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**Informational Letter**

**Section 1**

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<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office :</b>	Center for Employment and Economic Supports
<b>Date:</b>	April 16, 2008
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<b>Suggested Distribution:</b>	Food Stamp Directors Temporary Assistance Directors FEDS Coordinators Fraud Directors Staff Development Coordinators
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<b>Attachments:</b>	
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

**Filing References**

<b>Previous ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
01 ADM-8 99 ADM-9 04 ADM-1 07-ADM-10		387.7 387.9(c) 387.19	7 CFR 273.2(e)	FSSB, Sections 4, 5, and 15	

## Section 2

### I. Purpose

This Informational Letter (INF) contains responses to questions raised following the issuance of 07ADM-10 regarding the Working Families Food Stamp Initiative (WFFSI).

### II. Background

The questions and answers in this document pertain mainly to the Food Stamp (FS) Program. All questions contained in this release were asked during conference calls with local districts on December 20, 2007, or submitted in writing following those conference calls. If you have questions regarding this release, please contact the Food Stamp Bureau at the above referenced number.

### III. Program Implications

**As described in 07 ADM-10, implementation of the Working Families Food Stamp Initiative will proceed incrementally as local districts are trained and develop the capacity to conduct telephone interviews for qualifying households.**

1. **Q.** As of January 1, 2008 should all NTA-FS (non-Temporary Assistance Food Stamp) applications be screened using the LDSS-4921, Working Families Food Stamp Initiative Screening Sheet?

**A.** Yes. Most districts won't be waiving the face-to-face interview at application and recertification in favor of a phone interview for households qualified to participate in WFFSI as of January 1, 2008; however, in all districts of the state except New York City, members of households qualified to participate in the WFFSI will no longer have to be finger imaged as of January 1, 2008. Applications should be screened using the LDSS-4921 (or approved local district equivalent) to identify households that might not have to be finger imaged.

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

**A.** Yes, according to federal regulations, a recertification is actually a "re-application" for the Food Stamp Program. By the end of 2008, however, the screening for "presumptive" qualification for the WFFSI – that is, qualification to have the face-to-face interview waived – will be a moot point at recertification since phone recertification interviews will be mandated for all NTA-FS households statewide. However, it still will be important to establish whether or not the household qualifies for ongoing participation in the WFFSI.

3. **Q.** How can a district get a local district equivalent to the LDSS-4921 approved?

**A.** Submit a copy of the form and a written request for approval to the Food Stamp Bureau at the Office of Temporary and Disability Assistance (OTDA). Suffolk County has submitted such a request and has received approval to use such a local district equivalent.

4. **Q.** Can the LDSS-4921 be used to screen phone requests for a FSP application?

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

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

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

6. **Q.** What about the face-to-face interview at recertification? Should that also be waived for WFFSI-qualified households?

**A.** Yes. If a local district is implementing the waiver of the face-to-face interview at application for WFFSI-qualified households, they certainly should be waiving the face-to-face recertification interview as well. As mentioned in 07 ADM-10, New York State already has a waiver from USDA that permits local districts to waive the face-to-face **recertification** interview for **all** NTA-FS households (not just WFFSI-qualified households) in favor of a phone interview, and is in the process of implementing that waiver statewide.

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

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

Second, regardless of how an application is submitted, if a household is found eligible for expedited processing, a benefit must be issued within the expedited timeframe. A full eligibility interview always must be done in order for eligibility for expedited processing to be determined. If a household submits an application in person and the application is screened and it appears that the household is both eligible for expedited processing and is

qualified for the WFFSI, it might be in the household's interest to have a face-to-face on the day they submit the application if that would mean that the expedited issuance would get done sooner.

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

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

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

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

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

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

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

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

**A.** To determine earnings for the Food Stamp Program, we ask the household to provide record of the earnings for the last four weeks (e.g., pay stubs, direct deposit statements, etc.). Ongoing participation should be based on the wages and work hours information provided on

these records. As when determining earned income and employment hours for other purposes, they should be averaged if the hours and income vary from week to week or pay period to pay period.

**12. Q.** If a household qualified for ongoing participation in the WFFSI at application and had the finger imaging requirement waived, what should be done at recertification if they no longer qualify for ongoing participation in the WFFSI?

**A.** That would depend on the AFIS exemptions chosen by the local district. As stated in 07 ADM-10, all local districts except one currently have chosen to waive finger imaging for FS households for whom the face-to-face interview has been waived. When phone recertifications for NTA-FS households are implemented statewide and NTA-FS households are being recertified by phone, members of most households that no longer qualify for the WFFSI still would not have to be finger imaged.

**13. Q.** What if a person comes into the agency to file an application and, upon screening the application, it appears that the household is qualified for the WFFSI. Do we have to waive finger-imaging for that person if they already are at the agency? What if we can't tell from the documentation they have if they qualify for **ongoing** participation in the WFFSI?

**A.** Outside of NYC, the finger imaging requirement has been waived for **all** members of **all** households that qualify for ongoing participation in the WFFSI. However, you may **not require** any members of a household that is **presumptively** qualified for the WFFSI, based on the filed application, to be finger imaged until after you have determined that they do **not** qualify for ongoing participation in the WFFSI, that is, until all necessary wages and hours information for the household has been submitted. (See next question for additional information).

**14. Q.** How long should we give members of a household to comply with finger imaging requirements when it turns out they are not qualified for **ongoing** participation in the WFFSI? Should we deny the application if they don't comply?

**A.** First, if a household does not qualify for **ongoing** participation in the WFFSI, you should then look to your district's approved finger imaging plan to see if your district waives the imaging requirement for members of households for whom the face-to-face interview has been waived. As stated in 07 ADM-10, **all** local districts in New York State, except one, currently waive the finger-imaging requirement for members of households for whom the face-to-face interview has been waived. So, except in that one county, once the WFFSI is fully implemented statewide (and all households that are **presumptively** qualified for the WFFSI must be given the opportunity for a phone interview), only members of households that chose to have a face-to-face interview **and** that end up not qualifying for ongoing participation in the WFFSI would have to be finger imaged. For members of such households, a period of 60 days following the date of application is a "reasonable" period of time that can be allowed to meet the finger imaging requirement. Only if a member of a household that is required to be finger imaged **refuses** outright to submit to finger imaging, may the case be denied or closed immediately.

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

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

16. Q. Can a "terminated" claim be re-established against a WFFSI-qualified household?

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

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

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

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

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

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

A. As stated in 07 ADM-10, in NYC WMS, conversion will be system-generated off of budget information. For Upstate, also as stated in the ADM (Section VII-A), "[f]or households already in receipt of food stamp benefits, the assessment of the household's continuing participation in the WFFSI should be made as part of the household's next recertification for the FSP. The worker should place a 'W' in the Special Program Code Indicator Field on the LDSS-3209 Authorization Form to identify the case as belonging to a

household eligible to participate in WFFSI when processing the case for recertification.” To help local districts identify potentially eligible households, a listing of current FS cases (based on the November 2007 ABEL flat file) qualified to participate in the WFFSI was sent to each local district via the BICS queue on the night of December 20, 2007. The file name was “WFFS”/Report Title: “Upstate Working Families”.

**20. Q.** Are districts already doing phone recertifications for NTA-FS households as part of the phone recertification pilot project required to waive the face-to-face **application** interview in favor of a phone interview for WFFSI-qualified households as of January 1, 2008?

**A.** No, but it is our expectation that after a district has been doing phone recertifications for a few months and is comfortable with that process, they will begin to implement the WFFSI face-to-face application interview waiver. As stated in the ADM, “As of January 1, 2008, any local district that wishes to waive the face-to-face interview for all households that are presumptively qualified **may** do so, as long as they do so for all households in the districts that are identified as presumptively qualified to participate in WFFSI.” In the ADM we also asked local districts, as they begin to waive the face-to-face application interview, that they inform OTDA. The **requirement** to waive the face-to-face application interview for WFFSI-qualified households will not occur until after statewide implementation of the NTA-FS phone recertification interview waiver is complete. Local districts will be notified well in advance of the date that implementation is going to be required.

**21. Q.** Are all districts mandated to do telephone interviews for WFFSI-qualified households as of January 1, 2008.

**A.** Local districts will be notified well in advance of the date that implementation is going to be required.

**22. Q.** Are there any systems edits in Upstate WMS associated with the WFFSI Special Program Indicator Code ‘W’?

**A.** Yes. Special Program Code “W”- Working Families is only allowed in a Case Type = 31.

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

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

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

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

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

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

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

Also, you should remember that households where all adult members are either disabled or 60 years of age or older should be informed that they automatically qualify for a waiver to the face-to-face interview, and that if they request such a waiver, it must be granted. Above, we mentioned that Suffolk County has developed its own WFFSI screening sheet. Their screening sheet contains a checklist of possible hardships so that they may evaluate if households that do not qualify for the WFFSI waiver qualify for a hardship waiver.

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

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

But we understand that this question really concerns what to do when no such documentation has been provided. A statement from another person verifying the applicant’s identity is



acceptable. When no other option is available, and **only** as a means of pending verification of identity when a determination of eligibility for expedited processing must be made, an attestation by the applicant as to his/her identity is permissible. Identity should be otherwise verified prior to establishing eligibility for ongoing FS benefits.

**27. Q.** When should the LDSS-2642, Documentation Requirements, be sent to households that qualify for a waiver of the face-to-face interview?

**A.** The local district has two basic options. The first is to send the LDSS-2642 as soon as the application packet has been received and reviewed. The advantage of this approach is that it informs the household as soon as possible in the application process about the documentation, based on a review of the submitted application, that they still must provide in order for eligibility to be determined. However, if the interview reveals information that was not included or clear on the submitted application, an additional request for verification may have to be provided to the household.

The other basic option is to wait and see if documents related to the application come in following the filing date of the application, and to send the LDSS-2642 **immediately** after the eligibility interview has taken place. The advantage of this approach is, as noted above, that the household often reveals information during the interview that was not included or clear on the submitted application, and this new information must be verified. Also, documentation often arrives after the application has been reviewed and processing has begun but before the interview has taken place. This approach reduces duplicate requests for documentation and helps ensure that only those documents that still are needed to determine eligibility and benefit amount are requested. It also reduces the likelihood that duplicate and unnecessary documentation is submitted. The disadvantage of this approach is that, if the household has not otherwise received clear instructions from the local district, or has not taken the time to read the other information provided in the application packet about what documentation is needed to determine eligibility, the household then may have as little as ten days following the interview to provide all necessary documentation. This compressed timeframe may result in unnecessary denials, and may affect application processing timeliness and fair hearing requests.

**28. Q.** Assuming we mail the LDSS-2642, Documentation Requirements, to the household following the phone interview, can the household be given **more than** 10 days following the date the LDSS-2642 is sent to provide outstanding documentation?

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

**29. Q.** Can TA-FS households qualify for the WFFSI?

**A.** No.

**30. Q.** Will local districts have access to the baseline statistics from July, 2007 that were used to establish the WFFSI participation increase goals?

**A.** They already do have access. Caseload statistics are available on the OTDA intranet site Home page under the “Resources” drop down, under “Caseload Statistics”. Here is the link <https://otda.state.nyenet/bdma/default.htm> . You also can access the same page from the CentraPort Home page. Just click on “Directories”, and then the “Caseload Statistics” drop down.

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

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

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

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

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

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

**Issued By**

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