

COMMENT DUE DATE: January 15, 2024

Date: December 15, 2023

Caleb Turner, Programs Supervisor	405-982-3685
Holli Kyker, Programs Administrator	405-982-2217
Brandi Smith, Policy Specialist	405-982-2703

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:

Chapter 50. Supplemental Nutrition Assistance Program

Subchapter 3. Application Process

340:50-3-2 [AMENDED]

Subchapter 5. Non-financial Eligibility Criteria

Part 10. Able-Bodied Adults Without Dependents

340:50-5-100 through 340:50-5-101 [AMENDED]

Part 11. Oklahoma Supplemental Nutrition Assistance Program Works (OK SNAP Works)

340:50-5-106 [Amended]

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

340:50-7-29 through 340:50-7-30 [AMENDED]

Subchapter 9. Eligibility and Benefit Determination Procedures

340:50-9-1 [AMENDED]

340:50-9-4 [AMENDED]

340:50-9-5 [AMENDED]

Subchapter 11. Special Procedures

Part 12. Categorically Eligible Households

340:50-11-111 [AMENDED]

340:50-11-112 through 340:50-11-115 [REVOKED]

(Reference WF 22-09, WF 23-02, and 24-50)

SUMMARY:

The proposed amendments to Chapter 50, Subchapter 3 amend the rules to implement an on-demand interview process for Supplement Nutrition Assistance Program (SNAP) eligibility interviews in line with a Food and Nutrition Services (FNS) waiver.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) clarify Oklahoma Human Services (OKDHS) refers only non-exempt able-bodied adults without dependents (ABAWD) when they volunteer for Oklahoma Supplemental Nutrition Assistance Works (OK SNAP Works); (2) remove unnecessary gendered expressions; (3) remove the October 1, 2021, implementation

date that applies to provider determinations; (4) add the former participant's name and case number as information the contracted service provider must give OKDHS when sending a provider determination; (5) move language relating to a contracted service providers authority to reassign a participant to a suitable component to the "Contracted service provider responsibility" paragraph; (6) require the OK SNAP Works coordinator to review provider determinations and notify field staff after receiving the determination from the provider; (7) require eligibility workers, not the OK SNAP Works coordinator, to take federally required action in response to provider determinations; (8) specify what information workers must communicate to a former OK SNAP Works participant who receives a provider determination; (9) explain only former participants who are physically and mentally capable may receive a referral back to OK SNAP Works after a provider determination; (10) In response the Fiscal Responsibility Act of 2023, Public Law (P.L.) 118-5: (a) enact changes to the abled-bodied adult without dependents (ABAWD) age exemptions; (b) add new ABAWD exemptions for a person who is homeless, a veteran, or younger than 24 years of age and was in state foster care when the person turned 18, or a higher age the state has chosen, per Section 675(8)(B)(iii) of Title 42 of the United States Code (42 U.S.C. § 675(8)(B)(iii)); and (c) limit ABAWD discretionary exemptions to eight percent; and (11) clarify Oklahoma Human Services (OKDHS) SNAP uses the 8 percent discretionary exemption to cover all months issued in error beyond the initial, three-month able-bodied adult without dependents (ABAWD) eligibility period.

The proposed amendments to Chapter 50, Subchapter 7 amend the rules to: (1) correct how SNAP handles disability payments in response to FNS instruction; and (2) update how OKDHS determines when a partner receives self-employment income from a partnership.

The proposed amendments to Chapter 50, Subchapter 9 amend the rules to modify the delayed application procedures in light of SNAP households receiving on-demand interviews.

The proposed amendments to Chapter 50, Subchapter 9 and Subchapter 11, amend the rules in response to United States Department of Agriculture Food and Nutrition Services (FNS) findings that indicated Oklahoma Human Services (OKDHS) is not correctly applying the broad-based categorical eligibility for the Supplemental Nutrition Assistance Program (SNAP).

Permanent rulemaking approval is requested.

LEGAL AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Section 311 and 312 of Fiscal Responsibility Act of 2023, Public Law (P.L.) 118-5; Section 5126 of the James M. Inhofe National Defense Authorization Act of 2023, P.L. 117-347, and Sections 271.2, 272.2, 273.2, 273.7, and 273.10 of Title 7 of the Code of Federal Regulations.



OKLAHOMA DEPARTMENT OF HUMAN
SERVICES



Rule Impact Statement

To: Programs administrator
Legal Services

From: Deborah Smith, Adult and Family Services (AFS) Director
Adult and Family Services

Date: December 20, 2022

Re: Chapter 50. Supplemental Nutrition Assistance Program
Subchapter 5. Non-financial Eligibility Criteria
Part 11. Oklahoma Supplemental Nutrition Assistance Program Works (OK
SNAP Works)
340:50-5-106 [Amended]
(Reference WF 22-09)

Contact: Caleb Turner, Program Supervisor 405-982-3685

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

Purpose.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) clarify Oklahoma Human Services (OKDHS) refers only non-exempt able-bodied adults without dependents (ABAWD) when they volunteer for Oklahoma Supplemental Nutrition Assistance Works (OK SNAP Works); (2) remove unnecessary gendered expressions; (3) remove the October 1, 2021, implementation date that applies to provider determinations; (4) add the former participant's name and case number as information the contracted service provider must give OKDHS when sending a provider determination; (5) move language relating to a contracted service providers authority to reassign a participant to a suitable component to the "Contracted service provider responsibility" paragraph; (6) require the OK SNAP Works coordinator to review provider determinations and notify field staff after receiving the determination from the provider; (7) require eligibility workers, not the OK SNAP Works coordinator, to take federally required action in response to provider determinations; (8) specify what information workers must communicate to a former OK SNAP Works participant who receives a provider determination; and (9) explain

only former participants who are physically and mentally capable may receive a referral back to OK SNAP Works after a provider determination.

Strategic Plan Impact.

The proposed amendments achieve OKDHS goals by communicating updated eligibility information to OKDHS clients and staff and ensuring efficient, accurate, and nondiscriminatory program administration.

Substantive changes.

Subchapter 5. Non-financial Eligibility Criteria

Part 11. Supplemental Nutrition Assistance Program Works (OK SNAP Works)

Oklahoma Administrative Code (OAC) 340:50-5-106 is amended to: (1) clarify OKDHS only refers non-exempt ABAWDs when they volunteer for OK SNAP Works; (2) remove unnecessary gendered expressions; (3) remove the October 1, 2021, implementation date that applies to provider determinations; (4) add the former participant's name and case number as information the contracted service provider must give OKDHS when sending a provider determination; (5) move language relating to a contracted service providers authority to reassign a participant to a suitable component to the "Contracted service provider responsibility" paragraph; (6) require the OK SNAP Works coordinator to review provider determinations and notify field staff after receiving the determination from the provider; (7) require eligibility workers, not the OK SNAP Works coordinator, to take federally required action in response to provider determinations; (8) specify what information workers must communicate to a former OK SNAP Works participant who receives a provider determination; and (9) explain only former participants who are physically and mentally capable may receive a referral back to OK SNAP Works after a provider determination.

Reasons.

The emergency rule making process is necessary to address findings the Food and Nutrition Services (FNS) discovered during its Employment and Training Policy Management Evaluation. The FNS findings required OK SNAP Works to: (1) clarify that the program serves both non-exempt ABAWDs and volunteers; (2) require all potential participants to volunteer for participation before referral; and (3) establish a clear communication process that complies with Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations (7 C.F.R. §§ 273.3 and 273.24) in regard to reporting ABAWD nonparticipation, provider determinations, good cause, and exemptions.

In response to the FNS findings, OK SNAP Works is modifying its processes. During the management evaluation, eligibility workers displayed confusion on what population OK SNAP Works serves. OK SNAP Works has clarified in the rule text OK SNAP Works serves both non-exempt ABAWDs and volunteers and all potential participants must volunteer before workers refer them for participation. The management evaluation also emphasized the need for clear communication. OK SNAP Works is updating its communication processes and correcting who must act on a provider determination. The OK SNAP Works rules previously allowed the OK SNAP Works coordinator to respond to a provider determination, but the actions

required in 7 C.F.R. § 273.7(c)(18)(i)(B) must be completed by an eligibility worker since these workers are responsible for screening.

Since OKDHS is updating this section, OKDHS is removing unnecessary language. FNS has instructed Adult and Family Service that SNAP must be free from gender identity and sexual orientation discrimination. This requirement is laid out in "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>) and 7 C.F.R. § 272.2(b)(2): "No person in the United States shall, on the grounds of sex, including gender identity and sexual orientation . . . be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under SNAP."

Repercussions.

If the proposed amendments are not implemented: (1) OKDHS SNAP Works rules will conflict with federal regulations and will not respond to FNS instruction; (2) OKDHS staff will not receive clarifying information about OK SNAP Works target population; (3) the OK SNAP Works screening process will remain error prone; and (4) OKDHS rules will not reduce the potential for gender identity and sexual orientation discrimination.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 7 C.F.R. §§ 271.2 and 273.7.

Permanent rulemaking request.

Per 75 O.S. § 253, OKDHS requests the Governor grant emergency rulemaking approval to avoid violation of federal law or regulation. The emergency rule making process is necessary to address findings the FNS discovered during its Employment and Training Policy Management Evaluation. FNS communicated these findings to OKDHS in February 2022. Due to the time needed to prepare the draft, OKDHS was unable to include these changes in its permanent rulemaking submission for 2023.

- A. 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 to be 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.

- B. 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.

- C. 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.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared December 20, 2022; modified November 20, 2023.



OKLAHOMA DEPARTMENT OF HUMAN
SERVICES



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Deborah Smith, Director
Adult and Family Services

Date: July 7, 2023

Re: Chapter 50. Supplemental Nutrition Assistance Program
Subchapter 5. Non-Financial Eligibility Criteria
Part 10. Able-Bodied Adults Without Dependents
340:50-5-100 through 340:50-5-101 [AMENDED]
Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-1 [AMENDED]
340:50-9-5 [AMENDED]
Subchapter 11. Special Procedures
Part 12. Categorically Eligible Households
340:50-11-111 [AMENDED]
340:50-11-112 through 340:50-11-115 [REVOKED]
(Reference WF 23-02)

Contact: Caleb Turner, Programs Supervisor 405-982-3685

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

Purpose.

The proposed amendments to Chapter 50 of Subchapter 5 amend the rules, in response to the Fiscal Responsibility Act of 2023, Public Law (P.L.) 118-5, to: (1) enact changes to the able-bodied adult without dependents (ABAWD) age exemptions; (2) add new ABAWD exemptions for a person who is homeless, a veteran, or younger than 24 years of age and was in state foster care when the person turned 18, or a higher age the state has chosen, per Section 675(8)(B)(iii) of Title 42 of the United States Code (42 U.S.C. § 675(8)(B)(iii)); and (3) limit ABAWD discretionary exemptions to eight percent.

The proposed amendments to Chapter 50, Subchapter 9 and Subchapter 11, amend the rules in response to United States Department of Agriculture Food and Nutrition Services (FNS) findings that indicated Oklahoma Human Services (OKDHS) is not correctly applying the broad-based categorical eligibility for the Supplemental Nutrition Assistance Program (SNAP).

Strategic Plan Impact.

The proposed amendments achieve OKDHS goals by improving the eligibility process, communicating updated eligibility determination information to OKDHS clients and staff, and ensuring efficient, accurate, and nondiscriminatory program administration.

Substantive changes.

Subchapter 5. Non-Financial Eligibility Criteria

Part 10. Able-Bodied Adults Without Dependents

Oklahoma Administrative Code (OAC) 340:50-5-100 is amended to: (1) adjust the ABAWD age exemption based on the Fiscal Responsibility Act of 2023; and (2) add new ABAWD exemptions for a person who is homeless, a veteran, or younger than 24 years of age and was in state foster care when the person turned 18, or a higher age the state has chosen, per 42 U.S.C. § 675(8)(B)(iii), per the Fiscal Responsibility Act of 2023.

OAC 340:50-5-101 is amended to: (1) correct the agency abbreviation from "DHS" to "OKDHS;" (2) limit ABAWD discretionary exemptions to eight percent per the Fiscal Responsibility Act; and (3) clarify OKDHS uses the eight percent discretionary exemptions to cover all months issued in error beyond the initial three-month ABAWD eligibility period.

Subchapter 9. Eligibility and Benefit Determination Procedures

OAC 340:50-9-1 is amended to: (1) update citations; (2) clarify that broad-based categorical eligibility households are not subject to the gross and net income standard during the certification period; (3) correct the agency abbreviation from "DHS" to "OKDHS;" (4) update the language; (5) clarify the homeless shelter deduction is available as an alternative to the excess shelter costs; (6) explain how the benefit allotment for a categorically eligible household adjusts to income changes during the certification period; (7) adjust the missed interview procedure in light of an on-demand interview process; and (8) align the certification period information with OAC 340:50-11-5(3).

OAC 340:50-9-5 is amended to: (1) correct how OKDHS handles reported changes for categorically eligible households to align with federal instruction and regulations; and (2) update and correct citations.

Subchapter 11. Special Procedures

Part 12. Categorically Eligible Households

OAC 340:50-11-11 is amended to: (1) update language; (2) update a citation; (3) align "authorized to receive" language with Section 273.2(j)(2)(iv) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(j)(2)(iv)); (3) clarify that broad-based categorically eligible households retain categorical eligibility between certifications; (4) add a list of eligibility factors that may be deemed from a categorically eligible program

to SNAP, per 7 C.F.R. § 273.2(j)(2)(v); and (5) add who may not be included in a categorically eligible household, per 7 C.F.R. § 273.2(j)(2)(ix).

Reasons.

The emergency rulemaking process is necessary to implement changes due to the Fiscal Responsibility Act of 2023. Signed by President Biden on June 3, 2023, the Fiscal Responsibility Act requires OKDHS to gradually increase the age limit for those subject to the ABAWD work requirement; add new ABAWD exemptions for persons who are homeless, a veteran, or younger than 24 years of age and were in state foster care when the person turned 18, or a higher age the state has chosen, per 42 U.S.C. § 675(8)(B)(iii), and limit the ABAWD discretionary exemptions from 15 percent to eight percent of Oklahoma's 12-month average SNAP caseload.

OKDHS also seeks emergency rulemaking to address FNS Quality Control (QC) feedback. Between December 22, 2022, and January 31, 2023, FNS QC determined OKDHS QC's evaluation of SNAP cases was incorrect for four SNAP cases. In three of the letters, FNS QC concluded, "It is possible to be categorically eligible for SNAP but still have a net income that is too high to receive a benefit. There is an exception for households of one- or two-person households. These households receive the minimum allotment." The fourth letter indicates OKDHS QC reached the wrong conclusion due a misunderstanding of broad-based categorically eligibility.

Since OKDHS is updating OAC 340:50-50-101, OKDHS is also correcting language that allowed FNS to conclude SNAP households could only receive a discretionary exemption for one month issued in error. The intent was to cover all months beyond the initial three-month ABAWD eligibility issued in error.

Repercussions.

If the proposed amendments are not implemented, OKDHS rules will (1) conflict with federal law and guidance; and (2) remain out of date.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Section 311 and 312 of Fiscal Responsibility Act of 2023, Public Law (P.L.) 118-5; Section 5126 of the James M. Inhofe National Defense Authorization Act of 2023, P.L. 117-347, and Sections 271.2, 272.2, 273.2, and 273.10 of Title 7 of the Code of Federal Regulations.

Permanent rulemaking approval is requested.

Per 75 O.S. § 253, OKDHS requests emergency rulemaking approval to avoid violation of federal law or regulation. The emergency rulemaking process is necessary to implement changes due to the Fiscal Responsibility Act of 2023 and to respond to federal instruction. President Biden signed the Fiscal Responsibility Act on June 3, 2023, and FNS QC communicated its findings between December 22, 2022, and January 31, 2023.

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 Adult and Family Services Staff (AFS) staff. The affected classes of persons will bear no costs associated with implementation of the rules.

- 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:** OKDHS does not anticipate the rules to reduce significant risks to the public health, safety, and environment.

- K. **The date the rule impact statement was prepared and, if modified, the date modified:** Prepared July 7, 2023. Modified September 18, 2023; November 20, 2023



OKLAHOMA DEPARTMENT OF HUMAN
SERVICES



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Deborah Smith, Adult and Family Services (AFS) Director
Adult and Family Services

Date: May 7, 2023

Re: Chapter 50. Supplemental Nutrition Assistance Program
Subchapter 3. Application Process
340:50-3-2 [AMENDED]
Subchapter 5. Non-financial Eligibility Criteria
Part 10. Able-bodied Adults without Dependents
340:50-5-101 [AMENDED]
Subchapter 7. Financial Eligibility Criteria
Part 3. Income
340:50-7-29 through 340:50-7-30 [AMENDED]
Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-4 [AMENDED]
(Reference WF 24-50)

Contact: Caleb Turner, Programs Supervisor 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 implement an on-demand interview process for Supplement Nutrition Assistance Program (SNAP) eligibility interviews in line with a Food and Nutrition Services (FNS) waiver.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to clarify Oklahoma Human Services (OKDHS) SNAP uses the 8 percent discretionary exemption to cover all months issued in error beyond the initial, three-month able-bodied adult without dependents (ABAWD) eligibility period.

The proposed amendments to Chapter 50, Subchapter 7 amend the rules to: (1) correct how SNAP handles disability payments in response to FNS instruction; and (2) update how OKDHS determines when a partner receives self-employment income from a partnership.

The proposed amendments to Chapter 50, Subchapter 9 amend the rules to modify the delayed application procedures in light of SNAP households receiving on-demand interviews.

Strategic Plan Impact.

The proposed amendments achieve OKDHS goals by improving the eligibility process, communicating updated eligibility determination information to OKDHS clients and staff, and ensuring efficient, accurate, and nondiscriminatory program administration.

Substantive changes.

Subchapter 3. Application Process

Oklahoma Administrative Code (OAC) 340:50-3-2 is amended to: (1) implement an on-demand interview process for SNAP eligibility interviews in line with a FNS waiver; and (2) adjust the use of Form 08AD091E, Interview Notice, and Form 08AD092E, Client Contact and Information Request, to fit the new on-demand interview process.

Subchapter 5. Non-financial Eligibility Criteria

Part 10. Able-bodied Adults without Dependents

OAC 340:50-5-101 is amended to: (1) update the agency abbreviation from "DHS" to "OKDHS;" and (2) clarify OKDHS uses the 8 percent discretionary exemptions to cover all months issued in error beyond the initial, three-month ABAWD eligibility period.

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

OAC 340:50-7-29 is amended to: (1) correct a citation; (2) update language; (3) correct how SNAP handles disability payments in response to FNS instruction; and (4) adjust how OKDHS determines when a partner receives self-employment income.

OAC 340:50-7-30 is amended to: (1) clarify what circumstances qualify as self-employment; (2) adjust how OKDHS determines when a partner receives self-employment income; (3) update language; and (4) update the agency name and abbreviation from "Oklahoma Department of Human Services" to "Oklahoma Human Services" and from "DHS" to "OKDHS."

Subchapter 9. Eligibility and Benefit Determination Procedures

OAC 340:50-9-4 is amended to: (1) update the agency name to "Oklahoma Human Services;" and (2) amend the rules to modify the delayed application procedures in light of SNAP households receiving on-demand interviews.

Reasons.

OKDHS SNAP requests permanent rulemaking to implement an on-demand interview process. The on-demand interview process allows SNAP applicants and recipients the choice on how to interact with OKDHS. When the interview does not

occur during the application process, the current interview process requires workers to schedule a household for an interview at initial eligibility and certification renewal. For these interviews, the applicant or recipient must attend at specific date and time. The new process gives a SNAP applicant and recipient greater control over when and how the applicant or recipient interviews for SNAP. Applicants or recipients may visit an OKDHS office or call OKDHS anytime, during business hours, and receive an on-demand interview. Applicants receive notice of the new process via the confirmation page on an online application, by receiving Form 08AD091E in the mail, and via verbal explanation when applicants and recipients visit an OKDHS office.

OKDHS also seeks to address FNS feedback. The current language at OAC 340:50-5-101 led FNS staff to conclude SNAP household could only receive coverage for one month issued in error. FNS also clarified that all disability payments qualify as unearned income. OKDHS has revised OAC 340:50-5-101 and 340:50-7-29 in light of this instruction.

The proposed rules also adjust how OKDHS determines when a partner receives self-employment income from a partnership. The proposed process more closely follows the United State Internal Revenue Service designation about when a household has earned self-employment partnership income to avoid a conflict with federal tax law.

Repercussions.

If the proposed amendments are not implemented: OKDHS rules will (1) not outline an on-demand interview process; and (2) remain confusing and inaccurate.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 7 C.F.R. §.273.2, 273.9, 273.11, 273.14, and 273.24.

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 to be 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.
- 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:** OKDHS does not anticipate the rules to reduce significant risks to the public health, safety, and environment.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared May 7, 2023; modified November 20 2023.

SUBCHAPTER 3. APPLICATION PROCESS.

340:50-3-2. Interview process

Revised ~~9-15-23~~ 9-14-24

(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 On-demand 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.~~ Oklahoma Human Services (OKDHS) offers all SNAP applicants the right to interview at any time during operating hours. ■ 3 When an interview does not occur during the application process, the household must contact OKDHS via telephone or in person unless the household qualifies for the interview waiver per (a)(2) of this Section.

~~(1) The worker uses Form 08AD091E, Interview Notice, to schedule the interview. ■ 3~~ A worker only schedules an interview when a person who must be interviewed per (b) of this Section declines the immediate interview options and requests a scheduled interview. The worker uses Form 08AD092E, Client Contact and Information Request, to schedule an interview if necessary. ■ 4

~~(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~~ an interview does not occur during the application process within two-calendar days of the application date, the worker calls the household to conduct an on-demand interview. ■ 5 When the household:

(A) answers, the worker offers to complete the interview; or

(B) does not answer, refuses to interview, or does not list a telephone number, OKDHS sends Form 08AD091E, Interview Notice, to inform the household of the interview requirement and schedules the case for follow up 10-calendar days later.

(3) When the household does not interview within 10-calendar days of the application date, the worker calls the household to conduct the on-demand interview. When the household:

(A) answers, the worker offers to complete the interview.

(B) does not answer, refuses to interview, or did not list a telephone number, the worker places case in FDENY reason "59." This process mails the household a Notice of Missed Interview and denies the application 30-calendar days after the application date, per Oklahoma Administrative Code (OAC) 340:65-3-2.1. ■ 6

~~(4) The worker ~~must~~ does 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 the worker offers to complete the interview.~~

~~(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 adult without dependents work responsibilities, per OAC 340:50-5-100; ■ 68

(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 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 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. ■ 79

(1) To determine the household refuses to cooperate, 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. ■ 810

(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. ■ 911

INSTRUCTIONS TO STAFF 340:50-3-2

Revised ~~9-15-23~~ 9-14-24

1. **Workers ~~must~~ document whether the interview was face-to-face or by phone 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 Oklahoma Human Services (OKDHS) receives a complete and timely 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;
 - (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~~ is 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) The worker uses Form 08AD091E, Interview Notice, to schedule an interview. Operating hours are 7 AM to 6 PM via telephone and 8 AM to 5 PM in person, Monday through Friday excluding state-approved holidays or office closures.~~
(b) When a household submits an application via OKDHSLIVE!, the Application Submitted page informs the household of the on-demand interview and to contact OKDHS Supplemental Nutrition Assistance Program (SNAP) staff by telephone or in person.
 4. OKDHS SNAP staff provides the telephone interview option, but if the person insists on a face-to-face interview, SNAP staff schedules the interview using Form 08AD092E.
 5. When Current assigns a pending SNAP application to a worker, the worker:
 - (1) screens the application for expedited service, per OAC 340:50-11-1(b);
 - (2) calls the household to ask the household to complete the interview;
 - (3) interviews the household when the household is available and willing to complete the interview; and
 - (4) enters a case note to document the expedited service screening and the outcome of the attempted outbound attempt.
 6. ~~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~~ (a) The Notice of Missed Interview (NOMI) indicates the interview must occur by the:
 - (1) 30th-calendar day from application date to avoid a denial; and
 - (2) end of the certification period for certification renewals to avoid a break in eligibility.(b) The worker enters a case note to document the attempted outbound attempt and its outcome.
 57. ~~To conduct an in-depth interview, the worker must review~~ reviews previous applications, other information contained in the food benefit case record, and all related case records prior to the interview.

- 68.** The worker must explain that ABAWD work responsibilities also apply to adult household members who lose their exemption status during the certification period.
- 79.** ~~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.
- 810.** When the client reapplies within 125-calendar days of the QC review period and did not cooperate with QC, the worker denies the application.
- 911.** For example, when the household had a QC review during the October ~~2021~~ 2024 through September ~~2022~~ 2025, 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, ~~2023~~ 2026.

SUBCHAPTER 5. NON-FINANCIAL ELIGIBILITY CRITERIA.

PART 10. ABLE-BODIED ADULTS WITHOUT DEPENDENTS.

340:50-5-100. Able-bodied adults adult without dependents (ABAWD) work requirements and time limits

Revised ~~7-19-21~~ 10-2-23

(a) **ABAWD work requirements.** Per Section 273.24(a) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.24(a)), an ABAWD meets work requirements when he or she: ■ 1

(1) works continuously 20 hours or more per week, averaged monthly. Averaged monthly means 80 hours per month. The employment may be paid, in-kind, unpaid, or volunteer work with religious or community organizations; ■ 2

(2) participates in and complies with the requirements of a work program 20 hours or more per week, averaged monthly. Work programs include:

(A) a program assignment under Title 1 of the Workforce Innovation and Opportunity Act (WIOA), Public Law (P.L.) 113-128;

(B) a program under Section 236 of the Trade Act of 1974, Section 2296 of Title 19 of the United States Code (19 U.S.C. § 2296);

(C) an Oklahoma Supplemental Nutrition Assistance Program Works (OK SNAP Works) assignment, not including job search, supervised job search, or job search training activities. However, job search, supervised job search, or job search training activities, when offered as part of other program components, are acceptable if those activities comprise less than half the total required time spent in the components; or ■ 3

(D) any employment and training program that serves veterans operated by the Department of Labor or the Department of Veterans Affairs; or

(3) works and participates in a work program for a total of 20 or more hours per week, averaged monthly; or

(4) meets an exemption from the work requirements per (d) of this Section.

(b) **General rule.** An ABAWD who is a member of an eligible household receiving Supplemental Nutrition Assistance Program (SNAP) food benefits must comply with work requirements per (a) of this Section or be exempt from work requirements per (d) of this Section to be eligible to participate as a member of any food benefit household for more than three countable months, consecutive or otherwise, during any 36-month or three-year period. When the ABAWD meets work requirements per (a) or an exemption per (d) of this Section, he or she is eligible to participate with no time limits. An ABAWD subject to the three-month time limit may also regain eligibility per (e) of this Section.

(1) **Countable months.** Countable months are months when an ABAWD receives SNAP benefits for the full benefit month while not: ■ 4

(A) exempt from ABAWD work requirements per (d) of this Section;

(B) fulfilling the work requirement per (a) of this Section; or

(C) receiving benefits that are prorated.

(2) **Countable months in another state.** When there is an indication an ABAWD subject to the time limits received SNAP food benefits in another state in the last 12 months, the worker must verify the number of countable months the person used in the other state per 7 C.F.R. § 273.2(f)(1)(xiv)(B). ■ 5

(3) **Measuring the three-year or 36-month time period.** Per 7 C.F.R. § 273.24(b)(3), Oklahoma Human Services (OKDHS) uses a 'fixed-individual clock' for each ABAWD subject to time limits. This means the ABAWD clock starts at the initial application for SNAP benefits when the person is not meeting ABAWD work requirements per (a) of this Section. When the person meets ABAWD work requirements at initial application, the clock starts the month the person uses the first countable month per (b)(1) of this Section. ■ 6

(4) **Worker responsibilities.** It is the worker's responsibility to:

(A) determine the ABAWD status of each household member:

(i) at application, mid-certification renewal, and certification renewal;

(ii) when a new person joins the household during the certification period; and

(iii) when reported information indicates a household member lost an exemption or no longer meets the work requirement;

(B) orally explain the ABAWD rights and responsibilities of each household member during the SNAP application and certification renewal interview, when a new person joins the household during the certification period, and when a household member loses an exemption. The system also generates a written notice to the household. The explanation includes:

(i) ABAWD work requirements, the household members subject to these requirements, and the ways to fulfill these requirements;

(ii) exemption and good cause criteria and how to claim an exemption or good cause;

(iii) the ABAWD's limited benefit eligibility when he or she does not fulfill work requirements;

(iv) how to maintain eligibility under the ABAWD work requirements, including what the household needs to provide at certification and renewal and what happens when an household member loses an exemption or a person joins the household; and ■ 7

(v) how to regain eligibility, per (e) of this Section; and

(C) update the ABAWD status of an adult household member any time he or she loses an exemption or no longer meets the work ~~requirement~~ requirements. The worker must 'look-back' to determine when the ABAWD lost the exemption or stopped meeting the work requirement. The worker closes food benefits for the person when he or she already used his or her countable months for the 36-month period or corrects the ABAWD status to start the ABAWD's clock per (3) of this subsection. ■ 8

(5) **ABAWD responsibilities.** It is the ABAWD's responsibility to:

(A) verify his or her work or participation hours, a combination of work and participation hours, or exemption status at application, mid-certification renewal, and certification renewal per 7 C.F.R. § 273.2(f)(1) and (f)(8); and

(B) report when his or her work or participation hours or a combination of work and participation hours drop below 20 hours per week or 80 hours per month within 10-calendar days of the month the hours dropped.

(i) When the ABAWD reports his or her work or participation hours or a combination of work and participation hours dropped below 20 hours per week, the worker determines if the ABAWD is eligible for three countable months.

When the ABAWD is:

(I) eligible for three countable months, the worker tracks the months to determine when to close benefits for the ABAWD if he or she does not regain eligibility per (e) of this Section; ■ 9 or

(II) not eligible because he or she received three countable months within the three-year period, the worker closes food benefits for the ABAWD.

(ii) When an ABAWD subject to time limits received SNAP food benefits in error within the most recent three-year period, the benefits are considered as countable months unless the ABAWD pays the benefits back in full per 7 C.F.R. § 273.24(b)(5).

(c) **Good cause for failure to meet the ABAWD work requirement.** When an ABAWD would have fulfilled the work requirement, per (a) of this Section, but missed some hours for good cause, the ABAWD meets the work requirement if the absence is temporary. Per 7 C.F.R. § 273.24(b)(2), good cause includes circumstances beyond the person's control, such as, but not limited to: ■ 10

(1) illness;

(2) illness of another household member requiring the presence of the ABAWD;

(3) unavailability of transportation; or

(4) a household emergency.

(d) **Exemptions from the ABAWD work requirement.** Per 7 C.F.R. § 273.24(c), a person is exempt from ABAWD work requirement and eligible to participate without time limits, when the person is:

(1) younger than 18 years of age or:

(A) 50 years of age and older before September 1, 2023;

(B) 51 years of age and older from September 1, 2023, through September 30, 2023;

(C) 53 years of age or older on or after October 1, 2023; or

(D) 55 years of age or older on or after October 1, 2024.

(2) medically-certified as physically or mentally unfit for employment. A person is medically-certified as physically or mentally unfit for employment when he or she:

(A) receives permanent or temporary disability benefits issued by governmental or private sources; ■ 11

(B) is obviously mentally or physically unfit for employment. When it is not obvious that he or she is unfit, the person must provide documented evidence from medically-qualified sources to substantiate the medical exemption. ■ 12

(i) Medically-qualified sources may include, but are not limited to, a:

(I) licensed or certified psychologist, therapist, counselor, or social worker;

(II) physician or physician's assistant;

(III) nurse or nurse practitioner; or

(IV) designated representatives of a physician's office.

(ii) The documented evidence must indicate the person has a physical or mental condition that limits the person's ability to work.

(iii) When the medical exemption is temporary, the person is required to comply with work requirements when released by a medically qualified source to return to work; or

~~(C)(3) is chronically homeless, per 7 C.F.R. § 271.2 and Oklahoma Administrative Code (OAC) 340:50-5-29(b); ■ 13~~

~~(3)(4) pregnant;~~

~~(5) a veteran, per Section 5126(f)(13)(F) of the James M. Inhofe National Authorization Act of 2023, P.L. 117-263. This definition includes a person who:~~

~~(A) served in the United States Armed Forces, such as Army, Air Force, Coast Guard, Marine Corps, National Guard, and Navy;~~

~~(B) served in an active duty or reserve component; and~~

~~(C) was discharged or released regardless of the conditions of the discharge or release. The discharge may be honorable, general, other than honorable, bad conduct, dishonorable, office, medical, or entry-level separation; and~~

~~(4)(6) a parent, natural, adoptive, or step, of a household member younger than 18 years of age, even when the minor child is not eligible for food benefits;~~

~~(5)(7) an adult residing in a household with a household member younger than 18 years of age and included in the food benefit household, even when the minor child is not eligible for food benefits; ■ 14 13~~

~~(8) a person 24 years of age or younger who was in foster care program run by a state, district, territory, or Indian tribal organization when the person turned 18, or a higher age the state has chosen, per 42 U.S.C. § 675(8)(B)(iii); or~~

~~(6)(9) otherwise exempt from work requirements per 7 C.F.R. § 273.7(b) and Oklahoma Administrative Code OAC 340:50-5-86.~~

(e) **Persons who regain eligibility.** Persons whose food benefits were denied or closed because they received three countable months of food benefits may regain eligibility by meeting work requirements per (a) of this Section for 30-consecutive days.

(1) **Regained eligibility by meeting work requirements.** When a person regains eligibility, he or she maintains food benefit eligibility without time limits provided he or she continues to meet work requirements per (a) of this Section. Per 7 C.F.R. § 273.24(d)(3), there is no limit to how many times a person may regain eligibility by meeting work requirements. ■ 45 14 The person's food benefits are prorated from

the application date. When the person applies before meeting work requirements for 30-consecutive days, the application is denied.

(2) **Regained eligibility and then stopped meeting work requirements.** When a person regains eligibility and then stops meeting work requirements, he or she is eligible for SNAP food benefits for three-consecutive countable months only. The person may only receive the additional three-countable months once during the 36-month period. After receiving these three-consecutive months, the person is not eligible for SNAP food benefits in his or her 36-month time period unless he or she regains eligibility by meeting the work rule or becomes exempt per (d) of this Section.

■ ~~46~~ 15

(f) **ABAWD work requirement waiver prohibition.** Per 7 C.F.R. § 273.24(f), states are allowed to request an ABAWD work requirement waiver in certain instances. Effective October 1, 2013, Section 241.3 of Title 56 of the Oklahoma Statutes prohibits OKDHS from requesting an ABAWD work requirement waiver from the United States Department of Agriculture.

INSTRUCTIONS TO STAFF 340:50-5-100

Revised ~~05-05-23~~ 10-2-23

1. The worker codes a person meeting able-bodied adult without dependents (ABAWD) work requirements with a 'W' in the 'work requirement status' field of the Family Assistance/Client Services (FACS) ABAWD tab.
2. Court-ordered community service hours are not counted toward the person's work or participation hours.
3. (a) The worker uses the Oklahoma Supplemental Nutrition Assistance Program Works (OK SNAP Works) Screening and Referral Tool (SRT) for all non-exempt ABAWDs and any volunteers.
(b) Through the SRT, the worker determines whether to refer a Supplemental Nutrition Assistance Program (SNAP) recipient to OK SNAP Works by answering screening questions about a potential participant.
(c) After the worker completes the SRT screening questions, the worker refers appropriate OK SNAP Works participants to the OK SNAP Works coordinator through the SRT.
4. The worker codes countable months in the FACS ABAWD tab as 'K' months. The computer changes the code to a 'P' when the month is a partial month.
5. (a) The worker must verify benefits received in another state when the person lived in another state in the past 12 months. As Oklahoma uses a 'fixed-individual clock,' the worker must verify if the person received SNAP food benefits in another state during the initial application month in Oklahoma or since the ABAWD clock for that person began in Oklahoma. No other months count toward SNAP eligibility in Oklahoma.
(b) Examples include when:
 - (1) a person moves from Texas and applies in Oklahoma on ~~April 15, 2020~~ November 15, 2023. The worker calls Texas and determines the person received benefits for ~~April~~ November and this was his or her third ABAWD month and final month of benefits. The worker counts ~~April~~ November as

the person's first 'K' month in Oklahoma and he or she is eligible for two more 'K' months;

(2) a person received two 'K' months of benefits in Oklahoma in ~~April and May, 2020~~ November and December 2023 and then moved to Arkansas. The person moves back to Oklahoma in ~~December, 2020~~ June 2024 and applies for food benefits on ~~December 15, 2020~~ June 15, 2024. The worker calls Arkansas and determines the person received three 'K' months in Arkansas in ~~June, July, and August, 2020~~ February, March, and April, 2024. The person is not eligible for any more 'K' months in Oklahoma until ~~April, 2023~~ November 2026 when the 36-month period ends; and

(3) a person moves to Oklahoma from Kansas in ~~June, 2020~~ November 2023 and applies for food benefits on ~~July 20, 2020~~ December 20, 2023. The worker calls Kansas and determines the person received three 'K' months of benefits in Kansas for ~~April, May, and June, 2020~~ August, September, and October and no benefits for ~~July~~ November. The person is eligible for three more 'K' months in Oklahoma beginning ~~July, 2020~~ December 2023 because the Oklahoma 36-month time period has not begun. The person may receive a partial month of food benefits in ~~July~~ December, and full benefits in ~~August, September, and October~~ January, February, and March 2024 as countable 'K' months.

(c) Staff records countable ABAWD months received in another state by entering ABWO (space) and the person's Social Security number or ABWO at the bottom of the person's ABWI screen in the information management system (IMS). Staff fills in the month, year, and the two digit state abbreviation for the state where the client received a countable ABAWD month, enters the appropriate ABAWD code, K or Y, depending on when the ABAWD clock started in Oklahoma, and then presses enter. The new information transfers to the ABWI screen.

6. Example of the fixed-individual clock: A person who does not meet ABAWD work requirements and is not exempt applies and is certified for food benefits on ~~February 10, 2020~~ 2024. The ABWI screen shows a prorated or 'P' month for ~~February, 2020, 2024~~ and 'K' months for ~~March, April, and May, 2020~~ 2024. The person's fixed-individual clock starts ~~February, 2020~~ 2024 and ends ~~January, 2023~~ 2027. The person is eligible for three-countable months beginning ~~February, 2023~~ 2027.
7. The worker enters a FACS case note to document the contact or attempted contact.
8. Example: The person meets ABAWD work requirements. The worker certifies food benefits effective ~~February 10, 2020~~ 2024, and codes the 'work requirement status' field with a 'W' in the FACS ABAWD tab. The person reports on ~~May 10, 2020~~ 2024, that he or she is no longer employed. The worker:
 - (1) verifies the person's job terminated ~~April 28, 2020~~ 2024;
 - (2) reviews the ABWI screen and determines the person has not used 'K' months and is eligible for three-countable months;
 - (3) uses the ABWI screen to update ABAWD coding for May to 'K' and the FACS ABAWD tab with a 'K' in the 'work requirement status' field; and

- (4) closes the person's food benefits effective August 1, ~~2020~~ 2024, unless he or she meets ABAWD work requirements in July or becomes exempt.
9. The worker reviews the ABWI screen in the IMS by typing ABWI (space) and the person's Social Security Number. The ABWU screen shows how many countable months the person received. When the person has not received all three-countable months, the worker changes the 'work requirement status' coding in the FACS ABAWD tab to 'K-Initial ABAWD not meeting the work rule'.
10. Other circumstances beyond the person's control may include when the person's employer closes the business for one or more days because of a holiday or natural disaster.
11. Examples of federal and state programs based on disability are:
- (1) vocational rehabilitation;
 - (2) Veterans Benefits Administration disability compensation;
 - (3) Social Security Administration disability benefits; and
 - (4) Supplemental Security Income.
12. A doctor's statement providing a diagnosis is best, but when the person is unable to obtain a doctor's statement, a statement from another medically-qualified source is sufficient.
- ~~13. Being chronically homeless, in and of itself, is not an exemption. The person must be unfit for employment due to homelessness. Examples may include not having a place to take a shower, wash clothes, or get ready for work.~~
14. When the adult purchases food and prepares meals separately from the child, the adult is not eligible for this exemption.
- ~~15~~14. The worker codes the 'ABAWD work requirement status' field of the FACS ABAWD tab with an 'M' for 'regained eligibility - maintaining 20 hours per week employment, not countable.'
- (1) The person is eligible with no time limit, provided his or her work or participation hours do not drop below 20 hours.
 - (2) When the person reports his or her work or participation hours dropped below 20 hours per week, the worker codes the 'ABAWD work requirement status' field with a 'Y' for 'regained eligibility for three-continuous months, countable' unless the person already received the three-consecutive months or meets an exemption.
- ~~16~~ 15. (a) The additional three months must be countable and consecutive. Being a countable month means the benefits are not prorated. When the first month is prorated, the person is eligible for a four-month certification period. This allows the person to receive three full 'Y' months.
- (b) When the person receives less than three months, he or she is not entitled to receive the additional month(s) at a later date.
- (c) The worker codes the 'ABAWD work requirement status' field of the FACS ABAWD tab with a 'Y' for 'regained eligibility for three-continuous months, countable.'

340:50-5-101. Exemption to able-bodied adult without dependents (ABAWD) work requirements

Revised ~~10-2-23~~ 9-14-23

Per Section 273.24(g) of Title 7 of the Code of Federal Regulations (~~7 C.F.R. § 273.24(g)~~), the Oklahoma Department of Human Services (OKDHS) may provide an exemption from the three-countable months during any 36-month period rule for ABAWDs, per Oklahoma Administrative Code (OAC) 340:50-5-100(b), for up to eight percent of eligible ABAWDs per federal fiscal year.

(1) **Eligible ABAWD.** An eligible ABAWD is a food benefit recipient or applicant denied eligibility solely because he or she received three-countable months during the current 36-month period. This includes an ABAWD, who is not: ■ 1

(A) exempt from ABAWD work requirements, per OAC 340:50-5-100(d);

(B) fulfilling work requirements, per OAC 340:50-5-100(a); or

(C) receiving Supplemental Nutrition Assistance Program food benefits because he or she regained eligibility for three-consecutive months, per OAC 340:50-5-100(e)(2).

(2) **Tracking.** OKDHS tracks the number of exemptions used each month and reports the information to the United States Department of Agriculture Food and Nutrition Services regional office on a quarterly basis.

(3) **Eight percent exemption.** OKDHS uses the allowable eight percent exemptions to extend food benefit eligibility to all ABAWDs whose eligibility OKDHS extended more than three-countable months in error. Each exemption covers one month issued in error.

INSTRUCTIONS TO STAFF 340:50-5-101

Revised 10-2-23

1. The eight percent exemption is used by Adult and Family Services Supplemental Nutrition Assistance Program staff only to cover cases in which too many countable months were issued to an able-bodied adult without dependents in error. When the exemption is applied, the ABWI screen shows an X month.

340:50-5-106. Oklahoma Supplemental Nutrition Assistance Program Works (OK SNAP WORKS)

Revised ~~7-19-21~~ 2-23

Oklahoma Human Services (OKDHS) operates a voluntary employment and training program, OK SNAP Works, per Section 273.7(e)(5) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.7(e)(5)). OK SNAP Works ~~intends to help~~ assists food benefit recipients, especially able-bodied adults without dependents (ABAWD), become involved in meaningful, work-related activities that lead to paid employment and enable them to achieve or maintain economic self-support.

(1) **Participant information information.** OK SNAP Works is available to ~~adults~~ ABAWD and non-ABAWD participants age 16 or older who receive SNAP benefits, do not receive Temporary Assistance for Needy Families, and live in an area served by an OKDHS contracted service provider. ■-4

(2) **Worker responsibilities for OK SNAP Works information, screening and referral.** It is the worker's responsibility to:

(A) inform the applicant or recipient that: ~~and~~

(+) participation in OK SNAP Works is voluntary; ~~and~~

- ~~(ii) any non-exempt ABAWD in the household who is not complying with ABAWD work requirements, per Oklahoma Administrative Code (OAC) 340:50-5-100 is automatically referred to OK SNAP Works;~~
- (B) ask if any ~~exempt adult household member~~ age 16 or older wants to voluntarily participate in OK SNAP Works regardless of ABAWD status; and
- (C) ~~send a referral to the Adult and Family Services OK SNAP Works coordinator for screen and, if appropriate, refer:~~ ■ 21
 - (i) non-exempt ABAWDs who are not complying with ABAWD work requirements, per Oklahoma Administrative Code (OAC) 340:50-5-100; and
 - (ii) other SNAP recipients who express an interest in participating in OK SNAP Works. ■ 2

(3) **Intake and case management services.** The OK SNAP Works coordinator sends a referral to the contracted service provider to initiate the intake process and case management services.

(A) Case management services and activities must be provided to all participants and must directly support their participation in OK SNAP Works. Case management services may include, but are not limited to:

- (i) comprehensive intake assessments;
- (ii) individualized service plans;
- (iii) progress monitoring; and
- (iv) coordination with service providers.

~~(A)~~(B) After receiving a referral, the provider's staff schedules referred ~~work registrants~~ participants for an orientation and comprehensive assessment.

~~(B)~~(C) Following orientation and assessment, each participant has an assessment interview to explore the participant's:

- (i) employment and training needs and barriers;
- (ii) communication and employment-related skills;
- (iii) education and employment history; and
- (iv) career interests.

~~(C)~~(D) Participants are then enrolled. The provider enrolls each participant in a at least one component, per (4) of this Section, that addresses their and continues to provide case management services to address employment barriers.

(4) **OK SNAP Works component assignments.** OK SNAP Works components include supervised job search, job search training, educational services, vocational training, Workfare for non-exempt ABAWDs only, work experience, and job retention services.

(A) **Supervised job search component.** Supervised job search is a component that provides structured activities to help participants seek and obtain suitable employment. These activities occur at approved locations where the participant is supervised and timeliness is tracked, per 7 C.F.R. § 273.7(e)(2)(i).

(B) **Job search training component.** Job search training is a component that enhances the participant's job readiness and may include employability assessment, training in techniques to increase employability, job placement services, or other direct training or support activities, per 7 C.F.R. § 273.7(e)(2)(ii).

(C) **Educational services component.** A participant is placed in an educational services component when they do the participant:

- (i) does not have a high school diploma or equivalency certificate;
- (ii) ~~have~~ has literacy issues; or
- (iii) need needs to learn or improve English language skills.

(D) **Vocational training component.** Participants may receive vocational training when assessments indicate training is needed to enhance employability or when industry-specific training is needed as part of a job placement program.

(E) **Workfare component.** Workfare is a work component only available to non-exempt ABAWDs. Participants work in a public service or a private, non-profit agency to obtain skills necessary to enhance employability or develop skills required for job placement.

(F) **Work experience.** The work experience component is designed to improve participant employability through actual work experience and training. The goal of work experience is to enable participants to move into regular employment. Work experience is a planned, structured learning experience that takes place in a workplace for a limited time period. A work experience program may include a work activity or a work-based learning program.

(i) A work activity gives the participant the opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment.

(ii) A work-based learning program may include internships, pre-apprenticeships, apprenticeships, customized training, transitional jobs, incumbent worker training, and on-the job training as defined by the Workforce Innovation and Opportunity Act.

(G) **Job retention component.** The job retention component helps participants who secured employment after or while receiving OK SNAP Works services to achieve satisfactory performance, retain employment, and increase earnings over time. A participant may receive case management, job coaching, dependent care assistance, and transportation assistance, per ~~7 C.F.R. § 273.7(e)(2)(vi)~~ 7 C.F.R. § 273.7(e)(2)(viii). This component must last for at least 30-calendar days but no more than 90-calendar days. There is no limit to the number of times a person may receive job retention services as long as the person re-engages with OK SNAP Works prior to obtaining new employment.

(5) **Supportive services.** Supportive services are provided to a participant when necessary and directly related to ~~their~~ the participant's ability to participate in the assigned OK SNAP Works component. OKDHS authorizes payments for supportive services that may include, but are not limited to, covering the cost of: ■ 3

(A) child care under special circumstances. When child care is needed after assessment, the contracted service provider assists the client in completing a child care application. The application is sent to the OK SNAP Works coordinator to determine eligibility, per OAC 340:40;

(B) clothing;

(C) uniforms;

(D) tools;

(E) personal safety items;

(F) books or training manuals;

(G) transportation, such as bus tickets, public transportation passes, taxi cabs, sharing rides, or gas vouchers; or

(H) other equipment deemed necessary for participation.

(6) **Contractor Contracted service provider responsibility.** The contracted service provider tracks participation and informs the OK SNAP Works coordinator of all ~~referred persons' potential participants'~~ participation status, outcome performance measures, and when the provider determines that ~~a referred person~~ an assigned component is ill-suited for ~~an assigned component~~ potential participant.

(A) ~~When a referred person potential participant~~ fails to participate in OK SNAP Works following a referral, or the provider determines that a ~~referred person potential participant~~ is ill-suited for a component, contracted staff notifies the OK SNAP Works coordinator within 10-calendar days of the non-participation or the provider determination. In a provider determination notification, the contracted provider must include the former participant's name, case number, and reason for the provider determination and may give offer input on the most appropriate next step for the participant. ■ 4

(B) ~~When the contracted provider finds a component is ill-suited for a participant, but determines the participant may be suitable for another component the provider offers, the provider may switch the participant to the suitable component. The provider informs the OK SNAP Works coordinator of the new component without the need for the coordinator to act further on the provider determination.~~

(7) **OK SNAP Works coordinator responsibilities.** The OK SNAP Works coordinator:

(A) monitors the contracted service provider's performance in operating the OK SNAP Works Program;

(B) initiates provider referrals, ~~responds to provider determinations, and;~~

(C) determines participants' child care subsidy eligibility; ■ 45

~~(A)(D) The at the household or worker's request, OK SNAP coordinator provides verification of a participant's monthly hours spent in the program when the household or the worker requests this verification; and ■ 56~~

~~(B)(E) When the OK SNAP Works coordinator receives upon receipt of a provider determination, that a participant is ill-suited for a component and recommends another component, the OK SNAP Works coordinator may allow the provider to enroll the participant in another component that better aligns with the participant's employment barriers or needs. When the participant is enrolled in another component, no further action is needed regarding the provider determination.~~

~~(C) When the OK SNAP Works coordinator receives a provider determination and decides not to allow the provider to reassign the participant or the provider does not offer a suitable component, the OK SNAP Works coordinator must notify the participant within 10-calendar days of reviews the reason for, and notifies field staff about, the provider's determination. ■ 67~~

~~(i) When the participant is an ABAWD, per OAC 340:50-5-100, the OK SNAP Works coordinator informs the participant that he or she will start accruing countable months toward the three month participation time limit. The countable months begin with the next full month following the notification month, unless the participant:~~

~~(I) fulfills the work requirement, per (OAC) 340:50-5-100(a);~~

~~(II) has good cause; or~~

- ~~(III) is otherwise exempt from the ABAWD requirements.~~
- ~~(ii) No later than the next certification renewal after receiving a provider determination, or at the participant request, the OK SNAP Works coordinator must:~~
 - ~~(I) reassess whether the participant is physically and mentally capable of participating, per OAC 340: 50-5-86(4);~~
 - ~~(II) refer the participant to an appropriate component with another OK SNAP Works provider; or~~
 - ~~(III) coordinate with other federal, state, and local workforce or assistance programs to identify work opportunities or assistance for the participant.~~

(8) Worker responsibilities for provider determinations. A provider determination occurs when a service provider concludes the assigned component is ill-suited for a participant.

(A) Within 10-calendar days of when the contracted service provider notifies OKDHS, the worker must inform the former OK SNAP Works participant of (i) through (vii) of this subparagraph and document the exchange in case notes.

(i) A provider determination concluded the component is ill-suited for the assigned OK SNAP Works participant.

(ii) The former participant's OK SNAP Works assignment has ended.

(iii) The former participant may immediately pursue the options in (B) of this paragraph.

(iv) OKDHS will pursue the steps in (B) of this paragraph at the certification renewal when the former participant declines to pursue these options immediately.

(v) When the former participant is an ABAWD, per OAC 340:50-5-100, the former participant starts accruing countable months towards the three-month participation time limit. The countable months begin with the next full month following the notification month, unless the participant:

(I) fulfills the work requirement, per OAC 340:50-5-100(a);

(II) has good cause, per OAC 340:50-5-100(c); or

(III) is otherwise exempt from the ABAWD requirements, per OAC 340:50-5-100(d). ■ 8

(vi) The worker provides contact information the former participant may use to reach OKDHS.

(vii) The provider determination does not cause an OK SNAP Works sanction.

■ 9

(B) In response to a provider determination, the worker takes the most suitable action from options (i) through (iii) of this subparagraph as soon as possible when the former participant requests, but no later than the next certification renewal. The worker:

(i) reassesses whether the former participant is physically and mentally capable of participating, per OAC 340:50-5-86(4);

(ii) refers the former participant back to OK SNAP Works, per (C) of paragraph (1) as long as the former participant is physically and mentally capable, per OAC 340:50-5-86(4); or

(iii) identifies work opportunities or assistance for the participant by coordinating with other federal, state, and local workforce or assistance programs. ■ 10

INSTRUCTIONS TO STAFF 340:50-5-106

Revised 7-19-215-2-23

- 1. Oklahoma Supplemental Nutrition Assistance Program Works (OK SNAP Works) is currently operated by contracted service providers in Oklahoma and Tulsa counties. Providers may accept participants from the counties that border these counties. The Quest article "[OK SNAP Works Referral Process](#)" explains how to make a referral.**
- 2. The Quest article "[OK SNAP Works Referral Process](#)" explains how to make a referral.(a) The worker uses the Oklahoma Supplemental Nutrition Assistance Program Works (OK SNAP WORKS) Screening and Referral Tool (SRT) for all nonexempt able-bodied adults without dependents and volunteers.
(b) Through the SRT, the worker determines whether to refer a Supplemental Nutrition Assistance Program (SNAP) recipient to OK SNAP Works by answering screening questions about a potential participant.
(c) After the worker completes the SRT screening questions, the worker refers appropriate OK SNAP Works participants through the SRT to the OK SNAP Works coordinator.**
- 3. The OK SNAP Works coordinator and contracted service providers handle expense reimbursement.**
- 4. The contracted service provider emails the OK SNAP Works coordinator at oksnapworks@okdhs.org.**
- 45. The OK SNAP Works coordinator monitors contracted service providers' operation of the OK SNAP Works program by:
(1) conducting annual management evaluations;
(2) reviewing the accuracy and timeliness of monthly reports; and
(3) providing performance feedback.**
- 56. The worker or participant may obtain verification by emailing oksnapworks@okdhs.org.**
- 67. The OK SNAP Works coordinator must document how the participant was notified of a provider determination and what next step was decided in Family Assistance/Client Services (FACS) case notes.**
- 8. The worker updates the Information Management System ABWU screen when a change is required. See the [ABWU \(ABAWD Tracking System Corrections\) Quest article](#).**
- 9. The worker calls the former participant at least twice and, if possible, leaves a voicemail with a call back number. Case notes in FACS must indicate any attempts or contact made to the participant, and clearly state the reason for calling and whether the former participant answered.**
- 10. (a) The worker must enter a case note showing what:
(1) options the worker explored;
(2) the input the worker received from the former participant; and
(3) option the worker chose.**

(b) When the former participant is not physically and mentally capable per Oklahoma Administrative Code 340:50-5-86(4), the worker reviews the former participant's able-bodied adults without dependents (ABAWD) history and updates any countable ABAWD months as necessary.

(c) When the worker chooses to identify work opportunities or assistance per (2)(E)(iii) of this Section, the worker reviews what is available through OKJobMatch, 2-1-1 Oklahoma, and Be a Neighbor with the former participant.

SUBCHAPTER 7. FINANCIAL ELIGIBILITY CRITERIA.

PART 3. INCOME.

340:50-7-29. Income inclusions

Revised ~~9-15-24~~ 9-14-24

(a) **Sources of income considered.** The worker considers all household income, unless specifically excluded, per Section 273.9(c) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.9(c)) and Oklahoma Administrative Code (OAC) 340:50-7-22, in determining monthly gross income. Income is classified as earned or unearned. When one or more household members are absent from the home, before deciding whether to consider the absent household member's income, the worker ~~must determine~~ determines if the person returns to the home for part of the month.

(1) The worker does not include the absent member in the benefit amount and only counts the portion of his or her income that he or she makes available to the rest of the household when the household member does not return for part of the month, per OAC 340:50-5-2. ■ 1

(2) When the household member returns for part of each month, the worker includes him or her in the benefit amount and counts all of his or her income unless excluded, per OAC 340:50-7-22.

(b) **Earned income.** Per 7 C.F.R. § 273.9(b)(1), earned income is income a household receives in the form of wages, commission, self-employment, or training allowances, and for which a person puts forth physical labor.

(1) **Wages.** Wages and salaries include sick pay ~~paid by the employer~~ pays to an employee who plans to return to work when recovered, excess benefit allowance payments, ■ 2 and wages garnished or diverted to pay a third party for a household's expenses. ■ 3 Countable wages for military personnel include any allowance included on the earnings statement, such as the Basic Allowance for Housing (BAH) and the Basic Allowance for Subsistence (BAS).

(2) **S corporations.** When a household member is a shareholder in an S corporation, he or she may receive profits from the business in two ways; as a salary or as a profit share of the business. Both types of income are reported on the household member's personal income tax return. Salary income is considered as earned income and profit share income is considered as unearned income per ~~(c)(7)~~ (c)(8) of this Section. ■ 4

(3) **Self-employment.** Refer to OAC 340:50-7-30 for self-employment income procedures.

(4) **Title I payments of the Domestic Volunteer Services Act (DVSA).** Volunteer payments made to a household member under Title I of the DVSA of 1973, as

amended, per Section 404 of Public Law (P.L.) 93-113, Section 5044(f)(1) of Title 42 of the United States Code and 7 C.F.R. § 273.9(c)(10)(iii), are counted as earned income when the household member started receiving the payments prior to applying for Supplemental Nutrition Assistance Program (SNAP) or public assistance. When the person receives SNAP or public assistance benefits at the time ~~he or she joins~~ of joining the Title I program, the volunteer payments are not counted. Title I programs include AmeriCorps Volunteers in Service to America (VISTA) and Special Volunteer Programs.

(5) **On-the-job training (OJT).** The worker counts income from OJT positions as earned income. This includes OJT provided, per Section 3(44) of the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128 for persons 19 years of age or older and monies paid by an employer. ■ 5

(6) **Training allowances.** Training allowances from vocational or rehabilitative programs ~~recognized by~~ federal, state, or local governments recognize, such as the work incentive program, to the extent they are not a reimbursement. Training allowances received under WIOA are excluded.

(7) **Sale of whole blood or plasma.** The sale of whole blood or blood plasma is considered as earned income.

(8) **Developmental Disabilities Services (DDS) payment.** When the household receives a DDS payment as an extended family care provider for services provided in addition to the child's room and board payment, it is considered as earned income.

(c) **Unearned income.** In general, unearned income is income a household receives and is not in the form of wages, self-employment, or training allowances, and for which a person does not put forth physical labor. The income listed in (1) through (11) of this subsection, while not all inclusive, are considered unearned, per 7 C.F.R. § 273.9(b)(2).

(1) **Assistance payments.** The worker counts payments from a ~~federally-aided~~ federally aided public assistance program, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or assistance programs based on need, such as State Supplemental Payments, as unearned income. When such payments are received by a third party, they are counted as income for the person to whom it is legally owed. ■ 6

(A) A household's food benefit amount does not increase when the public assistance benefit the household receives under a federal, state, or local means-tested public assistance program is reduced, suspended, or closed because the public assistance program imposed a penalty due to an intentional program violation determined as fraud or a household member's failure to comply with a requirement of that program.

(i) To impose a food benefit sanction, the person must be certified for ~~Supplemental Nutrition Assistance Program (SNAP)~~ benefits at the time of the failure to comply and receiving regular benefits from the other program at the time fraud occurred or the household failed to comply with a substantive program requirement.

(ii) Examples of means-tested public assistance programs include SSI and TANF.

(iii) Substantive requirements are behavioral requirements of that program designed to improve the well-being of the household. For TANF, this includes:

- (I) complying with TANF Work requirements, per OAC 340:10-2. OAC 340:10-2-2 explains the TANF penalty considered for SNAP when the household fails to comply with TANF Work activities; ■ 7
- (II) cooperating to obtain child support, per OAC 340:10-10-5;
- (III) providing a Social Security number, per OAC 340:10-12-1;
- (IV) ensuring school-age children regularly attend school, per OAC 340:10-13-1;
- (V) verifying children meet immunization requirements, per OAC 340:10-14-1; and
- (VI) not using the TANF benefit in a prohibited business, per OAC 340:10-1-3.

(iv) Procedural requirements that do not trigger a penalty include failing to:

- (I) provide verification;
- (II) complete an interview; or
- (III) complete a benefit renewal.

(v) When a worker is not able to obtain the necessary information and cooperation from another federal, state, or local means-tested welfare, or public assistance program to comply with the provision in (A) of this paragraph, Oklahoma Human Services (OKDHS) is not held responsible. The worker must make a good faith effort to get the needed information and record the details and results of this effort in the case file.

(vi) The worker does not reduce, suspend, or close the household's current food benefit amount when the benefits under another assistance program are decreased.

(vii) When the worker adds eligible members to the food benefit, the benefit must be adjusted regardless of whether the household is prohibited from receiving benefits for the additional member under another federal, state, local welfare, or public assistance means-tested program.

(viii) Changes in household circumstances not related to the penalty imposed by another federal, state, local welfare, or public means-tested assistance program are not affected by the provision in (A) of this paragraph.

(ix) The application of the provision in (A) of this paragraph applies for the duration of the imposed penalty or until OKDHS cannot determine the amount of the penalty. ■ 8

(x) SNAP sanctions extending beyond one year ~~must be~~ are reviewed at least annually to determine if the sanction continues to apply.

(B) The provision in (A) of this paragraph does not apply to persons or households subject to disqualification from SNAP for noncompliance with a comparable work requirement, per Title IV of the Social Security Act or an unemployment compensation work requirement.

(2) **Annuity, pension, retirement, and Social Security payments.** Annuities, pensions, retirement, and Social Security benefits are considered as unearned income. When a third party receives Social Security benefits it is counted as income for the person to whom it is legally owed. ■ 6 ~~The worker considers disability payments as:~~

~~(A) unearned income when the person is no longer considered an employee of the company and an agency outside of the company pays the disability benefits; and
(B) earned income when the person is still considered an employee of the company and the company pays the disability benefits.~~

(3) **Veterans', disability, worker's or unemployment compensation payments, and striker's benefits.** Veterans', disability, worker's or unemployment compensation payments, and striker's benefits are considered as unearned income.

■ 9

(4) **Support and alimony.** Support and alimony payments paid directly to the household from non-household members are considered as unearned income. ■ 10 Money deducted or diverted to a third party to pay a household expense is ~~considered~~ as unearned income when the court order directs the payment be made to the household. When the court order states the payment must be paid to a third party, it is not ~~considered~~ as income. ■ 11

(5) **Grants, dividends, royalty, and interest payments.** Payments from government sponsored programs, such as Agricultural Stabilization and Conservation Service Programs, grants, dividends, royalties, interest, and all other direct money payments from any source construed to be a gain or profit are considered as unearned income. The household must provide proof of income from these sources, so the worker may average ~~income can be averaged~~ to determine monthly countable income.

(6) **Monies withdrawn or dividends that are or could be received by a household from trust funds.** Monies withdrawn or dividends from a trust the household has the option of receiving as income or reinvesting in trust funds considered to be excludable resources are considered income in the month they become available to the household unless otherwise exempt, per OAC 340:50-7-22.

(7) **Department of Veteran's Affairs (VA) Aid and Attendance.** When a person receives VA Aid and Attendance income and does not pay someone outside of the food benefit household to care for him or her, this is considered as countable income. Any portion of the VA Aid and Attendance paid to someone outside of the food benefit household for care is excluded.

(8) **Profit sharing.** When a household member is a shareholder in an S corporation or a partner in a limited partnership or limited liability company a partner who is not self-employed, per OAC 340:50-7-30(a)(4), he or she the household member may receive a distribution or profit share ~~of~~ from the business. This is considered as unearned income. ■ 12

(9) **Foster care and DDS room and board payments.** The household has the option of including a child receiving a foster care payment that includes a kinship care payment or a DDS room and board payment in the food benefit household. When the household chooses not to include the child, his or her income is not considered, per OAC 340:50-5-5. Foster care payments for children or adults included as household members are considered an unearned income.

(10) **Adoption subsidy and guardianship payments.** When a member of the household receives an adoption subsidy or guardianship payment from OKDHS, it is counted as unearned income. The child for whom the payment is received must be included in the SNAP food benefit. ■ 13

(11) **Sponsor's income.** When a household contains a sponsored alien, refer to OAC 340:50-5-49 to determine if the income of the sponsor and the sponsor's spouse must be deemed to the sponsored alien.

(d) **Income of excluded household members.** Per OAC 340:50-5-10.1, excluded household members are termed as disqualified or ineligible. The worker does not consider the needs of a disqualified or ineligible household member when determining the household's size for purposes of assigning a benefit level to the household or comparing the household's monthly income with the income eligibility standard, per 7 C.F.R. § 273.11(c)(2)(iv).

(1) **Disqualified household members.** The worker counts the disqualified household member's income in its entirety as available to the remaining household members, per 7 C.F.R. § 273.11(c)(1)(i). The worker does not prorate utility, medical, dependent care, child support expenses, or excess shelter deductions. Per OAC 340:50-5-10.1, disqualified household members are those excluded for:

- (A) committing an intentional program violation;
- (B) failing to meet work registration requirements;
- (C) meeting fleeing felon criteria; or
- (D) being a probation or parole violator.

(2) **Ineligible household members.** The worker prorates the income of ineligible household members among all household members, per 7 C.F.R. § 273.11(c)(2)(ii) and (3).

(A) Per OAC 340:50-5-10.1, ineligible household members are those excluded because they do not meet a program requirement, such as:

- (i) failure to obtain or refusal to provide a Social Security number;
- (ii) being an ineligible alien;
- (iii) being an able-bodied adult without dependents and not meeting work requirements; or
- (iv) failure to cooperate with providing requested verification regarding unclear information.

(B) The worker counts a pro rata share of the ineligible household member's income as income available to the remaining members by first subtracting the allowable income exclusions, per OAC 340:50-7-22, from the ineligible member's income and dividing the income evenly among the eligible household members and the ineligible member.

(C) The worker counts all but the ineligible member's share as income available to the remaining household members. The earned income deduction, per OAC 340:50-7-31(a)(2), and OKDHS Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, applies to the prorated income attributed to the household when it was earned by the ineligible member.

(D) The portion of the household's allowable shelter, child support, and dependent care expenses paid by or billed to the ineligible member is divided evenly among the household members, including the ineligible member. All but the ineligible member's share is considered a deductible shelter expense for the remaining household members, with the exception of utility expenses, per 7 § C.F.R. § 273.9(d)(6)(iii)(F), or the standard homeless shelter deduction, per 7 C.F.R. § 273.9(d)(6)(i). When the:

- (i) household is responsible for utility expenses, the household is allowed the full utility standard for which it qualifies, per OAC 340:50-7-31; or ■ 14
- (ii) homeless household is responsible for shelter costs, the household is allowed the full standard homeless shelter deduction, per OKDHS Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, or the prorated excess shelter deduction incurred by the household incurs, whichever results in the most benefits for the household, per OAC 340:50-7-31(a)(6)(A)(v). ■ 15

INSTRUCTIONS TO STAFF 340:50-7-29

Revised ~~9-15-21~~ 9-14-24

1. (a) **Examples of household members who do not return for part of the month include persons away from home due to military deployment or employment in another state.**
 - (b) **When the absent member makes all or part of his or her income available to the rest of the household, the worker counts it as a contribution.**
 - (c) **When the absent member deposits his or her wages in a joint bank account, the worker only counts the portion of the wages the absent member states is for the household's use.**
2. **When the employer adds money to the employee's gross income as a benefit allowance to pay for a reimbursable expense, such as insurance or dependent care, the worker counts the regular gross earnings plus any excess money left after deducting the reimbursable expense as income. For example, when a person:**
 - (1) **receives a \$300 benefit allowance to purchase insurance and uses the entire amount to purchase the insurance, none of the benefit allowance is counted as income;**
 - (2) **receives a \$300 benefit allowance but only purchases \$280 in insurance, the worker counts the remaining \$20 as income;**
 - (3) **has an option of purchasing insurance with a \$300 benefit allowance when insurance was purchased or receiving \$150 of the \$300 benefit allowance as cash when insurance is not purchased, the worker counts the \$150 as an excess benefit allowance when the person chooses not to purchase insurance; or**
 - (4) **receives any excess benefit allowance at the end of the year instead of monthly, the worker excludes the one-time payment as income as it is considered a non-recurring lump sum payment, per Oklahoma Administrative Code (OAC) 340:50-7-22(10)(C).**
3. **Examples of wages garnished or diverted and paid to a third party for a household's expenses include wages withheld to pay:**
 - (1) **child support;**
 - (2) **rent, even when the employer is also the landlord; or**
 - (3) **the employer for uniforms or tools required to be purchased for use on the job.**
4. **Shareholders of S corporations complete Form 1120-S, U.S. Income Tax Return for an S Corporation with Schedule K-1, Shareholder's Share of Income. When**

the household member is a shareholder and receives a salary from the business, the household member must supply a copy of his or her W-2, Wage and Tax Statement. Line 1 on Form W-2 shows the household member's annual wages for the tax year. To calculate the household member's monthly income, the worker divides the income shown on line 1 by 12 or the number of months the S corporation existed during the tax year.

5. This provision does not apply to household members 18 years of age and younger who are under the parental control of another adult household member, regardless of school attendance.
6. Examples include, when a:
 - (1) mother applies for food benefits for herself and her 10-year-old son. The son receives Social Security benefits as a dependent of his disabled father and his father is the payee for his son's SSA benefit. Since the son is included in his mother's food benefit application, the portion of the SSA benefit legally owed to the son is counted as unearned income for the food benefit household; or
 - (2) child receives Supplemental Security Income (SSI) income and resides half of the month with his mother and the other half with his father. The child and his father receive food benefits and the mother is the payee for the child's SSI income. Since the SSI is legally owed to the child, the SSI is counted as unearned income for the food benefit household.
7. Refer to OAC 340:10-2-2 Instructions to Staff # 4(6) 4(b) to determine when the Temporary Assistance for Needy Families (TANF) penalty income is removed.
8. This may occur when the other program benefit closes or the person becomes ineligible for a non-penalty related reason, the worker stops imposing the food benefit sanction.
9. Refer to OAC 340:50-5-46 for more information regarding striker's income.
10. The worker counts child support as income to the parent, not the child. The worker counts cash medical payments as income when the child does not receive a SoonerCare (Medicaid) benefit. The worker verifies if the household receives cash medical by viewing on the KI1 screen.
 - (1) The worker documents child support in Family Assistance/Client Services (FACS) case notes and codes it as income in the FACS Income tab for the child, even though it is ~~considered income to the parent~~ parent's income, when the child is included in the food benefits unless:
 - (A) child support is paid to a parent whose child is no longer in the food benefit; or
 - (B) the parent is an ineligible or disqualified household member.
 - (2) In the circumstances listed in (1)(A) or (B) of this Instruction, the worker codes the child support on the Income tab for the adult as a contribution.
- 11.(a) Example of when a payment to a third-party counts as income. The household receives \$400 in court-ordered monthly child support payments. At benefit renewal the household reports the non-custodial parent now pays \$200 of the \$400 directly to a creditor of the food benefit household. In this instance the worker continues to count the entire \$400 as unearned income because the payment is from money owed to the household.

(b) Example of when a payment to a third party does not count as income. The household receives \$400 in court-ordered child support. In addition, the court order directs the non-custodial parent to pay \$200 to a bank for repayment of a loan. The worker does not count the additional \$200 as income because the court order did not direct this payment be made to the household.

12. (a) To calculate the household's profit-sharing income from an S corporation, the worker uses the 'ordinary business income' shown on line 1 of the Schedule K-1 (Form 1120-S), Shareholder's Share of Income, and divides the income by 12 or the number of months the business existed in the tax year to arrive at the monthly gross unearned income.

(b) When a household member is a partner, the worker ~~looks at line G~~ uses lines 14a, 14b, and 14c on Schedule K-1, Partner's Share of Income that accompanies Form 1065, Partnership Return of Income, to determine the ~~type of partnership if the household member received self-employment income from the partnership. When it shows the business is a limited partnership or limited liability company, the worker uses the 'ordinary business income' shown on line 1 of Schedule K-1 and divides the income by 12 or the number of months the business existed in the tax year to arrive at the monthly gross unearned income. When line G shows the business is a general partnership, refer to OAC 340:50-7-30(b)(2) to calculate the income as self-employment income.~~

(1) When there is income on lines 14a, 14b, or 14c, follow the partnership self-employment income instructions, per Instructions to Staff # 4 on OAC 340:50-7-30.

(2) For rental income on Schedule K-1 (Form 1065), follow 340:50-7-30(b)(10).

(3) When there is no self-employment income on line 14a, 14b, or 14c, lines 1, 3, 4c, 5, 6a, 6b, 7, 9b, 10, and 11 are unearned income derived from the partnership.

(c) The worker codes the profit-sharing income in the FACS Income tab and enters a FACS case note to document income calculations.

13. The worker counts adoption subsidy and guardianship payments as income to the parent, not the child.

(1) The worker documents the payment in ~~Family Assistance/Client Services (FACS)~~ case notes as income for the parent but enters the income in the FACS Income tab for the child when the child is ~~included~~ included in the food benefits household.

(2) When the child is not ~~included~~ included in the food benefit household or when the parent is an ineligible or disqualified household member, the worker enters the income in the FACS Income tab for the parent as a contribution and documents the reason in FACS case notes.

14. Example: The household size is four, including the ineligible household member. When the rent is \$400, and the household pays heating and cooling costs, the worker divides the rent by four, $\$400/4$ persons = \$100 per person and multiplies this number by the three eligible household members to arrive at \$300, $\$100 \times 3 = \300 . The worker enters \$300 in the FACS 'shelter cost' field, Information Management System (IMS) block C54 and S in the FACS 'utility indicator' field, IMS block C59 of the FACS Shelter tab.

15.(a) The worker enters one of the four homeless shelter codes in the Case Information tab 'shelter type' field, IMS block A23, of the FACS Interview Notebook: A, B, C, or D. The worker also enters 'yes' or 'no' in the 'homeless shelter costs' field of the FACS Shelter Tab, IMS block C61 to indicate whether the household has shelter costs associated with being homeless. When the answer is:

(1) 'no,' the worker enters zero in 'shelter cost' field, IMS block 54 and 'N' in the 'utility indicator' field, IMS block 59 of the FACS Shelter Tab; or

(2) 'yes,' the worker enters the prorated portion of the claimed shelter expense in the 'shelter cost' field, IMS block 54 and when the household claims utility costs, the applicable utility indicator in the 'utility indicator' field, IMS block 59 of the FACS Shelter Tab. The system calculates the household's income and allows the shelter expense deduction that results in the most food benefits for the household.

(b) Example: The household consists of two adults, one is an ineligible alien. The household claims it is homeless and incurs a shelter cost of \$300 and no utility costs. The eligible household member may receive the full-standard homeless shelter deduction or half of the claimed shelter costs totaling \$150, 300/2 persons. The worker enters \$150 in the 'shelter cost' field, IMS block 54 and 'N' in the 'utility indicator' field, IMS block 59. Once When the case is saved and cleared, the correct shelter cost ~~will show~~ shows in IMS.

340:50-7-30. Self-employed households

Revised ~~9-16-19~~ 9-14-24

(a) **Person considered self-employed.** A person is considered self-employed when:

(1) ~~he or she declares himself or herself to be~~ claims self-employed status;

(2) ~~he or she works as a sole proprietor or an independent contractor;~~

(3) ~~he or she is in business for oneself, including a part-time business or gig work;~~

(4) ~~he or she earns self-employment income from a partnership according to United States Internal Revenue tax forms;~~ ■ 1

(5) ~~there is an employer/employee relationship and the employer does not withhold income taxes or Federal Insurance Contributions Act (FICA), even when required by law to do so; or~~

~~(3)(6)~~ (6) the employer withholds taxes and the person provides proof he or she files taxes as self-employed.

(b) **Self-employment income.** Self-employment income received by household members whose income is derived from a self-employment enterprise owned solely or in part by the household member or when the household member works for an employer, but is considered self-employed per (a) of this Section, is treated per (1) through (10) of this subsection.

(1) **Capital gains.** The worker counts as income the proceeds from the sale of capital goods or equipment and calculates it in the same manner as a capital gain for federal income tax purposes. Even though a percentage of the proceeds from the sale of capital goods or equipment are taxed for federal income tax purposes, the worker counts the full amount of capital gain as income. ■ 42

(2) **Profit sharing.** Households who operate S corporations, general or limited partnerships, or limited liability companies (LLC) may receive profit sharing that is reported on the household's personal income tax return.

(A) S corporation profit sharing is considered unearned ~~profit sharing~~ profit-sharing income. Refer to Oklahoma Administrative Code (OAC) 340: 50-7-29(b)(2) and (c)(7) for information regarding S corporations. ■ 3

(B) Partnerships are unincorporated businesses with two or more partners. ~~When a household member is a partner in a business, he or she is considered self-employed and not an employee of the business. Each partner receives~~ Each partner may receive a profit share from the business. ~~When a business is considered a:~~ When the partner's Schedule K-1 (Form 1065), Partner's Share of Income, includes self-employment income, the worker considers the partner's profit share as self-employment income. ■ 24

~~(i) general partnership or LLC with a member manager, each partner's share of the business income is shown as self-employment income on his or her federal income tax form; ■-3~~

~~(ii) limited partnership or other LLC member, each partner's share of the business income is shown as self-employment income or unearned profit sharing income on his or her federal income tax form. ■-4~~

(3) **Self-employed farm income.** To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1,000 or more from the farming enterprise.

(A) Farming is defined as cultivating or operating a farm for profit either as owner or tenant.

(B) A farm includes stock, dairy, poultry, fish, fruit, truck farms, or plantations, ranches, ranges, or orchards.

(i) A fish farm is an area where fish are grown or raised, artificially fed, protected, and cared for, and does not include an area where they are only caught or harvested.

(ii) A plant nursery is a farm for purposes of this definition.

(C) Per Section 273.11(a)(2)(ii) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.11(a)(2)(ii)), when the cost of producing self-employment farm income exceeds the income received, the worker offsets the losses against other countable household income by:

(i) first offsetting the losses against other self-employment income; and

(ii) then offsetting any remaining farm self-employment losses against the total amount of earned and unearned income received by the household after applying the earned income deduction, per OAC 340:50-7-31(a)(2). ■ 5

(D) When the household's self-employment farm income exceeds the cost of producing the farm income and there are no losses to offset, the worker calculates the self-employment farm income as regular self-employment income per (b)(7) of this Section.

(4) **Monthly self-employment income.** Self-employment income received on a monthly basis that represents a household's annual support, is normally averaged over a 12-month period. When the averaged amount does not accurately reflect the household's actual monthly circumstances because the household experienced a

substantial increase or decrease in business, the worker calculates the self-employment income based on anticipated earnings.

(5) **Seasonal self-employment income.** Self-employment income intended to meet the household's needs for only part of the year is averaged over the period of time it is intended to cover. For example, the income of self-employed vendors who work only in the summer and supplement their income from other sources during the balance of the year is averaged over the summer months rather than a 12-month period.

(6) **Annualized self-employment income.** Self-employment income that represents a household's annual support ~~must be~~ is annualized over a 12-month period, even when the income is received in a shorter period of time. For example, self-employment income ~~received by~~ crop farmers ~~must be~~ receive is averaged over a 12-month period when the income represents the farmer's annual support.

(A) When the household's self-employment income has been received for less than a year, the income ~~must be~~ is averaged over the period of time received and the monthly amount projected for the coming year. ■ 6

(B) When the household's self-employment income has been received for a short time and there is insufficient data to make a reasonable income projection, the worker does not consider income from this source until the benefit renewal or certification renewal month. At benefit renewal or certification renewal, the worker averages the income over the number of months received until a full year's information is available. ■ 7

(7) **Determining net monthly annualized self-employment income.** When the household has business expenses associated with its self-employment income, the business expenses ~~must be~~ are deducted before determining if the household meets the maximum gross income standards, per Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. When the household does not have business expenses, the gross self-employment income is used.

(A) When the household filed an income tax return on its self-employment income for the most recent year, the worker uses the gross self-employment income shown on the income tax return, subtracts 50 percent of the income for claimed business expenses, and divides the net self-employment income by the number of months to be averaged, per 7 C.F.R. § 273.11(b)(3)(iv). ■ 8

(B) When the household did not file an income tax return on its self-employment income for the most recent year, the worker uses (i) through (iii) of this subparagraph to determine the net monthly self-employment income.

(i) The worker computes gross self-employment income, including capital gains, using the household's self-employment business records or employer records, when applicable.

(ii) When the household declares incurred business expenses, the worker subtracts 50 percent of the gross self-employment income as business expenses, per 7 C.F.R. § 273.11(b)(3)(iv). When the household did not incur business expenses, a business expense deduction is not given.

(iii) The worker then divides the net self-employment income by the number of months to be averaged.

(C) The worker adds monthly net self-employment income to all other earned income ~~received by the household~~ receives. When the household reports a loss instead of a profit on the business, the worker does not deduct the loss from other household income.

(i) The worker adds the total monthly earned income, less the earned income deduction per ~~DHS~~ OKDHS Appendix C-3 to all other monthly income ~~received by the household~~ receives.

(ii) The worker subtracts the standard deduction, dependent care, and shelter costs as for any other household, per OAC 340:50-7-31, to determine the monthly net income of the household.

(8) **Anticipated income.** When a household who would normally have the self-employment income annualized experiences a substantial increase or decrease in income, the worker does not calculate self-employment income on the basis of prior earnings, such as income tax returns. Instead, the worker calculates the self-employment income using only the income that can reasonably be anticipated to project future earnings. The worker uses procedures in (b)(7)(B) and (C) of this Section to determine net monthly self-employment income.

(9) **Household with income from boarders.** A household that operates a commercial boarding house may be considered a food benefit household and self-employed per (7) of this subsection. A household with boarders or roomers that is not a commercial boarding house may receive food benefits per (A) through (C) of this paragraph.

(A) The worker excludes a person paying a reasonable amount for room and board from the household and counts payments from the boarder as self-employment income when determining the household's eligibility and benefit level.

(i) The income from a boarder includes all direct payments to the household for room and meals, including contributions to the household for part of the household shelter expense.

(ii) The worker does not count expenses ~~paid a boarder pays~~ paid a boarder pays directly ~~by a boarder~~ to someone outside the household as income to the household.

(B) The worker excludes 50 percent of the boarder payment as the cost of doing business.

(C) The worker includes the net income from self-employment with other earned income minus the earned income deduction.

(i) The worker computes the shelter cost ~~incurred by the household~~ incurs, even when the boarder contributes part of the shelter expense, to determine if the household qualifies for a shelter deduction.

(ii) The shelter and utility cost ~~must~~ does not include any expense billed to and directly paid by the boarder to a third party.

(10) ~~Income from rental property~~ **Rental income.** The worker considers income received from rental property as self-employment income. ■ 9

(A) The worker treats rental income as earned income when a member of the household actively manages the property an average of at least 20 hours per week.

(B) When a household member does not actively manage the property at least 20 hours each week, the worker considers the income as unearned. The person is eligible for business expenses per (7) of this subsection.

INSTRUCTIONS TO STAFF 340:50-7-30

Revised 1-13-23 9-14-24

- 1. When the partner has filed a tax return, the worker reviews lines 14a, 14b, and 14c on Schedule K-1 (Form 1065), Partner's Share of Income, to determine if a household member has received self-employment income from a partnership. When there is self-employment income on these lines, the worker follows the instructions per Instruction to Staff 4(b) of this Section to calculate the partner's monthly countable self-employment income. When there is no self-employment income on these lines, the worker follows the procedures in Oklahoma Administrative Code (OAC) 340:50-7-29.**
- 2. Capital gains income is located on Form 1040, U.S. Individual Tax Return, line 13 and Schedule D, Capital Gains and Losses, line 16. Line 13 on Form 1040 should match line 16 on Schedule D. The worker divides the income on these lines by 12 to arrive at the monthly countable ~~unearned~~ earned capital gains income.**
- 2.3. Profit-sharing income from S Corporations appears on Schedule K-1 (Form 1120-S), Shareholder's Share of Income, line 1. The worker divides the income by 12 to arrive at the monthly countable unearned profit-sharing income.**
- 4. (a) The worker looks at line G 14a, 14b, and 14c on Schedule K-1 (Form 1065), Partner's Share of Income, to determine if a partnership is a general partnership/limited liability company (LLC) member-manager or a limited partnership/other LLC member a partner is self-employed.**
(b) When available, the worker adds line 14b and 14c on Schedule K-1 (Form 1065) as the partner's gross self-employment income.
(c) When there are amounts on line 14a of the Schedule K-1 but no amounts for 14b or 14c, the worker:
 - (1) looks at line J on Schedule K-1 (Form 1065) to find the partner's ownership percentage;**
 - (2) uses line 8 Total income (loss) on page 1 of Form 1065. The worker multiplies the sum by the partner's ownership percentage; and**
 - (3) adds the guaranteed payment amount found on 4c on the Schedule K-1 (Form 1065) to calculate the partner's gross self-employment income.****(d) When the partner has business expenses, the worker subtracts 50 percent of the income and divides the remaining income by 12 or the number of months the business existed in the tax year to arrive at the household member's monthly self-employment income.**
(e) The worker codes the income in the Income Tab of the Family Assistance/Client Services (FACS) as self-employment and documents income calculations in FACS case notes.
(f) When the partner does not have self-employment income, the worker follows the unearned income procedures, per OAC 340:50-7-29.

- ~~3. When the household member is a partner in a general partnership or LLC member-manager, the worker adds together the income shown on lines 1, 4, and 14C of Schedule K-1 (Form 1065) to determine the annual gross self-employment income. The worker subtracts 50 percent of the income for business expenses and divides the remaining income by 12 or the number of months the business existed in the tax year to arrive at the household member's gross monthly self-employment income. The worker codes the income in the Income Tab of the Family Assistance/Client Services (FACS) as self-employment and documents income calculations in FACS case notes.~~
- ~~4. (a) When the household member is a partner in a limited partnership or other LLC member, the worker adds together the income shown on line 4 and line 14C of Schedule K-1 (Form 1065) to determine the annual gross self-employment income. The worker subtracts 50 percent of the income for business expenses and divides the remaining income by 12 or the number of months the business existed in the tax year to arrive at the household member's gross monthly self-employment income. The worker codes the income in the Income tab of FACS as self-employment and documents income calculations in FACS case notes.~~

~~(b) The worker uses the 'ordinary business income' shown on line 1 of Schedule K-1 and divides the income by 12 or the number of months the business existed in the tax year to arrive at the household member's monthly gross unearned income from profit sharing.~~
5. (a) Example: The food benefit household's income includes self-employment farm income and non-farm self-employment income. The household files Form 1040, Schedule F, Profit or Loss From Farming, for the farm income and Schedule C for the non-farm income. Schedule F, line 34 shows a loss of \$15,500 and Schedule C, line 3 shows \$37,500 in non-farm self-employment income. The worker:
 - (1) first determines the net non-farm income by subtracting 50 percent for business expenses. This equals \$18,750;
 - (2) then subtracts the \$15,500 from the net non-farm income to offset the farm income losses. This equals \$3,200 in yearly self-employment income. \$3,200 divided by 12 equals \$267 in monthly self-employment;
 - (3) enters \$267 in the self-employment income field and zero in the business expense field in the Interview Notebook Income tab in FACS system; and
 - (4) documents income calculations in FACS case notes.

(b) Example: The food benefit household's income includes self-employment farm income and earnings. The household files Form 1040 with Schedule F for the farm income. Schedule F, line 34 shows a farm loss of \$12,000 for the year. \$12,000 divided by 12 equals \$1,000 per month in farm losses. The household furnished the last 30-calendar days of earnings that, after calculation, equal \$2,500 per month. Information Management System (IMS) and FACS subtracts the 20 percent earned income deduction from the amounts in blocks F64 and F68 of the FACS Income tab. The worker uses the following steps to deduct self-employment farm losses from non-self-employment-based earned income. The worker:

- (1) calculates the earned income deduction for the gross earned income by multiplying \$2,500 by 20 percent. The earned income deduction equals \$500 ($\$2,500 \times .20 = \500);
 - (2) subtracts the earned deduction from the gross non-self-employment earned income. $\$2,500 - \$500 = \$2,000$;
 - (3) subtracts the farm losses from earned income remaining after deducting the earned income deduction. $\$2,000 - \$1,000 = \$1,000$;
 - (4) calculates a number that is 20 percent greater than the monthly countable amount to allow the system to deduct the earned income deduction. This is \$1,250. Multiply the number in (3) of this subsection by 100 ($\$1,000 \times 100 = \$100,000$), and divide the product by 80 ($\$100,000 / 80 = \$1,250$). When IMS and FACS subtract 20 percent from this number, it will equal equals \$1,000 ($\$1,250 \times .20 = \250 ; $\$1,250 - \$250 = \$1,000$);
 - (5) does not enter any self-employment income or business expenses in FACS;
 - (6) enters \$1,250 in the earned income field (F64) of the FACS Interview Notebook's Income Tab for the person; and
 - (7) documents income calculations in FACS case notes.
6. (a) To average the income and expenses when the self-employment is received for less than a full year, the worker divides the total income by the number of months received. For example, when the household receives varied self-employment income from February 18th to the application month of November, the worker averages the income from February, the first month the business started, through October, the last complete month when computing an annualized figure for new self-employment income.
 - (b) The worker documents in the Family Assistance/Client Services FACS Case Notes case notes how income was calculated and why the full 12-month average was not used.
 7. (a) When the person is self-employed as a contract laborer, receives a set salary that does not vary, and has been employed for a period of time where sufficient data is available from the employer to make a reasonable income projection, but not sufficient to annualize income, earnings are anticipated by multiplying the amount received by the appropriate conversion factor. For example, the client starts a new self-employment contract labor job and works 40 hours per week at \$10 per hour. The client received two-weekly checks in the amount of \$400 each. The month is not over, but the employer states the person will continue to be paid \$400 weekly. It is correct to use $\$400 \times 4.3$ to anticipate the person's monthly income.
 - (b) At mid-certification renewal or certification renewal, the worker averages the income over the number of months received until a full year's information is available.
 8. (a) Income tax documents provide acceptable documentation of self-employment income and expenses. Income tax return forms include, but are not limited to:
 - (1) Form 1040 with Schedule C, Profit or Loss From Business (Sole Proprietorship), for sole proprietors and some limited liability companies.

The worker uses the gross income shown on line 3 of Schedule C as the household's annual self-employment income. The worker divides the income by 12 or the number of months the business existed in the tax year to arrive at the monthly gross income and allows a 50 percent deduction for claimed business expenses;

(2) Form 1040 with Schedule F for farmers. The worker uses the gross income shown on line 9 of Schedule F to determine farm income and line 34 to determine the net loss or profit of the farm. When line 34 shows a net loss, offset the loss per (b)(3)(C) of this Section. When line 34 shows a profit, the worker uses line 9 and determines net monthly income the same as all other self-employment income; or

(3) Form 1065, Partnership Return of Income, with Schedule K-1. Refer to Instructions 2 through 4 of this Section for calculation information.

9. Rental income is treated as self-employment income. This means that the 50 percent business expense is allowed when the client claims expenses, such as the mortgage of the rental property.

(1) Example: A client collects rent of \$1000 per month from a rental property and pays an \$850 mortgage payment on the property. The client does not actively manage the property at least 20 hours per week. Since the client has business expenses, the worker considers 50 percent of the \$1000 as countable income and enters unearned income of \$500 in the 'other' field and 'R' for rental income in the 'other indicator' field in the Income tab of the FACS Interview Notebook. The worker also enters a FACS case note explaining income calculations.

(2) Example: A client collects rent of \$900 per month from a rental property and pays a \$650 mortgage payment on the property. The client states he does actively manage the property at least 20 hours per week. Since the client has business expenses, the worker considers 50 percent of the \$900 as countable income and enters self-employment earned income of \$450 in the 'self-employment' field in the Income tab of the FACS Interview Notebook. The worker also enters a FACS case note explaining income calculations.

SUBCHAPTER 9. ELIGIBILITY AND BENEFIT DETERMINATION PROCEDURES.

340:50-9-1. Determining the food benefit allotment

Revised ~~9-16-19~~ 10-2-23

(a) Cases with unverified deductible expenses.

(1) **Food benefits without deductions.** When a deductible expense that must be verified, per Oklahoma Administrative Code (OAC) 340:50-7-31 cannot be verified within the 30-day processing standard for applications, the worker determines the household's benefit level without giving a deduction for the claimed, but unverified expense.

(2) **When the household is ineligible unless deductible expense is allowed.** When a deductible expense cannot be verified before the 30-day processing standard

for applications expires and the household is ineligible unless the expense is allowed, the worker:

(A) denies the application on the 30th day when the worker gave the household at least 10-calendar days to verify the expense; or

(B) delays making a decision until the 10-calendar day verification period expires.

(b) **Determining household eligibility.** The worker determines the household's eligibility based on gross or net monthly income standards per (3) or (4) of this subsection unless the household is considered a categorically eligible household, per OAC ~~340:50-11-113(a)~~ OAC 340:50-11-111(b) and (2) of this subsection. When changes in household composition or other circumstances occur, households certified under gross income standards may become subject to net income standards during the certification period or vice versa. The worker changes the income standard when making other changes to the household's eligibility, benefit level, or certification period, or at certification renewal, whichever is earlier.

(1) **Income and expense calculation.** The worker calculates the household's gross income before subtracting deductible expenses to arrive at the net monthly income for the household.

(A) The worker calculates each source of monthly gross income separately for each person, using dollars and cents, and then rounds cents to the nearest dollar. The worker rounds one cent through 49 cents down and 50 cents through 99 cents up. ■ 1

(B) The worker uses the same rounding method for each deductible expense. Deductible expenses are subtracted from gross income to arrive at the net monthly household income. Deductible expenses may include dependent care, shelter, legally-binding child support payments, or medical expenses.

(2) **Categorically eligible households.** Per Section 273.2(j) of Title 7 of the Code of Federal Regulations and OAC ~~340:50-11-113(a)~~ 340:50-11-111(d), categorically eligible households in which all household members receive Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI) are not subject to the gross or net income standards per (3) or (4) of this subsection.

(3) **Households without elderly or disabled members.** Households that do not include an elderly or disabled member and are not considered categorically eligible per (2) of this subsection are not eligible for food benefits when the household's total gross monthly income exceeds the gross monthly income standard by household size on Table I of the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. When the household meets the gross income standard and non-financial conditions of eligibility, per OAC 340:50-5, the worker computes the household's net monthly income to determine eligibility. When the net food benefit income does not exceed the net income by household size on the food benefit allotment chart on the Appendix C-3, the household is determined eligible. The worker follows steps (A) through (H) to determine the household's net food benefit monthly income.

(A) Add gross monthly income earned by all household members, per (1) of this subsection including any net self-employment income, per OAC 340:50-7-30 to determine the household's total gross earned income.

(B) Subtract the appropriate earned income deduction per ~~DHS~~ OKDHS Appendix C-3 to determine the net monthly earned income. The household is not eligible for the earned income deduction on any portion of income earned under a work supplementation or support program that is attributable to public assistance.

(C) Add the net monthly earned income and the total monthly unearned income of all household members, minus income exclusions, per OAC 340:50-7-22.

(D) Subtract the standard deduction, per ~~DHS~~ OKDHS Appendix C-3.

(E) Subtract monthly dependent care expenses. A dependent care deduction is not allowed when dependent care expenses are reimbursed or paid for under an employment and training (E&T) program or other source.

(F) Subtract verified ~~legally-binding~~ legally binding child support payments made to someone outside the food benefit household.

(G) Add together the allowable shelter expenses, including the appropriate utility standard, to determine the household's total shelter costs. Subtract from the total shelter costs 50 percent of the adjusted income, the household's monthly income after all of the deductions given in (A) through (F) of this paragraph are subtracted. The remaining amount, if any, is the excess shelter costs. When there are no excess shelter costs, the net monthly income is determined. When there are excess shelter costs, proceed to the next step.

(H) When the total shelter costs exceed the maximum shelter cost deduction shown in ~~DHS~~ OKDHS Appendix C-3, only the amount not exceeding the maximum shelter cost deduction or the homeless shelter deduction when appropriate per OAC 340:50-7-31(a)(6)(A)(v) is deducted.

(4) Households with an elderly or disabled member. When a household that includes an elderly or disabled member meets the non-financial conditions of eligibility, per OAC 340:50-5, the household's net food benefit monthly income, and household size are the basis for determining eligibility. The worker compares the household's net food benefit monthly income to the Maximum Net Income Standards for the appropriate household size shown on Table II of ~~DHS~~ OKDHS Appendix C-3. When the net food benefit income does not exceed this standard, the household is determined eligible. The worker follows steps (A) through (H) of this paragraph to determine the household's net food benefit income.

(A) Add gross monthly income earned by all household members per (1) of this subsection including any net self-employment income, per procedures at OAC 340:50-7-30, to determine the household's total gross earned income.

(B) Subtract the appropriate earned income deduction, per ~~DHS~~ OKDHS Appendix C-3 to determine the net monthly earned income. The household is not eligible for the earned income deduction on any portion of income earned under a work supplementation or support program that is attributable to public assistance.

(C) Add the net monthly earned income and the total monthly unearned income of all household members, minus income exclusions, per OAC 340:50-7-22.

(D) Subtract the standard deduction as shown in ~~DHS~~ OKDHS Appendix C-3.

(E) Subtract medical expenses that exceed \$35 for elderly or disabled household members only. The worker subtracts the \$35 only once for the household rather than for each household member.

(F) Subtract monthly dependent care expenses. A dependent care deduction is not allowed when dependent care expenses are reimbursed or paid for under an E&T program or other source.

(G) Subtract verified ~~legally-binding~~ legally binding child support payments made to someone outside the food benefit household.

(H) Add together the allowable shelter expenses, including the appropriate utility standard, to determine the household's total shelter costs. Subtract from the total shelter costs 50 percent of the adjusted income, the household's monthly income after all of the deductions in (A) through (G) of this paragraph are subtracted. The remaining amount, if any, is the excess shelter costs. When the homeless shelter deduction per OAC 340:50-7-31(a)(6)(A)(v) is greater than the excess shelter costs, the household receives the homeless shelter deduction instead of the excess shelter costs.

(i) When there are no excess shelter costs or homeless shelter deduction, the net monthly income is determined.

(ii) When there are excess shelter costs or a homeless shelter deduction, subtract ~~excess shelter costs~~ the larger deduction from the adjusted income to determine the net monthly income.

(c) Food benefit allotment.

(1) Initial month proration.

(A) Initial month means the first month the household is certified for food benefits following any period the household was not certified. Food benefit allotments for an initial month are prorated from the date of application.

(i) Migrant and seasonal farm worker's food benefits are not prorated when the household received food benefits in the prior month. ■ 2

(ii) For the initial month, the worker considers the household's circumstances for the entire application month, even though the food benefit allotment is based on the day of the month the household applies for benefits.

(iii) Temporary Assistance for Needy Families (TANF) cash assistance payments are also prorated from the application date, per OAC 340:65-3-5(5). When the worker certifies the household for TANF and food benefits for the same month, the worker uses ~~DHS~~ OKDHS Appendix B, Prorated TANF and Food Benefit Payment, or the formula: (31 minus the application date) x monthly benefit divided by 30 to determine TANF countable income for the initial month.

(B) The prorated benefit is rounded down to the lower dollar. When the prorated food benefit is less than \$10, the worker denies food benefits for the application month and certifies the household for the next month. ■ 3

(C) When the worker certifies the household for the month following the month of initial application because the household failed to furnish necessary information, the worker:

(i) changes the application date to the date the household furnishes the information to ~~DHS~~ OKDHS; and

(ii) prorates benefits from the new application date.

(2) **Monthly benefit.** The monthly benefit for all months except the initial month is the food benefit allotment listed on ~~DHS~~ OKDHS Appendix C-3 for the appropriate household size and net income.

(A) All one-person and two-person categorically eligible households whose income exceeds gross and net income standards during the certification period must receive the minimum monthly allotment per Appendix C-3. ■ 4

(B) Categorically eligible households with three or more members are entitled to have the case remain open with no benefits issued when the household's gross or net income exceeds the Appendix C-3 income standards during the certification period. ■ 5

(d) **Certification periods.** Certification periods are established for each eligible household to receive benefits. When the certification period ends, the household must complete a new application, be interviewed, and provide required verification, per OAC 340:50-3-2 and 340:50-3-3, before the worker determines continuing eligibility. Under no circumstances are benefits continued beyond the end of a certification period without completion of a certification renewal.

(1) **Month of application.** The month of application is the first month in the certification period for initial applicants when eligibility is determined within the 30-day period.

(A) Because of anticipated changes, a household may be eligible for the application month but ineligible for the subsequent month. In this situation, the worker certifies the household for the application month only.

(B) When the worker determines a household is ineligible for the application month, but is eligible for subsequent months, a new application is not needed. The worker denies benefits for the application month and certifies food benefits effective the month following the application month. ■ 4 6

(2) **Missed interview.** When a household ~~misses the scheduled interview, the fails to interview within 10-calendar days of the application date, OKDHS sends the household a Notice of Missed Interview. The household may request a new an interview date be scheduled through the 30th day following their application date. Refer to OAC 340:50-9-4 to determine the proration date of the food benefit allotment when applications are delayed. ■ 5 7~~

(3) **Information furnished after the application is denied.** When the worker denies an application because the household did not provide the requested information and the applicant furnishes the required information to determine eligibility within the second 30-calendar day period, a new application is not required. The worker certifies food benefits using the date the household provides required information or verification as the application, certification, and proration date.

(e) **Length of certification periods.** The worker assigns the longest certification period possible based on the predictability of the household's circumstances.

(1) **One month.** The worker assigns a one-month certification to:

(A) households eligible only for the application month; ~~and~~

(B) migrant farm worker households in the work stream, who apply before the 16th of the month; ~~and~~

(C) households eligible for expedited services per OAC 340:50-11-1(b) who apply before the 16th of the month and verification is postponed.

- (2) **Two months.** The worker assigns a two-month certification to:
- (A) households eligible only for the certification month and subsequent month; and
 - (B) migrant farm worker households in the work stream, who apply after the 15th of the month; and
 - (C) households eligible for expedited services per OAC 340:50-11-1(b) who apply after the 15th of the month and verification is postponed.
- (3) **Three or four months.** The worker assigns a three- or four-month certification period to households that include an able-bodied adult without dependents (ABAWD) member who is not meeting the work requirement or is not otherwise exempt, per OAC 340:50-5-100. This occurs when an ABAWD:
- (A) is eligible to receive his or her initial three or four countable months of benefits; or
 - (B) regains eligibility for three-consecutive countable months and is not meeting work requirements.
- (4) **Twelve months.**
- (A) The worker assigns a 12-month certification period to households at certification unless the household meets criteria in (1), (2), (3), or (5) of this subsection.
 - (B) These households ~~are required to~~ complete a mid-certification renewal at six-month intervals and are ~~known as~~ semi-annual reporting households. ■ 6 8
- ~~(4)~~(5) **Twenty-four months.** The worker assigns a 24-month certification period to households when all adult members are elderly or disabled with no earned income. These households ~~are required to~~ complete a mid-certification renewal at 12-month intervals and are ~~known as~~ annual reporting households. ■ 7 9

INSTRUCTIONS TO STAFF 340:50-9-1

Revised ~~9-15-17~~ 10-2-23

1. For example, a person's weekly earnings of \$99.90 are multiplied by the number of checks that will be received in a month's time and the cents rounded to the nearest dollar, $\$99.90 \times 4.3 = \429.57 rounded to \$430. After adding the gross earned income to the Family Assistance/Client Services (FACS) Income tab for each person with earned income, the system subtracts the earned income deduction.
2. In order to issue the correct food benefit allotment amount, the worker enters the first day of the month as the application date on the Family Assistance/Client Services (FACS) system instead of the actual application date.
3. (a) When the household initially applies on the 31st day of the month, the worker enters the 30th day as the application date for purposes of this provision.
 (b) The applicant is not eligible for the application month when benefits prorate to less than \$10. In order to issue a denial notice for the application month and a certification notice for the following month, the worker:
 - (1) denies food benefits for the application month using denial code '23P-initial month's benefit prorated to less than \$10'; and
 - (2) after the denial action, certifies food benefits effective the first day of the following month.

4. For example, a household consisting of two adults applies for SNAP in December and reports unearned income of \$500. At the time of certification, the household is classified as categorically eligible. In March, the household reports new employment which puts the household over the gross and net income standard. The worker verifies and codes the new income on the case. The case remains open, and the household receives the minimum allotment.
5. For example, a household of one adult and two children is certified for SNAP in April with zero income and becomes categorically eligible. At the mid-certification renewal for October, the worker discovers and verifies the household now has income over the gross and net income standard. The worker completes the renewal keeping the case open, and the system issues zero benefits to the household.
6. The worker denies the application when the applicant is not eligible for the month of application or the following month. A new application is required for subsequent months.
- 5 7. When a member of the food benefit household or the household's authorized representative ~~fails to appear for~~ does not complete the ~~scheduled~~ interview within 10-calendar days, the worker puts the application in FDENY status using reason 59. This action issues the Notice of Missed Interview (NOMI).
- 6 8. The worker gives or mails Form 08MP006E, Information for Benefit Renewal, to the household. Form 08MP006E informs the household of its reporting and renewal responsibilities.
- 7 9. (a) The worker gives or mails Form 08MP006E, to the household.
 (b) When the household receives a State Supplemental Payment (SSP) and food benefits, the worker completes a food benefit mid-certification renewal or certification renewal at the time of the SSP renewal. To update food benefits at:
 - (1) certification renewal, the worker enters the new application date and a "1" action in the FACS SNAP tab; or
 - (2) mid-certification renewal, the worker enters a "c" change and the next effective date" in the FACS SNAP tab.

340:50-9-4. Delayed applications

Revised ~~6-1-13~~ 9-14-24

- (a) **Delayed applications.** When applications are not approved or denied by the 30th-calendar day, they are considered delayed applications. On the 30th-calendar day following the application date, every delayed application is assessed to determine whether ~~the Oklahoma Department of~~ Human Services (OKDHS) or the household caused the delay. The purpose of this assessment is to determine: ■ 1
- (1) whether to immediately deny the application or leave it pending in application status; and
 - (2) what date to certify benefits if the household is determined eligible at a later date.
- (b) **Delay caused by OKDHS.** When OKDHS causes the processing delay ~~is caused by~~ OKDHS, the application remains in pending status. At the end of the first 30-calendar days, the worker sends the household Form 08MP038E, Client Notice of Action Taken, explaining why the application is still pending. If the household is later determined eligible,

food benefits are approved back to the date of application. ■ 2 OKDHS caused delays include, but are not limited to, the circumstances in (1) through (6) of this subsection.

(1) ~~The household's first interview was scheduled~~ The household did not complete an interview within 30-calendar days of the application date, and OKDHS did not send Form 08AD091E, Interview Notice, and the Notice of Missed Interview to the household on or before the 20th-calendar day following the date of application. The household appeared for the interview

(2) OKDHS interviewed the household, but the household subsequently failed to provide the required verification. During the interview process, the worker did not provide to the household Form 08AD092E, Client Contact and Information Request, to the household and explain:

(A) what factors must be verified;

(B) what is considered acceptable verification; and

(C) the date verification must be supplied.

~~(2) The worker never scheduled an interview for the household.~~

(3) ~~The worker did not offer to provide assistance to assist~~ the household in obtaining the verification or offered assistance, but failed to follow through on collateral contacts or release of information.

(4) The worker discovered that additional information was required after the interview, but the household did not have 10-calendar days between the verification request for the verification and the 30th-calendar day of the application to provide the verification.

(5) ~~The household missed their first interview on or before the 30th calendar day and requested the interview be rescheduled. The worker was unable to schedule the second interview date until after the 30th calendar day. OKDHS failed to interview the household when the household requested an interview during business hours.~~

(6) The household provided all the required verification on or before the 30th-calendar day and the application was not approved or denied timely.

(c) **Delay caused by the household.** When the household causes the processing delay ~~is caused by the household~~, the application must be denied by the 30th-calendar day. The household receives a computer-generated denial notice. When the household provides the required verification in the second 30-calendar days, a new application is not required. If the household is determined eligible, the food benefit allotment is prorated from the date the household provided the verification. Household caused delays include, but are not limited to, the circumstances in (1) through (3) of this subsection.

(1) ~~The household's first interview was scheduled~~ OKDHS sent Form 08AD091E and the Notice of Missed Interview on or before the 20th-calendar day following the application date of application. The household appeared at the interview, but was interviewed and subsequently failed to provide the required verification. The worker provided the household with Form 08AD092E showing required verification, offered to assist the household in obtaining the verification, and allowed the household sufficient time 10-calendar days to provide the verification. ■ 3

(2) ~~The household missed their first interview and~~ received Form 08AD091E and the Notice of Missed Interview on or before the 20th-calendar day, and requested the interview be rescheduled a worker interviewed the household after the 20th-calendar day but on or before the 30th-calendar day. ~~The worker rescheduled the interview on~~

~~or before the 30th calendar day; however, the household did not provide all the required verification by the 30th-calendar day.~~

~~(3) The household missed their first interview and requested on or before the 30th calendar day that the interview be rescheduled. The OKDHS sent Form 08AD091E and the Notice of Missed Interview on or before the 20th-calendar day following the application date, but household stated they could not come in or did not complete an interview over the telephone until after the 30th calendar day within 30-calendar days of the application date.~~

340:50-9-5. Changes after application and during the certification period

Revised ~~9-15-22~~10-2-23

(a) **Change reporting requirements.** Section 273.12 of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.12) contains change reporting requirements after application and during the certification period described in (a) through (j) of this Section.

(b) **Applicant households.** Applicant households must report all changes related to their food benefit eligibility and benefit amount. Households must report changes that occur after the interview but before the date of the notice of eligibility, within 10-calendar days of the date of the notice. ■ 1

(c) **Annual reporting households.** Annual reporting households are households in which all adult members are elderly or disabled with no earned income. ■ 2

(1) **Certification period.** A 24-month certification period is automatically assigned to annual reporting households. Annual reporting households must complete a mid-certification renewal between certification periods to report current household circumstances.

(2) **Change reporting between renewal periods.** Between the mid-certification renewal and certification renewal reporting months, the household must report gross income changes when the household's income exceeds the maximum gross income scale for household size shown on Form 08MP006E, Information for Benefit Renewal, and when the household wins substantial lottery or gambling winnings as defined, per 7 C.F.R. § 273.11(r) and Oklahoma Administrative Code (OAC) 340:50-7-1, within 10-calendar days of receipt of the first payment attributable to the change. ■ 3 The maximum gross income scale is based on 130 percent of the monthly poverty income guidelines.

(3) **Action taken on reported changes.** The worker must act on all changes reported by households. ■ 4

(A) The computer system determines if the change results in an increase, decrease, or no change in benefits.

(B) Between the mid-certification renewal and certification renewal months, the changes the worker makes do not decrease or close benefits until the mid-certification renewal is due unless the:

(i) household's income increase exceeds the maximum gross income scale for household size shown on Form 08MP006E; ■ 3

(ii) household requested benefit closure;

(iii) worker has information about the household's circumstances considered verified upon receipt, per (h) of this Section;

(iv) a household member is identified as a disqualified or ineligible person, per 7 C.F.R. § 273.12(a)(5)(vi) and OAC 340:50-5-10.1; or

(v) the worker verifies the household won substantial lottery or gambling winnings as defined, per 7 C.F.R. § 273.11(r) and OAC 340:50-7-1(b). When this occurs, refer to (j) of this Section, and OAC 340:50-7-1(b) and 340:50-7-6, for information regarding actions that are taken.

(C) The computer system applies all changes that increase benefits. Before entering a change that increases benefits, verification supporting the change must be provided, when required. ■ 5

(d) **Mid-certification renewal for annual reporting households.** Annual reporting households are sent notification in the 11th month of certification that the mid-certification renewal is due. The notice explains methods the household may choose to complete the renewal and required verification needed. ■ 6 An interview is not required.

(1) **When the mid-certification renewal is due.** The household must complete the benefit renewal and provide required verification by the last day of the 12th month of certification.

(2) **Completion of mid-certification renewal.** The worker reviews benefit renewal information and verification provided to determine completeness and continued eligibility. ■ 7

(A) When the renewal is complete and the household remains eligible, the worker acts on all reported changes and the computer system applies any increase or decrease in benefits.

(i) When the household fails to provide sufficient information regarding a deductible expense requiring verification, the worker processes the mid-certification renewal without regard to the deduction.

(ii) When benefits are decreased, an advance notice is sent, per Oklahoma Human Services (OKDHS) Appendix B-2, Deadlines for Case Actions.

(iii) When a categorically eligible household as defined in OAC 340:50-11-11(b)(1) has income that now exceeds the maximum gross income standards for household size per Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, the worker uses the procedures in (k) of this Section.

(B) When the household is no longer eligible, the worker closes food benefits effective the next advance-notice deadline date, per (OKDHS) Appendix B-2.

(C) When the renewal is incomplete, the computer system closes food benefits effective the next advance-notice deadline date, per (OKDHS) Appendix B-2. ■ 8

(3) **When benefits may be reopened.** Food benefits may be reopened following closure when criteria is met per ~~(k)~~ (l) of this Section.

(e) **Semi-annual reporting households.** Food benefit households are considered semi-annual reporting households unless they meet criteria per (b), ~~(c)~~, or (g) of this Section.

(1) **Certification period.** A 12-month certification period is automatically assigned to semi-annual reporting households. ■ 9

(2) **Change reporting between renewal periods.** Between the mid-certification renewal and certification renewal reporting months, the household must report when:

(A) the household's gross income exceeds the maximum gross income scale for household size shown on Form 08MP006E and when the household wins

substantial lottery or gambling winnings as defined, per 7 C.F.R. § 273.11(r) and OAC 340:50-7-1, within 10-calendar days of receiving the first payment attributable to the change. ■ 3 The maximum gross income scale is based on 130 percent of the monthly poverty income guidelines; and

(B) a decrease in work hours below an average of 20 hours per week or 80 hours per month occurs for any household member meeting the able-bodied adults without dependents (ABAWD) work rules, per OAC 340:50-5-100, by the 10th of the following month. ■ 10

(3) **Action taken on reported changes.** The worker must act on all changes reported by households. ■ 4

(A) The computer system determines if the change results in an increase, decrease, or in no change in benefits.

(B) Between mid-certification renewal and certification renewal months, the changes the worker makes do not decrease or close food benefits until the mid-certification renewal is due unless:

(i) the household's income increase exceeds the maximum gross income scale for household size shown on Form 08MP006E; ■ 3

(ii) the household requested benefit closure;

(iii) the worker has information about the household's circumstances considered verified upon receipt, per (h) of this Section;

(iv) an ABAWD must be removed from the food benefit household because he or she does not meet the ABAWD work rule, per OAC 340:50-5-100; ■ 10

(v) a household member is identified as a disqualified or ineligible person, per 7 C.F.R. § 27312(a)(5)(vi) and OAC 340:50-5-10.1;

(vi) a household member is identified as failing to meet work registration requirements, per OAC 340:50-5-85 through OAC 340:50-5-87; or

(vii) the worker verifies the household won substantial lottery or gambling winnings as defined, per 7 C.F.R. § 273.11(r) and OAC 340:50-7-1(b). When this occurs, refer to (j) of this Section, and OAC 340:50-7-1(b) and 340:50-7-6, for information regarding actions that are taken.

(C) The computer system applies all changes that increase benefits. Before entering a change that increases benefits, verification supporting the change must be provided, when required. ■ 5

(f) **Mid-certification renewal for semi-annual reporting households.** Semi-annual reporting households are sent notification in the fifth month of certification that the mid-certification renewal is due. ■ 6 An interview is not required.

(1) **When the mid-certification renewal is due.** The household must complete the benefit renewal and provide required verification by the last day of the sixth month of certification.

(2) **Completion of mid-certification renewal.** The worker reviews benefit renewal information and verification provided to determine completeness and continued eligibility. ■ 7

(A) When the renewal is complete and the household remains eligible, the worker acts on all reported changes and the computer system applies any increase or decrease in benefits.

- (i) When the household fails to provide sufficient information regarding a deductible expense requiring verification, the worker processes the mid-certification renewal without regard to the deduction.
 - (ii) When benefits are decreased, the worker sends an advance notice, per OKDHS Appendix B-2, Deadlines for Case Actions, deadline dates.
 - (iii) When a categorically eligible household as defined in OAC 340:50-11-11(b)(1) has income that now exceeds the maximum gross or net income standards for household size per Appendix C-3, the worker uses the procedures in (k) of this Section.
- (B) When the household is no longer eligible, the worker closes food benefits effective the next advance-notice deadline date, per OKDHS Appendix B-2.
 - (C) When the renewal is incomplete, the computer system closes food benefits effective the next advance-notice deadline date, per OKDHS Appendix B-2. ■ 8
- (3) **When benefits may be reopened.** Food benefits may be reopened following closure when criteria is met, per ~~(k)~~ (l) of this Section.
- (g) **Change reporting households.** Change reporting households are assigned a certification period other than 12 or 24 months. These households are required to report changes within 10-calendar days of when the change occurred.
- (1) **Household characteristics.** Households not approved for a 12- or 24-month certification period include households approved for:
 - (A) expedited services for one or two months because verification was postponed, per OAC 340:50-3-2; and
 - (B) a three- or four-month certification period because the household includes one or more ABAWDs that do not meet the work rule, per OAC 340:50-5-100.
 - (2) **Required change reporting.** These households must report changes in:
 - (A) sources of income;
 - (B) unearned and earned income of the income reporting threshold, per Appendix C-3, ~~Maximum Food Benefit Allotments and Standards for Income and Deductions;~~
 - (C) household composition, such as an addition or loss of a household member;
 - (D) residence and shelter costs; ■ 11
 - (E) the legal obligation to pay child support;
 - (F) the work hours of an ABAWD subject to benefit time limits, per OAC 340:50-5-100 when they fall below 20 hours per week; and
 - (G) resources when the household wins substantial lottery or gambling winnings as defined, per 7 C.F.R. § 273.11(r) and OAC 340:50-7-1(b). When this occurs, refer to (j) of this Section, and OAC 340:50-7-1(b) and 340:50-7-6, for information regarding actions that are taken.
 - (3) **Action taken on case changes.** The worker must act on changes reported by the household within 10-calendar days of the date the household reported the change and provided necessary verification. ■ 12
 - (A) When the household fails to report a change within the 10-calendar day period and, as a result, receives benefits to which it is not entitled, an overpayment claim is referred to Adult and Family Services (AFS) Benefit Integrity and Recovery, per OAC 340:50-15.
 - (B) When the worker fails to take timely action on a reported change and benefits are lost, the worker supplements the household's food benefits.

(4) **Changes that increase benefits.** When the household reports a change that increases benefits the household must verify the information before the worker makes the change. The worker gives the household 10-calendar days to verify the information. ■ 13

(5) **Changes that decrease or close benefits.** When the household reports a change in household circumstances that decreases or closes food benefits, the worker gives or sends the household Form 08AD092E, Client Contact and Information Request, giving the household 10-calendar days to provide verification of the change. When the household provides required verification, the worker reduces or closes food benefits based on the verification provided. When the household does not provide required verification, the worker closes the food benefits based on the household's failure or refusal to provide verification.

(A) When a household's benefit decreases or closes, an advance notice of adverse action is required unless exempt from such notice for a reason listed in (i) or (ii) of this subparagraph. Per 7 C.F.R. § 273.13, advance notice of adverse action is considered timely when the notice is mailed at least 10-calendar days before the action becomes effective. The household retains its right to a fair hearing and continuation of benefits when a fair hearing is requested within 10-calendar days of the change notice. An adverse action notice may be mailed just prior to the date the household receives or would have received benefits when the:

(i) OKDHS receives a clear written statement signed by a responsible household member:

(I) stating the household no longer wishes to receive food benefits; or

(II) giving information that requires closure or reduction of food benefits and stating that the household understands the food benefit will be reduced or closed; or

(ii) worker closes or reduces food benefits per notice requirements at ~~(l)(3)(A)~~ (m)(3)(A) of this Section. ■ 14

(B) When an advance notice is required, the benefit decrease or closure is effective the next advance notice deadline date, per OKDHS Appendix B-2. When the household reports a change:

(i) 10-calendar days or more before the advance-notice deadline, per OKDHS Appendix B-2, the worker decreases or closes the food benefit effective the first of the following month; or

(ii) less than 10-calendar days before the advance-notice deadline, per OKDHS Appendix B-2, the worker must take action before the advance-notice deadline the following month.

(C) When a reported change increases food benefits, the worker makes the change by the non-advance-notice deadline date, per OKDHS Appendix B-2.

(h) **Changes considered verified upon receipt.** Verified upon receipt means the information is not questionable and the provider is the primary source of the information. For example, when OKDHS receives Social Security and Supplemental Security Income verification through data exchange with the Social Security Administration (SSA), it is considered verified upon receipt because SSA is the primary source. When the worker receives information considered verified upon receipt, he or she makes the change within 10-calendar days of notification using OKDHS Appendix B-2 deadline dates. ■ 15

(i) **Required action on unclear information.** During the certification period, the worker may obtain unclear information about a household's circumstances that may affect the household's continued eligibility or benefit amounts. The worker may receive the unclear information from a third party, such as a data exchange discrepancy, an employer, or a person claiming knowledge of the household's circumstances. Unclear information is information that is not verified or is verified but the worker needs additional information before acting on the change.

(1) Per 7 C.F.R. § 273.12(c)(3)(i), when the worker receives unclear information in a non-report month for semi-annual or annual reporting households or any month for change reporters, he or she sends Form 08AD092E to the household to verify its circumstances within 10-calendar days only when the unclear information:

(A) significantly conflicts with the information used at the time of the certification, indicating the household may have failed to report eligibility information at application; or ■ 16

(B) is fewer than 60-calendar days old, relative to the current participation month and, when true, must be reported under the household's reporting responsibilities. ■ 17

(2) When the household provides the requested verification in a non-report month, the worker determines what action to take per requirements at (c)(3) and (e)(3) of this Section.

(3) When the worker sends Form 08AD092E, per (i)(1)(A) or (B) of this Section, and the household does not respond or responds but refuses to provide sufficient information to clarify its circumstances, the worker closes the household's food benefits effective the next advance-notice deadline date, per OKDHS Appendix B-2;

(4) Per 7 C.F. R. § 273.12(c)(3)(iii), when the worker receives a data match that indicates a household member may have died or may be incarcerated for more than 30-calendar days, the worker sends Form 08AD092E to the household notifying it of the discrepancy and requesting information regarding the household member. ■ 18

(A) When the household is a change reporting household and:

(i) fails to respond to Form 08AD092E or responds but refuses to provide sufficient information to clarify the person's household status, the worker closes the household's food benefits;

(ii) responds and verifies the person is not dead or incarcerated, no action is taken; or

(iii) responds and confirms the accuracy of the data exchange information, the worker removes the person from the food benefit and determines if an overpayment referral is needed, per OAC 340:50-15.

(B) When the household is an annual or semi-annual reporting household and:

(i) fails to respond to Form 08AD092E or responds but refuses to provide sufficient information to clarify the person's household status, the worker removes the person and his or her income from the household and adjusts the food benefits;

(ii) responds and verifies that the person did not die or is not incarcerated, no action is taken; or

(iii) responds and confirms the accuracy of the data exchange information, the worker removes the person and his or her income from the household, adjusts

the food benefits, and determines if an overpayment referral is needed, per OAC 340:50-15.

(j) **Required action on substantial lottery or gambling winnings.** The worker must take prompt action to verify receipt of substantial lottery or gambling winnings and begin closure procedures when the household or a third party reports the household received substantial lottery or gambling winnings, per OAC 340:50-7-1(b), for all types of reporting households.

- (1) When the household reports substantial winnings, verification of the winnings is required. The worker closes the SNAP food benefit for the entire household ~~once~~ when verification is received even when the household states all of the winnings were spent, per 7 C.F. R. § 273.11(r). The worker also closes the SNAP food benefit when the household fails to provide verification after being given 10-calendar days to do so.
- (2) When the worker receives information from a data match or other third party regarding the household's receipt of substantial lottery or gambling winnings, the action required depends on whether the information is unclear, per (i) of this Section.

■ 19

(A) When the worker receives a direct match from a lottery or gambling entity and there is no question regarding which client received the winnings, the worker closes the SNAP food benefit effective the next advance notice deadline date, per OKDHS Appendix B-2.

(B) When the worker receives the information from a third party data match or another third party, the worker follows unclear information procedures per (i) of this Section.

(3) When the worker closes the SNAP food benefit due to substantial lottery or gambling winnings, the household must reapply and ~~cannot~~ may not be considered categorically eligible the first time it reapplies, per 7 C.F. R. § 273.11(r), OAC 340:50-7-1(a)(2) and 340:50-11-111(d). To regain eligibility, the household must meet non-categorical resource requirements, per 7 § C.F.R. 273.8 and OAC 340:50-7-6, and verify how the winnings were spent down below the appropriate resource standard, per OKDHS Appendix C-3. This applies to all households, including households receiving Supplemental Security Income or Temporary Assistance for Needy Families. ~~Once~~ When the household meets non-categorical resource requirements and is certified, it regains categorical eligibility for future applications and renewals unless the household contains a sponsored alien or ~~cannot~~ may not be considered categorically eligible, per OAC 340:50-7-1(a)(2) and 340:50-11-111(d).

(k) **Categorically eligible household changes.** When categorically eligible households, per OAC 340:50-11-111(b), report changes in income, workers do not close the SNAP case due to the household exceeding the gross or net income standards for the household size per Appendix C-3. The worker updates the system with the new income information. When the categorically eligible household exceeds the income standard, the system:

- (1) reduces the monthly allotment to the minimum benefit for one- and two- person households; and
- (2) does not issue a benefit for three or more person households. The SNAP case remains open with no benefit.

(l) **When benefits may be reopened following closure.** The food benefit may be reopened following closure using current eligibility information, when:

(1) OKDHS did not administer policy and procedures correctly. The food benefit is reopened effective the first day of the month of closure; ■ 20

(2) the household fails to complete the mid-certification renewal timely, but provides all required verification by the first day of the month of closure. The food benefit is reopened effective the first day of the month of closure; ■ 21 or

(3) the household fails to complete the mid-certification renewal timely, but provides all required verification by the last day of the month of closure. The food benefit is reopened and prorated from the date the household completes the mid-certification renewal and provides all required verification. ■ 21

~~(1)~~(m) **Notice requirements.** OKDHS is required to send a notice to the household when food benefits increase, reduce, or close.

(1) **Advance notice of adverse action required.** Prior to reducing or closing food benefits during the certification period, per 7 C.F.R. § 273.13, the worker must provide timely advance notice unless circumstances described in ~~(1)~~(2) (m)(2) or (3) of this Section occur.

(A) Advance notice of adverse action is considered timely when the notice is mailed at least 10-calendar days before the action becomes effective. Refer to OKDHS Appendix B-2 for advance notice processing deadlines.

(B) When the household reports a change:

(i) 10-calendar days or more before the advance notice of adverse action deadline, the worker decreases or closes the food benefit effective the first of the following month. For example, when the household reports a change on May 18th, the effective date of the change is June 1st; or

(ii) less than 10-calendar days before the advance notice of adverse action deadline, per OKDHS Appendix B-2, the worker decreases or closes the food benefit effective the first of the month after the following month. For example, when the household reports a change on May 25th, the effective date of the change action is July 1st.

(2) **Notice requirement when benefits increase.** When a reported change increases food benefits, the worker makes the change by the non-advance notice deadline date, per OKDHS Appendix B-2. When the change is reported after the non-advance notice deadline, the worker supplements food benefits. ■ 22

(3) **Advance notice of adverse action not required.** Advance notice of adverse action is not required for actions (A) through (H) of this paragraph, per 7 C.F.R. § 273.12(e) and 7 C.F.R. § 273.13(b).

(A) **Mass changes.** When OKDHS initiates mass changes because of changes or requirements in federal or state law, the computer system closes benefits by the non-advance-notice deadline, per OKDHS Appendix B-2. ■ 23 In these situations, the individual notification requirement is waived and AFS mails generic notices to the affected households informing them of the changes that are about to be made. ■ 24

(B) **Deceased household members.** When the worker determines, based on reliable information, that all members of the household are deceased, the worker closes benefits by the non-advance-notice deadline, per OKDHS Appendix B-2.

(C) **Moved out of state.** When the worker determines, based on reliable information, the household moved out of state, the worker closes benefits by the non-advance-notice deadline, per OKDHS Appendix B-2.

(D) **Unfinished issuance certification.** When the unfinished issuance process is used at certification, the worker adjusts the benefit to account for changes anticipated at the time of certification. The certification notice informs the household of all benefit changes included in this process.

(E) **Disqualified household member.** When the only household member is disqualified for an intentional program violation or fraud, per OAC 340:50-15-25, food benefits are closed by the non-advance-notice deadline, per OKDHS Appendix B-2. When there is more than one person in the household, the remaining household members' benefits are reduced or closed because of that household member's disqualification by the non-advance-notice deadline, per OKDHS Appendix B-2.

(F) **Facility loses approval.** When a household's food benefit closes because the drug or alcohol treatment center or group home facility where the household resides is no longer approved, the worker closes benefits by the non-advance-notice deadline, per OKDHS Appendix B-2.

(G) **Household provides written statement.** The worker closes or reduces benefits by the non-advance-notice deadline, per OKDHS Appendix B-2, when the household provides a written statement:

- (i) stating the household no longer wants to receive food benefits; or
- (ii) requesting closure or reduction in food benefits to avoid or repay an overpayment.

(H) **Case transfer.** When closing and transferring food benefits from one case to another case without a decrease or disruption in benefits, the worker closes food benefits by the non-advance-notice deadline, per OKDHS Appendix B-2.

~~(m)~~(n) **Action on changes when fair hearings are requested.** When a household requests a fair hearing within 10-calendar days of the date shown on an adverse action notice, the worker must reopen or restore food benefits to the previous level pending the outcome of the hearing unless the household specifically waives continuation of benefits, per 7 § C.F.R. 273.15(k). Refer to OAC 340:2-5 for fair hearing procedures.

INSTRUCTIONS TO STAFF 340:50-9-5

Revised ~~1-13-23~~ 10-2-23

1. At the interview, the worker must give or send each household, Forms 08FB038E, Changes in Household Circumstances, and 08MP006E, Information for Benefit Renewal.

(1) The worker explains:

(A) how the household may report household changes by:

- (i) logging into the www.okbenefits.org website and clicking on the "Report A Change" option;**
- (ii) ~~logging into www.okdhslive.com to find worker contact information, clicking the "Find My Worker" button, and then calling or emailing the worker~~ calling the Benefits Line; or**

- (iii) returning a completed Form 08FB038E to an Oklahoma Human Services (OKDHS) office; and
 - (B) the client may use the "Fast Pass Verification Upload" option on www.okdhslive.org to upload documents verifying the change directly into the client's case record by choosing "Fast Pass Verification Upload," logging in, choosing the "Upload Verification" option, and uploading one document or page at a time; and
 - (C) a change is considered reported on the date the client reports the change using one of the methods discussed in (A) or (B) of this paragraph.
 - (2) The worker uses Form 08MP006E to explain benefit renewal requirements, time frames, change reporting rules, and if the household is an annual or semi-reporting household.
 - (3) After certification, the household receives a notice explaining when the household's mid-certification renewal is due and change reporting rules.
2. (a) ~~The worker is responsible for identifying~~ identifies the household's reporter status and ~~explaining~~ explains benefit renewal requirements at application and certification renewal.
 - (b) The computer system recognizes the annual report status, automatically assigns a 24-month certification period, and identifies the household as an annual reporting household by entering "A" in the reporter status field.
3. When the:
 - (1) household reports a change in income that exceeds income guidelines, per OKDHS Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, in a non-report month, the worker must request and receive verification the person already received income from the source before ~~closing~~ updating the household's food benefits; and
 - (2) income source is from a new job, the verification must show the person received at least one full paycheck before the worker ~~closes~~ updates the food benefits. When the household does not provide the verification, the worker documents the new income in Family Assistance/Client Services (FACS) case notes and addresses the income at the next mid-certification renewal or certification renewal.
 4. When the household reports the change on Form 08FB038E, the worker must provide the household with another Form 08FB038E.
 5. For example, income changes must always be verified, but a shelter cost change does not need to be verified unless it is questionable.
 6. (a) The household receives a computer-generated notice titled, 'Renew My Benefits.' The notice informs the household when the renewal is due, methods the household may choose to complete the renewal, and required verification.
 - (b) Methods the household may use to complete the mid-certification renewal include:
 - (1) submitting the benefit renewal electronically by:
 - (A) accessing www.okdhslive.org; or
 - (B) getting help from the OKDHS or a community partner to access www.okdhslive.org;

- (2) downloading Form 08MP004E, Renew My Benefits, from OKDHS - Forms and Applications for Service and completing, signing, and delivering, mailing, or faxing it to OKDHS; or
 - (3) going into an OKDHS office for assistance; or
 - (4) phoning OKDHS.
7. (a) ~~Once~~ When the household submits the mid-certification renewal, the worker analyzes the information to determine:
- (1) what changes occurred;
 - (2) if the household signed the mid-certification renewal electronically or on the paper benefit renewal form;
 - (3) if the household provided all required verification; and
 - (4) what changes must be made on the computer system.
- (b) After the worker analyzes the mid-certification renewal, the worker updates the benefit report action field to indicate the benefit renewal status and the action date using Systems Help Instructions located on Quest. The mid-certification renewal is coded:
- (1) incomplete, when the household failed to sign the mid-certification renewal or did not provide all required verification;
 - (2) ready to work, when the household signed the mid-certification renewal and provided all required verification, but the worker has not completed the mid-certification renewal; or
 - (3) complete, after the worker:
 - (A) evaluates information contained on the mid-certification renewal, the verification provided, and on data exchange screens for changes;
 - (B) enters all mid-certification renewal information including changes, in the FACS Interview and Eligibility Notebooks; and
 - (C) documents changes made and how continued eligibility was determined in FACS Case Notes.
- ~~(c) Case Worker Activity (CWA) reports are available to help workers track the status of pending mid-certification renewals. Information regarding each CWA report is available on the Infonet by clicking on the Job Functions tab, choosing Quest, and typing CWA Specifications in the search field.~~
8. At negative action deadline, mid-certification renewals not coded as complete, are automatically closed the next effective date with reason code 36S.
- (1) When the household submits an incomplete renewal and time permits, the worker may attempt phone contact to inform the household of information needed to complete the renewal. The worker does not send Form 08AD092E, Client Contact and Information Request, unless 10- or more calendar days remain before the negative action deadline, per OKDHS Appendix B-2, Deadlines for Case Action.
 - (2) Prior to deadline, the worker records what information is lacking in the FACS Case Notes and any attempts made to obtain needed information.
9. (a) ~~The worker is responsible for identifying~~ identifies the household's reporter status and ~~explaining~~ explains benefit renewal requirements at application and certification renewal.

- (b) The computer recognizes the semi-annual status, automatically assigns a 12-month certification period, and identifies the household as a semi-annual reporting household by entering "S" in the reporter status field.
10. When the household contains an able-bodied adult without dependents (ABAWD), the worker informs the household at the certification and certification renewal interviews of the ABAWD work rule and change reporting requirements. When an ABAWD's work hours decrease below 80 hours per month, the ABAWD must report the decrease by the 10th of the following month.
- (1) When the household reports the ABAWD's work hours decreased, the worker determines when the work hours decreased below an average of 20 hours per week or 80 hours per month.
- (2) When the worker determines the ABAWD is eligible to receive the initial three 'free' months, food benefits continue. The worker completes a desk review during the third month prior to advance notice deadline to determine if the ABAWD meets work requirements or must be removed from the food benefit.
- (3) When the worker determines the ABAWD received all food benefits for which the ABAWD is eligible, the worker removes the ABAWD from the food benefit effective the next advance-notice deadline date, per OKDHS Appendix B-2. When the ABAWD is the only person in the food benefit household, the worker closes the food benefit effective the next advance-notice deadline date, per OKDHS Appendix B-2.
11. When the household reports an address change, the worker must offer voter registration services, per Oklahoma Administrative Code 340:65-11-3.
12. When the household reports a change, the worker determines if the change affects the household's eligibility or the food benefit amount. The worker documents all reported changes in FACS Case Notes. When the household reports the change on Form 08FB038E, the worker must provide the household with another Form 08FB038E.
- 13.(a) When a change is reported, the worker:
- (1) makes the change effective no later than the first issuance to be delivered 10-calendar days after the date the household reports or verifies the change, whichever is later; and
- (2) issues a supplement when appropriate.
- (b) When the change increases the food benefit and the household:
- (1) provides the required verification within 10-calendar days of reporting the change, the worker issues the supplement by the 10th calendar day following the date the change was reported, or the date the regular roll benefit is to be received, whichever is later;
- (2) provides the required verification within 10-calendar days prior to the regular roll issuance, but later than the 10th calendar day, the worker issues the supplement within 10-calendar days of the date the household provides the verification; or
- (3) does not provide the required verification prior to the regular roll issuance date, the worker does not issue a supplement.

- 14. A notice of adverse action is computer-generated except when the reason for the change is death, code 01, or other, code 69. When code 69 is used, the worker issues Form 08MP038E, Client Notice of Action.**
- 15. (a) Types of information considered verified upon receipt include, but are not limited to:**
- (1) Beneficiary and Earnings Data Exchange System (BENDEX), from the Social Security Administration (SSA);**
 - (2) Supplemental Security Income (SSI)/State Data Exchange System (SDX), from the SSA;**
 - (3) Systematic Alien Verification for Entitlements (SAVE), from the United States Citizenship and Immigration Services (USCIS);**
 - (4) Unemployment Insurance Benefits (UIB), from the Oklahoma Employment Security Commission (OESC);**
 - (5) workers' compensation documents from Workers' Compensation Court;**
 - (6) changes in household composition reported by the household; and**
 - (7) actions processed for food benefits or other OKDHS programs affecting food benefit expenses, such as:**
 - (A) a decrease in the child care family share co-payment, resulting in a smaller dependent care deduction; or**
 - (B) the determination of an intentional program violation.**
- (b) Examples of information that are NOT verified upon receipt are:**
- (1) Oklahoma Wage Link (OWC and OWL), quarterly wage match data, unless criteria per (i)(2) and (4) of this Section applies;**
 - (2) wage data obtained from BENDEX, unless criteria per (i)(2) and (4) of this Section applies;**
 - (3) New Hire List (NHL) matches. For example, an NHL data exchange message is received during a non-report month indicating a household member started working. When counted, the income would decrease the food benefit. However, because the information is NOT considered verified upon receipt, the worker does not take action to decrease food benefits in a non-report month, unless the NHL screen shows the person's salary or rate of pay and scheduled hours and the projected monthly income may make the household over income, per OKDHS Appendix C-3 or criteria per (i) of this Section applies;**
 - (4) changes in shelter and utility costs. For example, when the client reports the rent decreased from \$1000 to \$600 per month in a non-report month it does not cause a decrease in benefits, as this information is NOT considered verified upon receipt; and**
 - (5) a prisoner's (PRS) or date of death (DOD) data match from SSA as information may be old or incorrect. This is considered unclear information per (i)(4) of this Section.**
- 16. Examples of unclear information that significantly conflicts with information used at certification include when the worker receives:**
- (1) data exchange information indicating a household member started a new job or was working at a job the month before or the month of application and did not report the information; or**

- (2) information from the client's neighbor who reports that the client's husband is working and never left the home as reported by the client.
- 17.(a) Examples of when the worker is required to send Form 08AD092E to the household to clarify its circumstances because the unclear information is fewer than 60-calendar days old include, when:
- (1) the client reports that a household member who is an ABAWD stopped working or started working fewer than 20 hours per week;
 - (2) OKDHS receives a State New Hire (SNH) G1DX discrepancy on July 1, 2022, showing that a household member began working on May 5, 2022, and the employee detail page of the SNH screen indicates the household member's earnings place the household's income above the maximum income standard, per OKDHS Appendix C-3. This situation meets the 60-calendar day requirement even when the worker does not review the discrepancy and send Form 08AD092E until July 15th, because the discrepancy was transmitted to OKDHS within 60-calendar days of the employment start date;
 - (3) an acquaintance of the client calls on June 3, 2022, to report that the client started working 40 hours per week at a job on April 30, 2022, and makes \$15 per hour. The caller would need to provide enough specifics, such as the employer's name and where the business is located, in order for the worker to act on the information. The client must verify if the client works at the reported business, since the report was received within 60-calendar days of the reported start date and, when true, the reported income would make the client ineligible for food benefits; or
 - (4) the client calls or completes Form 08FB038E to report starting a new job and the reported income would make the household over income for food benefits. The client must verify the income after receiving a full pay check since the job started within 60-calendar days of the report date.
- (b) Examples of unclear information that do not require the worker to send Form 08AD092E to request information are included in (1) and (2) of this subsection. The worker must document the circumstances in FACS case notes as a reminder to verify the information at the next mid-certification or certification renewal.
- (1) A semi-annual reporting client reports on May 1, 2022, that she started working 30 hours per week at \$10 per hour on April 10, 2022. Since the reported income does not make the client ineligible for food benefits, the household is not required to verify the income until the next mid-certification renewal or certification renewal is due.
 - (2) OKDHS receives a SNH G1DX discrepancy on June 10, 2022, showing the client started working on March 28, 2022, and the employer detail page indicated the earnings may place the household above the maximum income standard, per OKDHS Appendix C-3. The worker does not require the client to verify the income in a non-report month because the unclear information was not received within 60-calendar days of the client's start date.
18. PRS and DOD data matches appear as alerts on G1DX. Whenever the worker receives one of these alerts, the worker must attempt to confirm the accuracy

of the information before taking action. SSA receives and sends information to OKDHS:

- (1) regarding PRS data matches from some, but not all, prisons, jails, and other penal institutions or correctional facilities, certain mental health institutions, and various third parties including media sources. SSA maintains this data to identify Supplemental Nutrition Assistance Program (SNAP) clients who 'are currently' or 'have been incarcerated.' The worker accesses the incarceration dates by typing PRS next to the SSN on the G1DX results and hitting enter. A detail screen displays the incarceration dates; and
 - (2) regarding DOD data matches from local State Departments of Health. The G1DX screen displays date of death for persons reported as deceased by SSA, but who appear to be receiving OKDHS benefits.
19. Adult and Family Services is in the process of developing data matches with the lottery commission and gambling entities, but they are not available at this time.
20. When the food benefit closes because of administrative error, the worker:
- (1) reopens the FACS SNAP tab using "R" in the Action Taken field and "18A" in the Reason field;
 - (2) enters any required changes; and
 - (3) updates the benefit and status fields in the Household tab for persons included in the benefit household.
21. (a) When the food benefit closes because the household did not complete the mid-certification renewal timely, the worker:
- (1) reopens the SNAP tab using "R" in the Action Taken field, "18O" in the Reason field, and the date the mid-certification renewal was completed in the Effective Date field;
 - (2) enters any required changes; and
 - (3) updates the benefit and status fields in the Household tab for persons included in the benefit household.
- (b) When the household waits until after the last day of the month of closure to provide needed information, the household must reapply.
22. The worker uses the FSSR transaction to issue a supplement. To access the FSSR screen, the worker types M space FSSR in the information management system (IMS) and hits enter. The worker enters the appropriate case information on the Request for Supplemental/Retro SNAP benefits screen and hits enter to issue the supplement.
23. Examples of mass changes include changes in:
- (1) the maximum income limitation or basis of issuance tables;
 - (2) cost-of-living increases in SSA, Veteran, Railroad Retirement, or SSI benefits; and
 - (3) Temporary Assistance for Needy Families cash assistance or State Supplemental Payments.
24. AFS SNAP staff may also announce SNAP changes through the media so the general public and food benefit recipients are notified.

SUBCHAPTER 11. SPECIAL PROCEDURES

PART 12. CATEGORICALLY ELIGIBLE HOUSEHOLDS

340:50-11-111. Categorically eligible household

Revised ~~5-22-20~~ 10-2-23

(a) **Purpose.** This Part includes the requirements for establishing categorically eligible households for the Supplemental Nutrition Assistance Program (SNAP), per Section 273.2(j)(2) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(j)).

(b) **Definitions.** The following words and terms, when used in this Part, shall have the following meaning unless the context clearly indicates otherwise:

(1) **"Categorically eligible household"** means any household:

(A) as defined, per Oklahoma Administrative Code (OAC) 340:50-11-20, in which all members receive or are authorized to receive:

(i) Temporary Assistance for Needy Families (TANF) cash assistance; or

(ii) a combination of Supplemental Security Income (SSI) and TANF cash assistance;

(B) in which all members receive or are authorized to receive SSI; or

(C) in which members receive or are authorized to receive services through 2-1-1 Oklahoma, except as excluded in ~~(d)~~(f) of this Section. ■ 1

(2) **"Authorized to receive"** means the person was determined eligible for benefits and was notified of this determination even ~~though~~ if the benefits have not yet been received, authorized but not accessed, suspended or recouped, or not paid because they are less than a minimum amount. ■ 2

~~(c) **Suspended, recouped, or benefit not issued.** A household whose TANF or SSI benefits are suspended, recouped, or are less than the minimum amount paid retain categorical eligibility.~~ **When to classify categorically eligible households.** Food benefit households are categorically eligible households upon certification unless the households meet the criteria defined in (f) of this Section. Households remain categorically eligible until the next certification. ■ 3

~~(d) **Financial eligibility factors.** When all household members meet categorical eligibility per (b)(1) of this Section, they do not have to meet either the gross or net income eligibility standards of SNAP. Income for the household must be verified to determine benefit allotment.~~

~~(e) **Non-financial eligibility factors.**~~

~~(1) All household members must meet the citizenship requirements per OAC 340:50-5-67. If a person's status as a United States (U.S.) citizen or non-citizen national is questionable and was verified for another program, the worker accepts participation in that program as proof of citizenship or lawful alien status.~~

~~(2) Aliens who are otherwise ineligible for food benefits are not automatically eligible for food benefits because they receive Supplemental Security Income (SSI). The citizenship requirements supersede the categorical eligibility requirements.~~ ■ 4

~~(3) A categorically eligible household receiving SSI or Temporary Assistance for Needy Families is considered as having met the Social Security number (SSN) information, sponsored alien information, and residency requirements for food benefit purposes.~~ ■ 5

(f) Non-categorical households. Non-categorical households are subject to income limits per OAC 340:50-9-1(b). A household is not classified as a categorically eligible household, per 7 C.F.R. § 273.2(j)(2)(vii):

- (1) the first time the household applies after SNAP benefits close because of substantial lottery and gambling winning, per 7 C.F.R. § 273.11(r), OAC 340-50-7-1, and 340:50-9-5(j);
- (2) when any household member is disqualified for an intentional program violation, per 7 C.F.R. § 273.16 and OAC 340:50-15-25;
- (3) when any household member is disqualified for being a fleeing felon or probation or parole violator, per 7 C.F.R. § 273.11(n);
- (4) when any household member is disqualified for being convicted of certain crimes as an adult after February 7, 2014, and is not in compliance with the terms of the sentence or the restrictions under 7 C.F.R. § 273.11(n), per 7 C.F.R. § 273.11(s); or
- (5) the head of household is disqualified for failing to comply with work requirements per OAC 340:50-5-85 through 340:50-5-89. Refer to OAC 340:50-3-1(b)(2) for head of household information.

(g) Excluded individuals from non-categorical households. When a household is otherwise categorically eligible, individuals excluded from the household, per 7 C.F.R. § 273.2(j)(2)(ix), include:

- (1) an ineligible alien, per 7 C.F.R § 273.4 and OAC 340:50-5-67(c);
- (2) an ineligible student, per 7 C.F.R. § 273.5 and OAC 340:50-5-45;
- (3) a resident of an institution that is not exempt, per 7 C.F.R. § 273.1(b)(7)(vi) and OAC 340:50-5-7.1; or
- (4) an individual failing to comply with a work requirement, per OAC 340:50-5-85 through OAC 340:50-5-89.

INSTRUCTIONS TO STAFF 340:50-11-111

Revised ~~9-15-17~~ 10-2-23

- 1. Households that include household members that do not receive Supplemental Security Income or Temporary Assistance for Needy Families cash assistance are required to meet the income guidelines per Oklahoma Department of Human Services Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, Table 1 through Table 3.**
- 2. When approved for food benefits, the certification notice advises households they are authorized to receive services through 2-1-1 Oklahoma, which has a 130 percent gross income standard.**
- 3. Prior to denying or closing food benefits, the worker must document in the Family Assistance/Client Services (FACS) Case Notes when the client is not categorically eligible.**
- 4. Refer to Oklahoma Administrative Code (OAC) 340:50-5-67.**
- 35. Households categorically eligible because they receive or are authorized to receive services through 2-1-1 Oklahoma are subject to rules in Subchapter 5 regarding Social Security numbers (SSN), sponsored alien information, and residency requirements.**
 - (1) For SSN information refer to OAC 340:50-5-68.**
 - (2) For sponsored alien information, refer to OAC 340:50-5-49.**

(3) For residency requirements, refer to OAC 340:50-5-66.

340:50-11-112. When to classify categorically eligible households [REVOKED]

~~Revised 6-1-11 10-2-23~~

~~Food benefit households are immediately classified as categorically eligible households unless the households meet the criteria defined at OAC 340:50-11-111(d) for ineligible households. ■-1~~

INSTRUCTIONS TO STAFF 340:50-11-112 [REVOKED]

~~Revised 6-1-09 10-2-23~~

~~1. Prior to denying or closing food benefits, the worker must document in the Family Assistance/Client Services (FACS) Case Notes why the client is not categorically eligible.~~

340:50-11-113. Financial eligibility factors [REVOKED]

~~Revised 9-15-17 10-2-23~~

~~(a) When all household members meet categorical eligibility per Oklahoma Administrative Code (OAC) 340:50-11-111(b)(1)(A) through (B), they are not subject to income limits of the Supplemental Nutrition Assistance Program (SNAP). Income for the household must be verified.~~

~~(b) Households authorized to receive services through 2-1-1 Oklahoma are subject to the income limits per OAC 340:50-9-1(b) and the applicable table of the Oklahoma Department of Human Services Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions when they are not pure SSI and/or TANF households).~~

~~(c) Households with a person who is determined to have an intentional program violation in SNAP are subject to income limits per OAC 340:50-9-1(b) and the applicable table of Appendix C-3.~~

340:50-11-114. Non-financial eligibility factors [REVOKED]

~~Revised 6-1-09 10-2-23~~

~~(a) All household members must meet the citizenship requirements per OAC 340:50-5-67. If a person's status as a United States (U.S.) citizen or non-citizen national is questionable and was verified for another program, the worker accepts participation in that program as proof of citizenship or lawful alien status.~~

~~(b) Aliens who are otherwise ineligible for food benefits are not automatically eligible for food benefits because they receive Supplemental Security Income (SSI). The citizenship requirements supersede the categorical eligibility requirements. ■-1~~

~~(c) A categorically eligible household receiving SSI or Temporary Assistance for Needy Families is considered as having met the Social Security number (SSN) information, sponsored alien information, and residency requirements for food benefit purposes. ■-2~~

INSTRUCTIONS TO STAFF 340:50-11-114 [REVOKED]

~~Revised 9-15-17 10-2-23~~

~~1. Refer to Okahoma Administrative Code (OAC) 340:50-5-67.~~

~~2. Households categorically eligible because they receive or are authorized to receive services through 2-1-1 Oklahoma are subject to rules in Subchapter 5 regarding Social Security numbers (SSN), sponsored alien information, and residency requirements.~~

~~(1) For SSN information refer to OAC 340:50-5-68.~~

~~(2) For sponsored alien information, refer to OAC 340:50-5-49.~~

~~(3) For residency requirements, refer to OAC 340:50-5-66.~~

340:50-11-115. Review of categorical eligibility [REVOKED]

~~Revised 6-1-1110-2-23~~

~~When all or some of the household members lose eligibility for Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF) for any reason except recoupment or suspension, the household is no longer categorically eligible based on income. The food benefits must be closed when the household's income exceeds standards on Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions for non-categorically related households. ■-1~~

INSTRUCTIONS TO STAFF 340:50-11-115 [REVOKED]

~~Revised 6-1-1110-2-23~~

~~1. Each human services center must devise a method of monitoring categorically eligible cases so ineligible households do not continue to receive food benefits when categorical eligibility ends.~~