

**A 33:** The SSD can call but it is not required.

**Q 34)** What action is appropriate if, during the certification period, a six-month reporting household moves from private unsubsidized housing where the household pays gas heat, to public or subsidized housing where all heat and utilities are included in the rent?

**A 34:** It depends on the source of the information:

- If the information is obtained from a primary source (household-signed statement or a statement from the new subsidized housing provider) and is not questionable, then the district must take the reduction action.
- If the information is not verified upon receipt (not from a primary source, or is questionable, etc.) it is correct to change the address but not the budget if the FS would be reduced without the SUA. At the next recertification, all changed eligibility factors should be verified and acted on.

**Q 35)** What is the appropriate action to take if an individual with no income moves out of a six-month reporting household on August 2, is not removed from the case, and then on November 23 (still during the original certification period) applies for FS at a new address?

**A 35:** This would be a situation of a "reconstituted household" as described in FSSB-VI-B-5.1. In that case the leaving individual is able to get FS beginning the 1<sup>st</sup> of the month following the application date (rather than the application date itself, which is the standard rule for applicant households found eligible). The new application constitutes a report of the move. Therefore, although an eligibility determination is required within 30 days of the new

application, the individual's November 23 application would result in benefits effective December 1. The individual should be removed from the former household effective either the beginning of the month following the move (simultaneous with the effective date of the new FS benefits), or effective the beginning of the next month (January in this example), if timely notice to the former household delays the reduction. There is no duplicate issuance, over-payment or claim when the reduction is delayed because of timely notice.

**Q 36)** What certification period must be assigned to ordinarily establish a “six month certification period” at case opening (a partial month plus 5 months or partial month plus 6 months)?

**A 36:** Upon acceptance, the district may assign earned income cases 5 or 6 full months in addition to the partial month of acceptance. In either case the household is entitled to six-month reporting rules.

**Note:** If the district assigns seven full months or greater, an automatic contact report will be mailed by WMS from Albany at the end of the fifth month. For those cases with only unearned income, the contact report mailed will be a Change Report Form (LDSS-3151) to be returned only if the household has changes to report; for those cases with earned income, the six-month contact mailer will be a periodic report (LDSS-4310) and must be returned by the household regardless of changes. A district should not assign cases with earned income certification periods in excess of six months unless it has received written waiver permission from OTDA.

#### **d. Six-Month Reporters and Multiple Changes Voluntarily Reported**

**Q37)** If, during a certification period, a six-month reporting household voluntarily reports two or more changes at the same time, and one of the reported changes would result in a benefit increase and the other would result in a benefit reduction, what is the appropriate action to take?

**A 37:** Decreases in benefits may be processed, based on the household’s information, with verification pended until the next recertification. No increases in benefits are processed unless the changes are verified. Also, multiple changes that are interrelated would not be made independently without verification. For example a new household member would not be added to the budget without verifying and including his/her income.

**Q 38)** If, during a certification period, a six-month reporter reports and verifies he has less income because he quit his job, what action is appropriate?

**A 38:** In many situations, when an individual quits/reduces employment, a number of good cause questions must be answered before taking appropriate action. If the fact that the individual has quit the job without good cause has also been “verified upon receipt”, the SSD must act upon the change. However, if the information is not “verified upon receipt” (good cause questions/information is not complete), the SSD cannot require the verification and, therefore, cannot take action to begin an individual disqualification. However, the other information regarding a loss of income and an accompanying budget increase could not take

place until the information regarding good cause has been satisfied, since multiple changes that are interrelated would not be made independently without verification.

**Q 39)** If a household reports by telephone a change with enough detail to perform a budget reduction change without any more information, should the reduction be done without additional verification, such as employer wage stubs?

**A 39):** Benefits can be reduced with timely notice if the household makes the report of change and all the information needed to budget the case is available. In the case of revised income the exact information needed to make the calculation has to have been provided. Earned income changes must include the expected date of receipt of the new income, the exact amount and frequency of receipt. This information must be received from a "primary source" (household itself or the proof from the employer), provided voluntarily if from the household, and cannot be required from a six-month reporting household as long as the household appears to be below the 130% limit.

**Q 40)** Please clarify the section headed "CHANGES CONSIDERED VERIFIED UPON RECEIPT" on page 5 of 01 ADM-9 for six-month reporters. Is information ever considered to be verified upon receipt if the source of the information is the household?

**A 40):** Yes, for reductions in benefits in situations where household composition is changing, if the telephone report is received and followed by a statement signed by an adult household member at recertification. If the household reports information that results in increases in benefits, verification must be obtained (particularly from employers if earned income) before increasing the benefits, i.e., whatever was required before six-month reporting existed.

**e. Six-Month Reporters and Information Received from Sources other than the Household**

**Q 41)** Are six-month reporters made ineligible during a certification period for failure to comply with work rules/assignments, as a result of a "fleeing felon/probation violator" match, for IPV's, etc.?

**A 41):** The district must act on information from a primary source regarding non-compliance with an employment activity or when an IPV is determined through a court, Administrative Disqualification Hearing or a signed Disqualification Consent Agreement. In the rare instance when fleeing felon or probation information is provided by the primary source, the worker must act on it.

**Q 42)** What is the appropriate FS action to take when notification is received from a Child Protection worker, Foster Care worker, etc., that they have removed children from the household of a six-month reporter?

**A 42):** The budget must be changed to reflect the new household composition. This is considered a change that is verified upon receipt, since it is reported from the primary source (children and family services within own district agency).

**Q 43)** Can a FS claim of overpayment via allotment reduction be established and implemented during the certification period for a six-month reporting household?

**A 43:** Yes.

**Q. 44)** Is a six-month reporting household obligated to report changes that occur after they are interviewed for recertification but before the new certification periods begins (for example, an increase in income that would cause a decrease in FS benefits)?

**A 44:** The household is not obligated to report the change until the next recertification interview. If information regarding a change is obtained from an outside source but not verified because the source is not primary and/or the information is not complete enough, the SSD should make a note in the case record to review this information with the household at the next recertification interview.

#### **f. Six-Month Reporters & Required Notices**

**Q 45)** Is there a requirement to send a client notice to a six-month reporting household who reports and verifies a change that results in no change to their allotment?

**A 45:** Yes, there is a State regulation that requires the district to send an adequate notice that the information provided has been considered and that it did not change the benefits.

**Q 46)** Is there a requirement to send a client notice to a six-month reporting household who reports a prospective unverified change but does not provide enough information to enact such a change?

**A 46:** No client notice is required because the change is an unverified increase or not enough information was provided to do the budget action for a reduction. However, a notation in the case record should be made to pend this information for inquiry of the household at recertification.

**Q 47)** What is the appropriate action to take if, during a certification period, a six-month reporting household reports (or information is provided from another part of our agency) that an individual who is part of the FS household has died?

**A 47:** If the household reports the death, but not all members have died, the SSD should send a timely notice of reduction if the change results in a decrease. If the death would result in an increase in benefits (because of income that member had), the SSD must verify before increasing the benefit. If information is provided from another part of the agency that household composition has changed, the change is considered verified upon receipt (see previous question).

**Q 48)** What is the appropriate action to take if, during the certification period, a six-month reporting household indicates that a family member has been incarcerated or institutionalized or someone has enrolled in college and potentially is an ineligible student?

**A 48:** If the change is received in writing or in person, the change should be made. A telephone call by itself is not considered verified upon receipt.

**Q 49)** What is the appropriate action to take during the certification period for single person six-month reporting households when the recipient is incarcerated or institutionalized?

**A 49:** If the information is verified upon receipt the action must be taken. As indicated above, a telephone call by itself does not constitute “verified upon receipt”.

### **g. Systems and Other Six-Month Reporting Issues**

**Q 50)** Please clarify the following scenario: A TA case with a 12-month certification period begins work in the 2<sup>nd</sup> month of their certification period. Their wages are budgeted for the remaining 10 months of their certification period. Will a six-month periodic report automatically be sent to the household?

**A 50:** Yes, WMS will read earned income present on ABEL with an authorization period of seven full months or greater and will issue a periodic report in the 4<sup>th</sup> weekend of the 5<sup>th</sup> certification month to be processed by the worker in the 6<sup>th</sup> month and budgeted effective for the 7<sup>th</sup> month of the certification period.

**Note:** For TA, after the 12-month certification period expires, the case must be assigned a six-month certification period as long as it continues to have earnings. Prior to the change in certification period, in districts that have not opted out of TA Quarterly Reporting, WMS will also send the LDSS-4310 periodic report mailer (same form) at the end of the 8<sup>th</sup> month for TA reporting purposes. Changes reported by a household on the TA “Quarterly” periodic report are also implemented for the FS portion of the case.

**Q 51)** Did six-month reporting households receive a mass mailing to inform them of the new 130% poverty level when the gross income limits increased as of 10/1?

**A 51:** Yes. NYS OTDA will also use a mass change letter to annually inform households of new federal 130% poverty levels when they are being revised as part of the annual mass changes to Food Stamp Standards each October.

**Q 52)** What is the appropriate action to take during a certification period when a six-month reporting household that includes an aged or disabled member (or is a Categorically Eligible household) and is exempt from the gross income limits, reports that their gross income has exceeded the 130% poverty level limit?

**A 52:** These households are few; however, in this situation we would expect the SSD to explain the higher eligibility limits/circumstances to the household to ease their reporting concerns.

**Q 53)** What action is appropriate when a six-month reporter who receives expedited FS reports a change that would reduce their FS at the same time that they provide their pending verification for the expedited FS?

**A 53:** If the verification supports the change that is reported, i.e. it is “verified upon receipt”, the worker must act on the change. Changes made to cases certified under expedited rules, as a result of verification requested at the time the case was certified, do not require additional notice. Modifications made to the case as a result of changes in information that was already verified (was not pending at the time of the original certification under expedited processing rules) must have timely notice.

**Q 54)** How does a SSD prevent an inappropriate HEAP auto-pay grant to a household that has moved to an HEAP ineligible dwelling type after their most recent recertification since the six-month reporting rules do not require them to report their move?

**A 54:** The SSD must issue the benefit. The HEAP program uses the snapshot taken at the auto-pay; it would not be considered an inappropriate HEAP payment.

**h. Six-month Reporting and Follow-up Questions concerning the Reauthorization Changes in 02-ADM-07**

**Q 55)** What was the effect of the 1/1/03 Federal COLA Mass Rebudget Authorization (1/1 MRB) on six-month reporters?

**A 55:** Cases that were budgeted automatically by WMS are already changed. The cases that are listed as exceptions should be rebudgeted by districts based on the percentage of federal benefit increase provided by the State in the annual official release, 02 INF-35.

**Q 56)** When a six-month reporter has only unearned income and a certification period that exceeds 6 months, WMS automatically sends a “FS Change Report Form” (LDSS-3151) at the end of the 5<sup>th</sup> month of the certification period to return if there is a change. Is it appropriate to follow-up and act on all changes reported on this form?

**A 56:** Yes, all changes reported to the district must be evaluated for action, since the household is required to report the changes listed on the report at this six-month contact point.

**Q 57)** When a six-month reporter fails to return the “FS Change Report Form” (LDSS-3151), that is automatically sent, is there any course of action that the district must take?

**A 57:** No. In this situation, when the household does not send in a six-month report it is assumed that the household had no change that it was required to report. Therefore no follow-up is needed. This will probably be the usual course of events.

However, in those few cases whereby the district discerns questionable information (usually received from an outside source) that the household did in fact have a change that should have been reported at the six-month contact point but was not reported, then the district must send a manual Request For Contact (LDSS-4753), or use CNS FS Case Reason Code V19 (00 Transaction Type) to system generate one.

**Q 58)** What if, in the case in Question 56, the change reported by the household on the form is a decrease in shelter costs at the same address, a decrease in medical costs or a decrease in dependent care. Do we act on those changes or delay such reduction until recertification?

**A 58:** Per the reauthorization changes specified in 02-ADM-07, a SSD must not reduce deductions that are allowed for a household until the next recertification. The only exceptions to this rule of not reducing deductions are rebudgeting amount of shelter expense when the household has moved or the shelter expenses are changed for TA; and reductions in the Excess Shelter Deduction calculated by the Automated Budgeting and Eligibility Logic (ABEL) due to the budgeting of increased income.

**Q 59)** When an increase in income is budgeted on ABEL, the system may reduce the Excess Shelter deduction. Does this violate the rule prohibiting reduction of deductions during a certification period?

**A 59:** No, budgeting of increased income properly adjusts the Excess Shelter Deduction. As a further clarification to 02-ADM 07, the prohibition on decreasing the shelter deduction refers to the actual/allowed shelter costs input on the budget.

**Q 60)** A six-month reporter verifies he has been laid off from his job and no longer incurs a child care expense. When taking out the earned income, would we also remove the child care expense from the budget, or retain the deduction until recertification?

**A 60:** The income would be taken out, but the child care would be continued until the end of the certification. A note should be added to the case record to evaluate the child care at the recertification interview.

**Q 61)** We regularly receive a lottery intercept report showing active FS cases that have received “net” lottery winnings (after the PA or CSMS intercept amount). Is information received on this report to be considered “verified upon receipt”, or is the information to be considered unverified and acted upon at recertification or at the time of any six-month report (similar to many RFIs)?

**A 61:** The lottery intercept is a direct computer “download” of data from the primary source (the Lottery Commission). If the information provided is detailed enough to be used without further clarification required from the household, the information is “verified upon receipt” and therefore can be acted upon. If the information is *not* complete enough to take a budgetary action without contacting the household, the district must make a note to resolve at the next required six-month contact point.

## **i. Special Investigations & Six-Month Reporters**

- Q 62)** For six-month reporting households, what is the appropriate action to take during the certification period when the Special Investigations Unit reports they have followed up on a hotline or other report and have verified that a change has occurred which affects the FS benefit?
- A 62:** The Special Investigations Unit, along with the eligibility worker, must first determine what reporting system the household was under when the change occurred. This is especially important in evaluating potential overpayments, considering the many changes in reporting rules that have been phased in during the past year. For example, six-month reporting was implemented for earned income TA cases on April 1, 2001; for earned income NTA/FS cases on July 1, 2001; and for unearned FS cases on October 1, 2002. If it is determined that the household was a six-month reporting household, the household was not required to report the change (unless the original household members exceeded the 130% limit for a given month) until the recertification interview. If, in fact, the household didn't report the information at the face-to-face interview, an evaluation for an overpayment must take place. If the Special Investigations Unit has verified the change, and it should have already been reported at face-to-face certification, the district must take action. If a district has reason to suspect a household has provided questionable information during an eligibility/certification interview regarding required elements of eligibility, we encourage investigation and documentation of the questionable eligibility factors. Once discrepant information has been verified by the Special Investigations Unit, it is important that this information be provided to the eligibility unit as soon as possible to avoid agency errors due to delayed communication between units in the calculation of claims.

## **VI. Transitional Food Stamp Benefits**

### **a. Eligibility for the Transitional Benefits Alternative (TBA)**

- Q 63)** How has FS reauthorization changed the way the TBA is processed?
- A 63:** The TBA has been simplified and expanded to enhance administrative ease and to allow a longer period of transition for families to achieve self-sufficiency. Three changes affect households that begin receiving the TBA on 10/1/02 or later:
- A five month transition period
  - A simplified transitional benefit computation
  - Recertification at the end of the transition period.
- Q 64)** Has FS reauthorization changed which TA/FS households are eligible for the TBA?
- A 64:** No. Food stamp households that are entitled to the TBA are recipients leaving FA (Case Type 11), including CAP recipients, and Federally Participating Safety Net recipients (Case Type 12).
- Q 65:** Are FS Mixed households (cases containing both individuals in receipt of TA and individuals not in receipt of TA; signified by Case Type 32 Upstate) leaving FA eligible to receive the TBA?

**A 65:** Yes. Eligible households include those consisting of a combination of both TA recipients and Non-TA recipients. Upstate, such households are issued food stamps through a separate FS-Mixed case (Case Type 32); in NYC, food stamps for the entire household are issued through the TA case. When such mixed households are being closed for FA they can receive the TBA as long as the households no longer receive TA benefits and meet all other TBA eligibility criteria. Upstate, the Case Type will be changed to NTA-FS – 31; Downstate, the TBA will be automatically generated off of the FA closing provided the worker uses one of the TBA eligible closing reason codes.

**Q 66)** Can TA/FS households leaving FA due to excess income, that are financially ineligible for food stamps, qualify for transitional food stamp benefits?

**A 66:** Yes. Households leaving FA or SNA-FP due to excess income may qualify for the TBA even if the household exceeds standard income and resource limits for the Food Stamp Program.

**Q 67)** Can a household qualify for the TBA if they request to have their TA case closed?

**A 67:** Yes. Households that leave FA or SNA-FP for non-financial reasons may qualify for the TBA. A household may qualify for the TBA as long as the household is not disqualified from the Food Stamp Program and is in compliance with FS reporting requirements at the time of the TA closing.

**Q 68)** Are households that are determined ineligible for FA after their initial month of eligibility entitled to receive the TBA? What if the last food stamp benefits were issued under expedited processing?

**A 68:** Yes. As long as the household was determined eligible for the FA program (the case is opened) and then closes. Pended items of FS verification would also have to have been submitted.

**Q 69)** Are FA households that are converting to SNA eligible to receive the TBA? What if they close during the first month after conversion?

**A 69:** No. FA households that are converting to the SNA program are not eligible for transitional FS benefits. SNA households remain ineligible for the TBA even if they close shortly after conversion. Households must be leaving FA or SNA FP (Case types 11 & 12 respectively) and must meet the eligibility criteria for the TBA in order to receive transitional food stamp benefits.

**Q 70)** Are households limited to how many times they can receive the TBA?

**A 70:** No.

**Q 71)** Are households receiving TEAP eligible for the TBA? Often the household receives no TA grant even though the case is kept open while the TEAP contract is still in effect.

**A 71:** These households are not eligible for TBA while the TA case is open, but when the TEAP ends (assuming the FA or SNA-FP case closes), they may qualify for the TBA.

**Q 72)** Can TBA eligibility be established for a household if a member is being sanctioned for TA but not FS?

**A 72:** Yes, it is possible but there are certain limitations.

For example: A FA household consists of a mother and a 3 year old child. The mother works part-time and is sanctioned for failure to comply with FA work requirements. The FA case subsequently closes due to client request. The mother has reported her child support order is being paid and wants to receive it directly. This household is eligible for the TBA because the mother is not under a food stamp sanction. As a parent with a dependent child under the age of six, she is exempt from food stamp work registration and requirements.

However, a household is ineligible for the TBA if it contains a member disqualified from either TA or FS due to an Intentional Program Violation (IPV), or if the SSD is imposing a comparable food stamp sanction on a member that has violated a TANF requirement.

**Q 73)** Suppose a household member has been referred for a sanction for both FA and FS at the same time the FA case is closing. If the agency cannot impose the sanction prior to the closing, can the household receive the TBA?

**A 73:** No. If the agency is aware of the non-compliance at the time of the FA closing, the household is ineligible for the TBA but should be processed under normal separate FS determination procedures.

**Q 74)** Can TBA eligibility be established if a household fails to recertify but calls the day after the missed interview to request to have its case closed?

**A 74:** Yes. If the household's certification period has not expired and the household requests its FA/SNA-FP case closed, the household may be eligible for the TBA.

**Q 75)** Can a household that requests to have their FA case closed to receive WSP (The Work Support Program) also receive the TBA?

**A 75:** Yes; however, WSP payments are not counted as income for FS.

**Q 76)** Are TBA households categorically eligible for FS?

**A 76:** No, although during the transition period TBA households are not subject to any income or resource tests, or reporting requirements, they are not always categorically eligible. A TBA household could be categorically eligible if all members were in receipt of SSI (see 01 ADM-2). However, categorical eligibility would seem to have little or no affect until the end of the

transition period when the household would need to recertify for ongoing food stamp benefits.

**Q 77)** As detailed in 01-INF-12, Section 829 of the Personal Responsibility and Work Reconciliation Act (PRWORA) of 1996 prohibits an increase in food stamp benefits when a household's income has been reduced because of a penalty imposed by another federal, state or local means-tested program. Will households that qualify for the TBA be exempt from this provision?

**A 77** Yes. Effective 10/1/02, to determine the transitional food stamp benefit amount, the only adjustment is to remove the TA income from the pre-TA/FS budget.

**Q 78)** Are FA/SNA-FP time limit households eligible for the TBA if they are closing for any of the following reasons: failure to respond to a FA reassessment call-in or a SNA application call-in; failure to sign a SNA repayment agreement or earnings assignment?

**A 78:** Yes.

**Q 79)** Are households that are not eligible for the TBA entitled to a regular FS separate determination?

**A 79:** Yes. SSDs must determine their continued FS eligibility based on normal FS separate determination procedures.

For example: A mother on FA is employed part-time. She is disqualified from FA and FS for committing an IPV. Her FA case closes 03/31/02 for failure to submit a TA periodic report. The IPV disqualification would prohibit the household from being eligible for the TBA; however, the household is entitled to a normal separate FS determination with the IPV continued.

**Q 80)** Can households that close FA during the last month of their 12-month certification period be eligible for the TBA? If yes, for how long?

**A 80:** Yes. Households that begin receiving transitional FS benefits on 10/1/02 or later must be issued five months of the TBA even if it results in extending a household's certification period beyond the 12-month limit.

**Q 81)** Suppose an FA household calls and requests to have their case closed because they have new earnings. The household is unable or fails to provide sufficient information about their income. Does this household qualify for the TBA? How will the transitional benefit amount be determined?

**A 81:** Yes. This household qualifies for the TBA and the verification is postponed until the end of the 5-month transition period. The transitional FS benefit would be calculated by removing the TA income from the pre-TA/FS budget.

**Q 82)** Do households that receive TA diversionary payments qualify for the TBA?

**A 82:** No, diversionary benefits are considered non-assistance. Further, if a TBA household were to be issued a diversionary benefit during the transitional period, it would not cause the termination of the TBA.

**Q 83)** Suppose an FA/FS household has reported a move but fails to provide shelter cost verification. FA is discontinued for failure to provide verification. Can the household be eligible for the TBA?

**A 83:** Yes.

### **b. Determining the TBA Amount**

**Q 84)** How is the transitional FS benefit amount calculated before freezing the benefit?

**A 84:** The transitional FS budget is calculated by removing the TA income from the pre-TA closing FS budget. The benefit remains frozen at the set level until the household recertifies.

**Q 85)** If new or increased income causes the loss of TANF, is the income counted in determining the transitional benefit?

**A 85:** New or increased income that causes the loss of TANF would not be counted in calculating the transitional benefit. To calculate the transitional FS benefit, the only adjustment is to remove the TA income from the pre-TA closing FS budget. The transitional FS benefit would be based on the pre-TA/FS budget minus the TA income but not including the new or increased income. Existing income in the pre-TA/FS budget would remain budgeted.

Upstate: For detailed instructions on how to calculate the transitional FS benefit when a case closes due to excess income, please see ABEL Transmittal 02-5, Information #2: 2002 Food Stamp Program Reauthorization Changes dated August 6, 2002.

NYC: Based on the closing reason codes, the TBA is automatically calculated, and authorized through an extension of FS on the TANF case.

**Q 86)** Will the simplified TBA benefit calculation always result in an increased benefit amount?

**A 86:** The transitional FS benefit amount will either remain the same as the pre-TA FS closing benefit amount or increase. In many instances, the TBA household will receive the maximum FS allotment.

### **c. Determining the Transition Period**

**Q 87)** Will households that qualify for the TBA always receive 5 months of transitional food stamp benefits?

**A 87:** Yes. Households that begin receiving transitional FS benefits on or after October 1, 2002 must be authorized for a 5-month transition period.

**Q 88)** Will the FS certification period sometimes need to be extended or shortened to allow the 5 months of transitional FS benefits?

**A 88:** Yes, this will happen often. The 5 months must be issued even if it results in extending a household's certification period beyond the 12-month limit imposed on most cases. All transitional FS households must recertify in order to continue to receive FS after the five-month transition period. Districts are required to shorten the original FS certification period if it would end more than five months from the start of the transitional period. The authority to shorten the FS certification period is only permitted for transitional FS cases. The presence of a "T" in the SD indicator field of the FS ABEL budget will allow the FS certification period to be shortened when appropriate.

**Q 89)** What if the district fails to process the TBA case in a timely manner?

**A 89:** The TBA must begin the month following the month of the TA closing. If the TBA is delayed, then the district must consider the first month following the TA closing as the first month of the TBA and restore any increase in benefits to which the household was entitled.

**Q90)** Can the TBA transition period end before the fifth month?

**A 90:** Yes. If the household reopens TA, moves out of state, incurs an IPV or fleeing felon disqualification or requests an early recertification for a benefit increase.

#### **d. Notification of TBA Eligibility**

**Q 91)** What CNS codes are used to generate the TBA notification language? When can these codes be used?

**A 91:** In Upstate WMS:

- For TA/FS cases, CNS codes B10, L10, L11, L13, B18 (SD), B19 (SD) will generate the appropriate TBA language when a "T" is entered in the "SD" input field of the ABEL budget to calculate TBA benefits.
- For Food Stamp Mixed households becoming NTA-FS households due to the discontinuance of TA (Case types 32 being converted to Case type 31), B20, B21 and B24 will generate the appropriate TBA language when a "T" is entered in the "SD" input field of the ABEL budget to calculate TBA benefits.

For NYC WMS: FA Closing Reason Codes that automatically generate the TBA, and the associated notification language may be found in the "Worker's Guide to Codes".

**Q 92)** What manual notice can be used to notify households of the TBA?

**A 92:** For Upstate districts, the LDSS –3621, “Notice of Intent to Change FS Benefits”, the LDSS 4016, “Notice of Intent to Change Benefits: Public Assistance, Medical Assistance, Food Stamp Benefits and Services” or the LDSS – 3969, “Notice of Action on your Application/Benefit for the Child Assistance Program” can be used with adequate notice to increase or continue FS benefits for the TBA.

In New York City, clients are automatically notified through CNS based on the reason code used to close the FA/SNA-FP case.

**Q 93)** Must a TBA household be notified of their new certification ending date, if they received an extension of their original TA/FS certification period to allow the TBA?

**A 93:** Yes. Upstate districts must issue a manual LDSS – 3152: "Action Taken Notice" to advise households of their new certification ending date **OR** use CNS code B19 or B21.

In New York City, clients are automatically notified through CNS based on the reason code used to close the FA/SNA-FP case.

**Q 94)** How is a FS Mixed household (a household containing both individuals in receipt of TA and individuals not in receipt of TA) notified of the TBA?

**A 94:** For Upstate Districts, the Case Type is converted from FS Mixed (32) to NTA-FS (31). CNS reason codes B20 and B24 can be used during a FS certification period. CNS reason code B21 is used to continue FS benefits and extend the certification period.

In New York City, such mixed households are automatically notified through CNS based on the reason code used to close the FA/SNA-FP case.

#### **e. Reporting and Processing Changes During the Transition Period**

**Q 95)** Are TBA households required to report changes during the transition period? What if the change would result in an increase in FS benefits?

**A 95:** No. Transitional households are not required to report changes during the transition period. Households experiencing changes that would result in benefit increases may request to be recertified before the expiration of the five-month transition period, thereby ending their transition period early. If the TBA household completes an early recertification that results in a decrease in food stamp benefits, districts must advise the household that it may withdraw the recertification application and continue the TBA until the end of the transition period. Districts must also annotate the case record regarding any changes reported. Please see 02 ADM-7 for detailed procedures for client-requested early recertifications.

**Q 96)** Should the TBA be terminated if, during the TBA transition period, an IPV disqualification is established against the household?

**A 96:** Yes. In NYC this can only be accomplished if a worker changes the FS Authorization TO Date (TAD Item 262) to the date that the disqualification begins (Note: The FS Authorization Period cannot be shortened such that it is prior to the last FS benefit issued).

**Q 97)** How will a district determine if a household has an active TBA case in another district?

**A 97:** The WMS clearance report will show an active FS case. For Upstate districts, the ABEL budget will show a T in the SD input field to distinguish if it is a TBA household.

For NYC, the case will be closed for PA and FS. In addition, the FS Suffix Level Reason Code will be B11 or B12 with a FS Authorization To Date equal to or greater than current month. (If code B11/B12 are present with a FS To Date less than current month then TBA has ended).

**Q 98)** What if a TBA household moves to another district during the transition period? Is the "from" district responsible for the TBA until the end of the transition period?

**A 98:** Yes. However, to receive an increase in benefits due to changes it reports during the TBA period, the household must reapply in the new district (similar to an early recertification if the household had not moved). The new district must inform the "from" district and request it to close the case if the TBA would end due to the household being determined eligible for a higher rate of normal ongoing FS benefits. Otherwise, the "from" district would continue the TBA until the end of the 5 month transition period.

**Q 99)** What if a household leaves FA and reports a move?

**A 99:** The "from" district is responsible to process the TBA case for the full transition period. A separate determination would be done to create the TBA case and to generate the proper notice language. The TBA case can be closed with adequate notice at the end of the transition period by using the CNS code E61. This will notify the household that it must reapply in the new district.

For example: An FA household requests to have its case closed because of a job offer in another district. The household provides verification of the new residence but is unable to provide verification of the job. The household is eligible for transitional food stamp benefits. The "from" district would open and maintain a separate food stamp case for the transition period and then close the case with adequate notice using CNS reason code E61-"Not a Resident of District."

**Q 100)** An FA household moves out of district and continues assistance for the month of move and the following month. Is the "from" district responsible to issue the TBA at the time of closing if the household chooses not to apply for FA in the new district?

**A 100:** No. Households that leave FA/SNA-FP after they move out of district are not eligible for the TBA.

**Q 101)** What if a TBA household reapplies for TA assistance during the transition period?

**A 101:** The TBA would end if the FA or SNA case is opened. The TBA FS case may be force-closed through WMS. If the TBA household reapplies for TA in a new district, the new district must notify the “from” district of the household’s TA eligibility. The TBA case would close with timely notice.

**Q 102)** Are TBA households that are also six month change reporting households required to comply with a periodic report?

**A 102:** No. A TBA household is not subject to periodic reporting requirements during the TBA transition period.

**Q 103)** If the TBA case ends because of a client-requested early recertification, is the household notified of change reporting requirements?

**A 103:** Yes. The district must inform the household of its change reporting requirements after the TBA ends. This includes households that have earned or unearned income that are six-month reporting households. Households must be provided with the LDSS - 4791, “What Changes You Must Report For Food Stamps.” Upstate, a CNS equivalent of this form is automatically printed as part of notices to NTA/FS and TA/FS cases opened, recertified or processed for changes that have income budgeted and a FS authorization period equal to or greater than 6 months. In NYC, the case would need to be reopened and a manual LDSS-4791 issued.

**Q 104)** When an IPV is imposed on a household, the TBA period ends. At that point do we simply remove the “T” and the disqualified person from the ABEL budget or must we look at all the changes that caused the TA case to close in the first place?

**A 104:** Food Stamp eligibility is re-determined by removing the “T” and the disqualified individual from the FS ABEL budget, ending the TBA. This process should not be treated as a recertification but as requirement to re-determine FS eligibility based on the imposed IPV. Since at the time of TA closing, all TA FS households are six-month reporters, no other changes must be processed unless the change reported is “verified upon receipt” (e.g. the factor of excess income or resources may have been verified at the time of the FA closing).

**f. Budgeting the TBA**

**Q 105)** Will TBA budgets be identified with the label "TRANSITIONAL BENFT" at the bottom of FS budget screen?

**A 105:** No. The label "TRANSITIONAL BENFT" will no longer appear at the bottom of the FS budget screen when a “T” is entered in the “SD “ field. These cases are still considered transitional (just as they were prior to October 2002 under the previous TBA policy). The TBA budget is identified by the "T" appearing in the SD field.

**Q 106)** Will the “T” continue to generate a comparison of the last two stored FS budgets and freeze

the higher benefit?

**A 106:** No. The transitional FS benefit is simply calculated by removing the TA income from the pre-TA closing FS budget. The resulting benefit is frozen for 5 months.

**Q 107)** Do FS recoupments continue to be calculated and balances updated when determining a household's FS Transitional Benefit? Can a new recoupment be initiated during the transition period?

**A 107:** Ongoing recoupments can continue during the transition period, but new recoupments must not be initiated during the transition period.

**Q 108)** TA/FS reason codes L10, L11 or L13 require a PA/FS code of 07-Close TA/Continue FS. WMS will require the continuation of FS for an additional month on the TA case when using these codes. The system will not allow the FS authorization period to be shortened to the same month as the TA closing. How will this affect the transitional food stamp benefits?

**A 108:** In these instances, the first month of the transitional FS benefits will be issued through the closing TA case. The separate FS case should be documented to show how that initial month of transitional FS benefits were issued to avoid duplication. Upstate districts are advised to follow WMS/CNS procedures outlined in WMS/CNS Coordinator letter dated 5/17/02 in using codes B18 and B19 for FS separate determinations.

**Q 109)** Are TBA cases subject to the Upstate WMS edit that prohibits the shortening of an authorization period?

**A 109:** No. The WMS undercare maintenance edit that restricts users from shortening FS authorization TO Dates has been modified to allow this action only for NTA FS TBA cases. This enhancement was migrated to production on November 18, 2002.

**Q 110)** Are TBA cases with federal benefits affected by the January (COLA) MRBA?

**A 110:** No. TBA cases are excluded from the January (COLA) MRBA.

## **VII. Standard Utility Allowances**

**Q 111)** 02 ADM-7 (Section IV-A-4) indicates that the Standard Utility Allowances are mandated effective October 1, 2002. Are there any situations where a household would be allowed less than or more than the standard?

**A 111:** No. Any household with a qualifying expense (or receipt/anticipated-receipt of HEAP) must be allowed the full standard for the appropriate level of utility: Heating/Cooling SUA (HT/AC), Non-heating/cooling SUA (UTIL), or Phone. Households cannot be allowed actual expenses, even if they are higher than the standard; and the standard is not reduced by proration under any circumstances.

**Q 112)** Does the rule about allowing the full standard apply to households in public or subsidized housing with heat included in their rent and shared or central utility meters? Often, the only “qualifying expense” these households incur is a nominal “excess utility charge”.

**A 112:** Yes, the same rule applies. If the household incurs any amount of heating / cooling expense, even if only in the form of an excess utility charge, it is allowed the full Heating/Cooling SUA.

**Q 113)** What if the excess charge is not for air conditioning, but rather because the household operates a food freezer or clothes washer/dryer?

**A 113:** If the qualifying expense is not for heating/cooling, but rather for domestic (non-heating/cooling) utilities, the Non-heating/cooling SUA would be allowed.

**Q 114)** What if the excess charge is only applied a few months out of the year? Is the household allowed the SUA only for those months?

**A 114:** No, the household is allowed the SUA on an ongoing basis provided there is some reasonable anticipation or indication that the household will again incur an excess charge. An example would be if the lease stipulates there will be an excess charge for such situations.

**Issued By**

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