

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

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Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

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 amendment is **permanent**.

SUBJECT: CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Subchapter 1. General Provisions

340:50-1-1 [AMENDED]

340:50-1-2 [REVOKED]

340:50-1-4 [REVOKED]

340:50-1-5 [AMENDED]

340:50-1-6 [AMENDED]

340:50-1-7 [REVOKED]

Subchapter 3. Application Process

340:50-3-1 through 340:50-3-3 [AMENDED]

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

340:50-5-2 [AMENDED]

340:50-5-4 [AMENDED]

340:50-5-8.1 [REVOKED]

340:50-5-10.1 [AMENDED]

Part 3. Special Households

340:50-5-25 [REVOKED]

Part 5. Students, Strikers, Resident Farm Laborers, Migrant Households, Sponsored Aliens, and School Employees

340:50-5-46 [AMENDED]

340:50-5-47 [REVOKED]

340:50-5-49 [AMENDED]

340:50-5-50 [REVOKED]

Part 7. Related Provisions

340:50-5-64.1 [AMENDED]

340:50-5-65 [AMENDED]

340:50-5-67 [AMENDED]

Part 10. Able-Bodied Adults without Dependents

340:50-5-100

Subchapter 7. Financial Eligibility Criteria

Part 1. Resources

340:50-7-1 [AMENDED]
340:50-7-6 [NEW]
Part 3. Income
340:50-7-22 [AMENDED]
340:50-7-29 [AMENDED]
Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-5 [AMENDED]
340:50-9-6 [AMENDED]
Subchapter 11. Special Procedures
Part 1. Households Entitled to Expedited Service
340:50-11-1 [AMENDED]
340:50-11-2 [REVOKED]
340:50-11-4 [REVOKED]
340:50-11-5 through 340:50-11-6 [AMENDED]
Part 12. Categorically Eligible Households
340:50-11-111 [AMENDED]
(WF 21-50 and 20-03)

SUMMARY:

The proposed amendments to Chapter 50, Subchapter 1 amend the rules to: (1) change Section names; (2) update which persons may receive information regarding Supplemental Nutrition Assistance Program (SNAP) households; (3) add the requirement that such persons must adequately protect the information; (4) revoke Sections containing legal base information, program complaint information, and public information and update and incorporate the information into other sections; (5) add legal citations; and (6) update terminology.

The proposed amendments to Chapter 50, Subchapter 3 amend the rules to: (1) remove the ability to postpone the interview requirement for expedited services and a worker instruction regarding quality control reviews; (2) remove incorrect information about scheduling an interview outside of normal office hours; (3) add information regarding the notice of missed interview and procedures to follow when this occurs; (4) add additional worker responsibilities during the client interview; (5) add eligibility factors that must be verified; (6) add definition of documentary evidence; (7) remove outdated information regarding field investigations and worker instructions regarding documentation; (8) add data exchange information to sources of verification; (9) add worker responsibility when contradictory information is received; (10) add what information is considered verified upon receipt; (11) add what information is required at certification renewal and the policy citation for information required during the certification period; (12) rearrange and add information for greater clarity; (13) update terminology; and (14) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) remove reference to an outdated memo; (2) update who may be considered elderly or disabled and verification requirements to more closely match the federal definition; (3) add when a household member and his or her spouse may be considered a separate household because of a disability and verification requirements; (4) add ineligible sponsored aliens and aliens who do not provide alien status documentation as aliens

ineligible for SNAP food benefits; (5) revoke ineligible and illegal alien information from one section and update and incorporate the information into another section; (6) clarify how an ineligible or illegal alien's income is considered for the rest of the SNAP household; (7) correct language regarding which aliens are considered ineligible household members; (8) revoke three rule Sections containing duplicative information regarding centers, shelters, and group homes, school employees; and resident farm laborers; (9) remove other certification processes from striker information as it is not included in federal regulations; (10) update information regarding sponsored aliens to: (a) add a definition; (b) clarify which sponsored aliens are exempt from income and resource deeming; (c) add sponsored alien responsibilities; and (d) reorganize and clarify income and resource deeming requirements and change reporting information; (11) remove list of countable resources and reference another section that includes this information; (12) update and clarify which targeted food benefit recipient groups are eligible for a Work Opportunity Tax Credit; (13) add information regarding who can be considered the head of household; (14) correct language regarding the worker's responsibility to explain to the person completing the SNAP interview how able bodied adult without dependents (ABAWD) work requirements may affect each adult household member instead of only the non-exempt members; (15) reorganize information and add taglines for greater clarity; (16) simplify and clarify language; (17) update terminology; and (18) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 7 amend the rules to: (1) add households that cannot be classified as categorically eligible as households subject to resource eligibility; (2) add information regarding the requirement to verify substantial lottery or gambling winnings; how to handle winnings when multiple persons share in the purchase of a ticket, hand, or similar bet; and how to regain eligibility following closure due to substantial winnings; (3) reorganize and clarify information regarding expedited services and sponsored aliens; (4) add a new Section regarding resource requirements for households containing a sponsored alien and non-categorically eligible households to: (a) describe which households must have resources considered in determining their eligibility for Supplemental Nutrition Assistance Program (SNAP) food benefits; (b) describe what is considered countable, excluded, and transferred resources; and (c) clarify that resource requirements only apply to households with substantial lottery or gambling winnings the first time they apply and are approved following closure due to the winnings; (5) update and clarify excluded income sources based on SNAP federal regulations and other federal laws, (6) reorganize information regarding adoption subsidy payments, guardianship payments, Developmental Disabilities Services (DDS) payments; blood or blood plasma payments, and certain unearned income sources for greater visibility and clarity; (7) remove incorrect information regarding temporary disability insurance payments or temporary workers' compensation payments being considered as earned income; (8) clarify when volunteer payments under the Domestic Volunteer Services Act (DVSA) are counted as earned income; (9) add certain training allowances as earned income; (10) add foster care payments paid for a person included in the food benefit and a sponsor's income as countable unearned income; (11) correct language regarding which aliens are considered ineligible household members; (12) update terminology; and (13) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 9 amend the rules to: (1) add procedures for households with substantial lottery and gambling winnings including: (a) verification requirements; (b) closure procedures; (c) unclear information procedures; (d) how the household regains eligibility following closure due to the winnings; (2) update information included in the expiration notice; (3) add clarifying language; (4) remove worker instruction; and (5) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 11 amend the rules to: (1) revoke expedited service screening and timeliness requirements and late entitlement determination information from two sections and update and incorporate the information into another section; (2) change Section name; and (3) add a rule citation; (4) remove the ability to postpone the interview requirement for expedited services; (5) clarify reasonable efforts to verify information prior to certification and by what dates the household must provide postponed verification to avoid a break in benefits; (6) rearrange and add information and taglines for greater clarity; and (7) update the list of households that cannot be considered categorically eligible to include households that: (a) were closed because of substantial lottery or gambling winners the first time they reapply following closure; (b) include a household member disqualified for an intentional program violation, (c) disqualified for being a fleeing felon, probation or a parole violator, or convicted of certain crimes; or (d) include a head of household disqualified for failing to comply with work requirements.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Sections 271.2, 272.1, 273.1, 273.2, 273.4, 273.8, 273.9, 273.11, and 273.14 of Title 7 of the Code of Federal Regulations; FNS Informational Memo Discontinuation of the Postpone Expedited Service Waiver, and FNS Informational Memo: Questions and Answers: Final Rule Implementation Memo for Lottery and Gambling Provisions.

Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Patrick Klein, Director
Adult and Family Services

Date: December 18, 2020

Re: **CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

Subchapter 1. General Provisions

340:50-1-1 [AMENDED]

340:50-1-2 [REVOKED]

340:50-1-4 [REVOKED]

340:50-1-5 [AMENDED]

340:50-1-6 [AMENDED]

340:50-1-7 [REVOKED]

Subchapter 3. Application Process

340:50-3-3 [AMENDED]

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

340:50-5-2 [AMENDED]

340:50-5-4 [AMENDED]

340:50-5-8.1 [REVOKED]

340:50-5-10.1 [AMENDED]

Part 3. Special Households

340:50-5-25 [REVOKED]

Part 5. Students, Strikers, ~~Resident Farm Laborers~~, Migrant Households, and
~~Sponsored Aliens, And School Employees~~

340:50-5-46 [AMENDED]

340:50-5-47 [REVOKED]

340:50-5-49 [AMENDED]

340:50-5-50 [REVOKED]

Part 7. Related Provisions

340:50-5-64.1 [AMENDED]

340:50-5-65 [AMENDED]

340:50-5-67 [AMENDED]

Part 10. Able-Bodied Adults without Dependents

340:50-5-100 [AMENDED]

Subchapter 7. Financial Eligibility Criteria

Part 1. Resources

340:50-7-1 [AMENDED]

Part 3. Income

340:50-7-22 [AMENDED]

340:50-7-29 [AMENDED]

Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-5 [AMENDED]
340:50-9-6 [AMENDED]
Subchapter 11. Special Procedures
Part 1. Households Entitled to Expedited Service
340:50-11-1 [AMENDED]
340:50-11-2 [REVOKED]
340:50-11-4 [REVOKED]
(Reference WF 21-50)

Contact: Laura Brown 405-521-4396

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

Purpose.

The proposed amendments to Chapter 50, Subchapter 1 amend the rules to: (1) change Section names; (2) update which persons may receive information regarding Supplemental Nutrition Assistance Program (SNAP) households; (3) add the requirement that such persons must adequately protect the information; (4) revoke Sections containing legal base information, program complaint information, and public information and update and incorporate the information into other sections; (5) add legal citations; and (6) update terminology.

The proposed amendments to Chapter 50, Subchapter 3 amend the rules to: (1) add eligibility factors that must be verified; (2) add definition of documentary evidence; (3) remove outdated information regarding field investigations and worker instructions regarding documentation; (4) add data exchange information to sources of verification; (5) add worker responsibility when contradictory information is received; (6) add what information is considered verified upon receipt; (7) add what information is required at certification renewal and the policy citation for information required during the certification period; (8) add clarifying information; and (9) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) remove reference to an outdated memo; (2) update who may be considered elderly or disabled and verification requirements to more closely match the federal definition; (3) add when a household member and his or her spouse may be considered a separate household because of a disability and verification requirements; (4) add ineligible sponsored aliens and aliens who do not provide alien status documentation as aliens ineligible for SNAP food benefits; (5) revoke ineligible and illegal alien information from one section and update and incorporate the information into another section; (6) clarify how an ineligible or illegal alien's income is considered for the rest of the SNAP household; (7) correct language regarding which aliens are considered ineligible household members; (8) revoke three rule Sections containing duplicative information regarding centers, shelters, and group homes, school employees; and resident farm laborers; (9) remove other certification processes from striker information as it is not included in federal regulations; (10) update information regarding sponsored aliens to: (a) add a definition; (b) clarify which sponsored aliens are exempt from income and resource deeming; (c) add sponsored alien responsibilities; and (d) reorganize and clarify income and resource deeming requirements and change reporting information;

(11) remove list of countable resources and reference another section that includes this information; (12) update and clarify which targeted food benefit recipient groups are eligible for a Work Opportunity Tax Credit; (13) add information regarding who can be considered the head of household; (14) correct language regarding the worker's responsibility to explain to the person completing the SNAP interview how able bodied adult without dependents (ABAWD) work requirements may affect each adult household member instead of only the non-exempt members; (15) reorganize information and add taglines for greater clarity; (16) simplify and clarify language; (17) update terminology; and (18) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 7 amend the rules to: (1) add households that cannot be classified as categorically eligible as households subject to resource eligibility; (2) add information regarding the requirement to verify substantial lottery or gambling winnings; how to handle winnings when multiple persons share in the purchase of a ticket, hand, or similar bet; and how to regain eligibility following closure due to substantial winnings; (3) reorganize and clarify information regarding expedited services and sponsored aliens; (4) update and clarify excluded income sources based on SNAP federal regulations and other federal laws, (5) reorganize information regarding adoption subsidy payments, guardianship payments, Developmental Disabilities Services (DDS) payments; blood or blood plasma payments, and certain unearned income sources for greater visibility and clarity; (6) remove incorrect information regarding temporary disability insurance payments or temporary workers' compensation payments being considered as earned income; (7) clarify when volunteer payments under the Domestic Volunteer Services Act (DVSA) are counted as earned income; (8) add certain training allowances as earned income; (9) add foster care payments paid for a person included in the food benefit and a sponsor's income as countable unearned income; (10) correct language regarding which aliens are considered ineligible household members; (11) update terminology; and (12) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 9 amend the rules to: (1) add procedures for households with substantial lottery and gambling winnings including: (a) verification requirements; (b) closure procedures; (c) unclear information procedures; (d) how the household regains eligibility following closure due to the winnings; (2) update information included in the expiration notice; (3) add clarifying language; (4) remove worker instruction; and (5) add rule and legal citations.

The proposed amendments to Chapter 50, Subchapter 11 amend the rules to: (1) revoke expedited service screening and timeliness requirements and late entitlement determination information from two sections and update and incorporate the information into another section; (2) change Section name; and (3) add a rule citation.

Strategic Plan Impact. The proposed amendments achieve Oklahoma Human Services (OKDHS) goals by continuously improving systems and processes and improving communication with OKDHS clients and staff.

Substantive changes.

Subchapter 1. General Provisions

Oklahoma Administrative Code (OAC) 340:50-1-1 is amended to: (1) add updated legal base information revoked from OAC 340:50-1-2; (2) change section name; and (3) update terminology.

OAC 340:50-1-2 is revoked because information is moved to OAC 340:50-1-1.

OAC 340:50-1-4 is revoked because information is moved to OAC 340:50-1-5.

OAC 340:50-1-5 is amended to: (1) add updated program complaint information revoked from another Section; (2) change Section name; and (3) update terminology.

OAC 340:50-1-6 is amended to: (1) update which persons may receive information regarding SNAP households; (2) add requirement that such persons must adequately protect the information; (3) add updated information public information availability revoked from OAC 340:50-1-7; and (4) add legal citations.

OAC 340:50-1-7 is revoked because information is moved to OAC 340:50-1-6.
Subchapter 3. Application Process

OAC 340:50-3-3 is amended to: (1) add eligibility factors that must be verified; (2) add definition of documentary evidence; (3) remove outdated information regarding field investigations and worker instructions regarding documentation; (4) add data exchange information to sources of verification; (5) add worker responsibility when contradictory information is received; (6) add what information is considered verified upon receipt; (7) add what information is required at certification renewal and the policy citation for verification required during the certification period; (8) add clarifying information; and (9) add rule and legal citations.

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

OAC 340:50-5-2 is amended to: (1) remove reference to an outdated memo; and (2) add clarifying information.

OAC 340:50-5-4 is amended to: (1) update who may be considered elderly or disabled and verification requirements to more closely match the federal definition; (2) add when a household member and his or her spouse may be considered a separate household because of a disability and verification requirements; and (3) add legal citations.

OAC 340:50-5-8.1 is revoked because information is moved to OAC 340:50-5-67.

OAC 340:50-5-10.1 is amended to: (1) correct language regarding which aliens are considered ineligible household members; and (2) add rule citation.

Part 3. Special Households

OAC 340:50-5-25 is revoked because information is duplicated in other Sections.

Part 5. Students, Strikers, ~~Resident Farm Laborers~~, Migrant Households, And Sponsored Aliens, ~~And School Employees~~

OAC 340:50-5-46 is amended to: (1) remove other certification processes information not included in federal regulations; (2) update and simplify language regarding who is not considered a striker and income determination procedures; and (3) add rule and legal citations.

OAC 340:50-5-47 is revoked because applicable information is duplicated in other Sections.

OAC 340:50-5-49 is amended to: (1) add the definition for a sponsored alien; (2) update and clarify which sponsored aliens are exempt from income and resource deeming; (3) reorganize and clarify income and resource deeming requirements and

change reporting information; (4) add sponsored alien responsibilities; (5) remove list of countable resources and reference another section that includes this information; and (6) add rule and legal citations.

OAC 340:50-5-50 is revoked because the currently applicable information is included in another Section.

Part 7. Related Provisions

OAC 340:50-5-64.1 is amended to update and clarify which targeted food benefit recipient groups are eligible for a Work Opportunity Tax Credit.

OAC 340:50-5-65 is amended to: (1) add information regarding who can be considered the head of household; (2) reorganize information and add taglines for greater clarity; and (3) add a rule and legal citation.

OAC 340:50-5-67 is amended to add: (1) information regarding ineligible and illegal aliens revoked from OAC 340:50-5-8.1; and (2) legal citations.

Part 10. Able-Bodied Adults Without Dependents

OAC 340:50-5-100 is amended to correct language regarding the worker's responsibility to explain to the person completing the SNAP interview how able bodied adult without dependents (ABAWD) work requirements may affect each adult household member instead of only the non-exempt members.

Subchapter 7. Financial Eligibility Criteria

Part 1. Resources

OAC 340:50-7-1 is amended to: (1) add households that cannot be classified as categorically eligible as households subject to resource eligibility; (2) add information regarding the requirement to verify substantial lottery or gambling winnings; how to handle winnings when multiple persons share in the purchase of a ticket, hand, or similar bet; and how to regain eligibility following closure due to substantial winnings; (3) reorganize and clarify information regarding expedited services and sponsored aliens; (4) update terminology; and (5) add rule and legal citations.

Part 3. Income

OAC 340:50-7-22 is amended to: (1) update and clarify excluded income sources based on SNAP federal regulations and other federal laws; and (2) update and add legal citations.

OAC 340:50-7-29 is amended to: (1) reorganize information regarding adoption subsidy payments, guardianship payments, DDS payments; blood or blood plasma payments; and certain unearned income sources for greater visibility and clarity; (2) remove incorrect information regarding temporary disability insurance payments or temporary workers' compensation payments being considered as earned income; (3) clarify when volunteer payments under the DVSA are counted as earned income; (4) add certain training allowances as earned income; (5) add foster care payments paid for a person included in the food benefit and a sponsor's income as countable unearned income; (6) correct language regarding which aliens are considered ineligible household members; (7) update terminology; and (8) add rule and legal citations.

Subchapter 9. Eligibility and Benefit Determination Procedures

OAC 340:50-9-5 is amended to: (1) add procedures for households with substantial lottery and gambling winnings including: (a) verification requirements; (b) closure procedures; (c) unclear information procedures; and (d) how the household

regains eligibility following closure due to the winnings; and (2) add rule and legal citations.

OAC 340:50-9-6 is amended to: (1) update information included in the expiration notice; (2) add clarifying language and a legal citation; and (3) remove a worker instruction.

Subchapter 11. Special Households

Part 1. Households Entitled to Expedited Services

OAC 340:50-11-1 is amended to: (1) add expedited service screening and timeliness requirements and late entitlement determination information being revoked from OAC 340:50-11-2 and 340:50-11-4; (2) update section name; and (3) add rule citation.

OAC 340:50-11-2 is revoked because information is moved to OAC 340:50-11-1.

OAC 340:50-11-4 is revoked because information is moved to OAC 340:50-11-1.

Reasons.

The proposed amendments throughout the Subchapters are amended to: (1) reorganize, clarify, and simplify rules; (2) update rules to reflect current procedures, federal guidance, and federal regulations; (3) add rule and legal citations; and (4) remove outdated or incorrect information and worker instructions to reduce confusion for Adult and Family Services (AFS) staff and the public, and make the rules less error prone for staff.

The proposed amendments to: (1) add households that cannot be classified as categorically eligible as households subject to resource eligibility; and (2) add or update procedures for households with substantial lottery and gambling winnings are made to comply with additional guidance received from Food and Nutrition Services regarding needed actions for substantial lottery and gambling winners.

The proposed rule revocations remove duplicative information or incorporate information into fewer Sections for greater clarity.

Repercussions.

If the proposed amendments are not implemented: (1) AFS will be out of compliance with federal regulations; and (2) rules will remain error prone and may prevent OKDHS staff from processing benefits as quickly as possible or under- or over-issuing client benefits leading to increased federal error rates.

Legal authority. Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and Sections 271.2, 272.1, 273.1, 273.2, 273.4, 273.9, 273.11, and 273.14 of the Code of Federal Regulations.

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 classes of 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 result in enhanced delivery of services to households applying for or receiving SNAP benefits and may decrease staff errors.
- 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 do not 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:** There are no 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 reduce health risks for households

by clarifying and simplifying rules to facilitate the delivery of benefits and services to persons who are in need.

J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented: If the proposed amendments are not implemented, there may be a detrimental effect on the health of households applying for or receiving SNAP benefits because rules will not be in compliance with certain federal regulations and staff may not process benefits as quickly and accurately as possible. Failure to issue correct benefit amounts may lead to under issuance of client benefits or overpayments the client must repay.

K. The date the rule impact statement was prepared and, if modified, the date modified: Prepared May 22, 2020 modified December 18, 2020.

SUBCHAPTER 1. GENERAL PROVISIONS

340:50-1-1. Purpose, legal base, and responsibilities

Revised ~~9-15-199-15-21~~

(a) **Purpose.** The purpose of this Chapter is to describe the operation of the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Supplemental Nutrition Assistance Program (SNAP). The purpose of SNAP is to utilize, as efficiently as possible, the nation's food abundance to raise the nutritional levels and improve the general health of the nation's low-income households.

(b) **Legal basis.** The legal basis for SNAP is vested in the Food and Nutrition Act of 2008 (Public Law 110-246) as amended by the Agriculture Improvement Act of 2018, commonly known as the 2018 Farm Bill and Sections 241 through 244 of Title 56 of the Oklahoma Statutes.

(c) **OKDHS responsibilities.** Per Section 271.4 of Title 7 of the Code of Federal Regulations, ~~DHS~~ OKDHS is responsible for:

- (1) certifying eligible applicant households for SNAP food benefits;
- (2) the issuance, control, and accountability of SNAP food benefits;
- (3) developing and maintaining complaint procedures;
- (4) developing, conducting, and evaluating training;
- (5) conducting performance reporting reviews;
- (6) keeping records necessary to determine that ~~DHS~~ OKDHS is complying with federal regulations in its operation of SNAP; and
- (7) submitting accurate and timely financial and program reports.

~~(b)~~(d) **Program informational activities.** ~~DHS~~ has total and direct responsibility for initiating and monitoring program informational activities for SNAP in Oklahoma.

(1) SNAP informational activities consist of comprehensive and ongoing activities to convey information about the program, including household rights and responsibilities, to applicant and recipient households through such means as publications, media, posters, and face-to-face contacts.

(2) Nutrition education information is available to instruct and emphasize basic nutritional concepts and consumer practices for SNAP applicants and recipients.

~~(c)~~(e) **Nutrition education.** Nutrition education and program informational pamphlets and posters are available to order by local county offices. County staff are responsible for informing applicants and recipients of the availability of these materials at the time of initial application and certification renewal.

340:50-1-2. Legal basis [REVOKED]

Revised ~~6-1-09~~

~~The Oklahoma Department of Human Services (OKDHS) has legal authority to participate in the Supplemental Nutrition Assistance Program by the Food and Nutrition Act of 2008 [P.L. 110-246] and Sections 241 through 244 of Title 56 of the Oklahoma Statutes.~~

340:50-1-4. Complaints [REVOKED]

Issued ~~5-13-92~~

~~All complaints made by households or by others on behalf of households about application of rules are handled in accordance with OAC 340:2, Subchapter 5.~~

~~Complaints received alleging program abuse are referred to the Audit and Review Division, Investigations Unit using procedures in OAC 340:2, Subchapter 7. Refer to Section 5 of this Subchapter for procedures for complaints alleging discrimination.~~

340:50-1-5. Civil Program and civil rights complaints and responsibilities

Revised ~~9-15-17~~ 9-15-21

(a) **Non-discrimination statement.** ~~The Oklahoma Department of Human Services (DHS)~~ (OKDHS) processes Supplemental Nutrition Assistance Program (SNAP) applications, certification renewals, and mid-certification renewals in a non-discriminatory manner without regard to age, race, color, sex, disability, religious creed, political beliefs, national origin, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the United States Department of Agriculture (USDA) per Section 272.6 of Title 7 of the Code of Federal Regulations.

(b) **Public notification.** ~~DHS~~ OKDHS must have a public notification system to inform potentially eligible persons, applicants, and participants of the availability of SNAP food benefits, program rights and responsibilities, non-discrimination policy, and the procedure for filing a discrimination complaint. This includes, but is not limited to:

- (1) informing applicants and participants during an application or certification renewal interview of the right to file a civil rights complaint, how to file a complaint, and complaint procedures per (c) of this Section;
- (2) displaying the USDA "And Justice for All" poster in a prominent location, such as the lobby, in all ~~DHS~~ OKDHS offices;
- (3) displaying the non-discrimination statement on forms and public notification materials; and
- (4) informing potentially eligible persons, applicants, participants, and grassroots organizations of programs and program changes. This includes information pertaining to eligibility, benefits, services, the location of local county offices or service delivery points, and hours of service. ■ 1

(c) **Program complaints.** All complaints made by households or others on behalf of households about application of SNAP rules are handled by the OKDHS Legal Services Appeals Unit, per Oklahoma Administrative Code (OAC) 340:2, Subchapter 5. Complaints received alleging program abuse are referred to the OKDHS Office of the Inspector General, Investigations Unit using procedures, per OAC 340:2, Subchapter 7.

~~(c)~~(d) **Explanation of civil rights complaint process.** When a person makes a discrimination allegation to a ~~DHS~~ an OKDHS employee, the employee to whom the allegation is made is responsible for explaining the civil rights complaint process to the person. The proper procedure includes:

- (1) providing Form 14CR001E, Discrimination Complaint – Client or Vendor, to any person alleging discrimination based on a protected class.
 - (A) The employee offers to help the person complete Form 14CR001E and asks if the complainant wants the employee to submit the complaint for the complainant.
 - (B) The complainant may choose to submit a written statement instead of using Form 14CR001E. When this occurs, the employee informs the person what information is needed to facilitate the complaint investigation and provides the addresses for USDA and the ~~DHS~~ OKDHS Office of for Civil Rights (OCR). ■ 2

- (C) When a person makes a verbal discrimination allegation and is unable or unwilling to put the allegation in writing, the employee to whom the allegation is made completes Form 14CR001E based on the information provided by the complainant and asks the complainant to sign the form, when available; ■ 2
- (2) explaining to the complainant that he or she has the right to file the complaint with the DHS OKDHS OCR or with the USDA Office of Civil Rights, or both;
- (3) informing the complainant:
- (A) he or she has the right to file a written complaint within 180-calendar days of the alleged discriminatory action and, if accepted for investigation, the investigation is completed within 90-calendar days of receipt;
- (B) the complaint is confidential and protected by the Privacy Act of 1974; ■ 3
- (C) the complaint will not affect receipt of benefits; and
- (D) DHS OKDHS is prohibited from retaliating against the person for filing a complaint;
- (4) asking the complainant if he or she would like to talk to a supervisor to try to resolve the matter. ■ 4
- (d) **Alternative means of communication.** Persons with disabilities who require alternative means of communication for program information are advised to contact the USDA's TARGET Center at (202) 720-2600 for voice and telecommunications device for the deaf or TDD.

INSTRUCTIONS TO STAFF 340:50-1-5

Issued ~~9-15-17~~ 9-15-21

1. **~~Information~~ Information pertaining to eligibility, benefits, services, the location of local county offices or service delivery points, and hours of service may be communicated by methods, such as, but not limited to:**
 - (1) the Internet;
 - (2) newspaper articles;
 - (3) radio and television announcements;
 - (4) letters, leaflets, brochures, and/or bulletins; and
 - (5) computer-based applications.
2. (a) **The employee to whom the allegation is made makes every effort to have the complainant provide:**
 - (1) his or her name, address, phone number, or other means of contact;
 - (2) the name and location of the accused organization or office;
 - (3) the nature of the incident, action, or the aspect of program that led the complainant to feel discrimination was a factor and an example of the administration method that is having a disparate effect on the public, potential eligible persons, applicants, or participants;
 - (4) the basis on which the complainant believes discrimination exists;
 - (5) the names, titles, phone numbers, and business or personal addresses of persons who may have knowledge of the alleged discriminatory acts; and
 - (6) the date or dates during which the alleged discriminatory action occurred or, when continuing, the duration of such actions.

(b) **Discrimination complaints received in local offices are forwarded to the DHS Oklahoma Human Services (OKDHS) Office for Civil Rights (OCR) within five-**

calendar days of receipt or when based on age discrimination, immediately. **DHS OKDHS OCR** must send age discrimination complaints to the Food and Nutrition Services Regional Office of Civil Rights within five-calendar days of receipt for referral to the Federal Mediation and Conciliation Service in Washington, D.C. for mediation.

3. In order to maintain a high level of confidentiality and to protect against possible retaliation, no documents concerning a discrimination complaint are filed in the case record. The worker documents the date and type of contact in Family Assistance/Client Services (FACS) case notes and documents the applicant or recipient contacted staff regarding concerns, but the case note must not make reference to "Civil Rights" or "complaint."
4. (a) The employee refers the complainant to the supervisor to attempt to resolve the complaint at the lowest possible level after providing Form 14CR001E, Discrimination Complaint – Client or Vendor and explaining the complaint process to the complainant.
(b) The supervisor documents the contact and complaint resolution using the Client Compliment-Complaint Feedback Survey. The Client Compliment-Complaint Feedback Survey is hyperlinked under Management Tools on the main Adult and Family Services Job Functions web page.

340:50-1-6. Disclosure of household and public information

Revised 6-4-099-15-21

(a) **When household information may be disclosed.** The Per Section 272.1 of Title 7 of the Code of Federal Regulations (7 C.F.R. § 272.1), use or disclosure of information regarding Supplemental Nutrition Assistance Program (SNAP) applicant households is restricted to:

(1) persons directly connected with the administration or enforcement of the provisions of the Food and Nutrition Act of 2008, as amended by the Agriculture Improvement Act of 2018, or federal regulations, Social Security benefits, unemployment insurance benefits, other federal assistance programs, or federally assisted state programs which that provide assistance to low income persons on a means tested basis;

(2) persons directly connected with the administration or enforcement of programs required to participate in the state income and eligibility verification system (IEVS), per 7 C.F.R. § 272.8(a)(2), to the extent the SNAP information is useful in establishing or verifying eligibility or benefit amounts under those programs;

(3) persons directly connected with the verification of immigration status of aliens applying for SNAP benefits, through the Systematic Alien Verification for Entitlements (SAVE) Program, to the extent the information is necessary to identify the person for verification purposes;

(4) persons directly connected with the administration of the Child Support Program under Part D, Title IV of the Social Security Act, in order to assist in the administration of that program, and employees of the Secretary of Health and Human Services as necessary to assist in establishing or verifying eligibility or benefits under Titles II and XVI of the Social Security Act;

(2)(5) employees of the Comptroller General's Office of the United States for audit examination authorized by any other provisions of law; or

(6) local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food and Nutrition Act of 2008, or regulation. The written request must include the:

- (A) identity of the person requesting the information;
- (B) person's authority to request the information;
- (C) violation being investigated; and
- (D) identity of the person for whom the information is requested;

~~(3)~~(7) local, state, or federal law enforcement officials acting in their official capacity, upon their written request, is provided with. ■ 1

- (A) The written request must include:
 - (i) the name of the household member being sought;
 - (ii) the purpose of the request is to obtain the address, and Social Security number (SSN) and, when available, a photograph of a the food benefit recipient provided the law officer furnishes the recipient's name and notifies the Oklahoma Department of Human Services (OKDHS) the person; and
 - ~~(A)~~(iii) if the member is fleeing to avoid prosecution, or custody, or confinement for a crime, or an attempt to commit a crime, that would be classified as a felony,
 - (B) or a high misdemeanor in New Jersey, or is in violation of a condition of parole or probation;
 - (C) has information necessary for conducting an official duty related to a felony or probation violation; or
 - (D) has an alleged violation of SNAP regulations imposed under a federal or state law.

(B) Oklahoma Human Services (OKDHS) must accept any document that reasonably establishes the identity of the household member being sought by law enforcement authorities.

(C) With the proper written request, OKDHS staff only discloses enough information to comply with the specific written request, such as the household member's address, SSN, and photograph, when available; and

(8) local educational agencies administering the National School Lunch Program established under the Richard B. Russell National School Lunch Act, or the School Breakfast Program established under the Child Nutrition Act of 1966, for the purpose of directly certifying the eligibility of school-aged children for receipt of free meals under the School Lunch and School Breakfast programs based on their receipt of SNAP benefits.

(b) **Protection of released information.** Recipients of information released under (a) of this Section must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this Section. In addition, information received through IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to OKDHS, per Section 6103(l) of the Internal Revenue Code of 1954, is subject to the safeguards established by the Secretary of the Treasury in Section 6103(l) of the Internal Revenue Code; and implemented by the Internal Revenue Service in its publication, Tax Information and Security Guidelines.

~~(b)~~**(c) Case review request by household.** ~~If there is a~~ When OKDHS receives a written request to review information contained in the case record by a responsible household member of the household, the currently authorized representative of the household, or a person acting in on the household's behalf of the household, the information is then made available for inspection during normal regular OKDHS business hours. OKDHS withholds confidential information, including the:

~~(1) the names of persons who have disclosed information about the household without the household's knowledge; and or~~

~~(2) the nature or status of pending criminal prosecutions.~~

(d) Availability of public information. SNAP rules and the Adult and Family Services Handbook are available online at www.okdhs.org and are made available for inspection upon request by the public during-regular business hours in each county office and in the State Office. Federal regulations, federal procedures in Food and Nutrition Service (FNS) notices and policy memos, and State Plans of Operation, and corrective action plans are available upon request for inspection by the public during regular business hours at the State Office and at FNS regional and national offices, per 7 C.F.R. § 272.1. County staff ensures that participants and other low-income households have access to information regarding non-discrimination statutes and policies, complaint procedures, and the rights of participants within 10-calendar days of the request date.

INSTRUCTIONS TO STAFF 340:50-1-6

Issued 9-15-21

1. When the law enforcement officer provides documentation indicating that a household member is fleeing to avoid prosecution or custody for a felony, or violated a condition of probation or parole, the worker emails SNAP@okdhs.org for guidance to determine whether to disqualify the household member from the food benefit, per Oklahoma Administrative Code 340:50-5-10.1.

340:50-1-7. Availability of public information [REVOKED]

~~Issued 5-13-92~~

~~State rules and policy manuals are available for inspection upon request by the public during office hours in each county office and in the State Office.~~

~~Federal regulations, federal procedures in FNS notices and policy memos, and State Plans of Operation are available upon request for inspection by the public during office hours at the State Office as well as at FNS regional and national offices. The county office ensures that participants and other low-income households have access to information regarding non-discrimination statutes and policies, complaint procedures, and the rights of participants within ten days of the date of a request.~~

SUBCHAPTER 3. APPLICATION PROCESS

340:50-3-3. Verification

~~Revised 6-4-139-15-21~~

(a) General verification standards for verification. Verification is the use of documents or third party information or documentation to confirm the accuracy of statements made on the application. ~~For specific policy regarding required verification of non-financial~~

~~eligibility criteria refer~~ Refer to Oklahoma Administrative Code (OAC) 340:50-5, for non-financial verification criteria and ~~of~~ OAC 340:50-7 for financial eligibility verification criteria ~~refer to OAC 340:50-7.~~ When the household must provide documentation to verify eligibility before receiving or continuing to receive benefits, the worker provides the household with Form 08AD092E, Client Contact and Information Request, to the household allowing that lists required verification and gives the household at least 40 calendar 10-calendar days to provide needed the verification. ■ 1

(b) **Mandatory verification.** The worker must verify the eligibility factors in (1) through (11) of this Subsection before certifying a household initially applying for Supplemental Nutrition Assistance Program (SNAP) food benefits for a normal certification period, per Section 273.2(f)(1) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(f)(1)). When the household is eligible for expedited service processing, the worker may postpone verifying eligibility factors, other than identity, when they cannot be verified within the seven-calendar day period, per OAC 340:50-11-5.

(1) Able-bodied adults without dependents (ABAWD) subject to the time limit.

When there is an ABAWD subject to the food benefit time limit living in the home, the household must verify the hours the ABAWD works or participates in a work program and, if there is an indication that the ABAWD received food benefits in another state, the number of countable months received there, per 7 C.F.R. § 273.24 and OAC 340:50-5-100.

(2) Citizenship and alien status. The household must verify the citizenship or alien status of household members, per OAC 340:50-5-67.

(3) Disability. A household member's disability must be verified, per OAC 340:50-5-4 when it affects SNAP eligibility.

(4) Gross nonexempt income. The gross nonexempt income of all household members must be verified, per OAC 340:50-7-29 and OAC 340:50-7-30. However, when attempts by the household and the worker to verify the income are unsuccessful because the person or organization that provided the income fails to cooperate and other sources of verification are unavailable, the worker uses the best available information to determine household income.

(5) Household composition. The household must verify household composition, when questionable, per OAC 340:50-5-1 through 340:50-5-3.

(6) Identity. The identity of the person submitting the SNAP application must be verified, per OAC 340:50-5-65.

(7) Legal obligation to pay child support. Prior to allowing a deduction for legally-binding child support payments, the legal order and payment amounts must be verified, per OAC 340:50-7-31(a)(5).

(8) Medical expenses. A medical expense deduction is only allowed for household members meeting the definition of elderly or disabled, per OAC 340:50-5-4. Before allowing a medical expense deduction, the household must verify medical expenses exceeding \$35 per month, per OAC 340:50-7-31(a)(3).

(9) Residency. The household is required to verify it resides in Oklahoma, per OAC 340:50-5-66.

(10) Social Security number (SSN). Each household member must provide his or her SSN to participate in SNAP, per OAC 340:50-6-68.

(11) Students. When a household member claims to be physically or mentally unfit for purposes of the student exemption, per OAC 340:50-5-45, and the unfitness is not evident to the worker, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist.

(c) Sources of verification. Sources of verification that provide the worker with evidence that may be used to establish eligibility include, but are not limited to, (1) through ~~(4)~~(8) in this subsection, per 7 C.F.R. § 273.2(f)(4).

(1) Documentary evidence. The worker uses documents, whenever possible, as the primary source of verification for all items except residency and household size. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. ■ 2

(A) Although documentary evidence is the primary source of verification, ~~verification the worker cannot be limited~~ limit the type of verification to a single document. The verification may be obtained from the household or another source.

(B) When information from another source contradicts statements made by the household, the household is immediately afforded the opportunity to resolve the discrepancy.

(C) When documentary evidence cannot be obtained or is insufficient to make an eligibility determination or benefit level, the worker uses alternate verification sources of verification, such as collateral contacts and home visits.

~~(D) In all cases, the worker records the method of verification in the case record.~~

(2) Collateral contacts. The worker has the responsibility to verify all factors of eligibility for food benefits that may require one or more collateral contacts. The client's signature on the food benefit application for food benefits, mid-certification renewal, or Form 08AD060E, Request for Release of Information, grants the necessary authorization for securing required information or verification. ■ 3

(A) A collateral contact is a verbal confirmation of a household's circumstances by a person outside the household. The collateral contact may be made ~~either~~ in person or ~~over the~~ by phone.

(B) The acceptability of a collateral contact is not restricted to a particular person, but may be anyone ~~that can be expected~~ able to provide an accurate third party verification of the household's statement. Examples of acceptable collateral contacts are:

- (i) employers;
- (ii) community action groups;
- (iii) migrant service agencies;
- (iv) neighbors of the household; ~~or~~
- (v) landlords;
- (vi) social services agencies; or
- ~~(v)~~(vii) other persons outside of the household.

(C) When the collateral source is one that requires written authorization before supplying information to the Oklahoma Department of Human Services (OKDHS)

and the applicant or recipient's signature on the application or mid-certification renewal does not suffice, the worker obtains the appropriate household member's signature on Form 08AD060E, Request for Release of Information. If information is needed regarding another adult household member, the person may need to sign Form 08AD060E before the collateral source agrees to release information.

(3) **Home visits.** A home visit ~~can~~ may be used as verification if on a case-by-case basis only when documentary evidence is insufficient or cannot be obtained from other sources and the visit is scheduled in advance with the household.

(4) **Field investigation Discrepancies.** ~~The worker conducts an intensive field investigation when a household is suspected of withholding information or of intentional program violations. A field investigation is made after the worker has exhausted all other methods of verification and still does not have enough evidence to certify, deny, or close food benefits. When the worker receives unverified information from a source other than the household that contradicts the household's statements, the worker gives the household a reasonable opportunity to resolve the discrepancy prior to determining eligibility or benefits. The worker may choose to verify the information directly and contact the household only when verification efforts are unsuccessful.~~

~~(A) The intensive field investigation includes all questionable factors of eligibility. The worker makes every effort to obtain the most reliable second-party verification available. Contacts may include, but are not limited to, the applicant or recipient, other adult household members, employers, banks, government agencies, landlords, neighbors, and utility companies. The household does not have to provide specific written authorization unless it is required by the collateral source before they can or will furnish the requested information.~~

~~(B) Persons who are contacted for information related to a household's eligibility must be advised of the reason the information is needed and how it is used. When the person providing the information is unwilling to have his or her identity revealed to the household, the information is not used to make an eligibility decision nor is it recorded in the case record. The worker must attempt to verify the information using an alternate source.~~

~~(C) The worker contacts the household when the information gathered during the investigation differs from that given by the household. The household is given the opportunity to clear up conflicting information when possible. When the household cannot be contacted, the worker documents, in the case record, what attempts were made.~~

~~(D) The worker documents in the case record all verified evidence gathered during the course of the investigation. This documentation must include:~~

~~(i) what information was received, dates related to the information, source of the verification, and the date the information was received;~~

~~(ii) a complete explanation of conflicting information and what attempts were made to resolve the differences with the household; and~~

~~(iii) when the household refuses to cooperate in determining eligibility, information to clearly show that the household was given the opportunity to cooperate and was able to do so.~~

~~(E) When the eligibility determination is delayed due to a field investigation, the worker manually issues Form 08MP038E, Client Notice of Action Taken, informing the household of the pending status of the application.~~

(5) Use of State Data Exchange (SDX) and Beneficiary and Earnings Data Exchange (BENDEX). The worker may verify Supplemental Security Income benefits (SSI) through SDX and Retirement, Survivors, and Disability Insurance (RSDI) benefits through BENDEX or through verification provided by the household. ■ 4 The worker may also use SDX and BENDEX data to verify other SNAP eligibility criteria except date of death. ■ 5 When the SSI or RSDI income reported by the household differs from the amount shown on SDX or BENDEX or is unavailable, the worker gives the household the opportunity to verify the income from another source.

(6) Mandatory use of Income and Eligibility Verification System (IEVS). OKDHS must obtain information through IEVS, per procedures specified in 7 C.F.R. § 272.8 and (A) through (C) of this paragraph to help verify the household's eligibility and benefit level. ■ 6

(A) OKDHS must obtain:

(i) wage and unemployment insurance benefits information from the Oklahoma Employment Security Commission;

(ii) SSI, RSDI, federal retirement, and net earnings from self-employment, wages, and retirement income payments from the Social Security Administration; and

(iii) unearned income information from the Internal Revenue Service.

(B) OKDHS may exchange information with agencies in other states that administer Temporary Assistance for Needy Families, Medicaid, food benefits, unemployment compensation, or a state program administered under a plan approved under Title I, X, or XIV, or XVI of the Social Security Act.

(C) The worker takes action to close, deny, or reduce benefits based on information obtained through IEVS that is considered verified upon receipt, per (e) of this Section, unless the information is questionable for a particular household. When IEVS information is questionable or not verified upon receipt, the worker obtains additional verification from the household or from the income or benefit source before taking action, per (f) of this Section for applications or OAC 340:50-9-5(i) during the certification period.

(7) Mandatory use of the Systematic Alien Verification for Entitlement (SAVE). Households are required to submit documentation for every alien applying for SNAP benefits so OKDHS can verify their immigration status through the Alien Status Verification Index (ASVI). SAVE is maintained by the United States Citizenship and Immigration Services (USCIS). ■ 7

(A) When immigration status verification is required, the worker gives or sends Form 08AD092E, Client Contact and Information Request, to the household to provide an acceptable document within 10-calendar days. When the worker:

(i) gives the household at least 10-calendar days to provide the documentation before the 30th day of the application period and the household fails to do so, the worker: ■ 8

(l) denies the application when immigration status documentation is required for all household members; or

(II) certifies SNAP food benefits for all eligible members and denies benefits for the members whose immigration status has not been verified; or
(ii) does not give the household at least 10-calendar days to provide the verification before the 30th day of the application period and the household is otherwise eligible, the worker must certify SNAP food benefits by the 30th day for the household, including the alien whose status is not verified.

(B) When the household provides alien documentation, but SAVE does not confirm the validity of an alien's documents or there is a significant discrepancy between the data provided by SAVE and the information provided by the household, OKDHS submits Form USCIS G-845, Verification Request, and a photocopy of the alien's document to USCIS for further verification. The worker does not delay, deny, reduce or close the alien's food benefits pending a response from USCIS when the alien is otherwise eligible for benefits.

(C) SAVE may also be used to confirm if an alien has a sponsor who signed a legally binding affidavit of support, per OAC 340:50-5-67.

(8) **Food stamp disqualification (FSD).** OKDHS uses the FSD transaction to determine if a household member is disqualified for SNAP food benefits due to fraud at application, certification renewal, and when adding a household member to the SNAP benefit. When a household member is disqualified in Oklahoma or another state, the FSD transaction shows the date the disqualification began and the length of the disqualification. ■ 9

~~(e)~~(d) **Responsibility for providing verification.**

(1) **Household responsibility.** The household has primary responsibility for providing documentary evidence to support ~~its income~~ statements made on the application or certification renewal and to resolve questionable information. Households may supply documentary evidence in person, by mail, fax, or email, or through an authorized representative.

(2) **Worker responsibility.** The worker assists the household in obtaining this verification provided the household ~~is cooperating~~ cooperates with the worker. The worker's assistance may range from explaining how or where to obtain proof to obtaining proof when the applicant is unable to do so.

(A) The worker accepts reasonable documentary evidence provided by the household and is primarily concerned with how adequately the verification confirms statements on the application.

(B) ~~When it is too difficult or impossible for the household to obtain documentary evidence in a timely manner, the worker offers assistance to the household in obtaining the documentary evidence.~~

~~(C)~~ The household is not required to provide multiple sources of verification when the household ~~has~~ provided information that adequately supports the statements on the application. However, the worker may require the household to provide additional verification when the existing verification is incomplete or questionable.

(C) ~~Whenever documentary evidence is insufficient to make an eligibility decision or cannot be obtained, the worker may phone a collateral contact or make a home visit, per (b)(2) or (3) of this Section.~~

(D) An application is never denied solely because a person outside of the food benefit household fails to cooperate in providing information, verification, or other

help needed to process an application. Disqualified or ineligible persons are considered members of the food benefit household for this provision.

(d) Documenting case files.

~~(1) **Case files.** Case files must be documented in detail to support eligibility, ineligibility, and benefit level determinations. ■ 2~~

~~(2) **Documentation.** Documentation must include:~~

~~(A) sources of verification, dates of the sources of verification, and amounts verified;~~

~~(B) computations used to arrive at monthly income deductions;~~

~~(C) why verification is required to resolve questionable information;~~

~~(D) what documentation was used to resolve the questionable information; and~~

~~(E) the reason an alternate source of documentation, such as a collateral contact or home visit, was made.~~

(e) Information considered verified upon receipt. Information considered verified upon receipt is information that is not questionable or unclear and the provider is the primary source of the information. For example, RSDI and SSI income verified with the Social Security Administration (SSA) or unemployment benefits verified by the Oklahoma Employment Security Commission (OESC) through data exchange are considered verified upon receipt because SSA and OESC are primary sources. ■ 10

(f) Questionable information. Prior to certification, the worker must verify questionable factors of eligibility, including all factors affecting household composition, only when they affect a household's entitlement eligibility and benefit level, per 7 C.F.R. § 273.2(f)(2). A household's report of For example, the worker may determine that additional verification is required when the household reports its expenses that exceeds exceed its income prior to deductions may be grounds for a determination that further verification is required. ■

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(1) Questionable information. To be considered questionable, the information on the application must be inconsistent with:

(A) statements made by the applicant;

(B) other information in the case record; or

(C) other information received by OKDHS.

(2) Documentation. There must be documentation as to:

(A) the reason the information was considered questionable;

(B) what documentation was used to resolve the questionable information; and

(C) the reason an alternate source of documentation, such as a collateral contact or home visit, was made.

(3) Determination. When determining if information is questionable, the worker bases the decision on each household's individual circumstances.

(g) Documentation. Case records must be documented in detail to support eligibility, ineligibility, and benefit level determinations. ■ 2

(h) Verification required during the certification period. Refer to OAC 340:50-9-5 for information regarding required verification when changes occur during a certification period.

(i) Verification required at certification renewal. At certification renewal, the household must verify:

(1) income when the income source changed or the income amount changed by more than \$50. The worker does not verify income when the source or amount of income has not changed or changed by \$50 or less, unless the information provided is incomplete, inaccurate, inconsistent or outdated;

(2) new or previously unreported medical expenses when a household member(s) is eligible for the medical expense deduction, per OAC 340:50-7-31. The worker also verifies recurring medical expenses that changed more than \$25 since certification or the most recent certification renewal. The worker does not verify total medical expenses when the amount claimed by the household has not changed or changed by \$25 or less, unless the information provided is incomplete, inaccurate, inconsistent, or outdated;

(3) any changes in a household member's legal obligation to pay child support, the obligated amount, or the legally-obligated child support amount paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member.

(A) The worker verifies the household's child support obligation and payment information through Child Support Services (CSS) when possible, unless the household disagrees with the amount provided by CSS.

(B) When child support payment information is not available through CSS or the household disagrees with the amount shown, it must provide other verification to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount paid to a non-household member before this deduction may be given.

(C) When the child support obligation and payment amount has not changed, the worker verifies child support information only when the information provided is incomplete, inaccurate, inconsistent or outdated;

(4) newly obtained social security numbers;

(5) a household member's work hours when he or she is subject to work requirements, per 7 C.F.R. § 273.24 and OAC 340:50-5-100; and

(6) any other information that changed since initial certification or the most recent certification renewal when it affects eligibility.

INSTRUCTIONS TO STAFF 340:50-3-3

Revised ~~6-1-139~~-15-21

1. The worker ~~completes and gives~~ Form 08AD092E, Client Contact and Information Request, ~~to the household~~ listing the verification needed to determine eligibility and gives or mails it to the household. The worker ~~individualizes the form and~~ only checks the items required for that household based on program specific policy. For example, the worker does not check resources when resources are not a factor of eligibility or self-employment when the household did not report that someone in the household was self-employed.

(1) When the household fails to provide all or part of the requested verification, the worker does not send a new Form 08AD092E.

- (2) When the worker requests verification not listed on the original Form 08AD092E, he or she must provide a new Form 08AD092E giving the household at least 10-calendar days to provide the additional information.
- (3) When the client contacts the worker to check on the status of the application, the worker verbally advises informs the client of any required verification still needed and what day is the that the application will be denied by the 30th calendar day following the application date if the verification is not provided. ~~The worker may also resend the original Form 08AD092E with the verification not provided circled when there is a reasonable period of time for the household to receive the form and respond.~~
- (4) In order to provide better customer service, ~~when time permits,~~ the worker may initiate a call to the client to advise inform him or her of still needed the verification that is still needed, and what day is the 30th calendar day following the application date. ~~The worker does not~~ may resend the original Form 08AD092E unless when he or she is first able to explain why it is being sent and there is a reasonable period of time for the household to receive the form and respond.
- (5) The worker must record all face-to-face, verbal, and written household contacts in Family Assistance/Client Services (FACS) Case Notes including:
- (A) the date of the contact;
 - (B) whether the contact was face-to-face, verbal, or in writing;
 - (C) the name of the person contacted;
 - (D) whether the contact was worker or client initiated; and
 - (E) when verbal:
 - (i) any information provided by the client regarding eligibility;
 - (ii) what the worker advised the client regarding outstanding verification, if applicable;
 - (iii) whether the worker resent the original Form 08AD092E or sent a new Form 08AD092E requesting additional verification; and
 - (iv) any other information the worker gave regarding the application process and time frame.
2. ~~When the~~ The worker determines that records in FACS case notes:
- (1) a description of the verification provided and receipt dates;
 - (2) dates and amounts of all income received by the household;
 - (3) how income and deductions were computed to arrive at the household's countable income; and
 - (4) what, if any, information is provided by the household was considered questionable, he or she must explain in FACS Case Notes why the information is considered questionable and how the worker resolved any such discrepancies.
3. (a) The household typically designates the name of the collateral contact. The worker may designate the collateral contact or ask the household to designate a different collateral contact or provide an alternate form of verification when he or she does not expect the one designated by the household to be able to provide an accurate third party verification.

(b) When talking with collateral contacts, the worker avoids disclosing that the household applied for food benefits and only discloses enough information to get the needed information.

4. (a) Beneficiary and Earnings Data Exchange System (BENDEX). BENDEX provides verification of Retirement, Survivors, and Disability Insurance (RSDI) benefits and Medicare entitlement. To view, enter BEN space RSDI claim number. Review Quest article "IMS: BENDEX Income Codes." Field B07 contains the Social Security claim number.

(1) When using BENDEX to verify RSDI benefits, the worker drops any cents from the gross benefit amount in BENDEX Field B27 and uses only the whole dollar figure. For example, round \$349.50 to \$349.00.

(2) When a person is dually entitled to receive RSDI benefits under two Social Security claim numbers, the person may receive benefits under one or both claim numbers.

(A) When the person receives a combined benefit, BENDEX displays two records for the person. Each record displays a "D" for dual entitlement in Field C21 and the cross referenced Social Security claim number in BENDEX Field B20.

(i) The worker counts the income displayed under the BENDEX record with a current pay (CP) payment status code in Field B20. The person receives the combined RSDI benefit amount under this Social Security claim number.

(ii) The worker does not count the income displayed in the BENDEX record with the adjusted for dual entitlement (AD) in payment status code Field B20. The AD means the person does not receive income under this BENDEX record.

(B) The benefit issuance process used by the Social Security Administration may cause a \$1 or \$2 difference in the actual payment made to a person who receives combined benefits.

(C) When the person receives benefits under both Social Security claim numbers, each BENDEX record displays a CP in the payment status code Field B20. The worker adds the whole dollar figures in Field B20 together and drops the cents to arrive at the person's RSDI benefit. For example, when one record shows \$202.51 and the other shows \$361.23, the worker adds \$202 to \$361 to arrive at the person's countable income of \$563.

(b) State Data Exchange System (SDX). The SDX file contains data for Supplemental Security Income (SSI) applicants and recipients that is viewed by entering SDX space Social Security number (SSN). When using SDX to verify SSI income, the worker rounds the amount shown to the nearest dollar. For example, 1¢ to 49¢ is rounded down and 50¢ to 99¢ is rounded up. Review Quest articles "How to Read SDX Screens," "State Data Exchange (SDX) Payment Status Codes," "State Data Exchange (SDX) Resource Codes," "State Data Exchange (SDX) Miscellaneous Codes," and "Resolving a SDX Discrepancy."

(c) SDX list (SDL). The SDL transaction is a shortcut that reduces keystrokes and provides a history list of the current and previous SDX records. To view,

enter SDL space SSN. To view a particular record, move the cursor to the line of the record date selected, type SDX, and press the enter key.

5. The data exchange discrepancies called "prisoners" (PRS) and "date of death" (DOD) are available from the Social Security Administration (SSA) and appear as alerts on G1DX. Whenever the worker receives one of these alerts, he or she must attempt to confirm the accuracy of the information before taking action as the information may be old or incorrect. SSA receives and sends information to DHS for:

(1) PRS from some, but not all prisons, jails, 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 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 with incarceration dates; and

(2) DOD from State Departments of Health. The G1DX screen displays the date of death for persons reported as deceased by SSA, but appear to be receiving Oklahoma Human Services (OKDHS) benefits.

6. Automated data exchange with other agencies provides OKDHS with information regarding the household's benefits, wages, taxes, Social Security numbers, and current addresses. The system compares information obtained electronically with data stored within OKDHS electronic records to determine if there are discrepancies that need to be addressed with the household. The worker is responsible for reviewing data exchange information at application, mid-certification renewal, and certification renewal. Refer to Oklahoma Administrative Code (OAC) 340:65-3-4 for information regarding data exchange screens.

7. The worker accesses the Alien Status Verification Index (ASVI) through a web-based online system. Online responses are returned for the initial and additional verification inquiries. The worker images and files the online verification number or entire verification record in the case record or copies and pastes the information into FACS case notes.

(1) Initial verification responses are returned in three to five seconds. Initial verification is initiated when at least one of the documents in (A) through (J) of this paragraph appears to be valid, is available, and has an A-number of A0000001 through A59999999, A70000000 through A79999999, or A90000000 through A99999999. Documents include forms:

(A) I-551, Permanent Resident Card;

(B) I-797A, Notice of Action, issued to an applicant as a replacement Form I-94;

(C) I-766, Employment Authorization Document;

(D) I-327, Permit to Reenter the United States;

(E) I-571, Refugee Travel Document; or

(F) I-94 or I-94A, Arrival/ Departure Record endorsed, in a foreign passport, for persons younger than 1 year of age.

- (2) The worker uses the same website to request additional verification as initial verification or submits Form G-845, Verification Request, to the United States Citizenship and Immigration Services (USCIS). The website method is preferred since a response is returned in three-federal business days as opposed to a 10-business day paper response time using Form G-845.
- (3) The worker initiates additional verification immediately, when:
- (A) the person provides documents that appear counterfeit or altered;
 - (B) there is no A-number on any document;
 - (C) an A-number in the A60000000 or A80000000 series appears on any document;
 - (D) any USCIS fee receipt other than I-687, Application for Status as a Temporary Resident, is presented; or
 - (E) Form I-94 in a foreign passport has an endorsement processed more than one year ago from the current date.
8. When immigration status documents were needed and not provided timely for all household members, the worker uses Fdeny to deny the food benefit application. When all other eligibility factors were verified except immigration status and some household members do not need to provide immigration status documents, the worker certifies the eligible household members and enters an "O" for "Income and resources are considered in benefit computation-Individual Not Included" in the "status" field and a "21" for "ineligible or undocumented alien" in the "reason" field of the Household tab in the Family Assistance/Client Services Eligibility Notebook.
9. For food stamp disqualification (FSD) information, review Quest article "[Disqualifications \(FSD Transaction\)](#)." To display the FSD screen, enter FSD space SSN.
- (1) The FSD is indicated on the PY screen so a separate transaction is not necessary when the PY transaction is used first.
 - (2) When fraud is determined for the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) this information is updated on the FSD screen.
 - (3) For SNAP rules, refer to OAC 340:50-15-25 and 340:65-9-4 for TANF Program rules.
- 10.(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.

11. When the worker determines that information is questionable, he or she must explain why the information is considered questionable and how the worker resolved any such discrepancies in FACS case notes.

SUBCHAPTER 5. NON-FINANCIAL ELIGIBILITY CRITERIA

PART 1. HOUSEHOLD DEFINITION

340:50-5-2. Periods of absence

Revised 6-4-109-15-21

A person who is away from the home for extended periods during the month, but who returns to the home for part of each month, may be considered a member of the food benefit household. This ~~would include~~ includes, but is not limited to, persons who are away working, ~~attending from home to work or attend school, and similar situations for~~ part of each month and children who live with each parent part of every month.

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

(2) A child who lives with a parent on weekends and occasionally at other times may be claimed as part of the parent's food benefit household as long as the child is not

included in another active food benefit household. ~~In instances where both the father and mother of the child participate~~ When each parent participates in the Supplemental Nutrition Assistance Program (SNAP) during the same month, the parent who has the child the majority of the time ~~would be~~ is authorized to include the child in his or her SNAP household. See Family Support Services Division Memo 2002-01.

340:50-5-4. Definition of elderly or disabled household member

Revised 8-11-949-15-21

(a) **Definition of elderly or disabled.** ~~An~~ Per 271.2 of Title 7 of the Code of Federal Regulations (7 C.F.R. § 271.2), an elderly or disabled household member is ~~an individual defined as a person who meets one of the following criteria:~~

~~(1) Is age is 60 years of age or and older.;~~

~~(2) Receives receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act or disability or blindness payments, including interim benefits pending receipt of SSI, under Titles I, II, XIV, or XVI of the Social Security Act.;~~

~~(3) Receives medicaid benefits based on categorical relationship to disability. receives federal- or state-administered supplemental benefits under Section 1616(a) of the Social Security Act based upon the disability or blindness criteria used under Title XVI of the Social Security Act;~~

~~(4) receives federal- or state-administered supplemental benefits under Section 212(a) of Public Law 93-66;~~

~~(4)(5) Receives a federal, state or local public receives disability retirement pension with benefits from a government agency because of a disability considered permanent under Section 221(i) of the Social Security Act (verification must be provided by the household if the disability is not obvious to the worker).;~~

~~(5) Receives a Railroad Retirement disability annuity from the Railroad Retirement Board and qualifies for Medicare (verification must be provided by the household).~~

~~(6) Is is a disabled veteran who meets one of the following conditions:~~

~~(A) Receives 100% with a service-connected or non-service-connected disability benefits rated by the United States Department of Veteran's Affairs (VA) as total or paid as total by the VA under Title 38 of the United States Code. Benefits can may be either considered compensation or pension.;~~ ~~The household must present a statement from VA which clearly indicates that the person is rated as totally disabled or is paid at the total rate by VA.~~

~~(B)(7) Is is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code.;~~ ~~Proof by the household that the disabled individual is receiving VA disability benefits is sufficient verification.~~

~~(7)(8) Is is a surviving spouse of a veteran who meets one of the following conditions.~~

~~(A) Is considered by VA considers be in need of regular aid and attendance or permanently housebound or is a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code (U.S.C.);~~

~~(B) Is considered permanently disabled under the Social Security Act and receives or is entitled to VA compensation or pension benefits.~~

~~(8)(9) Is is a surviving spouse or surviving child of a veteran and meets one of the following conditions:~~

~~(A) Is considered by VA considers to be permanently incapable of self-support.~~

~~(B) Is considered permanently disabled entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under Title 38 of the U.S.C and has a disability considered permanent under Section 221(i) of the Social Security Act, and receives or is entitled to "Entitled" as used in this definition refers to those veterans' surviving spouses and children who are receiving VA compensation or pension benefits, or who were approved for the payments but are not receiving them yet.;~~

~~(10) receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and, is determined to be eligible to receive Medicare by the Railroad Retirement Board or Section 2(a)(1)(v) of the Railroad Retirement Act of 1974, and is determined to be disabled based upon the criteria under Title XVI of the Social Security Act; or~~

~~(11) receives interim assistance benefits pending the receipt of SSI or is a recipient of disability related medical assistance under Title XIX of the Social Security Act, provided that the eligibility to receive these benefits is based upon disability or blindness criteria that are at least as stringent as those used under Title XVI of the Social Security Act, as set forth at 20 C.F.R. Part 416, Subpart I, Determining Disability and Blindness as defined in Title XVI.~~

~~(b) It is necessary for the worker to determine if an individual would be considered permanently disabled under the Social Security Act when the individual does not receive SSI or social security income based on disability and VA information is not conclusive. Social Security bases permanent disability on impairments included in, but not limited to the following:~~

~~(1) Permanent loss of use of limbs, hands and feet as follows:~~

~~(A) Both hands~~

~~(B) Both feet~~

~~(C) One hand and one foot~~

~~(D) Amputation of leg at hip~~

~~(E) Amputation of a leg or foot due to diabetes or vascular disease~~

~~(F) Amputation of a limb at age 55 or older~~

~~(G) Total deafness which is not correctable~~

~~(H) Statutory blindness~~

~~(I) Muscular dystrophy~~

~~(J) Multiple sclerosis~~

~~(K) Impaired kidney function requiring dialysis or transplant~~

~~(L) IQ 59 or less established after age 16~~

~~(M) Down's syndrome~~

~~(N) AIDS~~

~~(O) Stroke with loss of use of arms or hands~~

~~(2) When it is not obvious that an individual has one of the above impairments, a physician's or licensed psychologist's statement that the individual is permanently disabled is required. **Required verification.** Per 7 C.F.R. § 273.2(f)(1)(viii), the household must verify that the household member meets one of the disability definitions,~~

per (a)(2) through (11) of this Section before certifying the person as disabled when it affects the eligibility determination. ■ 1 For a household member to meet the disability definition, per:

(1) (a)(2) through (a)(4) of this Section, the household must provide proof that the household member receives benefits under Titles I, II, X, XIV, or XVI of the Social Security Act;

(2) (a)(6) of this Section, the household must provide a statement from the VA that clearly indicates the disabled household member receives VA disability benefits for a service-connected or non-service-connected disability and that the disability is rated as total or paid at the total rate by VA;

(3) (a)(7) and (8) of this Section, proof that the household member receives VA disability benefits is sufficient verification of disability;

(4) (a)(5) and (9) of this Section, the household member must have a condition(s) that keeps him or her from pursuing a substantial, gainful activity for 12 months despite adherence to prescribed treatment. Refer to the Social Security Administration's (SSA) current list of disabilities considered permanent, per 20 C.F.R. § 416.925 and 20 C.F.R. Appendix 1 to Subpart P of Part 404. ■ 2 When it is:

(A) obvious to the worker that the person has one of the listed disabilities, the household is considered to have verified the household member's disability; or

(B) not obvious to the worker, the household must provide a statement from a physician or licensed or certified psychologist certifying that person has one of the nonobvious disabilities listed;

(5) (a)(10) of this Section, the household must provide proof the household member receives a Railroad Retirement disability annuity from the Railroad Retirement Board and was determined to qualify for Medicare; or

(6) (a)(11) of this Section, the household must provide proof that the individual receives interim assistance benefits pending SSI receipt or SoonerCare (Medicaid) benefits based on categorical relationship to disability.

(c) **Disability related to purchasing and preparing meals.** A household member who is 60 years of age and older and his or her spouse may be considered a separate household, per §273.1(b)(2) and Oklahoma Administrative Code 340:50-5-1 when the person suffers from a disability considered permanent by SSA, per 20 C.F.R. § 416.925 and 20 C.F.R. Appendix 1 to Subpart P of Part 404, or a non-disease-related, severe, permanent disability and is unable to purchase and prepare meals. ■ 3 When it is:

(1) obvious that the person is unable to purchase and prepare meals because he or she suffers from a severe physical or mental disability, the person is considered disabled for this provision even when the disability is not listed on the SSA list; or

(2) not obvious, the household must provide a statement from a physician or licensed or certified psychologist certifying that the person is unable to purchase and prepare meals because he or she suffers from one of the nonobvious disabilities mentioned in the SSA list or some other severe, permanent physical or mental disease or non-disease-related disability.

INSTRUCTIONS TO STAFF 340:50-5-4
Issued 9-15-21

- 1. The worker must document what proof was provided to verify the household member meets one of the disability definitions in Family Assistance/Client Services (FACS) case notes.**
- 2. The worker may contact the Oklahoma Health Care Authority's Level of Care Evaluation Unit for assistance when needed.**
- 3. The worker must document how he or she determined that the household member is unable to purchase and prepare meals in FACS case notes.**

340:50-5-8.1. Ineligible and illegal aliens [REVOKED]

~~Revised 6-1-14~~

~~— Aliens not identified as qualified aliens per OAC 340:50-5-67(3) are not eligible food benefits. The worker considers the income of ineligible aliens as available to the household. All aliens who are in the United States unlawfully, must be reported to the United States Citizenship and Immigration Services (USCIS). ■-1~~

INSTRUCTIONS TO STAFF 340:50-5-8.1 [REVOKED]

~~Revised 6-1-14~~

- ~~1. Determinations of immigration status are the responsibility of the United States Citizenship and Immigration Services (USCIS). The Family Support Services Division (FSSD) Supplemental Nutrition Assistance Program (SNAP) Section staff, per Section 11(e)(16) of the Food and Nutrition Act of 2008, reports to USCIS the names and addresses of food benefit applicants and/or recipients who are determined to be residing in the U.S. unlawfully.

 - ~~(1) The worker is not required to report:

 - ~~(A) applicants and/or recipients who are undocumented and appear to be residing in the U.S. unlawfully; or~~
 - ~~(B) persons who are not applicants or recipients who are not required to declare their citizenship status.~~~~
 - ~~(2) The worker reports to FSSD the names and addresses of applicants and/or recipients who:

 - ~~(A) admit illegal aliens are present in the household AND present USCIS documentation that is determined to be forged; or~~
 - ~~(B) present a formal order of deportation or removal.~~~~
 - ~~(3) The eligibility of households that include undocumented aliens is determined in the same manner as households that do not have undocumented persons.~~
 - ~~(4) The requirement to report applicants and/or recipients who are residing in the U.S. unlawfully is not used to discourage participation in SNAP.~~~~

340:50-5-10.1. Excluded household members

~~Revised 9-16-199-15-21~~

(a) **Excluded household members.** Excluded household members may not participate as a separate food benefit household. When excluded members live with the food benefit household, they are excluded from the household's size when determining benefits and comparing the household's monthly income with the income eligibility standards. Depending on the reason they are excluded, all or a portion of their income is included

as countable income for the food benefit household and deductible expenses may be prorated, per Section 273.11(c) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.11(c)). Refer to Oklahoma Administrative Code (OAC) 340:50-7-29(d), to determine how the income and expenses of excluded household members is counted.

(b) **Disqualified household members.** A household member may be disqualified for Supplemental Nutrition Assistance Program (SNAP) food benefits, per 7 C.F.R. § 273.1(b)(7) for:

- (1) committing an intentional program violation or fraud, per OAC 340:50-15-25;
- (2) failing to meet work registration requirements, per OAC 340:50-5-85 through OAC 340:50-5-89;

(3) being a fleeing felon. Per 7 C.F.R. § 273.11(n)(1), for a person to be considered a fleeing felon, the worker must verify: ■ 1

(A) there is an outstanding arrest warrant for the person issued for his or her arrest by a federal, state, or local law enforcement agency or court and, the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the person is fleeing, or a high misdemeanor under the law of New Jersey;

(B) the person is aware of, or should have reasonably expected that a felony warrant was, or would have been, issued;

(C) the person took some action with intent to avoid being arrested or jailed; and

(D) a federal, state, or local law enforcement agency is actively seeking the person.

"Actively seeking" is when a federal, state, or local law enforcement agency:

(i) informs the Oklahoma Department of Human Services (~~DHS~~) OKDHS that it intends to enforce an outstanding felony warrant, as described in (b)(3)(A) of this Section, within 20-calendar days of submitting a request for information about the person to (~~DHS~~) OKDHS;

(ii) presents a felony arrest warrant to (~~DHS~~) OKDHS that conforms to one of the National Crime Information Center uniform offense classification codes, to obtain information on the location of and other information about the person named in the warrant. National Crime Information Center uniform offense classification codes are:

(I) escape, code 4901;

(II) flight to avoid prosecution, confinement, and such, code 4902; or

(III) flight-escape, code 4999; or

(iii) states it intends to enforce an outstanding felony warrant within 30-calendar days of the date of the request from (~~DHS~~) OKDHS about a specific outstanding felony warrant; or

(4) being a probation or parole violator meeting criteria of this paragraph. ■ 2 Per 7 C.F.R. § 273.11(n)(2), to be considered a probation or parole violator, the Adult and Family Services director's designee must determine that:

(A) the person violated a condition of his or her probation or parole imposed under federal or state law; and

(B) federal, state, or local law enforcement authorities are actively seeking the person to enforce the conditions of the person's probation or parole. "Actively seeking" is when a federal, state, or local law enforcement agency:

(i) informs ~~(DHS)~~ OKDHS that it intends to arrest a person for a probation or parole violation within 20-calendar days of submitting an information request about the person to ~~DHS~~ OKDHS; or

(ii) states that it intends to arrest the person for a probation or parole violation within 30-calendar days of the request date from ~~DHS~~ OKDHS about a specific outstanding felony warrant or parole violation.

(c) **Ineligible household members.** Ineligible household members are persons living in the household that do not meet a program requirement, such as:

(1) failure to obtain, or refusal to provide a Social Security number, per OAC 340:50-5-68;

(2) ~~not being a citizen or qualified~~ an ineligible alien, per OAC 340:50-5-67;

(3) being an able-bodied adult without dependents and not meeting work requirements, per OAC 340:50-5-100; or

(4) failure to cooperate with providing requested verification when information is unclear, per OAC 340:50-9-5(i)(4).

INSTRUCTIONS TO STAFF 340:50-5-10.1

Revised 1-15-19

1. (a) **It is important to remember that in order to consider a person a fleeing felon, he or she must meet all four requirements, per (b)(3)(A) through (D) of this Section.**

(1) **Adult and Family Services (AFS) county staff does not initiate contact with law enforcement.**

(2) **When law enforcement contacts county staff requesting information about a Supplemental Nutrition Assistance Program (SNAP) recipient and states the household member is a fleeing felon, county staff requests a copy of the felony arrest warrant and asks the law enforcement official if he or she intends to arrest the person within the next 20-calendar days.**

(A) **Per Oklahoma Administrative Code 340:65-1-2, county staff may disclose the SNAP recipient's address to federal, state, and local law enforcement officers, who:**

(i) **furnish the recipient's name and Social Security number; and**

(ii) **notify staff that the recipient is a fleeing felon or probation or parole violator and that the location or apprehension of the SNAP recipient is within their official law enforcement duties.**

(B) **The worker emails the SNAP mailbox at SNAP@okdhs.org for guidance regarding the recipient's fleeing felon status and attaches a copy of any documentation provided by the law enforcement official.**

(C) **An AFS SNAP program field representative (PFR) reviews the information provided by the worker and contacts the household and/or law enforcement as needed to determine if the recipient meets all four fleeing felon status requirements. When the recipient meets the requirements, the SNAP PFR removes the person from the SNAP benefit and documents the circumstances in Family Assistance/Client Services (FACS) case notes.**

(b) When the household discloses during an interview that a household member is a fleeing felon, the worker asks questions to determine if he or she meets the fleeing felon status requirements, per (b)(3)(A) through (D) of this Section.

(1) The worker emails the SNAP mailbox at SNAP@okdhs.org for guidance, includes the information provided by the household, and documents the information in FACS case notes.

(2) The worker does not delay processing the household's SNAP application or certification renewal until the person's fleeing felon status is resolved and includes the person in the SNAP benefits.

(3) When the SNAP PFR determines the person meets fleeing felon status, the SNAP PFR removes the person from the SNAP benefit and documents the circumstances in FACS case notes.

(4) The ineligibility of a fleeing felon does not affect the eligibility of other household members.

(c) When an AFS SNAP PFR receives information from the Office of the Inspector General that a SNAP recipient may meet fleeing felon status, the SNAP PFR contacts the household and/or law enforcement as needed to determine if the person meets all four fleeing felon status requirements. When the person meets the requirements, the SNAP PFR removes the person from the SNAP benefit and documents the circumstances in FACS case notes.

2. (a) The household's statement that no one in the household is in violation of probation or parole is sufficient, unless there is information indicating otherwise. When the worker has information indicating a household member is a probation or parole violator, it is the household member's responsibility to provide verification that the violation was resolved. County office or support center staff does not initiate contact with the parole officer.

(b) The same procedures apply to probation or parole violators as apply to fleeing felons, per Instruction to Staff # 1 of this Section, except for the requirements he or she must meet to be considered a probation or parole violator, per (b)(4)(A) and (B) of this Section.

PART 3. SPECIAL HOUSEHOLDS

340:50-5-25. Centers, shelters, and group homes [REVOKED]

Revised 6-1-09

~~Persons addicted to drugs or alcohol who regularly participate in a drug addiction or alcoholic treatment program on a resident basis and disabled or blind residents living in group homes who receive Retirement, Survivors and Disability Insurance (RSDI) benefits or Supplemental Security Income (SSI) may voluntarily elect to participate in the Supplemental Nutrition Assistance Program. Residents of shelters for battered women and children may be eligible to participate.~~

PART 5. STUDENTS, STRIKERS, ~~RESIDENT FARM LABORERS,~~ MIGRANT HOUSEHOLDS, AND SPONSORED ALIENS, ~~AND SCHOOL EMPLOYEES~~

340:50-5-46. Strikers

Revised 6-1-099-15-21

(a) ~~Definition of a striker.~~ A striker is defined as anyone involved in a strike or concerted work ~~stoppage of work~~ by employees, including a stoppage by reason of the expiration of a collective-bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees, per Section 273.1 of Title 7 of the Code of Federal Regulations. Households with one or more members on strike are ineligible for Supplemental Nutrition Assistance Program (SNAP) food benefits unless the household received or was eligible for to receive SNAP food benefits the day prior to the strike, and are otherwise eligible at the time of application per (c) of this Section. ~~For households receiving food benefits or households eligible before the strike, benefits are not increased as a result of loss of income from the striking members.~~

(b) ~~Persons not considered strikers.~~ Persons who are not considered strikers ~~who are eligible for program participation are include~~ employees:

- (1) ~~whose affected by a lockout.~~ A lockout occurs when an employer closes the workplace is closed by or otherwise bars employees from working in order to resist the employee demands of the employees;
- (2) unable to work as a result of striking employees;
- (3) ~~not wanting~~ who are not part of the bargaining unit and do not want to cross a picket line due to fear of personal injury or death; or
- (4) who are exempt from the work registration requirement, per Oklahoma Administrative Code (OAC) 340:50-5-86, the day before the strike for reasons other than employment.

(c) ~~Determine income~~ Income determination. When a household makes application and a applies for SNAP food benefits after a household member is goes on strike, eligibility at the time of application is determined by comparing the striking member's income the day before the strike to the striker's current income. ~~This income is added to other household members' The worker considers the higher of the two as countable income for the striking member, adds the income to the non-striking members' current income, and allows the usual deductions, are allowed per OAC 340:50-7-31, to determine eligibility. A household member participating in the Supplemental Nutrition Assistance Program (SNAP) When a household receives SNAP food benefits the day prior to the strike who and reports a loss of income due to the strike, has income determined the same as for an applicant on strike the worker does not increase the food benefit because of this income loss.~~

(d) ~~Other certification processes.~~ Striking members must register for work unless otherwise exempt.

- (1) Households containing one or more persons on strike from their place of employment are not certified for a period of more than one month if the household is certified before the 15th day of the month of application. ~~Otherwise, the maximum certification period must be for two months. ■ 1~~
- (2) Application forms must be:
 - (A) supplied when requested;
 - (B) accepted when they are presented; and
 - (C) certified or denied within 30 calendar days after receipt.
- (3) ~~Persons and organizations who are parties to a strike, or their facilities, may not be used in the certification process except as a source of verification for information supplied by the applicant.~~

INSTRUCTIONS TO STAFF 340:50-5-46 [REVOKED]

~~Issued 6-1-09~~

- ~~1. A great deal of confusion may result if there is a sudden, large influx of applications due to a strike. In order that applicants may be handled as orderly and timely as possible, human services center staff may consider using group meetings to explain the program and general procedures and to screen for potential ineligible households.~~

340:50-5-47. Resident farm laborers [REVOKED]

~~Issued 2-12-92~~

~~Resident farm laborers are certified differently, depending on the primary source of income. They are divided into laborers who work for one employer and those who work for a number of employers throughout the year. The certification periods and procedures differ for each category, depending on the predictability of household circumstances.~~

~~(1) **Single employer with stable income.** Farm laborers whose primary source of income is from regular farm employment with the same employer may be certified for periods up to one year providing that income can be readily predicted and household circumstances are not likely to change. Such households are normally employed for the entire year and receive a regular monthly salary.~~

~~(2) **Irregular income.** In some instances, the household is paid for work done only during the work season but resides year round on the farm and may receive advance or deferred payments during the non-work season. Where advance or deferred payments are not received, the household most likely will have income from another source and should be treated as a multiple-employment household. The worker may experience some difficulty in assigning an income figure to the farm worker whose income is high during the work season and low during the non-work season when income is only from advances or deferred payment. Since the variation in income between the two cycles may be quite substantial, averaging income over the certification period might tend to inhibit participation of such households during the non-work period of low income. Even if income is prorated unevenly over the certification period to account for such variations, the income figure assigned during the low period might not be true representation of the cash readily available to the household. For this reason, consideration is given to certifying the household for lesser periods to take into account the income actually available to the household.~~

~~(3) **Multiple employers.** Farm laborers who work for a number of employers during the farm work season and also receive income from varying sources during the non-work season may be certified from month to month if no readily discernible pattern of income receipt can be detected. Verification of income for this type of household is particularly difficult unless a pattern has been established over a certain period of time. A three month certification period is not assigned to these households if it would prohibit participation due to substantial fluctuations in the flow of income.~~

340:50-5-49. Sponsored aliens

~~Revised 6-1-149-15-21~~

(a) **Sponsored alien definition.** ~~Sponsored aliens~~ A sponsored alien is an eligible and qualified alien, per Oklahoma Administrative Code (OAC) 340:50-5-67, whose sponsor signed ~~executed~~ an enforceable affidavit of support, may be subject to sponsor deeming, unless exempt from deeming requirements United States Citizenship and Immigration Services (USCIS) Form I-864, Affidavit of Support Under Section 213A of the Immigration and Nationality Act (INA), or Form I-864A, Contract Between Sponsor and Household Member, on behalf of the alien, per Section 213A of the INA and Section 273.4(c) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.4(c)). A sponsored alien is subject to deeming requirements, per (d) of this Section, unless he or she meets an exemption criteria, per (b) of this Section. ■ 1

(b) **Sponsored aliens exempt from deeming.** Sponsored aliens exempt from income and resource deeming requirements include:

(1) aliens who are a battered spouse, parent of a battered child or parent, or child of a battered person when they live in a separate residence from the person responsible for the battery and, the battering is substantially connected to the need for benefits. The worker grants the exemption for a 12-month period. ~~The exemption can be extended beyond the 12-month period if the alien demonstrates that~~ After the 12-month exemption period expires, Oklahoma Human Services (OKDHS) continues to not deem the batterer's income or resources to the sponsored alien, when:

(A) the battery is recognized in by a court or administrative order and if it is determined by the Oklahoma Department of Human Services (OKDHS) the USCIS;

(B) OKDHS determines that the battery has a substantial connection to the need for benefits; and

(C) the sponsored alien does not live with the batterer;

(2) ~~when the~~ aliens who are members of their sponsor's Supplemental Nutrition Assistance Program (SNAP) food benefit household includes the alien and the sponsor, as the sponsor's income already counts. When the sponsor receives food benefits in another household, the sponsor's income and resources must be deemed;

(3) ~~when the sponsored alien is ineligible for food benefits because of immigration status, such as he or she is not a qualified alien~~ aliens who are not required to have a sponsor under the INA, such as refugees, parolees, asylees, and Cuban or Haitian entrants;

(4) sponsored alien children under the age of or a sponsored alien's citizen children, who are younger than 18 years of age;

(5) aliens sponsored by an organization or group instead of a person; or

~~(5)(6) when the alien's own income and any assistance provided by the sponsor or any other person is not enough for the alien~~ indigent aliens. An indigent alien is an alien that OKDHS determines is unable to obtain food and shelter without help from other assistance programs after taking into account his or her own income plus any cash, food, housing, or other assistance provided by the sponsor or other persons. ■

2 ~~The worker cannot attribute more income and resources to the alien than actually received for a 12-month period. An alien is considered indigent if~~

(A) The "unable to obtain food and shelter" phrase means that the sum of the sponsored alien's household's own income and any the cash or and in-kind assistance provided by the sponsor or others is less than 130% does not exceed

130 percent of the poverty limit as shown on level income guidelines by household size, per OKDHS Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. Each indigence determination is effective for 12 calendar months and may be renewed for additional 12-month periods. When determining indigence, the worker considers the sponsored alien's income and other assistance provided in the month of application.

(A)(B) When exempted under this subsection, OKDHS Before making an indigent determination, the worker must:

- (i) explain the purpose of the determination to the sponsored alien or his or her authorized representative, including the requirement to send a written notice of the determination to the statistics branch of United States Citizenship and Immigration Services (USCIS) (U.S.) Attorney General; ■-2 and
- (ii) give the person the opportunity to refuse the determination.

(B)(C) After learning of the When the sponsored alien refuses to have an indigence determination made because of the U.S. Attorney General reporting requirement, the alien may be given the opportunity to worker informs the alien that he or she may:

- (i) refuse food benefits for himself or herself without withdrawing the entire household's application. When the alien chooses this option, he or she is considered an ineligible alien and his or her income is prorated among all household members, per OAC 340:50-7-29(d)(2), without consideration of the sponsor's or sponsor's spouse's income; or

(C)(ii) An alien who does not wish to be exempt as indigent can be permitted to have his or her eligibility and benefits determined based on the deeming formula, per (d) of this Section.

(D) When the alien consents to the indigent determination and reporting requirement and is considered indigent, per (A) of this paragraph, the worker only deems the amount of assistance actually provided, beginning with the determination date and ending 12 months after this date. Each indigence determination may be renewed for additional 12-month periods. OKDHS notifies the U.S. Attorney General of each indigence determination and the sponsor's and sponsored alien's names. ■ 3

(c) **Eligible sponsored alien responsibilities.** When the sponsored alien is subject to deeming, he or she is responsible for: ■ 4

- (1) providing OKDHS with information and documentation necessary to determine eligibility, per OAC 340:50-3-3, and calculate income and resources, per (d) of this Section at application and certification renewal;
- (2) providing documents showing the INA under which the alien was admitted, his or her entry date into the U.S., birthdate, birthplace, and alien registration number;
- (3) providing the sponsor's and sponsor's spouse's names, address, phone numbers, and the number of dependents claimed on the sponsored alien's tax return;
- (4) providing the names and other identifying factors regarding any other aliens for whom the sponsor signed an affidavit of support, per (a) of this Section; and
- (5) reporting required changes that occur during the certification period, per OAC 340:50-9-5, which may include:

- (A) information about a new sponsor and the sponsor's spouse when the sponsored alien obtains a new sponsor during the certification period;
- (B) a change in income if the sponsor or sponsor's spouse changes or loses employment; or
- (C) the death of the sponsor or sponsor's spouse.

~~(b)~~**(d) Deeming requirements.** When the household sponsored alien is not exempt from deeming requirements, in addition to his or her own income and resources, the worker counts the income and resources of a the sponsor and his or her spouse as the unearned income and resources of the sponsored alien. The worker counts the income of the sponsor's spouse even when the marriage occurred after the sponsor signed an agreement to support the sponsored alien.

~~(1) A sponsor is defined as a person, not an organization, who executed an affidavit of support or similar agreement on behalf of the alien as a condition of the alien's entry or admission into the United States as a permanent resident. The total monthly earned and unearned income of the sponsor and the sponsor's spouse must be deemed to the sponsored alien minus:~~

- (A) income exclusions, per OAC 340:50-7-22;
- (B) the earned income deduction for the earned income portion of the sponsor's and sponsor's spouse's income, per OAC 340:50-7-31(a)(2); and
- (C) an amount equal to the monthly gross income eligibility limit, per OKDHS Appendix C-3, for a household size equal to the sponsor, the sponsor's spouse, and any other person claimed, or who could be claimed as a dependent for federal income tax purposes.

~~(2) In addition to providing information required for any other applicant, if deeming is required, the sponsored alien must provide the: ■ 3~~

- ~~(A) income and resource information of the alien's sponsor and the sponsor's spouse;~~
- ~~(B) number of other aliens sponsored by the sponsor;~~
- ~~(C) Immigration and Naturalization Services (INS) Act under which the alien was admitted and the date of entrance;~~
- ~~(D) alien's birthdate, birthplace, and registration number;~~
- ~~(E) number of dependents claimed on the sponsor's and his or her spouse's income tax statement; and~~
- ~~(F) name, address, and phone number of the sponsor.~~

~~(3) In addition to verification requirements described in OAC 340:50-3-3, the sponsored alien is also required to provide proof of non-liquid resources of the sponsor and the number of aliens he or she sponsors if a household member has been determined to have committed an intentional program violation per OAC 340:50-15-25.~~

Any money the sponsor pays the sponsored alien is also countable when it exceeds the amount deemed per (1) of this subsection.

~~(4)~~**(3)** If an has When the sponsored alien already reported the gross income and resources of the sponsor and the sponsor's spouse ~~in a Temporary Assistance for Needy Families (TANF) case~~ for another Adult and Family Services administered assistance program, that income amount may be used for SNAP food benefit purposes. The only allowable income reductions are those allowed, per (c)(1) of this

Section. ~~The amount of the sponsor's income and resources deemed to the sponsored alien is determined by:~~

~~(A) using the total monthly gross earned income, including income from self-employment but excluding in-kind or vendor payments to the sponsor and sponsor's spouse, minus 20% of the gross earned income, plus total monthly unearned income.~~

~~(i) In-kind assistance such as food and shelter provided to the alien must be included as income in determining indigent exemption only. It is not considered when determining eligibility or benefit levels for the sponsored alien household.~~

~~(ii) In the absence of actual declared in-kind assistance cost provided by the sponsor, the worker uses an assigned value of \$143; and~~

~~(B) subtracting the food benefit gross income eligibility standard for the sponsor and the dependents as claimed by the sponsor to determine his or her federal personal income tax liability; and~~

~~(C) the~~

(4) The total amount of the countable resources of the sponsor and sponsor's spouse less \$1,500 are deemed to the sponsored alien. Refer to OAC 340:50-7-6 to determine the countable and excluded resources for the sponsored alien and his or her sponsor and sponsor's spouse and OKDHS Appendix C-3 for the maximum resource standard.

(5) When the sponsored alien verifies that his or her sponsor is the sponsor of other aliens, the worker divides the income and resources deemed, per (1) and (4) of this subsection by the number of such sponsored aliens. The worker uses this same procedure to determine the amount of deemed income and resources to exclude when a sponsored alien or a sponsored alien's citizen child is exempt from deeming per (b) of this Section.

~~(5) Income and resources of the sponsor and sponsor's spouse considered available to the sponsored alien are:~~

~~(A) not considered in determining need of unsponsored members of the alien's household unless actually available;~~

~~(B) divided equally when the sponsor also sponsors other aliens; and~~

~~(C) redetermined on a new sponsor if the alien switches sponsors during the certification period.~~

~~(6) Countable resources of sponsors include:~~

~~(A) liquid resources such as:~~

~~(i) cash on hand;~~

~~(ii) checking or savings accounts;~~

~~(iii) savings certificates; and~~

~~(iv) stocks or bonds; and~~

~~(B) non-liquid resources such as:~~

~~(i) licensed and unlicensed vehicles;~~

~~(ii) boats;~~

~~(iii) land;~~

~~(iv) recreational property;~~

~~(v) mobile homes other than home property; and~~

~~(vi) vacation home property.~~

~~(7) Changes during the certification period must be reported for both the alien's and the sponsor's household.~~

(e) Pending verification. Until the sponsored alien provides necessary information or verification regarding his or her sponsor's income and resources and the number of aliens he or she sponsors, the sponsored alien is not eligible to be included in the SNAP food benefits. The worker must determine the eligibility of any remaining unsponsored household members while the sponsor's information is pending. The sponsored alien's income, minus any consideration of the sponsor's income, is considered available to the rest of the household, per OAC 340:50-7-29(d)(2).

~~(8)(f) When deeming stops.~~ Sponsor-to-alien deeming stops when the sponsored:

~~(A)(1) alien becomes a naturalized citizen;~~

~~(B)(2) alien can be credited with 40 quarters of work, per OAC 340:50-5-67; or~~

~~(C)(3) alien's sponsor is deceased dies.~~

INSTRUCTIONS TO STAFF 340:50-5-49

Revised ~~6-1-119-15-21~~

1. Only aliens who entered the United States (U.S.) on or after December 19, 1997, with U.S. Citizenship and Immigration Services (USCIS) Forms I-864 or I-864A, are subject to the deeming requirement if when not exempt. The worker may use information contained in a Systematic Alien Verification for Entitlement (SAVE) search to confirm if an alien has a sponsor.
2. (a) Every attempt is made to exempt the sponsored alien from deeming under one of the other exemptions, (a)(1) through (4) per (b) of this Section before making an indigent determination.
(b) ~~The current address for the USCIS Statistics Division is U.S. Citizenship and Immigration Services Statistics Division, Room 4034 425 I Street NW, Washington DC, 20536.~~
3. When an indigence determination is made, the worker sends an email to Adult and Family Services (AFS) Supplemental Nutrition Assistance Program (SNAP) Unit at snap@okdhs.org regarding the determination, the case number, and the names of the sponsored alien and his or her spouse. The AFS SNAP staff sends the written notice must include to the U.S. Attorney General and includes the:
 - (1) the reference, "Determinations under 421(e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996"; and
 - (2) the name of the sponsored alien and his or her sponsor.
34. The worker must assist the household in obtaining the necessary verification. If When necessary, USCIS through the Systematic Alien Verification for Entitlements (SAVE) program can provide the sponsor's name, address, and Social Security number.

340:50-5-50. School employees [REVOKED]

~~Issued 2-12-92~~

~~Households that derive their annual income in a period of time less than one year have their income averaged over a 12-month period, provided the income is not received on an hourly or piece-work basis. This process is intended to apply primarily to teachers and other school employees under a contract which is renewable on an annual basis.~~

~~(1) **Contract renewals.** The renewal process may involve signing a new contract each year; be automatically renewable; or as in cases of school tenure, rehire rights may be implied and thus preclude use of the written contract. The fact that such a contract is in effect for an entire year does not necessarily mean that the contract stipulates work every month of the year. Income from such a contract is considered as compensation for a full year regardless of the frequency of the compensation if stipulated in the terms of the contract, as determined at the convenience or the wish of the employer.~~

~~(2) **Determination of eligibility, basis of issuance and certification periods.** The annual income household members receive from contractual employment described above is averaged over a 12-month period to determine the member's average monthly income. To determine the household's eligibility, all other monthly income from other household members is added to this average monthly income and income exclusions and deductions are applied in the normal manner. The worker must be alert to the fact that during the time a contractee is not working, such as summer months, the contractee may accept other jobs and have income from other sources.~~

PART 7. RELATED PROVISIONS

340:50-5-64.1. Work Opportunity Tax Credit (WOTC)

Revised ~~6-1-109~~-15-21

The Work Opportunity Tax Credit (WOTC) law permits for-profit employers to take a credit on their federal income tax when workers from certain target groups are hired. Workers in these target groups have faced significant barriers to employment. The WOTC is equal to between ~~25%~~ 25 percent to ~~40%~~ 40 percent of the first year wages up to ~~\$9000~~ \$9,600 depending on the number of hours the employee works and the applicable target group for that person. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability.

(1) WOTC is available to employers for workers hired from targeted food benefit recipient groups in (A) through ~~(L)~~(J) of this subsection. ■ 1

(A) **Qualified veterans** veteran. ~~The A qualified veteran must reside with a household currently receiving food benefits or a household that received food benefits for at least three consecutive months out of the last 15 months before the date hired for employment is a veteran who is:~~

(i) a member of a household receiving Supplemental Nutrition Assistance Program (SNAP) food benefits for at least three months during the first year of employment;

(ii) unemployed for a period totaling at least four weeks, but less than six months, in the one-year period ending on the veteran's hiring date. The weeks unemployed do not have to be consecutive;

(iii) unemployed for a period totaling at least six months in the one-year period ending on the veteran's hiring date. The months unemployed do not have to be consecutive;

(iv) entitled to compensation for a service-connected disability and is unemployed for a period totaling at least six months in the one-year period ending on the hiring date. The months unemployed do not have to be consecutive; or

(v) a disabled veteran entitled to compensation for a service-connected disability hired not more than one year after being discharged or released from active duty in the United States (U.S.) Armed Forces.

(B) Qualified SNAP food benefit recipients recipient. ~~Qualified~~ A qualified food benefit recipients are persons between the ages of recipient is a person who on the hire date is:

(i) at least 18 years of age and ~~39 who~~ younger than 40 years of age; and

~~(i)(ii) reside with a member of a household currently receiving that received SNAP food benefits or a household that received food benefits for at least:~~

(I) the previous six consecutive months prior to their hiring date; or

~~(ii)(II) are able-bodied adults without dependents no longer eligible for benefits who reside with a household currently receiving food benefits or a household that received food benefits for at least three months out of the last five consecutive months prior to their hiring date.~~

(C) Qualified Title IV-A recipient. A qualified Title IV-A recipient is a person who is a member of a family receiving assistance under a state plan approved under Part A of Title IV of the Social Security Act relating to Temporary Assistance for Needy Families (TANF). The person must have received the assistance for any nine-month period during the 18-month period ending on the hiring date.

~~(C)(D) Long-term Temporary Assistance for Needy Families (TANF) recipient.~~ A long-term TANF recipient is a person who at the hiring time is a member of a family that:

~~(i) received or recently received TANF payments~~ cash assistance for at least 18 consecutive the previous 18-consecutive months ending on the hiring date;
or

~~(ii) received TANF payments~~ cash assistance for any 18 months beginning after August 5, 1997, and the earliest 18-month period beginning after August 5, 1997 ended during the past it has not been more than two years since the end of the earliest of such 18-month period; or

~~(iii) stopped being eligible for TANF payments~~ cash assistance during the past two years because federal or state law limited the maximum time these payments cash assistance could be made.

~~(D) Other TANF recipient.~~ A member of a family that is receiving or recently received TANF benefits for any nine-month period during the 18-month period ending on the hiring date.

(E) Designated community resident. A designated community resident is a person who, on the hiring date: ■ 2

(i) is at least 18 to 39 year old resident of one of the years of age and younger than 40 years of age;

(ii) resides in a federally designated Empowerment Zones (EZs) Zone (EZ), Enterprise Communities (ECs) Community (EC), or a Renewal Communities (RCs) Community (RC), and for individuals who begin to work for an employer

after May 25, 2007, this High Risk Youth group has been renamed "Designated Community Resident" and expanded to include residents of Rural Renewal Counties

(iii) continues to reside at the location after employment.

(F) **Qualified Summer Youth employee.** A qualified Summer Youth employee is one who is:

(i) at least 16 or 17 year years old, but younger than 18 years of age on the hire date or on May 1st, whichever is later;

(ii) only employed between May 1 and September 15; and

(iii) resides in an EZ, EC, or RC resident hired between May 1 and September 15.

(G) **Vocational Rehabilitation rehabilitation referral.** A vocational rehabilitation referral is a person who completed or is completing has a physical or mental disability and was referred to the employer while receiving, or upon completion of, rehabilitative services from: ■ 3

(i) a state certified agency plan approved under the Rehabilitation Act of 1973; and;

(ii) an Employment Network Plan under the Ticket to Work Program; or

(iii) a program carried out under the United States (U.S.) U.S. Department of Veterans Veteran Affairs.

(H) **Qualified ex-felon.** A qualified ex-felon is a person who has been hired within one year of being convicted of a felony and has a hiring date which is not more than one year after the last date on which he or she was convicted or being released from prison for a felony.

(I) **Qualified Supplemental Security Income (SSI) recipient.** A qualified SSI recipient of is a person who received SSI benefits for any month ending during the past 60 day period ending on within 60-calendar days of the person's hire date.

(J) **Hurricane Katrina employee Qualified long-term unemployment recipient.** A qualified long-term, unemployment recipient in this group does not require certification is a person who has been unemployed for not less than 27-consecutive weeks at the hiring time and received unemployment compensation during some or all of the unemployment period.

(K) **Unemployed veteran.** A veteran hired after 2008 and before 2011 who:

(i) has been discharged or released from active duty in the U.S. Armed Forces at any time during the five year period ending on the hiring date; and

(ii) received unemployment compensation under state or federal law for at least four weeks during the one year period ending on the hiring date.

(L) **Disconnected youth.** A person who is certified as:

(i) having attained age 16, but not 25, on the hiring date;

(ii) not regularly attending any secondary, technical, or post-secondary school during the six month period preceding the hiring date;

(iii) not regularly employed during the six month period preceding the hiring date; and

(iv) not readily employable by reason of lacking a sufficient number of basic skills.

(2) Through an agreement with the Oklahoma Employment Security Commission, (OESC) the Oklahoma Department of Human Services (OKDHS) is able to issue staff issues the U.S. Department of Labor Form ETA-9062, Conditional Certification Work Opportunity Tax Credit, to food benefit and TANF recipients.

(3) ~~The worker gives the person~~ Form ETA-9062 and a letter from the worker stating the number of months ~~the participant has been a food benefit must be given to the participant~~ he or she received food benefits or TANF cash assistance to present to the employer on, or before, the first day of employment. ~~An explanation is given to the participant~~ The worker informs the person about the purpose of the form and that the tax credit may help ~~the participant~~ him or her get a job.

INSTRUCTIONS TO STAFF 340:50-5-64.1

Issued 9-15-20

- 1. To claim the WOTC, employers must submit required paperwork to the Internal Revenue Service and the United States Department of Labor, Employment and Training Administration, within 28-calendar days of the new employee's hire date.**
- 2. For information about Enterprise Communities, refer to www.ezec.gov.**
- 3. A person participating in a drug or alcohol treatment facility does not qualify.**

340:50-5-65. Identity

~~Issued 2-12-92~~ Revised 9-15-21

(a) Identity. The identity of the person making the Supplemental Nutrition Assistance Program (SNAP) application must be verified, per Section 273.2(f)(1)(vii) of Title 7 of the Code of Federal Regulations. ~~Where~~ When an authorized representative applies on behalf of a household, the identity of ~~both~~ the authorized representative and the head of household is verified. The household may select as head of household an adult parent of a child of any age living in the SNAP food benefit household or an adult who has parental control over a child who is 17 years of age and younger living in the food benefit household, provided all adult household members agree to the selection, per Oklahoma Administrative Code 340:50-3-1(b)(2).

(b) Identity verification. Identity may be verified through readily available documentary evidence, or if ~~this is~~ when unavailable, through a collateral contact. ~~examples of~~ Any documents that reasonably establish the applicant's identity must be accepted and no requirement for a specific type of document, such as a birth certificate, may be imposed. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to;

(1) a driver's driver license;

(2) a work or school ID identification card;

(3) an ID identification card for health benefits or for other assistance or social service program;

(4) a voter registration card;

(5) wage stubs; or

(6) a birth certificate. ~~Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed.~~

340:50-5-67. Citizenship and alien status

Revised ~~6-4-119~~-15-21

(a) ~~As defined in federal law~~ Per Section 273.4 of Title 7 of the Code of Federal Regulations (7 § C.F.R. 273.4), to be eligible for food benefits a person must be:

- (1) a United States (U.S.) citizen; ■ 1
- (2) a U.S. non-citizen national; ■ 2
- (3) an alien who is both qualified and eligible; or ■ 3
- (4) an alien not required to meet qualified alien status. ■ 4

(b) Pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes, all persons 14 years of age and older must declare whether they are residing in the U.S. lawfully and may be required to sign Form 08MP005E, Citizenship Affidavit, per OAC 340:65-3-1(g).

(c) Ineligible or illegal aliens are not eligible to receive Supplemental Nutrition Assistance Program (SNAP) food benefits. An ineligible alien is an alien who does not meet eligible alien status, per (a)(3) or (4) of this Section or is determined to be an ineligible sponsored alien, per Oklahoma Administrative Code (OAC) 340:50-5-49.

(1) When a household is unwilling or unable to provide alien status documentation for any household member, the alien is considered an ineligible alien and is not eligible for food benefits. No further efforts to obtain documentation are made.

(2) The worker prorates the income of the ineligible or illegal aliens among all household members, per 7 § C.F.R. 273.11(c)(3) and OAC 340:50-7-29(d)(2).

(3) Oklahoma Human Services is responsible for reporting to the U.S. Citizenship and Immigration Services (USCIS) any alien it "knows" is not lawfully present in the U.S., per 7 C.F.R. § 273.4(b). OKDHS only "knows" an alien is not present legally when the alien applies for SNAP benefits and it is determined as a finding of fact or a conclusion of law that the alien is present in violation of the Immigration and Nationality Act. OKDHS must support this determination with a formal determination by USCIS or the Executive Office of Immigration Review, such as a Final Order of Deportation. ■ 5

INSTRUCTIONS TO STAFF 340:50-5-67

Revised ~~11-4-139~~-15-21

1. (a) **A United States (U.S.) citizen is a person, other than a foreign diplomat, born in the U.S., Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Mariana Islands, who has not renounced or otherwise lost his or her citizenship. A person born outside the U.S. is a U.S. citizen when at least one parent is a U.S. citizen at the time of the child's birth.**

(b) The applicant or recipient must declare the citizenship or alien status of all household members requesting food benefits on the application. Form 08MP022E, Declaration of Citizenship Status, is used to declare citizenship or alien status when new household members are added to the food benefits after certification.

(c) When a household member's U.S. citizenship is questionable, the household member must provide verification. Verification of citizenship is made by examining the person's:

- (1) birth certificate;**

- (2) baptismal certificate;
- (3) U.S. passport; or
- (4) certification of citizenship or naturalization provided by the U.S. Citizenship and Immigration Services (USCIS), such as an identification card for use of the resident citizen of the U.S., USCIS Form I-179, or USCIS Form I-197.

(d) When verification of citizenship cannot be obtained and the household provides a reasonable explanation for why verification is not available, the worker accepts a signed statement from someone who is a U.S. citizen who declares under penalty of perjury that the person in question is a U.S. citizen. The signed statement must contain the warning, "If you intentionally give false information to help this person get food benefits, you may be fined, imprisoned, or both." When the person is 14 years of age or older, he or she may also be required to complete Form 08MP005E, Citizenship Affidavit, per Oklahoma Administrative Code (OAC) 340:65-3-1(g).

~~(e) Members of the household whose citizenship is in question are ineligible and the worker counts their income for the food benefit household per OAC 340:50-5-8.1 until they provide proof of U.S. citizenship.~~

(f) When the applicant declares that some or all of the household members applying for benefits are aliens, the worker must follow the Systematic Alien Verification for Entitlement (SAVE) procedures per OAC 340:65-3-4(5) to determine when the documents provided to verify legal alien status are valid.

2. A U.S. non-citizen national is a person born in outlying possessions of the U.S. on or after the U.S. acquired possession or his or her parent(s) is a U.S. non-citizen national. Examples of outlying possessions are American Samoa or Swains Island.
3. (a) A qualified alien is a person who at the time he or she applies for or receives food benefits is:
 - (1) lawfully admitted for legal permanent residence (LPR) in the U.S. under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;
 - (2) granted asylum under Section 208 of the Immigration and Nationality Act (INA);
 - (3) an alien whose deportation is being withheld under Section 243(h) of the INA as in effect before April 1, 1997, or removal is withheld under Section 241(b)(3) of the INA;
 - (4) a refugee who is admitted under Section 207 of the INA;
 - (5) a Cuban or Haitian:
 - (A) refugee admitted under Section 501(e) of the Refugee Education Assistance Act of 1980, including Haitian orphans permitted to enter the U.S. under humanitarian parole on or after January 12, 2010; or
 - (B) parolee admitted under INA 212(d)(5) since October 19, 1980;
 - (6) paroled into the U.S. under Section 212(d)(5) of the INA for at least one year. Exception: Paroled Cubans or Haitians are not subject to the one year rule;

- (7) granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect before April 1, 1980;**
 - (8) a battered spouse, battered child or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or Section 244(A)(3) of the INA; or**
 - (9) a victim of a severe form of trafficking and/or his or her eligible relatives.**
 - (A) A victim has a letter of certification issued by Office of Refugee Resettlement (ORR). The victims and their eligible relatives also have a T Visa.**
 - (B) To verify the validity of ORR issued letters and to inform ORR of the benefits for which the victims have applied, call the victims verification toll-free number 1-866-401-5510.**
- (b) To be eligible, a qualified alien must meet at least one of the criteria listed in (1) through (9) of this Instruction to Staff and is not limited in participation unless otherwise stated. The qualified alien:**
- (1) is a veteran of the U.S. military who was honorably discharged for a reason(s) other than alienage. The veteran must have at least 24 months of active service or when the veteran was called to active duty for a specified time less than 24 months had completed the specified number of months of service. The veteran's spouse and unmarried dependent children are also eligible with no time limits. The term veteran also includes:**
 - (A) military personnel who die during active duty service; and**
 - (B) persons who served in the Philippine Commonwealth Army during World War II or as a Philippine scout following the war;**
 - (2) is an unmarried dependent child of a deceased veteran or person who died during active duty service;**
 - (3) is the surviving spouse of a deceased veteran or person who died during active duty service who has not remarried and who was married to the veteran:**
 - (A) for at least one year;**
 - (B) before the end of a 15-year time span following the end of the period of military service in which the injury or disease was incurred or aggravated; or**
 - (C) for any period of time when a child was born of the marriage or before the marriage;**
 - (4) is on active military duty, not including active duty for training, the alien's spouse, or an unmarried dependent child;**
 - (5) can be credited with 40 qualifying quarters of coverage under Title II of the Social Security Act. The person may obtain this information online after creating an account at SSA.gov and clicking on My Social Security. To create an account, the person must provide basic demographic information and an email address. Once the person creates an account, he or she is sent a security code and can then access his or her earnings record. The earnings record shows yearly earnings. The Oklahoma Human Services Appendix C-1, Schedule XII, Maximum Income, Resource, and Payment Standards, shows the SSA minimum earnings for a quarter of coverage.**

- (A) Quarters may be used both by the person working them and the persons to whom they are deemed.
- (B) Quarters worked after December 31, 1996, are not counted or credited as part of the 40-quarter fulfillment when the alien, his or her parent(s) or spouse received any means-tested public benefit during that quarter. Means-tested public benefits are:
- (i) Supplemental Security Income (SSI);
 - (ii) food benefits;
 - (iii) Temporary Assistance to Needy Families (TANF);
 - (iv) SoonerCare (Medicaid); and
 - (v) the Food Assistance Program in Puerto Rico, American Samoa, and the Northern Mariana Islands.
- (C) Quarters credited may be:
- (i) earned by the person;
 - (ii) earned by a spouse during the period of the legal marriage including common law;
 - (iii) earned by a spouse now deceased during their marriage when the surviving spouse has not remarried;
 - (iv) earned by parents, natural or adoptive, while the alien child was less than 18 years of age and unmarried. This includes quarters earned before the birth of the person. The alien child can continue to count these quarters after he or she reaches 18 years of age;
 - (v) earned by a stepparent during the marriage to the alien child's natural or adoptive parent. The alien child can continue to count these quarters after he or she reaches 18 years of age. The step relationship is based on the marriage of the child's parent to the stepparent. The quarters can be credited from the quarter in which the marriage occurred through the quarter the child attains 18 years of age. During a marital separation, the quarters are counted. When the marriage ended by the death of the stepparent, the stepparent's quarters are counted. When the marriage ended because of divorce, the stepparent's quarters are not counted; or
 - (vi) deemed back and forth within the family group, from spouse to spouse, and parent to child, but not from child to parent. For example, the mother and father each have 20 countable quarters that can be deemed to each other as well as any of their minor children living in the home, making them all eligible;
- (6) is currently receiving disability or blindness payments under programs described in OAC 340:50-5-4(a)(2) through (a)(8)(B)11;
- (7) has resided in the U.S. as a qualified alien for five years since the date of entry;
- (8) has been admitted to the U.S. as:
- (A) a refugee to the U.S. under Section 207 of the INA;
 - (B) an alien granted asylum under Section 208 of the INA;
 - (C) an alien whose deportation is being withheld under Section 243(h) or 241(b)(3) of the INA;

- (D) an Amerasian admitted, pursuant to ~~per~~ Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;
 - (E) a Cuban or Haitian entrant under Section 501(e) of the refugee Education Assistance Act of 1980, including Haitian orphans permitted to enter the U.S. under humanitarian parole on or after January 12, 2010. This includes Cubans or Haitians paroled into the U.S. under INS 212(d)(5) since October 19, 1980; or
 - (F) a victim of a severe form of trafficking and his or her eligible relatives; or
 - (9) is a child under 18 years of age regardless of when he or she was admitted.
- (c) When the applicant declares some or all of the household members applying for benefits are aliens, the worker must follow the SAVE procedures described at OAC 340:65-3-4 to determine when the documents provided to verify legal alien status are valid.
4. Aliens not required to meet qualified alien status are:
- (1) American Indians born in Canada to whom the provisions of Section 289 of the INA, ~~[8 United States Code (USC) 1359]~~ Section 1359 of Title 8 of the United States Code (8 U.S.C. § 1359) apply and members of an Indian tribe as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C § 450(e). ~~[25 USC 450(e)]~~ This provision was intended to cover American Indians who are entitled to cross the U.S. border into Canada or Mexico. This includes among others, the:
 - (A) St. Regis Band of the Mohawk in New York State;
 - (B) Micmac in Maine;
 - (C) Abanaki in Vermont; and
 - (D) Kickapoo in Texas;
 - (2) persons who are lawfully residing in the U.S. and were members of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to the U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975. The spouse or surviving spouse who has not remarried and unmarried dependent children of such person may also be eligible for food benefits;
 - (3) Iraqis admitted in special immigrant status as defined in Section 101(a)(27) of INA, ~~[8 U.S.C. 1101(a)(27)]~~, and per Section 1059, Public Law (P.L.) 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 1244 of P.L. 110-181 the National Defense Authorization Act for Fiscal Year 2008 pursuant to Section 525 of Division G of P.L. 110-161, the Consolidated Appropriations Act of 2008, and Section 1244 of P.L. 110-181, the National Defense Authorization Act for Fiscal year 2008, and the Department of Defense Appropriations Act of 2010 Section 8120 P.L. 111-119 are treated as refugees pursuant to Section 207 of the INA.
 - (4) Afghans admitted in special immigrant status as defined in Section 101(a)(27) of INA ~~[8 U.S.C. 1101(a)(27)]~~ and per Section 1059 P.L. 109-163, the National Defense Authorization Act for Fiscal Year 2006, and Section 602,

Division F, P.L. 111-08, the Omnibus Appropriations Act, 2009, pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act, 2009, and the Department of Defense Appropriations Act of 2010 Section 8120 P.L. 111-119 are treated as refugees pursuant to Section 207 of the INA.

5. Adult and Family Services (AFS) Supplemental Nutrition Assistance Program (SNAP) Unit staff reports to USCIS the names and addresses of food benefit applicants or recipients who are determined to be residing in the U.S. unlawfully.

(1) The worker is not required to report:

(A) applicants and/or recipients who are undocumented and appear to be residing in the U.S. unlawfully; or

(B) persons who are not applicants or recipients who are not required to declare their citizenship status.

(2) The worker reports to the AFS SNAP Unit the names and addresses of applicants or recipients for whom there is a formal order of deportation or removal.

(3) The worker determines the eligibility of households that include undocumented aliens in the same manner as households that do not have undocumented persons.

(4) The requirement to report applicants or recipients who are residing in the U.S. unlawfully is not used to discourage participation in SNAP.

PART 10. ABLE-BODIED ADULTS WITHOUT DEPENDENTS

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

Issued 9-17-189-15-21

(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 the Workforce Innovation and Opportunity Act (WIOA), Public Law (P.L.) 113-128;

(B) program under the Trade Adjustment Assistance Reauthorization Act of 2015, P.L. 114-27 Sections 401 through 407; or

(C) Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Program assignment, not including job search or job search training activities. However, job search or job search training activities, when offered as part of other E&T program components, are acceptable as long as those activities comprise less than half the total required time spent in the components; ■ 3

(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 (c) of this Section.

(b) **General rule.** An ABAWD who is a member of an eligible household receiving 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 (f) 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), the Oklahoma Department of Human Services (~~DHS~~) (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 adult household member at application, mid-certification renewal, and certification renewal;

(B) explain the rights and responsibilities of each ~~non-exempt~~ adult household member to the person completing the SNAP application ~~and~~ or certification renewal interview including:

(i) ABAWD work requirements and ways to fulfill these requirements;

(ii) exemption criteria;

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

(iv) how to regain eligibility after losing benefits; 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. 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 ~~paragraph~~ subsection.

■ 7

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

(A) verify his or her work and/or 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 and/or 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 and/or 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 (f) of this Section; ■ 8 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 has good cause for failure to meet the required number of work or participation hours in a given month per (a) of this Section, the ABAWD is considered to have met the work requirement. Per 7 C.F.R. § 273.24(b)(2), good cause applies to situations in which the ABAWD's absence from work is temporary, he or she retains his or her job, and the circumstances are beyond the person's control, such as, but not limited to: ■ 9

(1) illness;

(2) illness of another household member sufficiently serious to require the presence of the ABAWD;

(3) unavailability of transportation; or

(4) an unanticipated emergency.

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

(1) younger than 18 years of age or 50 years of age and older;

(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; ■ 10

(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. ■ 11

(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) is chronically homeless; ■ 12
- (3) pregnant;
- (4) 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) 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; ■ 13 or
- (6) 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. ■ 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. ■ 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 ~~DHS~~ OKDHS from requesting an ABAWD work requirement waiver from the United States Department of Agriculture.

INSTRUCTIONS TO STAFF 340:50-5-100

Revised 10-2-19

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 ABAWD tab.
2. Court-ordered community service hours are not counted toward the person's work or participation hours.
3. The worker refers non-exempt ABAWDs in Oklahoma county to the contracted service provider for the Supplemental Nutrition Assistance Program (SNAP) Employment and Training Program. The ABAWD's participation in the program is voluntary.
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 month of initial application 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, 2017. The worker calls Texas and determines the person received benefits for April and this was his or her third ABAWD month and final month of benefits. The worker counts April 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, 2017, and then moved to Arkansas. The person moves back to Oklahoma in December, 2017, and applies for food benefits on December 15, 2017. The worker calls Arkansas and determines the person received three 'K' months in Arkansas in June, July, and August, 2017. The person is not eligible for any more 'K' months in Oklahoma until April, 2020, when the 36-month period ends; and

- (3) a person moves to Oklahoma from Kansas in June, 2017, and applies for food benefits on July 20, 2017. The worker calls Kansas and determines the person received three 'K' months of benefits in Kansas for April, May, and June, 2017, and no benefits for July. The person is eligible for three more 'K' months in Oklahoma beginning July, 2017, because the Oklahoma 36-month time period has not begun. The person may receive a partial month of food benefits in July, and full benefits in August, September, and October as countable 'K' months.

(c) Staff uses the ABWO screen to record 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. Staff fills in the month, year, and the two digit state abbreviation in which 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 did not meet ABAWD work requirements and was not exempt applied and was certified for food benefits on February 10, 2016. The ABWI screen shows a prorated or 'P' month for February, 2016, and 'K' months for March, April, and May, 2016. The person's fixed-individual clock started February, 2016, and ends February, 2019. The person is eligible for three-countable months beginning February, 2019.

7. (a) Example: The person meets ABAWD work requirements. The worker certifies food benefits effective February 10, 2016, and codes the 'work requirement status' field with a 'W' in the FACS ABAWD tab. The person reports on May 10, 2016, that he or she is no longer employed. The worker:

- (1) verifies the person's job terminated April 28, 2016;

- (2) reviews the ABWI screen and determines the person has not used 'K' months and is eligible for three-countable months;
 - (3) uses the ABWU 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, 2016, unless he or she meets ABAWD work requirements in July or becomes exempt.
8. The worker reviews the ABWI screen in IMS by typing ABWI(space)Social Security Number of the person. The ABWU screen shows how many countable (K) 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'.
9. 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.
10. 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.
11. 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.
12. 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.
13. When the adult purchases food and prepares meals separately from the child, the adult is not eligible for this exemption.
14. The worker codes the 'ABAWD work requirement status' field of the FACS ABAWD tab with a 'M' for 'regained eligibility - maintaining 20 hours per week employment, not countable.' The person is eligible with no time limit, provided his or her work or participation hours do not drop below 20 hours. 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.
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, the person 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.'

SUBCHAPTER 7. FINANCIAL ELIGIBILITY CRITERIA

PART 1. RESOURCES

340:50-7-1. Resources considered

Revised ~~10-2-199-15-21~~

(a) **Resources.** Resources are excluded in determining eligibility for the Supplemental Nutrition Assistance Program (SNAP) ~~unless the household for categorically eligible households, per Section 273.2(j)(2) of Title 7 of the Code of Federal Regulations (7 § C.F.R. 273.2(j)(2)) and Oklahoma Administrative Code (OAC) 340:50-11-111 through 340:50-11-115. Resources must be considered in determining SNAP eligibility for households that:~~

~~(1) applies for expedited service. The worker must include the household's liquid resources as defined at (b) of this Section to determine eligibility for expedited service, per Oklahoma Administrative Code (OAC) 340:50-11-1;~~

~~(2) contains contain one or more sponsored aliens whose sponsor's resources must be considered deemed to the sponsored alien, per OAC 340:50-5-49; or~~

~~(3)(2) has substantial lottery or gambling winnings cannot be classified as a categorically eligible household, per OAC 340:50-7-6 and 340:50-11-111(d). This includes households whose SNAP benefit closed due to substantial lottery or gambling winnings, per (b) of this Section, the first time they reapply.~~

(b) **Substantial lottery or gambling winners.** ~~Per Section 273.11(r) of Title 7 of the Code of Federal Regulations (7 § C.F.R. § 273.11(r)), substantial lottery or gambling winnings are defined as a cash prize won in a single game, before taxes or other amounts are withheld, that is equal to, or greater than, the SNAP disqualification resource standard for households containing an elderly or disabled household member. ■ 1 Refer to lottery or gambling winners, per Oklahoma Department of Human Services (DHS) (OKDHS) Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, for the current resource standard. ■ 1~~

~~(1) When multiple persons shared in the purchase of a ticket, hand, or similar bet, only the portion of the winnings allocated to the SNAP household member is counted in determining resource eligibility.~~

~~(A)(2) The client A household that participates in SNAP in the month it receives substantial lottery or gambling winnings must provide verification of the winnings from the appropriate lottery commission or gaming facility, when available, within 10-calendar days of being given or sent Form 08AD092E, Client Contact and Information Request. When the household fails to provide proof of the amount of the winnings and date received, the worker closes the SNAP food benefit for the next advance notice effective date, per OKDHS Appendix B-2, Deadlines for Case Actions. ■ 2~~

~~(B)(3) When the household's winnings exceed the SNAP disqualification resource standard for the elderly or disabled lottery or gambling winners, the household is disqualified and the worker closes the SNAP food benefit for the next advance notice effective date, per OKDHS Appendix B-2, Deadlines for Case Actions. Refer to OAC 340:50-9-5(j) for more information on required actions.~~

~~(C)(4) The household may To regain resource eligibility, once the client verifies household must reapply, meet non-categorical resource requirements, per 7 C.F.R. § 273.8 and OAC 340:50-7-6, and verify the winnings are spent down below the~~

appropriate resource standard, per Appendix C-3. ■ 3 Once the household meets non-categorical resource requirements and is certified, it regains categorical eligibility for future applications and renewals unless (a)(1) or (2) of this Section applies. ■ 4

(c) **Sponsored aliens.** A household containing a sponsored alien must verify the value of liquid and non-liquid resources for their household and the alien's sponsor and sponsor's spouse, per OAC 340:50-5-49 and OAC 340:50-7-6. After subtracting \$1,500 from countable resources, the household's countable resources must not exceed the appropriate resource standard for sponsored aliens, per Appendix C-3.

(b)(d) **Expedited services.** When the household applies for food benefits, it must declare the value of liquid resources available to the household. The worker accepts the household's statement regarding the value of liquid resources to determine expedited services eligibility, per OAC 340:50-11-1. Liquid resources include:

- (1) cash on hand;
- (2) checking or savings account balances;
- (3) the cash value of savings certificates; and
- (4) the cash value of stocks or bonds.

~~(c) The household must verify the value of liquid and non-liquid resources, per OAC 340:50-5-49, when the sponsor's resources must be considered. After subtracting \$1,500 from countable resources, resources cannot exceed resource standard for households that contain a member who is disabled or 60 years of age or older or the resource standard for all other households, per DHS Appendix C-3.~~

INSTRUCTIONS TO STAFF 340:50-7-1

Issued ~~5-22-209~~-15-21

1. (a) All households with lottery or gambling winnings are subject to the elderly or disabled member resource standard regardless if the household contains an elderly or disabled member.
(b) ~~When multiple persons shared in the purchase of a ticket, hand, or similar bet, only the portion of the winnings allocated to the Supplemental Nutrition Assistance Program (SNAP) household member is counted in determining resource eligibility.~~
2. (a) ~~A household that participates in SNAP in the month it receives substantial lottery or gambling winnings must provide verification of the winnings from the appropriate lottery commission or gaming facility within 10 calendar days of being given or sent Form 08AD092E, Client Contact and Information Request. When the household fails to provide proof of the amount of the winnings and date received, the worker closes the SNAP food benefit for the next advance notice effective date, per Oklahoma Department of Human Services (OKDHS) Appendix B-2, Deadlines for Case Actions.~~
(b) Households that receive substantial lottery or gambling winnings prior to the month they initially apply for SNAP Supplemental Nutrition Assistance Program (SNAP) food benefits are not subject to this requirement.
3. When a household member wins \$3,500 or more in lottery or gambling winnings per (b) of this Section, the worker closes the household's SNAP food benefits. To regain SNAP eligibility following closure due to substantial lottery or gambling winnings, the household must reapply, verify how the winnings were

spent down, and meet non-categorical resource requirements, per Oklahoma Administrative Code (OAC) 340:50-7-6 and Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions, before it can be certified and regain categorical eligibility. ~~Once the household meets non-categorical resource requirements and is certified, it regains categorical eligibility for future applications and renewals unless OAC 340:50-7-6(a)(1) or (2)(B) through (E) applies.~~ Per Appendix C-3, households that:

(1) do not contain an elderly or disabled person, cannot exceed \$2,250 in liquid and non-liquid resources; and

(2) contain an elderly or disabled household member, cannot exceed \$3,500 in liquid and non-liquid resources.

4. When the household is denied because it is still over resources or for any other reason, it must meet resource requirements at the next application and be certified before it can regain categorical eligibility.

PART 3. INCOME

340:50-7-22. Income exclusions

Revised 9-16-199-15-21

The worker excludes income listed in this Section from the household's countable income, from income of disqualified members whose income is counted, and from the income of ineligible aliens who would otherwise be household members, per Section 273.9 of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.9). No other income is excluded.

(1) **In-kind income.** In-kind income is any gain or benefit that is not in the form of money payable directly to the household, including ~~non-monetary or in-kind benefits, such as~~ meals, clothing, public housing, or produce from a garden.

(2) **Vendor payments.** Vendor payments are money payments in money made on behalf of a household ~~when by~~ a person or organization outside of the household ~~uses its own funds to make a direct payment to either a~~ directly to the household's creditors or to a person or organization providing a service to the household. When funds owed to the household are diverted to pay to a third party for a household expense, they are counted as income. ■ 1

(3) **Educational assistance.** Educational assistance including grants, work-study, scholarships, fellowships, educational loans on which payment is deferred, veteran's education benefits, and the like are exempt.

(4) **Family Support Assistance Payment Program.** Family Support Assistance Payment Program payments provided by ~~the~~ Oklahoma Human Services (OKDHS) Developmental Disabilities Services (DDS) are excluded.

(5) **Income excluded by law.** Income Any income that is specifically excluded by law from consideration as income for the purpose of determining Supplemental Nutrition Assistance Program (SNAP) eligibility is excluded. This includes, but may not be limited to:

(A) reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law (P.L.) 91-646, § 216. Such payments are:

- (i) payments to persons displaced due to the acquisition of real property;
 - (ii) relocation payments to a displaced home owner toward the purchase of a replacement dwelling when the owner purchased and occupied the dwelling within one year following displacement; and
 - (iii) replacement housing payments to displaced persons not eligible for a home owner's payment;
- (B) payments received:
- (i) under the Alaska Native Claims Settlement Act, P.L. 92-203 § 21(a);
 - (ii) under the Sac and Fox Indian Claims Agreement, P.L. 94-189;
 - (iii) from the disposition of funds to the Grand River Band of Ottawa Indians, P.L. 94-540;
 - (iv) ~~by members of~~ from the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation, P.L. 95-433;
 - (v) under the Maine Indian Claims Settlement Act of 1980 to members of the Passamaquoddy and the Penobscot Nation, P.L. 96-420 § 5; ~~or~~
 - (vi) by an individual as a lump sum or a periodic payment via the Cobell settlement, per the Claims Resolution Act of 2010, P.L. 111-291 § 101(f)(2); or
 - (vii) by members of the Navajo and Hopi Tribes for relocation assistance, per P.L. 93-531;
- (C) any payment to volunteers under:
- (i) Title I of the Domestic Volunteer Services Act (DVSA) of 1973, Section 404 of Public Law 93-113 as amended, (42 U.S.C. § 5044(f)(1)), for participation in programs, such as AmeriCorps Volunteers in Service to America (VISTA) or Special Volunteer Programs when the person receives SNAP or public assistance benefits at the time they join the Title I program. Temporary interruptions in SNAP participation do not alter the exclusion. When the person joined the Title I program and started receiving volunteer payments before applying for SNAP or public assistance, the volunteer payments are counted as earned income; or
 - (ii) Title II, Retired and Senior Volunteer Program (RSVP), foster grandparents and others, of the Domestic Volunteer Services Act of 1973, P.L. 93-113 as amended DVSA, 42 U.S.C. § 5058, for participation in programs, such as the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program;
- (D) income derived from certain submarginal land of the United States (U.S.) held in trust for certain Indian tribes, per P.L. 94-114, § 6;
- (E) Indian per capita payments distributed from judgment awards and trust funds made, per Section 2 of P.L. 98-64, 25 U.S.C. § 117b and 25 U.S.C. § 1407. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Also excluded is any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds. ■ 2 Any interest or income derived from the funds after distribution is considered as other income. The per capita exclusion applies per person rather than per family;

(F) income up to \$2,000 per calendar year received by individual Indians, derived from leases or other uses of individually-owned trust or restricted lands. The income exclusion applies to calendar years beginning January 1, 1994. Remaining disbursements from the trust or restricted lands are considered income; ■ 3

(G) allowances, stipends, earnings, compensation in lieu of wages, grants, and other payments made for participation in the Workforce Innovation and Opportunity Act (WIOA) of 2014, or other federally-funded workforce training program to persons of all ages and student status with the exception of income paid to persons 19 years of age and older for on-the-job training, per Oklahoma Administrative Code (OAC) 340:50-7-29(b)(5). This income is treated as any other earned income; ■ 4

(H) payments, allowances, or earnings to persons participating in ~~programs under Title I of the AmeriCorps State and National program or the AmeriCorps National Civilian Community Corps authorized by the National and Community Service Act, such as University Year for Action (UYA), Senior Companion Program, AmeriCorps Volunteers in Service to America (VISTA), and other AmeriCorps Programs are not included as income of 1990, 42 U.S.C. § 12637(d), and other payments to volunteers authorized by the National and Community Service Trust Act of 1993, P. L. 103-82, Section 12571 et seq. of Title 42 of the United States Code, and administered by the Corporation for National and Community Service;~~

(I) payments or allowances made under any federal law other than Part A of Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., for the purpose of providing energy assistance, Low Income Home Energy Assistance Program (LIHEAP) and utility payments, and including utility reimbursements made by the Department of Housing and Urban Development (HUD) and the Farmers Home Administration (FmHA) Rural Housing Service. Also a one-time payment or allowance made under a federal or state law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device;

(J) the amount of the mandatory salary reduction of military service personnel used to fund the G.I. Bill;

(K) benefits from State and Community Programs on Aging, per Title III and Title V of the Older Americans Act of 1965, as amended, by P.L. 114-144, Older Americans Act Reauthorization Act of 2016. Each state and various organizations receive Title V funds. ■ 5 These organizations include:

- (i) Experience Works;
- (ii) National Council on Aging;
- (iii) National Council of Senior Citizens;
- (iv) American Association of Retired Persons (AARP) Foundation;
- (v) ~~United States~~ U.S. Forest Service;
- (vi) National Association for Spanish Speaking Elderly;
- (vii) National Urban League;
- (viii) National Council on Black Aging;
- (ix) National Council on Indian Aging;
- (x) Asociación Nacional Pro Personas Mayores;
- (xi) Associates for Training and Development, Inc.;
- (xii) American Samoa;

- (xiii) Easter Seals, Inc.;
 - (xiv) Goodwill Industries International, Inc.;
 - (xv) Institute for Indian Development;
 - (xvi) National Able Network;
 - (xvii) National Asian Pacific Center on Aging;
 - (xviii) National Caucus and Center on Black Aged, Inc.;
 - (xix) National Older Worker Career Center;
 - (xx) Operation A.B.L.E. of Greater Boston, Inc.;
 - (xxi) Senior Service America, Inc.;
 - (xxii) SER-Jobs for Progress National, Inc.;
 - (xxiii) Workplace, Inc.; and
 - (xxiv) VANTAGE Aging;
- (L) Earned Income Tax Credit (EITC) payments received as part of a tax refund and also EITC advance payments received as part of a paycheck, per P.L. 100-435;
- ~~(M) and~~ refunds of the state EITC as a result of filing a state income tax return;
- (M) any payment made to an Oklahoma Supplemental Nutrition Assistance Program Works participant, per OAC 340:50-5-106, in order to participate in the program;
- (N) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- (O) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry whose ancestors were detained in internment camps during World War II;
- (P) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining under P.L. 101-426;
- (Q) payments received by an SSI recipient necessary for the fulfillment of a Plan for Achieving Self-Support (PASS) approved under ~~Title XVI~~ Section 1612(b)(4)(A)(iii) or 1612(b)(4)(B)(iv) of the Social Security Act;
- (R) payments made to persons who were victims of Nazi persecution under P.L. 103-286;
- (S) funds distributed by the Federal Emergency Management Agency (FEMA) due to a disaster or an emergency to persons directly affected by such the event, per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended, 42 U.S.C. § 5155(d). This exclusion also applies to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the U.S. President of the United States;
- ~~(T) monetary allowances, as described in Section 1823(c) of Title 38 of the United States Code (38 U.S.C. § 1823(c)), provided to certain persons who are children of Vietnam War veterans;~~ ■ 6
- (U) Disaster Unemployment Assistance paid to persons unemployed as a result of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended, 42 U.S.C. § 5177;

(V) benefits paid to certain veterans and the spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during World War II by the Filipino Veterans Equity Compensation Fund under Section 1002(g) of PL 111-5;

(W) money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account or an ABLE account in any other state owned by the designated beneficiary of the account and established to pay for qualified disability expenses (QDE) is excluded from income or resource consideration, per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or a qualified ABLE Program account set up in any other state, per and the ABLE Act of 2014, 26 U.S.C. § 529A is excluded as income when the client;

~~■-7~~ A person may have only one ABLE account.

(i) ~~provides~~ The client must provide documents to verify the account meets exemption criteria before the funds are excluded; Once the client verifies that the savings or trust account is a valid ABLE account, no further account information is required. ■ 7

(ii) ~~verifies money deposited in the~~ A contribution to an ABLE account does not exceed by another individual is excluded unless the contribution exceeds the annual federal gift tax exclusion amount, per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year in excess of the annual federal gift tax exclusion amount is considered as countable income a resource in the amount deposited; ~~and~~

(iii) ~~verifies withdrawals from the account were used to pay qualified disability expenses~~ A distribution from an ABLE account that is retained after the month of receipt is excluded in any month when spent on a QDE. Money withdrawn for reasons other than to pay qualified disability expenses a QDE is considered as income a resource for the month of withdrawal; ~~and~~

(iv) A QDE is any expense related to the blindness or disability of the individual and made for the benefit of the individual. QDE's include, but are not limited to:

(I) education;

(II) housing;

(III) transportation;

(IV) employment, training, and support;

(V) assistive technology;

(VI) health;

(VII) prevention and wellness;

(VIII) financial management and administrative services;

(IX) legal fees;

(X) expenses for ABLE account oversight and monitoring;

(XI) funeral and burial; and

(XII) basic living expenses; and

(X) ~~is income received by a member of the United States U.S. Armed Forces, per 37 U.S.C. Chapter 5 and, per 7 C.F.R. § 273.9(c)(20), of Title 7 of the Code of Federal Regulations that is:~~

- (i) received in addition to the service member's basic pay during combat deployment;
- (ii) received as a result of the service member's deployment or service in an area designated as a combat zone as determined pursuant to Executive Order or P.L.; and
- (iii) not received by the service member prior to the service member's deployment to or service in a federally designated combat zone.

(6) Payments not considered income.

(A) The payments in (i) through (iii) of this ~~paragraph~~ subparagraph are not considered as income.

- (i) Monies withheld from any income source to repay a prior overpayment from that same source.
- (ii) Monies voluntarily or involuntarily returned to repay a prior overpayment received from that same income source.
- (iii) Child support payments received by Temporary Assistance for Needy Families (TANF) recipients and sent to Child Support Services to maintain TANF eligibility.

(B) Monies withheld or returned to repay overpayments in federal, state, or local means-tested assistance programs are counted when they are withheld or returned to repay overpayments resulting from an intentional program violation as established by the agency administering the program.

- (i) ~~In the Supplemental Nutrition Assistance Program (SNAP), willful misrepresentation is considered as~~ uses the term intentional program violation.
- (ii) The State Supplemental Payment to the Aged, Blind, and Disabled and TANF programs define intentional program violation using the terms restitution, fraud, and willful misrepresentation.
- (iii) The Social Security Administration (SSA) and Veterans Benefits Administration programs define intentional program violation as fraud. Supplemental Security Income (SSI) is a means-tested program within SSA.

(7) Reimbursements.

(A) Reimbursements for past or future expenses to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household are not considered. ■ 8 Examples of excluded reimbursements may include:

- (i) job or training-related expenses, such as travel, per diem, uniforms, and transportation to and from job or training sites;
- (ii) out-of-pocket expenses incurred by volunteers in the course of work;
- (iii) medical or dependent care; ~~and~~
- (iv) services provided by Title XX of the Social Security Act;
- (v) an allowance provided by a state agency for children's clothing to enter or return to school when it is provided no more frequently than annually; and
- (vi) expenses necessary to participate in an education program under an employment and training program.

(B) Reimbursements for normal living expenses, such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and are not excluded. To be excluded, payments must be provided for an identified expense, other than normal living expenses, and used for the intended purpose.

~~(B)~~(C) When a reimbursement including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. The reimbursement amount that exceeds the actual incurred expenses is counted as income. A reimbursement is not considered to exceed actual expenses unless the provider or household indicates the amount is excessive.

~~(C)~~(D) The worker excludes any amount the employer adds to the employee's gross income as a benefit allowance to pay for a reimbursable expense, such as insurance or dependent care. When the monthly benefit allowance exceeds the monthly expense and the employer:

- (i) includes the excess in the employee's pay each month, the worker counts the excess benefit allowance as earned income; or
- (ii) retains any excess until the end of the year and then provides a yearly refund to the employee, the worker excludes the refund as income as it is considered a non-recurring lump sum payment per (10)(C) of this Section.

(8) **Money received for third parties.** The worker excludes money the household receives and uses for the care and maintenance of a third-party beneficiary who is not a household member.

(A) When the intended beneficiaries of a single payment include household and non-household members, any identifiable portion of the payment intended and used for the care and maintenance of the non-household member is excluded.

(B) When the non-household member's portion cannot be readily identified, as in TANF cash assistance payments, the payment is evenly prorated among intended beneficiaries. The exclusion is applied to the non-household member's pro rata share or the amount actually used for the non-household member's care and maintenance, whichever is less.

(9) **Child's earnings.** When a child, is head of his or her own household, his or her earned income is counted. The earned income of an elementary or high school student 17 years of age and younger, under parental control of an adult household member is excluded. This exclusion continues to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment resumes following the break. When the child's earnings cannot be differentiated from those of other household members, the total earnings are prorated equally among the working members, and the child's prorated share is excluded. ■ 9

(10) **Other types of excluded income.**

(A) **Loans.** All loans, including loans from private ~~as well as~~ individuals and commercial institutions, are excluded as income. When the household states someone is loaning the household money to meet expenses, a statement signed by both parties is required indicating the payment is a loan and must be repaid. When the household states it receives loans on a recurrent or regular basis from the same source, the lender must sign an affidavit stating the payments are loans that must be repaid or that payments will be made in accordance with an established repayment schedule. ■ 10

(B) **Irregular Income.** Exclude any income in the certification period that is received too infrequently or irregularly to be reasonably anticipated ~~that~~ when it is \$30 or less per quarter.

(C) **Non-recurring lump sum payments.** Exclude money received in the form of non-recurring lump sum payments including, but not limited to:

- (i) income tax refunds, rebates, or credits;
- (ii) retroactive lump sums from SSA, SSI, public assistance, Railroad Retirement pensions benefits, or other payments; ~~or~~
- (iii) retroactive lump sum insurance settlements; or
- (iv) refunds of security deposits on rental property or utilities.

(D) **Cost of self-employment.** Exclude the cost of producing self-employment income, per ~~Oklahoma Administrative Code~~ OAC 340:50-7-30.

(E) **Income of non-household members.** The income of non-household members who are not considered disqualified or ineligible ~~aliens~~ household members, per OAC 340:50-5-10.1, is not considered available to the household. Non-household members include roomers, boarders, children in foster care or children placed by DDS with extended family care providers who are not included in the food benefit household, live in attendants, students, and persons who share living quarters with the household but who do not customarily purchase food or prepare meals with the household, per OAC 340:50-5-5. ■ 11

(F) **Charitable contributions.** Exclude cash contributions based on need to a household from one or more private non-profit charitable organizations, not to exceed \$300 in a federal fiscal year quarter. For the purposes of this provision a quarter includes these specific months:

- (i) October, November, December;
- (ii) January, February, March;
- (iii) April, May, June; and
- (iv) July, August, September.

(G) **Department of Housing and Urban Development's (HUD) Family Self-sufficiency Program (FSS) escrow accounts.** Families participating in the HUD FSS program may withdraw money from escrow accounts prior to completion of the program. This money is excluded as income. ■ 12

(H) **Individual Development Account (IDA).** ~~Any funds~~ Up to \$2,000 in cash deposited and the interest accrued in an IDA operated under the Assets for Independence Act, as amended, per P. L. 106-554, P. L. 107-110 and ~~the interest that accrues~~ P. L. 114-95, is excluded as income.

INSTRUCTIONS TO STAFF 340:50-7-22

Revised ~~9-16-199-15-21~~

1. Examples of excluded vendor payments include payments:

- (1) made by a friend, employer, agency, church, relative, or former spouse for household expenses, such as rent or utilities directly to the landlord or utility company when the money is not owed to the household;
- (2) made by an employer directly to the household's landlord or financial institution as compensation, in addition to paying regular wages. When the employer provides a house to an employee free-of-charge, the value of the housing is not considered income;
- (3) specified by a court order or other legally binding agreement to go directly to a third party rather than the household because they are not

otherwise payable to the household. For example, a court awards support payments in the amount of \$400 per month and, in addition, orders \$200 paid directly to a bank for repayment of a loan. The \$400 is counted and the \$200 payment is not counted. When the court orders \$400 in child support be paid to the household, but the non-custodial parent pays the household's rent directly to the landlord instead, the worker counts the \$400 as unearned income because the rent was paid with money owed to the household;

(4) payments by a government agency to a child care facility for the purpose of providing child care for a household member are considered vendor payments and excluded as income; and

(5) payments or allowances made by the Department of Housing and Urban Development (HUD) or by the ~~Farmers Home Administration (FmHA)~~ Rural Housing Service directly to mortgage holders, landlords, or utility providers are vendor payments and excluded as income.

2. Per capita payments or income from tribal business ventures, such as some of the tribal gaming payments do not always meet the distribution requirements to be exempt. When it is not known if the payments meet the distribution requirements of Public Law 98-64, the worker must contact the tribe to verify if the payment meets the requirements.
3. (a) The client must provide proof of total disbursements received for the previous calendar year to determine how much, if any, of the income counts. When the client received more than \$2,000, the amount over \$2,000 is divided by 12 to determine monthly countable income. For example, when total disbursements equaled \$2,100, the calculation is \$2,100 minus \$2,000 equals \$100. The \$100 is then divided by 12 to determine monthly countable income.
(b) When other household members also receive disbursements, the first \$2000 is disregarded for each household member before any income is counted.
4. (a) There are numerous programs for which income is excluded. Some of the more common examples include income received from Youthbuild, Summer Youth, Job Corps, and paid classroom training. For less common examples, the worker must determine if the program is a federally funded workforce training program.
(b) Income, aid, services, or incentives received by households participating in programs funded by Health Profession Opportunity Grants (HPOG), per Section 5507 of the Affordable Care Act (ACA) are exempt. HPOG may be granted to state agencies, workforce investment boards, community-based organizations, or institutions of higher learning.
5. In Oklahoma, Title V funds for older Americans are administered by:
 - (1) ~~the Oklahoma Department of Human Services~~ Aging Services through the Senior Community Service Employment Program (SCSEP). SCSEP is a community service and work-based job training program for older Americans. Services are provided by the:
 - (A) Association of South Central Oklahoma Governments;
 - (B) Oklahoma Economic Development Authority; and
 - (C) Grand Gateway Economic Development Association; and

- (2) National Grantee Easter Seals. Services are provided by the American Association of Retired Persons project sites in Oklahoma City, Tulsa, and McAlester.
6. This includes income paid to children of Vietnam War veterans for any disability relating from spina bifida suffered by the child.
7. (a) The Oklahoma State Treasurer is responsible for certifying an achieving a better life experience (ABLE) account. The program name is Oklahoma STABLE. The program is administered through a partnership with Ohio's STABLE Accounts, ~~backed by Intuition ABLE Solutions, LLC.~~ ABLE account rules state:
- (1) only persons whose disability was established before 26 years of age may set up ABLE accounts and one account is allowed per person;
 - (2) there is no limit to the number of persons who can contribute to the ABLE account; and
 - (3) upon the death of an ABLE participant, ~~every dollar remaining in the account must~~ qualified disability expenses and funeral expenses may be paid from the account. All remaining funds in the account must be paid to the state Medicaid agency to repay costs of care received by the participant during life up to the amount of Medicaid paid after the establishment of the ABLE account.
- (b) Once the client provides documents that verify the account is a valid ABLE account, no further account verification is required. At application and renewal, ~~the worker asks the client must provide proof from the financial institution of the dates and amounts of money deposited into and withdrawn from if the ABLE account in the last 12 months is still open and if he or she believes the deposits in, and expenditures from, the account are in compliance with the terms and requirements of that particular 529 account. Any amount in excess of the annual federal gift tax exclusion amount is countable income in the month deposited and as a resource for the following month. The current gift tax exclusion amount is \$15,000 per calendar year. The maximum balance in an ABLE account is \$300,000. The client must verify, preferably from the financial institution, that any funds withdrawn were used for qualified disability expenses. Funds withdrawn and not used for qualified disability expenses are considered as income for the month of withdrawal. When the client answers yes, no further inquiry is needed.~~
- (c) ~~Qualified disability expenses means any expenses related to the eligible individual's blindness or disability and approved under Section 529A of the Internal Revenue Code, Section 529A of Title 26 of the United States Code, that are made for the benefit of an eligible individual who is the designated beneficiary including, but not limited to, expenses for:~~
- (1) education;
 - (2) housing;
 - (3) transportation;
 - (4) employment, training, and support;
 - (5) assistive technology and personal support services;

- ~~(6) health, prevention and wellness, financial management, and administrative expenses;~~
- ~~(7) legal fees;~~
- ~~(8) oversight and monitoring; and~~
- ~~(9) funeral and burial expenses.~~

8. Kinship Startup Stipends are considered a reimbursement for food benefit purposes and are exempt.
9. (a) For purposes of this provision, a high school student includes someone who attends classes to obtain a high school equivalency certificate, when these classes are recognized, operated, or supervised by the student's state or local school district.
 (b) The earned income of the student must be counted beginning the month following the month the student reaches 18 years of age.
 (c) Per Section 181 of the Workforce Innovation and Opportunity Act of 2014, on-the-job training of a child who has not had his or her 19th birthday is exempt as long as the child is under the parental control of another household member regardless of student status.
10. Per Oklahoma Administrative Code (OAC) 340:50-7-45(c)(3), a statement signed by both parties indicating the payment is a loan and must be repaid is sufficient verification. Form 08AD103E, Loan Verification, may be used for this purpose.
11. Refer to OAC 340:50-5-5 and 340:50-5-6 for information regarding which household members are considered non-household members and how to consider their income.
12. Exempt income from the Department of Housing and Urban Development Family Self Sufficiency (FSS) programs includes the:
 - (1) Housing Choice Voucher Family Self Sufficiency Program; and
 - (2) Resident Opportunities and Self Sufficiency Program (ROSS).

340:50-7-29. Income inclusions

Revised ~~10-2-199-15-21~~

(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.

~~(1)~~ 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 if the person returns to the home for part of the month.

~~(A)(1)~~ Per OAC 340:50-5-2, 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

~~(B)(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.

~~(2)~~ Per OAC 340:50-5-5, the household has the option of including a child receiving a foster payment that includes a payment for kinship care, or a Developmental Disability

~~Services (DDS) room and board payment in the food benefit. When the household chooses not to include the child in the food benefit, the worker does not count the child's income, including the foster or DDS room and board payment.~~

~~(3) When the household adopts a child previously in the custody of the Oklahoma Department of Human Services (DHS) and receives an adoption subsidy payment for the child, the worker includes the child in the food benefit and counts the child's income, including the adoption subsidy payment. ■ 2~~

~~(4) When a member of the household becomes the guardian of a child and receives a guardianship payment from DHS, the payment is considered as income. The child for whom the payment is received must be included in the food benefit.~~

(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. ~~Temporary disability insurance payments and temporary workers' compensation payments are considered earned income when payments are employer funded and the person remains employed. The types of earnings listed in (1) through (4) of this subsection, including money from the sale of whole blood or blood plasma or a DDS payment to an extended family care provider for services rendered in addition to the child's room and board payment, are considered earned income.~~

(1) **Wages.** Wages and salaries include sick pay paid by the employer to an employee who plans to return to work when recovered, excess benefit allowance payments, ■ 32 and wages garnished or diverted to pay a third party for a household's expenses. ■ 43 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 and/or 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) of this Section.

■ 54

(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).** ~~Countable earned income includes payments paid~~ Volunteer payments made to a household member under Title I of the Domestic Volunteer Services Act DVSA of 1973, as amended, per Section 404 of Public Law (P.L.) 93-113, unless excluded, per OAC 340:50-7-22 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 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 earned in 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. ■ 65

(6) Training allowances. Training allowances from vocational or rehabilitative programs recognized by federal, state, or local governments, 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 ~~(6)~~(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 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. ■ 76

(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; ■ 87

(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, ~~DHS~~ 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 ~~DHS~~ OKDHS cannot determine the amount of the penalty. ■ ~~98~~

(x) SNAP sanctions extending beyond one year must be 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) Pension Annuity, pension, retirement, and Social Security payments.

Annuities, pensions, retirement, ~~veterans' or disability benefits, workers' or unemployment compensation, survivors' or~~ and Social Security benefits, ~~and strike 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. ■

~~76~~ 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~~

~~(3)~~**(4) Support and alimony.** The worker counts support Support and alimony payments paid directly to the household from non-household members are considered

as unearned income. ■ 10 ~~The worker also counts money~~ 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. ~~The worker does not count money~~ When the court order states the payment must be paid to a third party, it is not considered as income. ■ 11

~~(4)(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 worker treats income from these sources as unearned income.~~ The household must provide proof of income from these sources so income can be averaged to determine monthly countable income.

~~(5)(6)~~ **Monies withdrawn or dividends that are or could be received by a household from trust funds.** ~~Dividends~~ Monies withdrawn or dividends from a trust the household has the option of either receiving as income or reinvesting in the 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.

~~(6)(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.

~~(7)(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, he or she may receive a distribution or profit share of 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) ~~not being a citizen or qualified~~ 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 DHS 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 ■ 4314
- (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, whichever results in the most benefits for the household, per OAC 340:50-7-31(a)(6)(A)(v). ■ 4415

INSTRUCTIONS TO STAFF 340:50-7-29

Revised ~~10-2-199-15-21~~

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. The worker counts adoption subsidy payments as income to the parent, not the child.
(1) The worker documents adoption subsidy payments 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 in the food benefits.
(2) When the child is not included in the food benefit 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.~~
- 32.** 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).
- 43.** 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.
- 54.** 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.

65. 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. ~~For the purpose of this provision, earnings include monies paid under the Workforce Investment Act and monies paid by the employer.~~

76. 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.

87. Refer to OAC 340:10-2-2 Instructions to Staff # 4(6) to determine when the Temporary Assistance for Needy Families (TANF) penalty income is removed.

98. 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 the K11 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, 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, 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 on Schedule K-1, Partner's Share of Income that accompanies Form 1065, Partnership Return of Income, to determine the type of 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.

(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 in the food benefits.

(2) When the child is not included in the food benefit 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.

1314. 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.

1415. (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 the case is saved and cleared, the correct shelter cost will show in IMS.

PART 5. DETERMINATION OF INCOME

340:50-7-46. Converting to monthly income [Instructions to staff only]

Revised 9-16-19

(a) **Converting income.** When the household receives income more often than monthly, the worker converts the income to a monthly amount as indicated in (1) through (5) of this subsection. When the amounts to be converted differ, such as fluctuating daily, weekly, or biweekly amounts, the worker averages the income per (c) of this Section. The worker carries cents through all steps and then rounds the monthly income amount to the nearest dollar with one cent through 49 cents rounded down and 50 cents through 99 cents rounded up. ■ 1

(1) **Daily.** The worker converts income received on a daily basis to a weekly amount. When there is a consistency in days worked each week and a regularity of pay dates, the worker multiplies the weekly income by 4.3. When there is no consistency, refer to (5) of this subsection for irregular income processing. ■ 2

(2) **Weekly.** The worker multiplies income received weekly by 4.3.

(3) **Twice a month.** The worker multiplies income received twice a month by 2.

(4) **Biweekly.** The worker multiplies income received every two weeks by 2.15.

(5) **Irregular income.** The worker does not convert income received at irregular intervals by 4.3, 2, or 2.15, when there is no consistency in the work offered or when pay is received. Instead, the worker adds all irregular income received in the calendar month together to arrive at a monthly average. When more than one month of irregular income is available, the worker totals the income and divides it by the number of months used. ■ 3

(b) **Anticipating income.** For the purpose of determining the household's eligibility and monthly benefit allotment, the worker takes into account the income already received by the household and any anticipated income the household is reasonably certain to receive during the certification period per Section 273.10(c)(1) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.10).

(1) **Application month income.** In the application month, the household's anticipated income may be less than a full month's wages. In this case, the worker uses actual

or actual anticipated income for the month of application. When the person receives an extra paycheck in the application month due to a third or fifth week and the income is ongoing, the worker converts the income to anticipated income for the application month. For the remaining months of the certification period, the worker averages and converts the income to a monthly amount. ■ 4

(2) **Uncertain income.** The worker does not count income when the date and amount to be received is uncertain. Examples of uncertain income include, when a household's anticipated income is from a new job and the date and amount of the first paycheck is not known or when a household member recently applied for public assistance or unemployment benefits and does not know if or when the initial payment may be made.

(A) The worker does not consider the anticipated payment unless there is reasonable certainty concerning the month the payment will be received and the amount of the payment.

(B) When some, but not all, household income is not known, the portion that can be anticipated with reasonable certainty must be considered as income.

(C) When the worker can reasonably anticipate income receipt, but the monthly amount fluctuates, the worker may elect to average the income per (c) of this Section.

(D) Households are advised to report all changes in gross monthly income as required.

(3) **Income received in the past 30-calendar days.** Income received during the past 30-calendar days may be used as an indicator of income anticipated to be available to the household during the next certification period. Past income is not used to anticipate future income for any month in which an income change occurred, can be anticipated, or terminated. ■ 5

(4) **Regular employment.** When the head of the household or other members of the household have regular employment, income from previous months is a good indicator of the amount of income to anticipate for the application month and subsequent months. When the household or collateral contact supplies information indicating future income will differ substantially from the previous month's income, the worker uses the information to make a reasonable estimate of the anticipated income. ■ 6

(5) **Withheld wages.** Wages withheld at the request of the employee are considered income to the household in the month the wages would otherwise be paid by the employer. Wages withheld by the employer as a general practice, even when in violation of the law, are not counted as income to the household unless the household anticipates it will ask for and receive an advance, or the household anticipates that it will receive income from previously held wages. Advances on wages are counted as income when they can be reasonably anticipated.

(c) **Averaging income.** Households, except for destitute and migrant or seasonal farm worker households, may have their income averaged per 7 C.F.R. § 27310(c)(3). To determine the household's eligibility, the worker adds all other income to the averaged monthly income and subtracts applicable income exclusions and deductions in the normal manner.

(1) **Fluctuating income.** Households with fluctuating income may elect to have the income averaged.

(A) When the household indicates the most recent 30-calendar day's income is representative of anticipated future earnings, the worker uses this income to compute gross monthly income.

(B) When the household indicates the most recent 30-calendar days of income is not representative of anticipated future income, the worker averages additional months of income to compute a representative anticipated monthly gross income.

(C) Income received more often than monthly is converted to a monthly income prior to determining a monthly average. The number of months used to arrive at the average income need not be the same as the number of months in the certification period. For example, when fluctuating income for the past 30-calendar days and the month of application are known and, with reasonable certainty, are representative of the income fluctuations anticipated for the coming months, the income for the two months may be averaged and projected over the certification period.

(2) **Employment contract and self-employment.** When households derive their annual income by contract or self-employment in a period of time shorter than one year, the worker annualizes the income over a 12-month period. These households may include school employees, sharecroppers, farmers, and other self-employed households. These provisions do not apply to migrant or seasonal farm workers or to contracted employees who receive income on an hourly or piece work basis. ■ 7

(d) **Income from the Social Security Administration (SSA).** The Oklahoma Department of Human Services receives income information from SSA regarding SSA and Supplemental Security Income (SSI) benefit recipients through automated data exchange records. ■ 8 When using the:

(1) Beneficiary and Earnings Data Exchange System (BENDEX) to verify SSA benefits, the worker drops any cents from the gross benefit amount; or

(2) State Data Exchange System (SDX) to verify SSI, the worker rounds any cents to the nearest dollar to determine countable gross income.

INSTRUCTIONS TO STAFF 340:50-7-46

Revised ~~1-15-199~~ 15-21

- 1. The worker exercises caution when determining whether to multiply income twice per month or biweekly.**
- 2. For example, when a person is paid daily and employed:**
 - (1) five days per week, Monday through Friday, the worker converts daily income to a weekly amount and multiplies the weekly income by 4.3 to arrive at the monthly gross wage; or**
 - (2) three days per week, Monday, Wednesday, and Friday, the worker converts daily income to a weekly amount and multiplies the weekly income by 4.3 to arrive at the monthly gross wage.**
- 3. Examples include, when a person:**
 - (1) is registered with a day labor agency but has only worked two days in the last two full months: May 16, \$60, and June 21, \$50. The appropriate method for determining monthly gross wage is to average these two months income: $\$60 + \$50 = \$110$ divided by 2 = \$55; or**

- (2) started working for a day labor agency on May 2nd and applied for food benefits on May 10th. The person worked three days before applying and does not know how many more days he or she will work before the end of the month. It is appropriate to total the wages earned so far in the application month and use that amount as the countable earned income for the initial and ongoing months, as there is no reasonable way to anticipate earnings.
4. Actual income is not used when:
- (1) all income for the month has not been received;
 - (2) the person is paid every two weeks and received three checks in the month of certification from ongoing employment; or
 - (3) the person is paid weekly and received five checks in the month of certification from ongoing employment.
5. (a) When income fluctuates to the extent that a 30-day period alone does not provide an accurate indication of anticipated income, a longer period of past income may be requested and used to determine representative income. For example, the client may state he or she worked additional hours in the most recent 30-day period to cover for an absent employee who has returned.
- (1) When the client and the worker are unable to obtain additional pay information to better anticipate future income, the worker uses the best available information, per Oklahoma Administrative Code (OAC) 340:50-7-45(b) to calculate income. This may include basing the computation on the client's explanation for the fluctuation. The worker documents the income computation method used in the Family Assistance/Client Services (FACS) case notes.
 - (2) When the worker requests additional verification at application, mid-certification, or certification renewal and the client fails to provide the verification without explanation, the worker denies or closes the food benefit.
- (b) When the client states he or she received a pay raise or his or her hours increased or decreased and the changes are not reflected on the past 30-calendar days of pay stubs, the worker requests additional pay information from the employer.
6. (a) The worker fully documents the method used to compute income in FACS case notes.
- (b) The worker follows procedures listed in (1) through (5) of this subsection when using pay stubs to compute ongoing earned income.
- (1) The worker uses the most recent 30-calendar days of pay stubs for an initial application or a certification renewal. When the applicant expects to receive a paycheck on the interview date but does not bring the paycheck to the interview, the worker does not request it.
 - (2) For mid-certification renewals, the worker uses the paystubs that were received 30- to 60-calendar days prior to the date that the renewal was submitted.
 - (3) Pay stubs must be consecutive. Using a calendar to identify the pay dates ensures there are no missing pay stubs. Exception: The worker can complete a missing check calculation when only one check is missing

between the checks that were provided. Each check must show the gross income and the year-to-date income in order to complete a missing check calculation. Refer to Finding Missing Pay Stubs article and Missing Pay Stub Calculator on Quest.

(4) Gross amounts of income must be used in the calculation process.

(5) When the hours worked fluctuate each pay period, the worker asks the client why hours fluctuate and documents the reason in FACS case notes.

(6) Only those pay periods determined as representative pay for the next certification period are used in the calculation. The worker documents in case notes the reason for excluding any pay stubs.

(c) When a person receives a benefit allowance from his or her employer, count the regular gross earnings, plus any money left after deducting the cost of the reimbursable expenses covered by the benefit allowance as earned income. Count as earned income any amount the employer provides in the employee's pay for a reimbursable expense, when the employee chooses not to use it for the expense.

(d) When a person has not received a full pay check from new employment, it is appropriate to use an employer's statement or Form 08AD094E, Employment Verification, when completed by the employer. The statement or form must include the client's scheduled hours per week, rate of pay, and how often paid. When anticipating new income based on an employer's statement only, the worker converts the income to a monthly amount, per calculation methods described in (a) of this Section.

7. (a) Refer to OAC 340:50-7-30(b)(5) for seasonal self-employment.

(b) The worker verifies if the contract pay is hourly or salaried and:

(1) annualizes salaried contract pay; or

(2) converts hourly pay to a monthly amount, per OAC 340:50-7-46(a).

8. (a) The Beneficiary and Earnings Data Exchange System (BENDEX) provides verification of Social Security Administration (SSA) benefits and Medicare entitlement. To view, enter BEN space Social Security claim number. The worker may view BENDEX code information in Quest at "IMS: BENDEX Income Codes."

(1) When using BENDEX to verify SSA benefits, the worker drops any cents from the gross benefit amount in BENDEX Field B27 and uses only the whole dollar figure. For example, round \$349.50 to \$349.00.

(2) When a person is dually entitled to receive Social Security benefits under two claim numbers, the person may receive benefits under one or both claim numbers.

(A) When the person receives a combined benefit, BENDEX displays two records for the person. Each record displays a D for dual entitlement in Field C21 and the cross referenced claim number in BENDEX Field B20.

(i) The worker counts the income displayed under the BENDEX record with a current pay (CP) payment status code in Field B20. The person receives the combined SSA benefit amount under this claim number.

(ii) The worker does not count the income displayed in the BENDEX record with the adjusted for dual entitlement (AD) in payment status

code Field B20. The person does not receive income under this BENDEX record.

(B) The SSA benefit issuance process may cause a \$1 or \$2 difference in the actual payment made to a person who receives combined benefits.

(C) When the person receives benefits under both claim numbers, each BENDEX record displays a CP in the payment status code Field B20. The worker adds the whole dollar figures in Field B20 and drops the cents to arrive at the person's SSA income. For example, when one record shows \$202.51 and the other shows \$361.23, the worker adds \$202 to \$361 to arrive at the person's countable income of \$563.

(b) The SSI/State Data Exchange System (SDX) contains data for Supplemental Security Income (SSI) applicants and recipients viewed by entering SDX space and the person's Social Security number. When using SDX to verify SSI income, the worker rounds down the amount shown to the nearest dollar. For example, 1¢ to 49¢ is rounded down and 50¢ to 99¢ is rounded up. Refer to information in Quest regarding SDX at "How to Read SDX Screens, State Data Exchange (SDX) Payment Status Codes, State Data Exchange (SDX) Resource Codes, State Data Exchange (SDX) Miscellaneous Codes, and Resolving a SDX Discrepancy."

SUBCHAPTER 9. ELIGIBILITY AND BENEFIT DETERMINATION PROCEDURES

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

Revised ~~10-2-199-15-21~~

(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 (i) 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 (g) 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. ■-5

(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. ■ 65

(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. ■ 76 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. ■ 87

(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 ~~the~~ Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Appendix B-2, Deadlines for Case Actions.

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

(C) When the renewal is incomplete, the computer system closes food benefits effective the next advance-notice deadline date, per ~~(DHS)~~ (OKDHS) Appendix B-2. ■ 98

- (3) **When benefits may be reopened.** Food benefits may be reopened following closure when criteria is met per ~~(j)~~(k) of this Section.
- (e) **Semi-annual reporting households.** Food benefit households are considered semi-annual reporting households unless they meet criteria per (b) or (g) of this Section.
- (1) **Certification period.** A 12-month certification period is automatically assigned to semi-annual reporting households. ■ 409
- (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. ■ 4110
- (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; ■ 4110
- (v) 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;
- (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. ■-5
- (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. ■ 65
- (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. ■ 76 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. ■ 87

(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 DHS OKDHS Appendix B-2, Deadlines for Case Actions, deadline dates.

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

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

■ 98

(3) **When benefits may be reopened.** Food benefits may be reopened following closure when criteria is met per ~~(i)~~(k) 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 the interview and/or verification were 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 income of \$100 per month or more;

(C) earned income of more than \$100 per month;

(D) household composition, such as an addition or loss of a household member;

(E) residence and shelter costs; ■ 4211

(F) the legal obligation to pay child support;

(G) 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

(H) 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. ■-5

(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. ■ 4312

(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. ■ 4413

(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) ~~DHS 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 ~~(k)(3)(A)~~ (l)(3)(A) of this Section. ■ 4514

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

(i) 10-calendar days or more before the advance-notice deadline, per ~~DHS 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 ~~DHS 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 ~~DHS 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 ~~DHS~~ 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 ~~DHS~~ OKDHS Appendix B-2 deadline dates. ■ 4615

(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 ■ 4716

(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. ■ 4817

(2) When the household provides the requested verification in a non-report month, the worker determines whether to take action, 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 ~~DHS~~ 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. ■ 4918

(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 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 be considered categorically eligible the first time it reappplies, 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, Maximum Food Benefit Allotments and Standards for Income and Deductions. This applies to all households, including households receiving Supplemental Security Income or Temporary Assistance for Needy Families. Once 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 be considered categorically eligible, per OAC 340:50-7-1(a)(2) and 340:50-11-111(d).

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

- (1) DHS 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

~~(k)~~(l) **Notice requirements.** DHS 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 ~~(k)~~(l)(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 DHS 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 DHS 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 DHS 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 DHS 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 DHS 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 DHS 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 ~~DHS~~ OKDHS Appendix B-2.

(D) **Unfinished issuance certification.** When the unfinished issuance process is used at certification, the worker adjusts the benefit to take into account 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 ~~DHS~~ 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 ~~DHS~~ 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 ~~DHS~~ OKDHS Appendix B-2.

(G) **Household provides written statement.** The worker closes or reduces benefits by the non-advance-notice deadline, per ~~DHS~~ 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 the worker closes food benefits in one case in order to transfer the food benefits to another case without a decrease or disruption in benefits, the worker closes benefits by the non-advance-notice deadline, per ~~DHS~~ OKDHS Appendix B-2.

~~(h)~~(m) **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 ~~5-22-209-15-21~~

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 puts the local county office's toll-free phone number on Form 08FB038E and explains the household may call or use Form 08FB038E to report household changes. A change is considered reported the date the worker receives Form 08FB038E or is notified of the change by phone or personal contact.

(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 the household's reporter status and explaining 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 Oklahoma Department of Human Services (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 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 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. ~~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, as defined, per Oklahoma Administrative Code (OAC) 340:50-7-1(a)(3), for all types of reporting households.~~

~~(1) When the household reports substantial winnings, it is required to verify the winnings. The worker closes the Supplemental Nutrition Assistance Program (SNAP) food benefit for the entire household once verification is received even when the household states all of the winnings were spent. 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.~~

~~(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 be considered categorically eligible the first time it reapplies, per OAC 340:50-11-111(d). To regain eligibility, the household must reapply, 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 Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. This applies to all households, including households receiving Supplemental Security Income or Temporary Assistance for Needy Families. Once 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 meets criteria, per OAC 340:50-11-111(d).~~

6. For example, income changes must always be verified, but a shelter cost change does not need to be verified unless it is questionable.

76. (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;

(3) going into a county office for assistance; or

(4) phoning 405-487-5483.

87. (a) Once the household submits the mid-certification renewal, the information is analyzed 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, he or she 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.

98. 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.

409. (a) The worker is responsible for identifying the household's reporter status and explaining 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.

4410. 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, he or she 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 he or she 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.

- 4211.** When the household reports an address change, the worker must offer voter registration services, per OAG Oklahoma Administrative Code 340:65-11-3.
- 4312.** 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.
- 4413.** (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.
- 4514.** 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 hand issues Form 08MP038E, Client Notice of Action.
- 4615.** (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.

4716. 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.

4817. (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 able-bodied adult without dependents stopped working or reduced his or her hours below 20 hours per week;

(2) OKDHS receives a State New Hire (SNH) G1DX discrepancy on July 1, 2018, showing that a household member began working on May 5, 2018, 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, 2018, to report that the client started working 40 hours per week at a job on April 30, 2018, 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 he or she 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, 2018, that she started working 30 hours per week at \$10 per hour on April 10, 2018. 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, 2018, showing the client started working on March 28, 2018, 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.

1918. PRS and DOD data matches appear as alerts on G1DX. Whenever the worker receives one of these alerts, he or she 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, "180" 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.

340:50-9-6. Procedures relating to food benefit certification renewals

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

(a) **Worker action.** The worker completes the application process, and approves or denies applications for certification renewal, ~~and provides eligible households with an opportunity to participate in a timely manner, per §273.14 of Title 7 of the Code of Federal Regulations.~~ The worker ~~cannot~~ does not continue Supplemental Nutrition Assistance Program (SNAP) food benefits to the household beyond the certification period until ~~the worker~~ he or she determines continued eligibility and recertifies the household. Refer to Oklahoma Administrative Code 340:50-3-3(i) for information regarding verification required at certification renewal.

(b) **Notice of expiration.**

(1) A computer-generated expiration notice titled, Continue My SNAP Benefit, is sent after deadline the month prior to the last month of the certification period. The notice informs households:

(A) of the date their certification period ends;

(B) by what date they must provide information to complete submit their certification renewal within a time frame or and provide required information in order to receive uninterrupted food benefits stop by a certain date;

~~(B)~~(C) of methods the household may use to supply submit the certification renewal information including, but not limited to:

(i) online at okdhslive.org;

(ii) phoning ~~the Oklahoma Department of Human Services (DHS)~~ (OKDHS) at the telephone phone number listed on the notice;

(iii) mailing a completed and signed paper renewal form to the address listed on the notice; or

(iv) faxing or hand delivering a completed and signed paper renewal form to a local ~~DHS~~ OKDHS office;

(D) of their right to request an application and file an incomplete application as long as it includes a signature and a legible name and address;

~~(C)~~(E) how to obtain a paper renewal form;

~~(D)~~(F) DHS OKDHS staff contacts the household when an interview is required. The notice also advises that when an interview is required, failure to attend the scheduled interview or to reschedule a missed interview may result in a delay or denial of food benefits;

~~(E)~~(G) proof of household income must be provided; and

~~(F)~~(H) proof of certain expenses is required before an expense deduction is given;

(I) they may submit proof of income and expenses by mail, fax, email, or by uploading documents through OKDHSLive; and

(J) of their right to file a fair hearing if they disagree with any action taken on their case.

(c) Timely certification renewals.

(1) Timely certification renewals are processed within the periods described in (A) through (B) of this paragraph.

~~(A) **Prior certification of fewer than three months.**~~ A household with a prior certification period of fewer than three months who applies by the 15th day of the last month of the certification period is provided the opportunity to participate, if when eligible, no later than ~~30-calendar~~ 30-calendar days after the date the household last ~~had an opportunity to obtain~~ received its food benefits.

~~(B) **Prior certification of three months or more.**~~ Certification renewals filed A household with a prior certification period of three or more months, who applies on or before the 15th day of the last month of the certification period are considered timely. If When the household meets all of the requirements ~~and completes all of the processing steps,~~ the worker certifies or denies the application prior to the end of the certification period.

(i) Any eligible household who renews SNAP food benefits timely is provided an opportunity to participate by ~~its~~ their normal issuance date in the month following the end of the current certification period.

(ii) To retain this right to uninterrupted benefits, the household must ~~have attended any~~ complete an interview, when required, ~~and/or provided all~~ and provide required verification due on or after the deadline for filing timely certification renewals.

(iii) Although a household loses its right to uninterrupted benefits, it retains its right to complete the process and receive benefits, when eligible, within ~~30-calendar~~ days of the application date.

(2) ~~Households~~ A household that timely renew renews, but due to worker error, ~~are~~ is not timely determined eligible ~~are~~ is certified immediately upon being determined eligible. When the delay in certification renewal extends into the following month, the ~~certification is made retroactive~~ worker certifies the household back to the first day of the month following expiration of the certification period.

(3) A household applying for certification renewal in the last month of its certification period is not entitled to expedited services. When the certification renewal is ~~teleprocessed~~ certified on or before the last day of the month of the previous certification period, the subsequent month's benefit is ~~issued~~ issues on the second working day of the month.

(d) **Untimely certification renewal.** A household that submits an untimely certification renewal, without good cause, loses its right to uninterrupted benefits, ~~and~~ When this occurs, the worker has ~~30 calendar~~ 30-calendar days to certify or deny the application. When a certification renewal is not received until after the certification period ~~expired~~ expires, the application is considered an initial application and benefits for that month are prorated. When eligible, the household is entitled to expedited service, ~~when the household qualifies~~ per ~~Oklahoma Administrative Code (OAC) 340:50-11-1.~~

(e) **Good cause for failure to timely renew food benefits.** When the household had has a good cause reason for its ~~failure~~ failing to submit a timely certification renewal or to ~~otherwise complete~~ completing the certification process timely and ~~the household did~~ does not receive food benefits in the month following benefit expiration of benefits, it is entitled to restoration of lost benefits, per OAC 340:50-11-4. ~~The worker determines good cause on a case-by-case basis.~~ Good cause may include reasons, such as failure to receive timely notice of expiration or personal illness. ■ 1

INSTRUCTIONS TO STAFF 340:50-9-6

Issued 9-15-21

1. The worker, in consultation with the supervisor, determines good cause on a case-by-case basis and documents the decision in Family Assistance/Client Services (FACS) case notes.

SUBCHAPTER 11. SPECIAL PROCEDURES PART 1. HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE

340:50-11-1. Criteria Expedited service screening, criteria, and time limits

~~Revised 9-15-17~~ 9-15-21

(a) **Expedited service screening.** ~~These criteria apply to all households making an Oklahoma Human Services Adult and Family Services staff designated by the county director or field manager must screen every initial Supplemental Nutrition Assistance Program application for food benefits, including those received from residents of approved drug and alcohol treatment centers and group homes, on the day it is received in the county office or support center to determine if the household is entitled to expedited services. When an initial application indicates the household is eligible for expedited service, action is taken immediately to begin processing the application.~~

(1) Applications, other than certification renewals, are considered initial applications. Certification renewals are applications received before the household's certification period expires or on the first day of the month following expiration of the certification period. Certification renewals are not screened for expedited service.

(2) When an application is received on the second day of the month following expiration of the certification period or any day thereafter, it is considered an initial application and is subject to prorated benefits and expedited screening.

(b) Expedited service criteria. Per 273.2(i) of Title 7 of the Code of Federal Regulations, households entitled to expedited services include households:

- (1) with less than \$150 gross income when liquid resources do not exceed \$100; ■
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- (2) with migrant or seasonal farm workers considered destitute when liquid resources do not exceed \$100; and
- (3) whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and/or applicable utility standard per Oklahoma Administrative Code 340:50-7-31(a)(6)(C).

(c) Expedited service time limits. When a household is eligible for expedited service, food benefit eligibility must be determined and food benefits issued no later than seven calendar days from the application date. Refer to OAC 340:50-3-1(b)(1) for right to same day filing processes. ■ 2 When the seventh-calendar day falls on a non-business day, the application must be processed by the last business day prior to the seventh-calendar day. When a household is determined ineligible for food benefits because it does not meet non-financial eligibility criteria, the worker must deny the application no later than 30-calendar days after the application date.

(d) Late entitlement determination. When expedited service screening fails to identify a household as being entitled to expedited service and the worker subsequently discovers the household is entitled to expedited service, the worker provides such service within seven-calendar days of discovery.

INSTRUCTIONS TO STAFF 340:50-11-1

Revised ~~9-15-17~~ 9-15-21

1. (a) Per Oklahoma Administrative Code 340:50-7-1, the worker accepts the household's statement regarding the value of liquid resources. Liquid resources include:

- (1) cash on hand;
- (2) checking or savings account balances;
- (3) the cash value of savings certificates; and
- (4) the cash value of stocks or bonds.

(b) The worker documents the amount of liquid resources declared by the household in Family Assistance/Client Services (FACS) case notes.

(c) When the household is not eligible for expedited food benefits due to declared liquid resources, the worker codes the declared amount in the FACS Resource tab. Entering declared resources triggers the 30-calendar day processing standard. When declared resources exceed \$2,250, the worker enters \$1999 to avoid computer system edits.

2. To determine the seventh day, count the day after the application as day one.

340:50-11-2. Initial application screening [REVOKED]

Revised ~~11-10-97~~

~~—All initial applications must be screened for expedited service entitlement. Applications, other than reapplications are considered initial applications. Any application for recertification received on the first day of the month following the last month of the certification period, is considered a reapplication and, therefore, not screened for~~

~~expedited service. Any reapplication received on the second day of the month or any day thereafter is considered an initial application and is subject to prorated benefits and expedited screening. Screening must be done on the date the initial application was completed in the county or received in the mail. Initial applications are screened for expedited services by personnel designated by the county director. When the initial application indicates expedited service is required, action is taken immediately to begin processing the application.~~

340:50-11-4. Time limits for providing expedited service [REVOKED]

~~Revised 6-1-13~~

~~(a) **Expedited service time limits.** The time limit for providing expedited service begins when the completed and signed application is received. Refer to OAC 340:50-3-1(b)(1) for right to same day filing processes. Providing expedited service entails determining food benefit eligibility and authorizing issuance if the household is eligible so that the food benefit is available no later than seven calendar days from the date of application. ■-1 When the seventh calendar day falls on a non-working day, the last working day prior to the seventh calendar day is the last day for actions described to occur. Households entitled to expedited service but who are ineligible for food benefits because they do not meet non-financial eligibility criteria are denied no later than 30 calendar days after the application date.~~

~~(b) **Late entitlement determination.** If the prescreening fails to identify a household as being entitled to expedited service and the worker subsequently discovers the household is entitled to expedited service, the worker provides such service. The processing standards described in this Section apply, except the seven days begins on the date the household is discovered to be entitled to expedited services.~~

INSTRUCTIONS TO STAFF 340:50-11-4 [REVOKED]

~~Issued 6-1-09~~

~~1. To determine the seventh day, count the day after the application as day one.~~