



May 8, 2003

**Food Stamp Program Regional Letter 03-20**

**Subject: Withdrawal of Food Stamp Program Applications**

The Food and Nutrition Service is becoming increasingly concerned that State agencies nationwide may not be respecting the voluntary nature of clients' withdrawal from the Food Stamp Program. Over the past few months, mainly through e-mail messages from clients, we have learned that some local offices throughout the nation suggest that clients withdraw their applications. The suggestion or recommendation that a client withdraw impinges on the voluntary character of a withdrawal.

The overall approach of the food stamp regulations is to encourage clients to apply for food stamps. One can see this especially in the Federal regulations at 7 CFR 273.2, which states that:

- Every person has the right to apply for food stamps.
- A State agency must encourage a client to apply on the first day of contact.
- A State agency must encourage a client to apply for food stamps even if the State agency discourages application for cash assistance.

7 CFR 273.2(c)(6) recognizes a client's right to withdraw an application. The paragraph reads:

The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The State agency shall document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time subsequent to a withdrawal.

Therefore, a withdrawal should be an action that the client initiates for the client's own reasons. Encouraging a client to withdraw conflicts with the requirement to encourage a client to apply.

There are also practical problems with suggested or encouraged withdrawals.

First, the local office may be suggesting a withdrawal because they think that the household is not eligible. In that situation, the local office is, in effect, making an eligibility decision. The problem is that the decision is being made outside the ordinary scope of monitoring

and record-keeping. Decisions about eligibility must not be made informally and they must not be made in a way that precludes review.

Second, it is not a local office's, or State agency's, or the Food and Nutrition Service's responsibility to decide which applicants should continue the process and which should withdraw. It is our agencies' responsibility to ensure that eligible applicants are certified.

Please contact Katie Blanchette at (617)565-6415 to discuss this issue further or if any questions should arise.

Sincerely,

Mary A. Ferris, Chief  
State Program Improvement  
Food Stamp Program  
Northeast Region