

COMMENT DUE DATE: February 3, 2023

Date: January 3, 2023

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It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed policy is **PERMANENT**.

SUBJECT:

Subchapter 3. Application Process

340:50-3-2 [Amended]

Subchapter 5. Non-financial Eligibility Criteria

Part 1. Household Definition

340:50-5-1 [Amended]

Part 5. Students, Strikers, Migrant Households, and Sponsored Aliens

340:50-5-45 [Amended]

Subchapter 11. Special Procedures

Part 11. Special Procedures for Joint Processing of Supplemental Nutrition Assistance Program (SNAP) and Supplemental Security Income (SSI) Applicants

340:50-11-105 [Amended]

340:50-11-106 through 340:50-11-110 [Revoked]

Subchapter 15. Overpayments and Fraud

Part 1. Overpayments.

340:50-15-3 [Amended]

(Reference WF 23-50)

SUMMARY:

The proposed amendments to Chapter 50, Subchapter 3 amend the rules to remove a reference to the now-unpublished Form 08AD093E, Support Center Interview Notice.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) replace gendered expressions with gender-neutral terms; (2) clarify the minimum standard for Oklahoma Human Services (OKDHS) to consider a person as "living" in a Supplemental Nutrition Assistance Program (SNAP) household is that a person must return to the home at least one day each month and share a meal with the household; (3) clarify a student attending a boarding school who lives in the home on one weekend each month may participate in a SNAP household; (4) add the minimum standard language to the paragraph that discusses a child living with the child's parent; (5) explain OKDHS adds children who live equal time each month with their parents in separate households to the SNAP household that first asks to add the child; (6) provide that when a foster family elects not to include a foster child in OKDHS custody in their SNAP household, the child's parent is allowed to include the child in the parent's SNAP household if the child is in a trial reunification, the trial reunification occurs at the

parent's home, and the parent and child share a meal; (7) clarify a student responsible for the care of a dependent child, age 6 to 11, must be in the same SNAP household to qualify for a higher education student policy exemption; (8) relocate the "in compliance with" interpretative instructions relating to the higher education student policy exemption for employment and training programs to the Instructions to Staff; (9) clarify that Oklahoma SNAP Works (OK SNAP Works) participation may qualify a participant for a higher education student exemption; (10) update the citation for how to consider an ineligible student's income and expenses; (11) update terminology; and (12) add clarifying language.

The proposed amendments to Chapter 50, Subchapter 11 amend the rules to: (1) update the Social Security joint processing instructions; (2) add a citation to the federal regulations; (3) instruct on the handling of SNAP applications through Social Security Administration's (SSA) Prerelease Program for the Institutionalized; (4) revoke Sections and incorporate relevant information into other Sections in this Subchapter; (5) update terminology; and (6) add clarifying language.

The proposed amendments to Chapter 50, Subchapter 15 amend the rules to: (1) update terminology; (2) add clarifying language; (3) remove a reference to a now-closed support center; (4) update the overpayment claim establishment time frame language to more closely align with federal regulations; and (5) indicate that OKDHS complies with court orders requiring restitution.

Permanent rulemaking approval is requested

LEGAL AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 7 C.F.R. §§ 272.6, 273.1, 273.2, 273.5, 273.11, and 273.18.



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Deborah Smith, Adult and Family Services Director

Date: May 17, 2022

Re: Chapter 50. Supplemental Nutrition Assistance Program
Subchapter 3. Application Process
340:50-3-2 [Amended]
Subchapter 5. Non-financial Eligibility Criteria
Part 1. Household Definition
340:50-5-1 [Amended]
Part 5. Students, Strikers, Migrant Households, and Sponsored Aliens
340:50-5-45 [Amended]
Subchapter 11. Special Procedures
Part 11. Special Procedures for Joint Processing of Supplemental Nutrition Assistance Program (SNAP) and Supplemental Security Income (SSI) Applicants
340:50-11-105 [Amended]
340:50-11-106 through 340:50-11-110 [Revoked]
Subchapter 15. Overpayments and Fraud
Part 1. Overpayments.
340:50-15-3 [Amended]
(Reference WF 23-50)

Contact: Caleb Turner 405-982-3685

A. Brief description of the purpose of the proposed rule:

Purpose.

The proposed amendments to Chapter 50, Subchapter 3 amend the rules to remove a reference to the now-unpublished Form 08AD093E, Support Center Interview Notice.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) replace gendered expressions with gender-neutral terms; (2) clarify the minimum standard for Oklahoma Human Services (OKDHS) to consider a person as "living" in a Supplemental Nutrition Assistance Program (SNAP) household is that a person must return to the home at least one day each month and share a meal with the household; (3) clarify a student attending a boarding school who lives in the home on one weekend each month may participate in a SNAP household; (4) add the minimum standard language to the paragraph that discusses a child living with the child's parent; (5) explain OKDHS adds children who live equal time each month with their parents in separate households to the SNAP household that first asks to add the child; (6) provide that when a foster family elects not to include a foster child in OKDHS custody in their SNAP household, the child's parent is allowed to include the child in the parent's SNAP household if the child is in a trial reunification, the trial reunification occurs at the parent's home, and the parent and child share a meal; (7) clarify a student responsible for the care of a dependent child, age 6 to 11, must be in the same SNAP household to qualify for a higher education student policy exemption; (8) relocate the "in compliance with" interpretative instructions relating to the higher education student policy exemption for employment and training programs to the Instructions to Staff; (9) clarify that Oklahoma SNAP Works (OK SNAP Works) participation may qualify a participant for a higher education student exemption; (10) update the citation for how to consider an ineligible student's income and expenses; (11) update terminology; and (12) add clarifying language.

The proposed amendments to Chapter 50, Subchapter 11 amend the rules to: (1) update the Social Security joint processing instructions; (2) add a citation to the federal regulations; (3) instruct on the handling of SNAP applications through Social Security Administration's (SSA) Prerelease Program for the Institutionalized; (4) revoke Sections and incorporate relevant information into other Sections in this Subchapter; (5) update terminology; and (6) add clarifying language.

The proposed amendments to Chapter 50, Subchapter 15 amend the rules to: (1) update terminology; (2) add clarifying language; (3) remove a reference to a now-closed support center; (4) update the overpayment claim establishment time frame language to more closely align with federal regulations; and (5) indicate that OKDHS complies with court orders requiring restitution.

Strategic Plan Impact.

The proposed **amendments** achieve OKDHS goals by improving communication with OKDHS clients and staff and ensuring efficient, accurate, and non-discriminatory program administration.

Substantive changes.

Subchapter 3. Application Process

Oklahoma Administrative Code (OAC) 340:50-3-2 is amended to remove a reference to the now-unpublished Form 08AD093E, Support Center Interview Notice.

Subchapter 5. Non-financial Eligibility Criteria

Part 1. Household Definition

OAC 340:50-5-1 is amended to: (1) replace gendered expressions with gender-neutral terms; (2) clarify the minimum standard for OKDHS to consider a person as "living" in a SNAP household is a person must return to the home at least one day each month and share a meal with the household; (3) clarify a student attending a boarding school who lives in the home on one weekend each month may participate in a SNAP household; (4) add the minimum standard language to the paragraph that discusses a child living with the child's parent; (5) explain OKDHS adds children who live with their parents in separate households the same amount each month to the SNAP household that first asks to add the child; (6) provide that when a foster family elects not to include a foster child in OKDHS custody in their SNAP household, the child's parent is allowed to include the child in the parent's SNAP household if the child is in a trial reunification, the trial reunification occurs at the parent's home, and the parent and child share a meal; (7) update terminology, and (8) add clarifying language.

Part 5. Students, Strikers, Migrant Households, and Sponsored Aliens

OAC 340:50-5-45 is amended to: (1) clarify a student responsible for the care of a dependent child age 6 to 11 must be in the same SNAP household to qualify for a higher education student policy exemption; (2) relocate the "in compliance with" interpretative instructions relating to the higher education student policy exemption for employment and training programs to the Instructions to Staff; (3) explain that OK SNAP Works participation may qualify a participant for a higher education student exemption; (4) replace gendered expressions with gender-neutral terms; (5) update the citation for how to consider an ineligible student's income and expenses; (6) update terminology; and (7) add clarifying language.

Subchapter 11. Special Procedures

Part 11. Special Procedures for Joint Processing of Supplemental Nutrition Assistance Program (SNAP) and Supplemental Security Income (SSI) Applicants

OAC 340:50-11-105 is amended to: (1) update the Social Security joint processing instructions to reflect the OKDHS proposal to begin taking these applications; (2) add a citation to the federal regulations; (3) instruct on the handling of SNAP applications through the SSA Prerelease Program for the Institutionalized, (4) update terminology; and (5) add clarifying language.

OAC 340:50-11-106 through 340:50-11-110 are revoked, and the relevant information incorporated into OAC 340:50-11-105.

Subchapter 15. Overpayments and Fraud

Part 1. Overpayments.

OAC 340:50-15-3 is amended to: (1) update terminology; (2) add clarifying language; (3) remove a policy reference to a now-closed support center; (4) update the overpayment claim establishment time frame language to more closely align with federal regulations in Section 273.18(c) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.18(c)(1)(i)); and (5) indicate that OKDHS complies with court orders requiring restitution.

Reasons.

Food and Nutrition Services, the federal body that oversees SNAP, has instructed Adult and Family Services (AFS) that SNAP must be free from gender identity and

sexual orientation discrimination. On May 5, 2022, Food and Nutrition Services published "Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update" (<https://fns-prod.azureedge.us/sites/default/files/resource-files/crd-01-2022.pdf>). This memo concludes, "The Food and Nutrition Act is sufficiently similar to Title VII [of the Civil Rights Act of 1964] such that the Bostock analysis applies to the Food and Nutrition Act. This means that the certification of applicant households for SNAP shall be conducted without discrimination on the basis of gender identity and sexual orientation."

The Office of Inspector General staff indicated the current SNAP rules at OAC 340:50-5-1 were confusing and inconsistent. In response, AFS SNAP, using its authority under 7 C.F.R. § 273.1(c), sets a minimum standard for including a person in a SNAP household, clarifies how AFS staff handles a student in boarding school, applies the minimum standard to situations where children live with their parent part of the month, and instructs on how to handle a child in OKDHS custody who is in trial reunification.

AFS is updating its current rules to ensure compliance with federal regulations and to ensure program accuracy and efficiency. When field staff correctly interprets and applies these rules, it increases program accuracy and efficiency. Field staff questioned whether the exemption at OAC 340:50-5-45(c)(8) required the higher education student and the child to be in the same household and whether Oklahoma SNAP Works participation allowed a higher education student policy exemption. Benefit Integrity and Recovery staff expressed concerns over the rules at OAC 340:50-15-3(c). AFS SNAP is updating these rules to better align with federal regulations and to address these questions and concerns.

AFS SNAP does not currently have a joint processing agreement with the SSA. OAC 340:50-11-105 through OAC 340:50-11-110 reflect an out-of-date processing agreement. This agreement has not been active in years. AFS SNAP is negotiating with SSA to create a new joint processing agreement per 7 C.F.R. § 273.2(k)(1), and these rules reflect the OKDHS proposal to begin having SSA accept these applications.

Repercussions.

If the proposed amendments are not implemented: (1) OKDHS will not begin to eliminate its exposure to gender identity or sexual orientation discrimination lawsuits; (2) OKDHS AFS SNAP rules will continue to provide confusing and inconsistent information on how long a person must live with a household for OKDHS staff to include the person in a SNAP household; (3) OKDHS AFS SNAP will not have clear guidance on how to handle student boarders or a child in OKDHS custody in a trial reunification with the child's parent in its rules; (4) OKDHS rules will continue to include the language that has confused field staff relating to the higher education student policy exemptions and Oklahoma SNAP Works; (5) the SSA joint processing instructions will remain several years out of date; (6) OKDHS SNAP rules will remain out of conformity with the governing federal regulations; and (7) program accuracy and efficiency will remain lower than what it could be.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 7 C.F.R. §§ 272.6, 273.1, 273.2, 273.5, 273.11, and 273.18.

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The persons most likely affected by the proposed amendments are households applying for or receiving SNAP food benefits and AFS staff. The affected classes of persons will bear no costs associated with implementation of the rules. SSA has informed AFS SNAP that it bills the United States Department of Agriculture for the cost of accepting SNAP applications at a SSA office.
- C. A description of the classes of persons who will benefit from the proposed rule: The classes of persons who will benefit are households applying for or receiving SNAP benefits and AFS staff.**
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected entities. There are no fee changes associated with the revised rules.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** The probable cost to OKDHS includes the cost of printing and distributing the rules, which is estimated to be less than \$20. The proposed amendments will keep OKDHS in compliance with federal regulations and enhance SNAP applicants and recipients understanding of SNAP requirements.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments neither have an economic impact on any political subdivision nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** The rules place no additional burden not already imposed by federal law and regulations. There are no additional, anticipated

adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed amendments.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** Implementation of the proposed amendments will keep OKDHS in compliance with SNAP federal regulations. OKDHS does not anticipate the rules to reduce significant risks to the public health, safety, and environment.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented, OKDHS will be out of compliance with SNAP federal regulations. OKDHS does not anticipate any detrimental effect on the public health, safety, and environment.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared: May 13, 2022; modified: December 15, 2022

SUBCHAPTER 3. APPLICATION PROCESS

340:50-3-2. Interview process

Revised ~~5-22-20~~ 9-15-23

(a) **Interview requirement.** All households initially applying for food benefits or completing a certification renewal must have a face-to-face or phone interview with a worker prior to certification, per Section 273.2(e) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(e)), unless the household meets criteria in (a)(2) of this Section. Staff may conduct 100 percent of all Supplemental Nutrition Assistance Program (SNAP) initial and certification renewal application interviews by phone. ■ 1

(1) A face-to-face interview must be conducted when the household or its authorized representative requests a face-to-face interview.

(2) Certification renewal interviews may be waived for households when all adult members are elderly or disabled and have no earned income. ■ 2

(b) **Who must be interviewed.** The person interviewed may be the head of the household, spouse, any other responsible member of the household, or an authorized representative who knows the household's circumstances. When the household chooses to be interviewed face-to-face, the person interviewed may bring any person to the interview.

(c) **Scheduling interviews.** The worker schedules the interview as soon as possible to ensure the household, when eligible, receives expedited service timely or may participate within 30-calendar days following the application date.

(1) The worker uses Form 08AD091E, Interview Notice, or ~~Form 08AD093E, Support Center Interview Notice~~, to schedule the interview. ■ 3

(2) When the person to be interviewed is employed, the worker schedules an appointment to minimize the person's absence from work.

(3) When the household misses the scheduled interview, a notice is sent informing the household that it missed the scheduled interview and is responsible for scheduling a second interview. ■ 4 The worker must not deny the household's application prior to the 30th calendar day when the household misses the first scheduled interview. When the household contacts the worker within the 30-day application processing period, a new interview must be scheduled.

(4) When the household submits a timely certification renewal, per Oklahoma Administrative Code (OAC) 340:50-9-6, the worker schedules the interview as early as possible, but not later than the last day of the month.

(A) When the household fails to appear for the interview, the worker does not reschedule the interview unless the household requests another appointment by the 30th calendar day after the application date. ■ 4

(B) Upon request, the worker reschedules the interview at the earliest possible date.

(5) When the household submits an untimely certification renewal, the worker schedules an interview as early as possible, but not later than 20-calendar days from the application date.

(A) When the household fails to appear for the scheduled interview, the worker does not reschedule the interview unless the household requests another appointment by the 30th calendar day after the application date. ■ 4

(B) Upon request, the worker reschedules the interview for the earliest possible date.

(d) **Worker responsibilities during the interview.** During the interview, the worker: ■

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(1) reviews the information on the application with the household and resolves unclear and incomplete information;

(2) inquires if changes occurred in the household's income, deductions, or other circumstances since the application was filed;

(3) informs the household of its rights and responsibilities, including:

(A) work registration responsibilities, per OAC 340:50-5-85;

(B) ~~able-bodied~~ able-bodied adult without dependents work responsibilities, per OAC 340:50-5-100; ■ 6

(C) reporting requirements, per OAC 340:50-9-5;

(D) the appropriate application processing standard, per OAC 340:50-3-1(c) and 340:50-11-4;

(E) responsibility to cooperate with SNAP Quality Control (QC) when asked to do so, per (f) of this Section; and

(F) an explanation of the civil rights complaint process, per OAC 340:50-1-5; and

(4) conducts the interview as an official and confidential discussion of household circumstances limited to facts related to food benefit eligibility factors;

(5) gives Form 08MP006E, Information for Benefit Renewal, to the household and explains benefit renewal procedures;

(6) ensures the household's right to privacy is protected;

(7) provides a paper or electronic copy of the completed application in the format requested by the household requests, when requested; and

(8) attempts to verify any necessary eligibility requirements during the interview. The worker gives or sends the household Form 08AD092E, Client Contact and Information Request, to request any verification that could not be verified during the interview. When the household informs the worker it is unable to furnish the required verification, the worker offers to help the applicant obtain the verification.

(A) The worker's assistance may involve ~~range from~~ explaining how or where to obtain proof when the applicant is unable to do so.

(B) The worker is not required to obtain proof for an applicant who is unwilling to do so.

(e) **Household cooperation with eligibility determination.** To determine eligibility, the household or authorized representative must complete and sign the application or certification renewal, be interviewed, and provide required information. When the household does not cooperate with the worker in determining:

(1) initial eligibility, the worker denies the application; or

(2) continuing eligibility at mid-certification renewal or certification renewal, the worker closes food benefits.

(f) **Household cooperation with a QC review.** When the household is selected for a QC review, the household must cooperate with the QC reviewer per 7 C.F.R. § 273.2(d)(2). When the household refuses to cooperate, the SNAP QC administrator informs SNAP program field representative staff of the non-cooperation and SNAP program field representative staff closes the food benefit for refusal to cooperate. ■ 7

(1) ~~To determine the household refuses to cooperate~~ For a determination of refusal to cooperate to be made, the household must be able to cooperate and clearly demonstrate that it will not take the necessary actions required to complete the QC review process.

(2) The household may reapply following food benefit closure, but may not be determined eligible until it cooperates with the QC review unless (3) of this subsection applies. ■ 8

(3) When food benefits were closed for refusal to cooperate with the QC reviewer and the household waits to reapply until after 125-calendar days from the end of the QC review period, October 1 through September 30, the household must provide verification of eligibility factors for the new application only. ■ 9

INSTRUCTIONS TO STAFF 340:50-3-2

Revised ~~5-22-20~~ 9-15-23

- 1. ~~The United States Department of Agriculture Food and Nutrition Services approved Oklahoma's request to waive the requirement for documentation of hardship in order to complete an application interview by phone effective February 1, 2012. Workers must document in Family Assistance/Client Services (FACS) case notes if the interview was face-to-face or by phone.~~**
- 2. (a) Certification renewal interviews may be waived for households in which all adult members are elderly or disabled and have no earned income, when:**
 - (1) the certification renewal is complete and received timely by Oklahoma Human Services (OKDHS), per Oklahoma Administrative Code (OAC) 340:50-9-3 and 340:50-9-4;**
 - (2) the household or an authorized representative did not request an interview was not requested by the household or an authorized representative;**
 - (3) all required verification, when requested on Form 08AD092E, Client Contact and Information Request, is acceptable and received within 10-calendar days; and**
 - (4) the household continues to be eligible to receive benefits.****(b) An interview must be completed when:**
 - (1) the household or authorized representative requests an interview;**
 - (2) any information appears questionable, contradictory, or incomplete; or**
 - (3) it appears the household is ineligible for continued benefits.****(c) Unless all household members are exempt from work registration and able-bodied adults without dependents (ABAWD) work requirements, per OAC 340:50-5-86 and 340:50-5-100 respectively, the worker must orally explain the ABAWD or work registration work requirements or make a "good faith effort" to contact the household to provide the explanation. The worker documents both the exemptions and the attempts to contact the household in FACS case notes.**
- 3. (a) ~~A The county office worker uses Form 08AD091E, Interview Notice, instead of Form 08AD093E, Support Center Interview Notice, because:~~**
 - (1) ~~it offers the option of an office or phone interview; and~~**
 - (2) ~~instructs the applicant to send verification to the OKDHS county office address listed on the form instead of the Customer Services Center address.~~**

~~(b) The worker in a support center uses Form 08AD093E because:~~

~~(1) it only offers a phone interview; and~~

~~(2) instructs the applicant to send verification to the OKDHS Customer Service Center to schedule an interview.~~

4. When a member of the food benefit household or the household's authorized representative fails to appear for, or comply with the first scheduled interview, the worker puts the application in FDENY status using reason 59. This issues the Notice of Missed Interview (NOMI).
5. ~~In order to~~ To conduct an in-depth interview, the worker must review previous applications, other information contained in the food benefit case record, and all related case records prior to the interview.
6. The worker must explain that ~~able bodied adult without dependents~~ ABAWD work responsibilities also apply to adult household members who lose their exemption status during the certification period.
7. Supplemental Nutrition Assistance Program (SNAP) program staff documents in FACS case notes that food benefits were closed on reason 44Q because the client refused to cooperate with Quality Control (QC) and for the worker to contact SNAP program field representative staff when the client decides to cooperate.
8. When the client reapplies within 125-calendar days of the QC review period and did not cooperate with QC, the worker denies the application.
9. For example, when the household had a QC review during the October ~~2018~~ 2021 through September ~~2019~~ 2022, annual QC review period and food benefits were closed for refusal to cooperate with the QC review, the household is required to only provide verification for the new application when it is filed after February 2, ~~2020~~ 2023.

SUBCHAPTER 5. NON-FINANCIAL ELIGIBILITY CRITERIA

PART 1. HOUSEHOLD DEFINITION

340:50-5-1. Food benefit household composition

Revised ~~9-15-22~~ 9-15-23

(a) **Household definition.** A food benefit household is composed of one of the persons or groups of persons listed in (1) – through (3) of this subsection, unless otherwise specified in this Section. Per Section 273.1 of Title 7 of the Code of Federal Regulations, a food benefit household is a:

(1) person who lives alone;

(2) person or group of persons who lives with others, but customarily purchases food and prepares meals for home consumption separate and apart from the others; or

(3) group of persons who lives together and customarily purchases food and prepares meals for home consumption.

(b) **Required household combinations.** Separate food benefit household status may not be granted to persons described in (1) through (4) of this subsection even if they customarily purchase food and prepare meals for home consumption separate and apart from the others. Persons living together that must be included in the food benefit

household include:

- (1) a ceremonial or common law spouse, ~~ceremonial or common law~~, of a household member;
- (2) children, 21 years of age and younger, who live with their natural or adoptive parent(s) or stepparent(s);
- (3) children who are 17 years of age and younger and live with, and are under the parental control of, a household member other than their natural or adoptive parent(s) or stepparent(s).

~~(A) To be considered under parental control for the purposes of this provision, a child must be financially or otherwise dependent on a food benefit household member and not be defined as an adult. A minor may be considered emancipated when the district court confers upon the minor the rights of majority, per Chapter 4 of Title 10 of the Oklahoma Statutes.~~

~~(B) For this provision's purposes, the worker considers the child to be under parental control when he or she is financially or otherwise dependent on a household member. The worker considers a child to be under parental control for purposes of this provision if the child is financially or otherwise dependent on a food benefit household member and is not defined as an adult. A minor is considered emancipated when the district court confers upon the minor the rights of majority, per Chapter 4 of Title 10 of the Oklahoma Statutes.~~

~~(C)(B)~~ This provision does not apply to foster children or children placed in the home by Developmental Disabilities Services; or

- (4) persons who live together and customarily purchase and prepare meals together except, per (c) of this Section.

(c) **Elderly and disabled persons.** An otherwise eligible household member who is 60 years of age and older ~~who~~ and is unable to purchase and prepare meals because ~~he or she~~ the member suffers from a disability considered permanent under the Social Security Act, or a non-disease related, severe, permanent disability, may be considered, together with ~~his or her~~ the member's spouse, a separate household from the rest of the household.

~~(A)(1) Oklahoma Human Services (OKDHS) workers must not grant Separate separate household status must not be granted under this provision when the gross income of the others with whom the person member and his or her the member's spouse live exceeds 165 percent of the federal poverty level, per Oklahoma Human Services (OKDHS) OKDHS Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, Table III.~~

~~(B)(2) When it is not obvious that a person member suffers from a non-disease related, severe, permanent disability, or that the person member is unable to purchase and prepare meals, the worker requests a physician's statement of explaining the disability or inability to purchase and prepare meals.~~

~~(C)(3) Refer to Oklahoma Administrative Code (OAC) 340:50-5-4 to determine if a person is considered disabled under the Social Security Act when the person does not receive disability payments a payment is not received.~~

(d) **Periods of absence.** No person may participate as a part of a Supplemental Nutrition Assistance Program (SNAP) household unless the person returns to the home at least one day each month and shares a meal with the household. A person who is away from

~~the home for extended time periods during the month may be considered a food benefit household member when he or she returns to the home for part of each month. This rule includes persons who are away for extended periods during the month working, attending school, and or similar situations.~~

~~(1) A person student who attends a boarding school, including the state schools for the deaf and blind, is not considered institutionalized as long as he or she returns when the student lives in the home on weekends the weekend and holidays.~~

~~(2) A child who lives with a parent on weekends and occasionally at other times at least one day per month and eats with the household may be claimed as a part of the parent's food benefit household as long as the child is not included in another active food benefit household. In instances where both ~~the father and mother~~ of the child child's parents participate in the Supplemental Nutrition Assistance Program (SNAP) SNAP during the same month, the parent who has the child the majority of the time ~~is authorized to include~~ includes the child in ~~his or her~~ that parent's SNAP household. When the child lives in each parent's home the same amount of time, the parent who adds the child to SNAP first includes the child.~~

~~(3) When a foster family elects not to include a child in OKDHS custody per OAC 340:50-5-5 and the child is in a trial reunification, the child's parent may claim the child as a part of the household. To include the child, the trial reunification must occur at the parent's home, and the child must share a meal with the parent.~~

~~(e) **Persons ineligible for SNAP food benefits.** Persons who are ineligible to receive SNAP food benefits as separate households or as a member of any household include:~~

~~(1) certain non-household members as specified, per OAC 340:50-5-5;~~

~~(2) households or household members participating in a food distribution program operated by Indian tribal organizations, per OAC 340:50-5-7;~~

~~(3) residents of institutions, per OAC 340:50-5-7.1; and~~

~~(4) persons considered disqualified or ineligible, per OAC 340:50-5-10.1.~~

PART 5. STUDENTS, STRIKERS, MIGRANT HOUSEHOLDS, AND SPONSORED ALIENS

340:50-5-45. Students

Revised ~~10-2-19~~ 9-15-23

~~(a) **Supplemental Nutrition Assistance Program (SNAP) eligibility.** A student enrolled in an institution of higher education at least half-time per (b) of this Section may not receive Supplemental Nutrition Assistance Program (SNAP) benefits unless the student meets an exemption per (c). ~~Persons classified as students per (b) of this Section are not eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) unless they qualify for an exemption per (c) of this Section.~~ Students that do not meet the criteria who are not enrolled at least half-time in an institution of higher education per (b) of this Section may participate in SNAP when they meet all other eligibility criteria are met.~~

~~(b) **Student classification.** Per Section 273.5 of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.5), ~~persons are classified as~~ requires students to meet an exemption when they are enrolled at least half-time in an institution of higher education.~~

■ 1

- (1) An institution of higher education includes a:
 - (A) business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate to enroll in the curriculum. Schools or courses that do not require a high school diploma or equivalency certificate are not considered an institution of higher education; ■ 2 or
 - (B) college or university that offers degree programs even when a high school diploma or equivalency certificate is not required to enroll. A college includes a junior, community, two-year, or four-year college, or university.
 - (i) Students enrolled at least half time in the regular curriculum are ~~considered~~ enrolled in higher education.
 - (ii) ~~Persons~~ Students enrolled in a special program at a college or university, such as English as a second language course or other courses that are not part of a regular degree program are not ~~considered to be~~ enrolled in higher education.
- (2) Student status begins on the first day of the school term for students who have:
 - (A) not attended an institution of higher education previously; or
 - (B) had a break of more than a semester since they last attended.
- (3) Persons are ~~classified as~~ students during normal periods of class attendance, vacation, and other breaks unless the student:
 - ~~(i)~~(A) graduates;
 - ~~(ii)~~(B) is expelled or suspended;
 - ~~(iii)~~(C) drops out; or
 - ~~(iv)~~(D) does not intend to register for the next normal school term, excluding summer school.

(c) **Student exemptions.** The students described in this subsection may participate in SNAP when they meet all other eligibility criteria ~~are met~~. The student is either:

- (1) younger than 18 years of age or 50 years of age and older;
- (2) physically or mentally unfit.
 - (A) When the student claims mental or physical unfitness and the unfitness is not evident to the worker, verification may be required.
 - (B) Appropriate verification may consist of:
 - (i) receipt of temporary or permanent disability benefits issued by governmental or private sources;
 - (ii) participation in a state vocational rehabilitation (~~VR~~) program; or
 - (iii) a statement from a physician or licensed or certified psychologist; or
- (3) participating in an on-the-job training (OJT) program. Students are ~~considered~~ participating in OJT programs only during the period of time the students are being trained by the employer;
- (4) employed for an average of 20 hours per week or 80 hours per month and paid for that employment. Earning wages equal to the federal minimum wage times 20 does not qualify the person for this exemption; ■ 3
- (5) self-employed for an average of 20 hours per week or 80 hours per month and receives weekly earnings at least equal to the federal minimum wage times 20;
- (6) participating in a state or federally financed work study program during the regular school year.

(A) To qualify under this provision, the student must be approved for work study at the time of application for food benefits.

(i) The work study must be approved for the school term, and the student must anticipate actually working during the school term.

(ii) The exemption begins with the month the school term begins or the month work study is approved, whichever is later.

(iii) Once begun, the exemption continues until the end of the month the school term ends or it becomes known the student refused an assignment.

(B) The exemption does not continue between terms when there is a break of a full month or longer unless the student participates in a work study program during the break; or

(7) responsible for the care of a dependent household member under six years of age. Only one person may be ~~considered as~~ responsible for a dependent child. The caretaker need not be the person providing for the child's support;

(8) responsible for the care of a dependent ~~child~~ household member, six through 11 years of age, ~~when and~~ the worker determines that adequate child care is not available to enable the student to attend class and work an average of 20 hours per week or participate in a state or federally financed work study program.

(A) The reasons for lack of adequate child care include, but are not limited to, the lack of an available licensed and contracted child care facility within a reasonable distance from the student's home or school or the availability of funds to pay child care expenses. Determination of availability of adequate child care is made on a case-by-case basis.

(B) Only one person may be ~~considered~~ responsible for the care of a dependent child. The caretaker need not be the person providing for the child's support; or

■ 4

(9) a single parent enrolled in an institution of higher education on a full-time basis, as determined by the institution, and responsible for the care of a dependent child younger than 12 years of age, regardless of the availability of child care.

(A) This provision applies in those situations where only one natural, adoptive, or stepparent, regardless of marital status, is in the same food benefit household as the child.

(B) When no natural, adoptive, or stepparent is in the same food benefit household as the child, another full-time student in the same food benefit household as the child may qualify for this exemption when ~~he or she~~ the student has parental control over the child and does not live with ~~his or her~~ the student's spouse;

(10) A a Temporary Assistance for Needy Families (TANF) recipient;

(11) assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the employment and training programs identified in (A) through (D) of this paragraph. ~~"In compliance with" means the person self-enrolled in the school during the period of time he or she was enrolled in an employment and training program and the program has a component for enrollment in an institution of higher education and accepts the placement.~~ ■ 5 Employment and training programs include:

(A) the Workforce Innovation and Opportunity Act Program;

(B) a food benefit employment and training program, such as OK SNAP Works, per 7 C.F.R. § 273.7, subject to the condition that the course or program of study, as determined by Adult and Family Services (AFS) SNAP staff, is:

(i) part of a career and technical education program, per Section 3 of the Carl D. Perkins Career and Technical Education Act of 2006; and Section 2302 of Title 20 of the United States Code (20 U.S.C. § 2302), designed to be completed in not more than four years at an institution of higher education, per Section 102 of the 1998 Amendments to the Higher Education Act of 1965, 20 U.S.C. § 1002; or

(ii) limited to remedial courses, basic adult education, literacy, or English as a second language;

(C) a program under Section 236 of the Trade Act of 1974 currently known as The Trade Adjustment Assistance Program and administered by the Oklahoma Employment Security Commission; or

(D) a state or local government-operated employment or training program for low-income households where one or more components of the program is at least equivalent to an acceptable SNAP employment and training program as specified, per 7 C.F.R. § 273.7(e)(1) and as determined by AFS SNAP staff; or

(12) enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program.

(d) **Income and deductible expenses of an ineligible student.** When the student is not eligible to receive food benefits per this Section, ~~he or she~~ the student is considered a non-household member, and OKDHS does not count the student's income and prorates the household's expenses, per Oklahoma Administrative Code (OAC) 340:50-5-5. ~~His or her income is not considered and household expenses may be prorated, per OAC 340:50-5-6.~~

INSTRUCTIONS TO STAFF 340:50-5-45

Revised ~~10-2-199-15-23~~

1. Students not ineligible ~~that do not meet the eligibility restrictions~~ per (a) of this Section include students enrolled in:

(1) high school or high school equivalency courses;

(2) an institution of higher education, less than half-time. The term "at least half-time" is determined by each institution of higher education and most often is at least six hours; and

(3) a school and training program, half-time or more that does not meet the definition of an institution of higher education, per (a)(1) of this Section.

2. (a) "Normally requires" means a student is required to have a high school diploma or equivalency certificate, but when the student does not have either, ~~he or she~~ the student may be enrolled by enroll after passing a special entrance examination. When a high school diploma or equivalency certificate is only required prior to completion of coursework, as opposed to required for enrollment, students are not ~~considered to be~~ attending an institution of higher education. In addition, programs designed to help a person pass the high school equivalency test do not qualify ~~the person~~ as attending an institution of higher education.

- (b) Students enrolled in online courses or telecourses are ~~considered to be~~ attending an institution of higher education when the school requires the student to have a high school diploma or equivalency certificate for enrollment and the student is enrolled at least half time.
3. The pay ~~can~~ may be at any rate but the hours worked must average 20 per week or 80 per month.
 4. When both parents are students, only one parent ~~can~~ may be exempt as caretaker of a child. In order for both parents to be exempt as caretaker, there must be at least two children under six years of age and each parent is caretaker for a different child at a different time of day. For example, the mother attends school at night and cares for one of the children during the day, while the other child is in kindergarten while the father is in school. The father cares for both children in the evening while the mother is in school.
 5. (a) "In compliance with" includes a person who:
 - (1) voluntarily participates in one of these programs and receives a placement that meets the program's requirements at a higher education institution; or
 - (2) self-initiates a placement while enrolled in one of these employment and training programs. The program must have a component for enrollment in a higher education institution and accept the person's placement in it.
- (b) An example of an employment and training program that meets the "in compliance with" criteria is the Workforce Innovation and Opportunity Act (WIOA) Program. The WIOA program does not assign or place persons in an institution of higher education, but its staff, when appropriate, encourage self-enrollment in institutions of higher education described at ~~(a)(1)(A)~~ (b)(1)(A) and (B) of this Section for its enrollees.

SUBCHAPTER 11. SPECIAL PROCEDURES

PART 11. SPECIAL PROCEDURES FOR JOINT PROCESSING OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND SUPPLEMENTAL SECURITY INCOME (SSI) APPLICANTS

340:50-11-105. Initial applications Joint Social Security Income and Supplemental Nutrition Assistance Program (SNAP) Application procedures

Revised ~~6-1-10~~ 9-15-23

(a) **Eligible persons.** Per Section 273.2(k) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(k)), the Social Security Administration (SSA) accepts Supplemental Nutritional Assistance Program applications for Oklahoma Human Services (OKDHS). To apply with SSA, the SNAP household may only include Supplemental Security Income (SSI) applicants or recipients. SSA also does not accept applications when the household:

- (1) currently receives SNAP and is not due for a certification renewal; or
- (2) has already applied for SNAP in the past 60-calendar days.

(b) **Application Procedures.** When a member of a household consisting only of applicants or recipients of Supplemental Security Income (SSI), transacts business at a

~~Social Security Administration (SSA) office, or contact station, SSA informs the SSI household applicants and recipients of its their right to apply for SNAP food benefits at the:~~

- ~~(1) with SSA Office without going to a local Oklahoma Department of Human Services (OKDHS) human services center (HSC); and or~~
- ~~(2) local OKDHS HSC if the household chooses to do so.~~

(1) When the SSI applicant or recipient accepts the offer to apply with SSA, SSA:

(A) follows the instructions in the SSA Program Operations Manual System to complete the SNAP application and interview;

(B) provides the SNAP application to OKDHS;

(C) prescreens the application for expedited service and indicates potential expedited service eligibility on the SSA-4233 form;

(D) suggests the household may receive quicker service by applying in person at an OKDHS office when the household qualifies for expedited service;

(E) accepts any available verification the household has and provides it to OKDHS; and

(F) completes the SSA-4233 form to record eligibility information revealed by the SSA interview and any potential missing verification and provides this form to OKDHS.

(2) When an SSI applicant or recipient declines to apply with SSA or does not meet the criteria in (a) of this Section, SSA refers them to www.okdhslive.org, www.okbenefits.org, or the nearest OKDHS office.

~~(b) If it appears that a household will be entitled to expedited services, SSA advises the household that they may receive benefits quicker if they apply at the local HSC. When an SSI household chooses to apply for food benefits at SSA, the SSA staff completes a food benefit application and forwards it to the appropriate HSC within one working day of receipt of a signed application. In addition to completing the application, SSA records documentation of all verifications available when the application was completed and prescreens for expedited service entitlement.~~

(c) **OKDHS procedures.** When SSA submits a SNAP application to OKDHS, the OKDHS worker:

(1) screens the application for expedited service on the date OKDHS receives the application;

(2) calculates expedited service from the day OKDHS receives the application online or in the OKDHS office;

(3) processes the application within 30-calendar days of when SSA received the signed application;

(4) uses the interview completed and eligibility information provided on the SSA-4233 to determine the household's eligibility;

(5) does not contact the household or request additional information or verification unless the application is incomplete, per Oklahoma Administrative Code (OAC) 340:50-3-1, missing mandatory verification, per OAC 340:50-3-3(b), or contains questionable information, per OAC 340:50-3-3(f);

(6) completes an incomplete application or obtains any missing or needed verification without requiring a household to come to an OKDHS office;

(7) applies OAC 50-11-111 to determine if a household is categorically eligible;

(8) identifies applications from SSA Prerelease Program for the Institutionalized and follows the procedures in (d) of this Section; and

(9) employs ordinary SNAP procedures except for the requirements of this subsection.

(d) **SSA Prerelease Program for the Institutionalized.** Per 7 C.F.R. 273.11(i), public institution residents may apply for SSI and SNAP before their release from the institution through the SSA Prerelease Program for the Institutionalized. The OKDHS worker uses the resident's release date as the application date for these applications. Expedited service and the 30-calendar day processing timeframes begin on the release date.

340:50-11-106. Processing the applications [REVOKED]

Issued 2-12-92

~~Upon receipt of applications from the SSA, the County Office is responsible for prescreening the applications for entitlement to expedited service. All SSI applicants entitled to expedited service are certified in accordance with Part 1 of this Subchapter except that the processing time standard begins the date the application is received in the county office. Applications not entitled to expedited service must be processed and the household given an opportunity to participate within 30 days from the date the application was received by the SSA.~~

~~(1) In processing the application, information supplied by the SSA is to be used. The worker may not contact the household and request them to provide additional information or verification unless the application is improperly completed, mandatory verification is missing or the worker determines that certain information on the application is questionable.~~

~~(2) When additional information or verification is necessary, the worker makes a home visit to obtain the additional information or verification. In no event may the applicant be required to come to the county office to finalize the eligibility determination.~~

340:50-11-107. Work registration [REVOKED]

Revised 6-1-10

~~The work registration requirement is waived until the Social Security Administration makes an eligibility determination for a household member who is applying jointly for Supplemental Security Income (SSI) and food benefits. When the household member is determined eligible for SSI, he or she becomes exempt from work registration. If he or she is determined ineligible for SSI, work registration requirements must be met. If the certification period expires by the end of the month following the month notice of SSI ineligibility is received by the human services center (HSC), the worker applies work registration requirements at the next recertification. Otherwise, the worker applies work registration requirements within ten calendar days of when the HSC is notified of SSI ineligibility.~~

340:50-11-108. Certification period [REVOKED]

Revised 6-1-10

~~The worker assigns a certification period not to exceed 12 months in accordance with OAC 340:50-9-1. In cases where the Supplemental Security Income (SSI) determination results in a denial and the worker believes that food benefit eligibility or benefit levels may be affected, the worker takes action in accordance with OAC 340:50-9-5.~~

340:50-11-109. Changes in circumstances [REVOKED]

Issued 2-12-92

~~The household is responsible for reporting changes in circumstances and the worker must act upon these changes. In households where SSI applications are pending, the worker checks ALFX file monthly until the disposition of the SSI application is shown on the SDX record. A tickler card should be established to remind the worker to do this monthly checking. As soon as disposition of the SSI application is known by the worker, appropriate action is initiated within ten days.~~

340:50-11-110. Recertification [REVOKED]

~~Households consisting only of SSI applicants or recipients may apply for recertification at the SSA Office. As in the case of application for initial certification, SSA will interview the applicant, obtain any readily available verification, complete Form SSA-4233 and send this information to the county office. The worker completes the application process and timely approves or denies applications for recertification in accordance with Section 6 of Subchapter 9. In processing the application, information supplied by the SSA is to be used. The worker may not contact the household and request them to provide additional information or verification unless the application is improperly completed, mandatory verification is missing or the worker determines that certain information on the application is questionable. When additional information or verification is necessary, the worker makes a home visit to obtain the additional information or verification. In no event may the applicant be required to come to the county office to finalize the eligibility determination. ■-1~~

INSTRUCTIONS TO STAFF 340:50-11-110

Issued 2-12-92

~~**Duplicate Participation. Checks to detect duplicate participation shall be made by the worker, using the computer terminal, at the time of certification, recertification and whenever a new member is added to an existing household.**~~

~~**An online check of Social Security Numbers for all persons in the household will be made at the time the case is entered into the computer system.**~~

SUBCHAPTER 15. OVERPAYMENTS AND FRAUD

Part 1. OVERPAYMENTS

340:50-15-3. Overpayment claim procedures

Revised 9-15-17 9-15-23

(a) **Overpayment determination.** ~~Overpayments are calculated by Adult and Family Services (AFS) local county office or support center staff~~ calculates overpayments and are referred ~~refers it~~ to AFS Benefit Integrity and Recovery (BIR) for final determination.

(1) When the household failed to report earned income in a timely manner, per Oklahoma Administrative Code (OAC) 340:50-9-5, the worker does not subtract an earned income deduction from gross earnings when calculating the overpayment amount.

(2) AFS local county office or support center staff documents the circumstances causing the overpayment and the calculations used to determine the over-issuance amount on Form 08OP005E, Report of Food Benefit (FB) Overissuance, and sends Form 08OP005E and supporting documentation to AFS BIR staff for claim establishment. ■ 1

(3) ~~When~~ If Office of Inspector General (OIG) staff determines a trafficking-related offense occurred, AFS BIR staff bases the overpayment amount on the value of the trafficked benefits. Per Section 273.18(c) of Title 7 of the Code of Federal Regulations, the value of the trafficked benefits is determined by:

- (A) the household member or authorized representative's admission;
- (B) adjudication; or
- (C) ~~OIG's~~ OIG documentation that formed the basis for the trafficking determination.

(b) **Overpayment claim establishment.** AFS BIR staff is responsible for evaluating overpayment referrals, establishing overpayment claims, and referring overpayment claims to OIG when fraudulent intent is suspected. An overpayment claim is considered established on the date AFS BIR staff sends the overpayment notice to the household.

■ 2

(1) When fraudulent intent is not suspected, AFS BIR staff:

- (A) establishes the overpayment claim and classifies it as an inadvertent household or agency error, per OAC 340:50-15-4;
- (B) notifies the household and worker, per (d) and (e) of this Section; and
- (C) sets up a repayment plan with the household, per OAC 340:50-15-6.

(2) When fraudulent intent is suspected, AFS BIR staff sends the overpayment referral to OIG to determine whether fraudulent intent occurred. The overpayment claim is not established and notices are not sent until OIG completes its investigation and releases the claim back to AFS BIR. Refer to OAC 340:50-15-25 for procedures when overpayments are referred for an intentional program violation determination.

(c) **Claim establishment time frame.** The amount of time included in an overpayment claim varies.

(1) ~~When AFS BIR classifies an~~ From when Oklahoma Human Services (OKDHS) learned of the overpayment as an inadvertent household error or agency error, the established AFS BIR calculates all overpayment claim does not cover more than claims back at least 12 months prior to the month in which the overpayment was discovered unless a court orders the household to pay restitution for an additional time period but no more than six years.

(2) ~~When AFS BIR classifies an overpayment as an intentional program violation is determined, the established overpayment time frame may cover up to six years prior to the date the overpayment was discovered~~ claim begins with the month the first intentional program violation occurred, subject to paragraph (1).

(3) OKDHS complies with court orders that require a household to pay restitution.

(d) **Household notification.** AFS BIR staff sends the household:

- (1) the Notification of Food Benefit Overpayment notice;
- (2) page 4 one of Form 08OP005E showing the overpayment over-issuance amount; and
- (3) Form 08OP118E, Food Benefit Repayment Agreement.

(e) **County Local office notification.** After claim establishment, AFS BIR staff sends the ~~county~~ local office:

- (1) a copy of the Notification of Food Benefit Overpayment notice sent to the client;
- (2) the completed Form 08OP005E; and
- (3) the County Notification of Overpayment notice.

INSTRUCTIONS TO STAFF 340:50-15-3

~~Issued 9-15-16~~ Revised 9-15-23

1. (a) The worker uses the FSCALC transaction to calculate the over-issuance amount.
(b) Supporting documents may include, but are not limited to:
 - (1) pay stubs and FSCALC transaction screens showing the income used in correct benefit calculation;
 - (2) bank statements, property deeds, or other resource documentation;
 - (3) a marriage license; or
 - (4) a collateral statement.(c) The worker sends the overpayment referral to Adult and Family Services (AFS) Benefit Integrity and Recovery (BIR) by:
 - (1) email to overpayments@okdhs.org;
 - (2) fax to 405-522-0952; or
 - (3) inter-office mail.
2. ~~To be considered timely,~~ per Section 273.18(d) of Title 7 of the Code of Federal Regulations, all food benefit overpayment claims must be established within 180-calendar days following the discovery date. ~~In order to To meet this time frame, it is important for staff to send overpayment referrals to AFS BIR within 30-calendar days of discovery. The worker sends the overpayment regardless of timeliness.~~