



**Title 18: Mississippi Department of Human Services**

**Part 14: Supplemental Nutrition Assistance Program (SNAP) Policy Manual**

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

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## Table of Contents

<b>Part 14 Chapter 1: General Information .....</b>	<b>4</b>
<b>Part 14 Chapter 2: Application.....</b>	<b>13</b>
<b>Part 14 Chapter 3: Verification and Documentation.....</b>	<b>21</b>
<b>Part 14 Chapter 4: Expedited Service .....</b>	<b>29</b>
<b>Part 14 Chapter 5: Household Composition.....</b>	<b>35</b>
<b>Part 14 Chapter 6: Social Security Numbers.....</b>	<b>40</b>
<b>Part 14 Chapter 7: Identity .....</b>	<b>43</b>
<b>Part 14 Chapter 8: Residency .....</b>	<b>44</b>
<b>Part 14 Chapter 9: Citizenship and Non-Citizen Status .....</b>	<b>46</b>
<b>Part 14 Chapter 10: Students.....</b>	<b>51</b>
<b>Part 14 Chapter 11: Interaction between General Work Requirements, ABAWD Policy and SNAP E&amp;T.....</b>	<b>54</b>
<b>Part 14 Chapter 12: General Work Requirements .....</b>	<b>57</b>
<b>Part 14 Chapter 13: Able-Bodied Adults without Dependents (ABAWDs).....</b>	<b>67</b>
<b>Part 14 Chapter 14: E&amp;T Work Requirements .....</b>	<b>72</b>
<b>Part 14 Chapter 15: Categorically Eligible Households .....</b>	<b>82</b>
<b>Part 14 Chapter 16: Resources .....</b>	<b>84</b>
<b>Part 14 Chapter 17: Income.....</b>	<b>91</b>
<b>Part 14 Chapter 18: Expenses and Deductions.....</b>	<b>100</b>
<b>Part 14 Chapter 19: Choctaw Food Distribution Program .....</b>	<b>104</b>
<b>Part 14 Chapter 20: Self-Employment.....</b>	<b>106</b>
<b>Part 14 Chapter 21: Child Support Requirements .....</b>	<b>109</b>
<b>Part 14 Chapter 22: Households with Excluded Members .....</b>	<b>111</b>
<b>Part 14 Chapter 23: Drug Addict or Alcoholic Treatment and Rehabilitation Programs (DAA Treatment Centers).....</b>	<b>118</b>
<b>Part 14 Chapter 24: Blind and Disabled Group Living Arrangements (GLA) .....</b>	<b>122</b>
<b>Part 14 Chapter 25: Shelters for Battered Persons.....</b>	<b>127</b>
<b>Part 14 Chapter 26: Homeless SNAP Households.....</b>	<b>129</b>
<b>Part 14 Chapter 27: Migrant or Seasonal Farmworkers .....</b>	<b>131</b>
<b>Part 14 Chapter 28: Elderly Simplified Application Project (ESAP) .....</b>	<b>133</b>
<b>Part 14 Chapter 29: Mississippi Combined Application Project (MSCAP).....</b>	<b>135</b>

**Part 14 Chapter 30: Determining Household Eligibility and Benefit Levels..... 138**  
**Part 14 Chapter 31: Benefits..... 144**  
**Part 14 Chapter 32: Change Processing/Reporting Requirements..... 152**  
**Part 14 Chapter 33: Recertification ..... 158**  
**Part 14 Chapter 34: Replacement Benefits ..... 163**  
**Part 14 Chapter 35: Disaster SNAP (D-SNAP) ..... 166**

## **Part 14 Chapter 1: General Information**

### ***Rule 1.1 Legal Authority and Purpose.***

The Food and Nutrition Act of 2008 (as amended) authorizes the Supplemental Nutrition Assistance Program (SNAP). The purpose of the SNAP is to help low-income households increase their food purchasing power in order to obtain a more nutritious diet.

*Source:* 7 CFR §271.1(a)

*Revised:* March 2022

### ***Rule 1.2 State Agency Responsibilities.***

The Food and Nutrition Service (FNS) under the United States Department of Agriculture (USDA) delegates to the Mississippi Department of Human Services (MDHS) the responsibilities of administering the SNAP within the state. These responsibilities include, but not limited to:

- A. Certifying applicant households;
- B. Maintaining the issuance, control, and accountability of SNAP benefits;
- C. Conducting performance reporting reviews, such as Quality Control and Management Evaluation;
- D. Developing and maintaining complaint procedures;
- E. Developing, conducting, and evaluating training;
- F. Processing recipient claims and underpayments;
- G. Submitting accurate and timely financial and program reports; and
- H. Keeping records necessary to determine program compliance with federal regulations.

*Source:* 7 CFR §271.4

*Revised:* March 2022

### ***Rule 1.3 Program Informational Activities.***

MDHS must provide SNAP applicants and recipients with their rights and responsibilities regarding the program. All program informational materials must be available in other languages and include a statement that the SNAP is available without regard to race, color, sex, age, handicap, religious creed, national origin, or political belief.

*Source:* 7 CFR §272.5

*Revised:* March 2022

### ***Rule 1.4 Household Rights and Responsibilities.***

- A. Federal and state regulations provide certain rights to households applying for or receiving SNAP benefits, including the right to:
  - 1. File an application during working hours on the same day one contacts the office with, at a minimum, a name, address and signature of a responsible adult household member or authorized representative.

2. A telephone interview if one is unable to come to the office for the interview with the MDHS caseworker due to age, transportation difficulties, illness, or other hardship as determined by MDHS.
  3. A certain amount of privacy concerning one's circumstances and need for assistance. For more information, see Rule 1.11 Confidentiality.
  4. Designate in writing an authorized representative.
  5. Adequate notice of reduction in benefits or closure of a case based on the household's change in circumstances.
  6. Non-discriminatory treatment.
  7. A fair hearing on an application, amount of benefits, closure of case, or any action of the agency about which the household wishes to express dissatisfaction.
  8. Free language assistance for persons with Limited English Proficiency and/or auxiliary aids/services or other reasonable modifications for persons with disabilities.
- B. All households applying for or receiving SNAP benefits are responsible for:
1. Giving correct and complete information about household circumstances as they relate to eligibility, both at the time of application and at each recertification.
  2. Providing Social Security numbers (SSN) for each person for whom assistance is requested.
  3. Cooperating in the application process by participating in an interview and providing required verification.
  4. Informing the county office of changes. Change Reporting households are required to report all changes within ten (10) days of the date the change becomes known to the household.
  5. Cooperating with Quality Control personnel, if selected for review in the quality control sample.
  6. Using SNAP benefits properly.
  7. Complying with Child Support requirements, if applicable.
  8. Complying with SNAP work registration requirements, if applicable.
  9. Completing a timely reapplication to receive, if eligible, uninterrupted benefits.

*Source:* The Privacy Act of 1974 (5 U.S.C. §552a); 7 CFR §272.1(c); 7 CFR §272.4(b); 7 CFR §273.2 (c-d); MS Code §43-1-19

*Revised:* March 2022

***Rule 1.5 Bilingual Requirements.***

MDHS must provide services (staff or interpreters) for non-English speaking households regarding program information and certification materials based on the estimated total number of low-income households that speak the same non-English language in the state.

*Source:* 7 CFR §272.4(b)

*Revised:* March 2022

***Rule 1.6 State Plan of Operation.***

MDHS is required to provide an annual state plan of operation detailing the implementation of its SNAP to FNS.

*Source:* 7 CFR §272.2

*Revised:* March 2022

***Rule 1.7 Personnel Standards.***

Only authorized merit personnel will be allowed to conduct certification interviews or certify applicants except for SSI households and USDA declared disaster victims or as otherwise allowed by FNS instruction. Volunteers may be utilized for outreach, prescreening, assisting applicants in the application and certification process and in securing needed verification.

*Source:* 7 CFR §272.4(a)

*Revised:* March 2022

***Rule 1.8 Case Record.***

The case record provides eligibility data on households applying for or receiving SNAP benefits, validates agency action in the determination of the household's eligibility and benefit level, and provides verification that justifies expending public funds on behalf of needy people. Case record documentation must support eligibility and benefit level determination. All case record information is confidential.

*Source:* 7 CFR §272.1(e); 7 CFR §273.2(f)(6)

*Revised:* March 2022

***Rule 1.9 Record Retention.***

- A. MDHS must retain all SNAP records for review and audit purposes for three (3) years from the month of origin of each record.
- B. These records include applications, income determination for eligibility, verification techniques utilized, correspondence between households and MDHS, and actions regarding the fair hearing process.
- C. Fiscal records and accountable documents must be retained by MDHS for 3 years from the date of fiscal or administrative closure. These records include claims and documentation of lost benefits.
- D. Case records, including notices, regarding intentional program violation disqualification must be retained indefinitely or until FNS determines that all records may be removed permanently.
- E. Disqualification records submitted to the disqualified recipient database must be purged by MDHS when the supporting documents are no longer accurate, relevant or complete.

*Source:* 7 CFR §272.1(f)

*Revised:* March 2022

**Rule 1.10 Electronic Notices.**

- A. Mississippi has taken the state option to send electronic notices to households once an account has been activated by such household.
- B. Once the household makes the selection of receiving electronic notices, the household will be responsible for viewing all notices.
- C. Households will be given the opportunity to opt-out and return to paper notice at any time.
- D. **Note:** Claim overpayment tax offset notices will continue to be sent via regular mail.

*Source:* 7 CFR §273.2(c)(5), (e)(3), (f)(9)(iii), (f)(10)(iv) and (g)(3); 7 CFR §273.7(c)(1)(ii); 7 CFR §273.10(g); 7 CFR §273.13; 7 CFR §273.14(b)(1); 31 CFR §285.2(d)(2)  
*Revised:* March 2022

**Rule 1.11 Confidentiality.**

SNAP case information is confidential under Federal and State law. Information must be protected in order to prevent unauthorized disclosure.

- A. **Administrative Disclosure:** Case information may only be disclosed for purposes directly related to the administration of the following programs:
  - 1. Persons directly connected with the administration or enforcement of the provisions or regulations of the Food and Nutrition Act of 2008;
  - 2. Child Support;
  - 3. Food Distribution programs;
  - 4. Medicaid;
  - 5. The National School Lunch Program for the purpose of approving eligibility of children for free meals based on their receipt of SNAP;
  - 6. Comptroller General's Office for audit examination;
  - 7. Law enforcement upon their written request. The written request must include the identity of the individual requesting the information and his/her authority for doing so, the violation being investigated and the person's identity the information is being requested.
    - a) If the purpose is investigating an alleged Food and Nutrition Act of 2008 or regulation violation, any information shall be provided.
    - b) Information, such as address, social security number and photo if available, must be restricted to household members being sought. If the purpose is investigating fleeing felons, a felony warrant must be provided. If the purpose is investigating probation or parole violators, law enforcement must be actively pursuing the individual.
    - c) Information will also be disclosed regarding a household member when such member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony or has violation a condition of his/her probation or parole.
  - 8. Supplemental Security Income (SSI);

9. State programs administered under a plan approved under the Social Security Act, which is required to participate in the Income and Eligibility Verification System (IEVS) to the extent that SNAP information is useful in establishing or verifying eligibility or benefit amounts under those programs;
  10. Temporary Assistance for Needy Families (TANF);
  11. Any other federally aided means-tested programs; or
  12. Verification of immigration status of non-citizens applying for SNAP through the Systematic Alien Verification for Entitlements (SAVE) Program.
- B. Information Considered Confidential:** Agency employees must not disclose confidential information concerning any applicant or recipient of agency services, except in the administration of the programs listed above. Such information includes:
1. Names and addresses or lists of applicants and recipients;
  2. Amount of benefits;
  3. Case record documents;
  4. Information provided by another agency without that agency's permission, such as State Data Exchange (SDX), Unemployment, IEVS, etc.;
  5. Social Security Administration (SSA) information;
  6. National Directory of New Hires (NDNH) data; and
  7. Internal Revenue Service (IRS) Federal Tax Information (FTI).
- C. Other Disclosure of Household Information:** Besides the above referenced administrative disclosures, specific information must only be disclosed to other agencies and/or persons upon the written authorization of the head of household, household spouse, other adult household member or an authorized representative.
- D. Household Access:** Upon written request, a responsible member of the SNAP household, a currently authorized representative, or any person given permission in writing to act on the household's behalf may review materials contained in the case file during normal business hours. Confidential third party provided information may not be available to the household.
- E. Penalties for Unlawful Disclosure-SSA Information:**
1. MDHS must restrict access to SSA-provided data to authorized users who need it to perform their official duties.
  2. MDHS must process SSA-provided information under the immediate supervision and control of authorized personnel.
  3. SSA-provided data is confidential and must be safeguarded at all times. Such data must not be printed for any reason.
  4. MDHS must inform all employees and contractors of the Incident Reporting and User Sanctions pertaining to SSA-provided data.
  5. SSA-provided data and "Personally Identifiable Information (PII)" must be safeguarded and kept confidential by all MDHS employees. PII covered under several Federal laws and statutes, refers to specific information about an individual used to trace that individual's identity. Information such as his/her name, Social Security Number (SSN), date and place of birth, mother's maiden name or biometric records, alone, or when combined with other personal or identifying information is linkable or lined to a specific individual's medical, educational, financial and employment information.

6. MDHS personnel who access, use, duplicate or disclose SSA-provided data obtained pursuant to the SSA “Information Exchange Agreement”, between SSA and MDHS, in a manner or for purposes not authorized by this agreement may be subject to civil and criminal sanctions under applicable Federal statutes.
7. Any agency employee that publishes, discloses, or makes known in any manner confidential SSA information is subject to a civil money penalty of \$10,000 for each such unauthorized publication or disclosure, or a criminal penalty of a fine of not more than \$10,000 or imprisonment of not more than 1 year, or both, for each such unauthorized publication or disclosure.
8. If MDHS staff or contractors experience or suspect a breach or loss of PII or a security incident, which includes SSA provided information, supervisory staff must immediately notify the SSA Regional Office Contact or the SSA Systems Security Contact identified in the agreement. If, for any reason, the responsible State official or delegate is unable to notify the SSA Regional Office or the SSA Systems Security Contact within one hour, the responsible State Agency official or delegate must report the incident by contacting SSA’s National Network Service Center (NNSC) toll free at 877-697-4889 (select “Security and PII Reporting” from the options list).

**F. Federal Tax Information Security and Penalties**

1. IRS guidelines restrict the use and access of Federal Tax Information (FTI) to agency employees with a need-to-know.
2. It is the responsibility of every SNAP employee and contractor to ensure the confidentiality of our client’s FTI.
3. All agency employees must receive training upon employment with the agency prior to receiving access to FTI and annually thereafter. The training must include
  - a) a review of the importance of safeguarding FTI;
  - b) organizational authority for receiving FTI;
  - c) authorized uses of FTI;
  - d) authorized disclosure;
  - e) instructions for reporting improper inspections and/or disclosure;
  - f) the fact that FTI must be safeguarded after employment with the agency has ended;
  - g) the penalties associated with failing to safeguard FTI; and
  - h) a signed statement of completion containing information required by Publication 1075 that must be maintained for 5 years.
4. Agency employees with a need-to-know must maintain the confidentiality of, or safeguard, FTI to ensure that improper inspection and/or disclosure of FTI does not occur.
5. Any such improper inspections and/or disclosure of FTI must be reported to the appropriate Treasury Inspector General Tax Administration (TIGTA) office and the Office of Safeguards within 24 hours of discovery.

- G. National Directory of New Hires:** Any use of NDNH data except in the administration of SNAP and/or any unauthorized disclosure of such data must be reported immediately to the Director of State Operations, who will in turn notify Management Information Systems (MIS) within one hour of discovery.

- H. **Restrictions of Staff in Handling Certain Cases:** Any staff member and relatives and/or personal interest cases of staff members may apply for and receive assistance. However, there are special procedures for taking and processing applications for employees and individuals related to, or of personal interest to, a staff member in order to avoid a conflict of interest.

*Source:* The Privacy Act of 1974 (5 U.S.C. §552a); 42 U.S.C. §1306; 26 U.S.C. §6103; 26 U.S.C. §7431, 7213 and 7213A; 7 CFR §272.1(c); 7 CFR §272.16; 42 U.S.C. §1396w-2; 42 U.S.C. §653(l); Miss Code Ann. §43-1-19

*Revised:* March 2022

### ***Rule 1.12 Complaints.***

- A. Program complaints may be made by a member of a household, an authorized representative, or any other person. This does not include complaints alleging discrimination or those that can be pursued through a fair hearing. MDHS provides SNAP applicants and/or recipients an opportunity to appeal adverse administrative decisions and provide supporting documentation challenging the adverse or noncompliant action. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.
- B. Case information must not be released to anyone other than the household or the authorized representative, unless the household or authorized representative has provided approval in writing.
- C. All complaints are promptly reviewed to determine if the county's actions were correct.
- D. Such complaints may involve program policy, procedures and customer service.
- E. MDHS must inform participants, potential participants and other interested parties of the complaint process.
1. **Complaint Review:** MDHS must maintain a record of said complaints, their disposition and will review those records at least annually to ascertain whether there is a pattern of issues that may need to be resolved through further training. The results of this review must be provided to the Performance Reporting System Coordinator and, if appropriate, be included in the State Corrective Action Plan. FNS shall monitor state compliance with these requirements through the Performance Reporting System.
  2. **Complaints to Public Officials:** When a SNAP applicant, recipient, or authorized representative makes a complaint about the agency in writing to a public official, the public official in turn will usually provide the letter to the agency. By providing facts about its complaint to the public official, the SNAP household is implying that it has provided consent to the agency to include that information when replying to the public official. When preparing a response, the agency should only include information that is necessary to explain the agency's position or action. The household/authorized representative may request a fair hearing if they are not satisfied with the results of the complaint review and outcome. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.

3. **Regional Office Responsibility:** Individuals may file a complaint with the appropriate FNS Regional Office. For the state of Mississippi, complaints should be directed to the Southeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Services, 77 Forsyth Street SW, Suite 112, Atlanta, GA 30303-3427.

*Source:* 7 CFR §271.6

*Revised:* March 2022

***Rule 1.13 Nondiscrimination Compliance.***

- A. No applicant or participant shall be discriminated against in any aspect of the SNAP administration including, but not limited to, certification of households, issuance of benefits, fair hearing procedures, and any other service for reasons of age, race, color, sex, disability, religious creed, national origin or political beliefs.
- B. **Right to File a Complaint:** Individuals should be advised of the right to file a complaint through FNS or the MDHS Office of Civil Rights, or both. FNS directed discrimination complaints may be forwarded to Administrator, FNS, Washington, DC 20250. FNS complaint requirements can be found within the cited regulation below.
- C. **Public Notice:** The USDA Nondiscrimination Statement must be posted in all MDHS offices and publicized so the public may have access to the nondiscrimination statutes and procedures for filing a complaint.
- D. **Reports:** FNS requires that MDHS report the racial and ethnic data on participating households.

*Source:* 7 CFR §272.6

*Revised:* March 2022

***Rule 1.14 Quality Control Reviews.***

- A. Federal regulations require as part of the Performance Reporting System Quality Control (QC) Staff to review a sample of households in two categories:
  1. Households which are participating in SNAP (called active cases) and
  2. Households in which participation was denied, suspended or terminated (called negative cases).
- B. **Scope:** Reviews are conducted on active cases to determine eligibility and the correct basis of issuance and reviews are conducted on negative cases to determine the validity of denials and closures.
- C. **Purpose:** The objectives of quality control reviews are to provide:
  1. Procedures for measuring the validity of the SNAP caseload;
  2. A method for determining error rates;
  3. A consistent flow of information on which to base corrective action at all levels of administration;
  4. A basis for setting MDHS' liability for errors that exceed the national performance measure.

*Source:* 7 CFR §275.10

*Revised:* March 2022

***Rule 1.15 The National Voter Registration Act (NVRA) of 1993.***

- A. This Act designates all State agencies providing public assistance as voter registration agencies.
- B. **Voter Registration Services:** MDHS must provide all applicants and recipients the opportunity to register to vote or update a voter registration record. Provide a voter registration application and declination form at each application/reapplication, recertification/reevaluation, or when the household reports a change of address.
- C. **Required Duties:** The following services must be provided by MDHS as a voter registration agency:
  - 1. Distribution of voter registration application forms and declination forms to applicants/recipients of agency assistance;
  - 2. Assistance in completing voter registration application forms unless the applicant/recipient refuses such assistance; and
  - 3. Acceptance of completed voter application forms for transmittal to the county Circuit Clerk for processing within five (5) days of receipt by the agency.
- D. **Prohibited Actions:** As a voter registration service agency, MDHS is prohibited from:
  - 1. Seeking to influence an applicant's political preference or party registration;
  - 2. Promoting any political preference or party allegiance;
  - 3. Discouraging registration;
  - 4. Indicating that availability of agency services or eligibility for benefits is in any way related to voter registration; or
  - 5. Disclosing an applicant's voter registration information (except as needed for NVRA administration) or identifying the agency's name on the application form.
- E. **Voter Registration Requirements:** To register to vote, a person must be:
  - 1. A U.S. citizen, and
  - 2. Age 18 or older. Persons who are 17 years old who will turn 18 on or before the general election date in November may also register.

*Source:* National Voter Registration Act of 1993 (52 U.S.C. Chapter 205); Miss Code Ann. §23-15-11

*Revised:* March 2022

## **Part 14 Chapter 2: Application**

### ***Rule 2.1 Application Process.***

There are three steps in the application process:

- A. Completing and filing an application form;
- B. Being interviewed; and
- C. Having certain information verified.

*Source:* 7 CFR §273.2(a)(2)

*Revised:* March 2022

### ***Rule 2.2 Application Form.***

Applications can be made either in paper form, an online document or a recorded conversation.

*Source:* 7 CFR §273.2(b)(1)

*Revised:* March 2022

### ***Rule 2.3 Required Application Notifications.***

Each application form must include the following:

- A. Notice of a household's right to file with an applicant's name, address and signature of a responsible household member or the household's authorized representative.
- B. Notice that, if eligible, benefits will be provided from the date of application.
- C. A description of expedited services on the first page of the application.
- D. A statement to be signed under penalty of perjury as to the truthfulness of the information contained in the application by an adult household member.
- E. A prominent description of the civil and criminal penalties for violating the Food and Nutrition Act of 2008.
- F. Notice that information available through the income and eligibility system (IEVS) will be requested, used, and may affect eligibility and benefit levels.
- G. Notice that non-citizen status of applicant household members may be subject to verification by United States Citizenship and Immigration Services (USCIS) through the use of the Systematic Alien and Verification and Entitlements (SAVE) system that may affect eligibility and benefit levels.
- H. The USDA non-discrimination statement and the Privacy Act statement.

*Source:* 7 CFR §273.2(b)

*Revised:* March 2022

### ***Rule 2.4 Application Availability.***

- A. The application must be readily available to potentially eligible households as the household has a right to same day filing.
- B. Households who contact the agency for SNAP, but do not wish to come to the office, must be advised:

1. An application will be mailed to them the same day, or
2. They can complete or obtain an application online.

*Source:* 7 CFR § 273.2(c)(1)(iii); 7 CFR §273.2(c)(3)

*Revised:* March 2022

***Rule 2.5 Who May File the Application.***

Applications for SNAP may be made by any of the following people:

- A. Head of household;
- B. Spouse of the head of household;
- C. Other responsible household member; or
- D. A designated authorized representative.

*Source:* 7 CFR §273.2(b)(1)(v)

*Revised:* March 2022

***Rule 2.6 Filing the Application.***

Households or an authorized representative may file an application:

- A. By going online;
- B. In person;
- C. By fax;
- D. By email; or
- E. By mail.

*Source:* 7 CFR §273.2(c)(1)(i)

*Revised:* March 2022

***Rule 2.7 Valid Application.***

- A. A valid application for SNAP benefits requires the following:
  1. Name;
  2. Address; and
  3. Signature of the responsible adult household member or authorized representative.
- B. Once an application is received in the SNAP office and these three minimum requirements have been met, the application is considered filed and the application process begins.

*Source:* 7 CFR §273.2(b)(1)(v); 7 CFR §273.2(c)(1)(iii)

*Revised:* March 2022

***Rule 2.8 Valid Signatures.***

- A. Handwritten signatures are accepted.
- B. Applications signed with a “mark” must also have the signature of a witness.
- C. Electronic signatures through fax or other electronic transmissions are acceptable.
- D. Recorded telephonic verbal assent (consisting of an audio recording of the household’s verbal assent and a summary of the information to which the household assents) is a valid signature; however, MDHS currently only accepts telephonic signatures through our SNAP Outreach Partner.

**Rule 2.9 Application Assistance.**

When requested, MDHS must provide assistance to help applicants and recipients with:

- A. Completing the application;
- B. Obtaining verifications if needed; and
- C. Registering to vote.

Source: National Voter Registration Act of 1993 (52 U.S.C. Chapter 205); 7 CFR §273.2(c)(5)

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**Rule 2.10 Authorized Representatives.**

- A. Applicants may authorize representatives to act on a household's behalf either:
  - 1. During the application process;
  - 2. Obtaining benefits; or
  - 3. Utilizing SNAP benefits.
- B. A non-household member may be designated if assistance is needed with the application process provided such person is an adult, is familiar with the current circumstances of the household and such designation has been made in writing by the head of household/primary individual, the spouse or another responsible household member.
- C. An authorized representative may conduct some household duties during the certification period, such as change reporting.
- D. Residents of drug or alcohol treatment centers must apply and be certified through an authorized representative.
- E. Drug or alcohol treatment centers and group living arrangements, which act as authorized representatives, must use the EBT card for food prepared and served to those residents participating in SNAP.
- F. Residents of group living arrangements have the option to appoint an authorized representative.
- G. Authorizing a benefit representative to obtain benefits should be encouraged in case of illness or other unforeseen circumstances.
- H. The authorized benefit representative for obtaining benefits may be different from the authorized representative in the application process.
- I. A household may agree for any household member or non-member to use its electronic benefit transfer (EBT) card to purchase food or meals.
- J. **Restrictions:** Agency employees involved in the certification of benefits and retailers who accept SNAP benefits may not act as authorized representatives without specific written approval by a designated state official.
- K. A person disqualified for an intentional program violation cannot act as an authorized representative during the disqualification period unless MDHS approves.
- L. If MDHS has determined that an authorized representative has provided false information or used the EBT card improperly, it may disqualify that person from being an authorized representative for up to one (1) year.

- M. To prevent abuse, MDHS may set a limit on the number of households an authorized representative may represent.
- N. Homeless meal providers may not act as authorized representatives for homeless SNAP recipients.
- O. Households must be informed that it will be liable for any overpayments that result from erroneous information provided by the authorized representative.
- P. **Exception:** Drug and alcohol treatment centers or other groups living arrangements that act as the authorized representatives will be liable.

*Source:* 7 CFR §273.2(n)

*Revised:* March 2022

***Rule 2.11 Application Date.***

- A. The application date is the date the application is received by MDHS during normal business hours.
- B. For online applications, the date of application is the date the application is submitted during normal business hours.
- C. If the application is received outside of business hours, during recognized holidays and/or weekends, the application date will be considered the next business day.
- D. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

*Source:* 7 CFR §273.2(c)(1)(iv)

*Revised:* March 2022

***Rule 2.12 Application Copies.***

- A. A copy of the completed application must be offered to the household member.
- B. The household has the option to receive a paper copy or a copy in electronic format.

*Source:* 7 CFR §273.2(c)(1)(v)

*Revised:* March 2022

***Rule 2.13 Joint Applications for Agency Programs.***

- A. Households may use the same application to apply for SNAP and Temporary Assistance for Needy Families (TANF) or submit separate applications for each program.
- B. Another application for SNAP is not necessary if the household is denied benefits for TANF.
- C. If a joint application is filed, all SNAP applications will be filed considering SNAP procedural, timeliness, notice and fair hearing requirements.
- D. A single interview must be completed for households jointly applying.

*Source:* 7 CFR §273.2(b)(3)

*Revised:* March 2022

***Rule 2.14 Application through Social Security Administration (SSA).***

- A. Households in which all members are applying for and/or receiving Supplemental Security Income (SSI) benefits may apply for SNAP through SSA.
- B. Households that prefer to submit their SNAP applications through MDHS may do so.
- C. A SSI household has the right to file a SNAP application in the Social Security office provided:
  - 1. The household is not participating in the SNAP; and
  - 2. The household has not applied for SNAP benefits in the 30 preceding days; and
  - 3. The household does not have a pending application for SNAP benefits.
- D. SSA will forward all SNAP applications from SSI households to the designated SNAP office.
- E. The application date for applications through SSA is the date the signed application is received by the SSA.

*Source:* 7 CFR §273.2(k)(1)

*Revised:* March 2022

***Rule 2.15 Pre-release Institution Resident Applying for SSI and SNAP.***

- A. The application date for residents of an institution jointly filing for SSI and SNAP prior to leaving the institution is the date the resident is released from the institution.
- B. Processing and benefit timeframes are based on the resident's release date.
- C. Eligible households receive initial month benefits from the date of release to the end of the month.

*Source:* 7 CFR §273.2(c)(1)(vi) and (g)(1), 7 CFR §273.10(a); 7 CFR §273.11(i)

*Revised:* March 2022

***Rule 2.16 Withdrawing an Application.***

- A. A household may voluntarily withdraw its application at any time prior to the determination of eligibility.
- B. The household must be advised of its right to reapply.

*Source:* 7 CFR §273.2(c)(6)

*Revised:* March 2022

***Rule 2.17 When to Complete the Interview.***

- A. Households must have a face-to-face or telephone interview with an eligibility worker at initial certification and at least once every twelve (12) months thereafter unless the household is certified for longer than 12 months.
- B. An interview must be promptly scheduled for all applicant households who are not interviewed on the date in which their application was submitted.

*Source:* 7 CFR §273.2(e)(1)

*Revised:* March 2022

**Rule 2.18 Who to Interview.**

One of the following persons may be interviewed:

- A. Head of household;
- B. Spouse of the primary person;
- C. Other responsible household member; or
- D. Authorized Representative who is aware of the household's circumstances.

*Source:* 7 CFR §273.2(e)(1)

*Revised:* March 2022

**Rule 2.19 Where to Complete the Interview.**

- A. Households are allowed a face-to-face interview either:
  - 1. At an appropriate MDHS county office;
  - 2. The household's residence if a hardship criteria is met and the household requests a home-based interview.
- B. Telephone interviews will routinely be used in lieu of a face-to-face interview for most households, such as at initial applications or recertification to provide enhanced program access, or if a household hardship situation exists.
- C. Applicants have the choice of a face-to-face interview even if MDHS routinely provides telephone interviews.

*Source:* 7 CFR §273.2(e)(2)

*Revised:* March 2022

**Rule 2.20 Interview Requirements.**

- A. The interviewer must advise the household of their rights and responsibilities, including the appropriate application processing standards and the household's responsibility to report changes.
- B. The interviewer must explore and resolve any unclear or incomplete information from the application form.
- C. The interviewee may bring anyone he or she chooses to the interview.
- D. The applicant must have a right to privacy during the interview.
- E. Limited English Proficient (LEP) households must be provided with bilingual personnel during the interview.

*Source:* 7 CFR §273.2(e)(1); 7 CFR §273.2(e)(2)(iv)

*Revised:* March 2022

**Rule 2.21 Missed Interview.**

- A. Households must be notified of their missed appointment and the household's responsibility that it must schedule a second interview.
- B. If the household contacts MDHS within the thirty (30) day application processing period, MDHS must schedule a second interview.

*Source:* 7 CFR §273.2(e)(3)

*Revised:* March 2022

***Rule 2.22 Household Cooperation.***

- A. An application will be denied at the time of refusal if the household refuses to cooperate with the application process.
- B. The household must be able to cooperate, but purposely refusing to do so.

*Source:* 7 CFR §273.2(d)(1)

*Revised:* March 2022

***Rule 2.23 Normal Processing Timeliness Standards for Initial Applications.***

Households that complete all of the requirements of the application process will receive an eligibility determination no later than thirty (30) calendar days from the application file date.

*Source:* 7 CFR §273.2(g)(1)

*Revised:* March 2022

***Rule 2.24 Determining Cause of Delay.***

A review to determine the cause of the delay must be completed if a determination of eligibility is not made by the 30<sup>th</sup> day from the application file date.

*Source:* 7 CFR §273.2(h)(1)

*Revised:* March 2022

***Rule 2.25 Household Delays.***

- A. MDHS must have offered or attempted to offer assistance in completing the application form for the household to be at fault if it failed to complete the application form.
- B. If one or more household members failed to register for work, MDHS must have informed the household of the need to register, determined if any members were exempt and given at least ten (10) days of notice for the household to register to work for the household to be the cause of delay.
- C. In cases where verification is incomplete, MDHS must have given notice of the required verification, offered to assist in obtaining it and given at least ten (10) days of notice from the date of initial request to provide it for the household to be determined as the cause of delay.
- D. For households that failed to appear for an interview, MDHS must have notified the household of the missed appointment and advised the household of its responsibility to reschedule the interview. If the household fails to schedule a second interview by the 30<sup>th</sup> day or the second interview is postponed by the household or rescheduled after the 20<sup>th</sup> day, but before the 30<sup>th</sup> day following the application filing date, the household must appear for the interview, provide verification, and register any members for work by the 30<sup>th</sup> day. Otherwise, the delay will be the fault of the household.
- E. The household is not entitled to benefits for the month of application when the delay was the fault of the household. Thus, during days 31-60, benefits will be issued from the date the required action was completed by the household.

*Source:* 7 CFR §273.2(h)(2)

*Revised:* March 2022

***Rule 2.26 MDHS Delays.***

- A. If a worker does not take timely action on a case, the delay will be the result of MDHS.
- B. If the delay in the initial 30-day period is the fault of MDHS, it must make the eligibility determination as soon as possible.
- C. A case must not be denied if the delay is caused by MDHS.
- D. If the household is found to be eligible during the second 30-day period, the household is entitled to benefits retroactive to the date of application.

*Source:* 7 CFR §273.2(h)(3)

*Revised:* March 2022

## **Part 14 Chapter 3: Verification and Documentation**

### ***Rule 3.1 General.***

Verification is documentation and the use of third party contacts to confirm the accuracy of statements or information.

*Source:* 7 CFR §273.2(f)

*Revised:* March 2022

### ***Rule 3.2 Request for Verification.***

- A. MDHS must notify households in writing of any verification documents required to verify the information written on the application (initial or recertification) or discussed during the interview.
- B. MDHS must allow the household ten (10) days to provide the required verification.

*Source:* 7 CFR §273.2(c)(5); 7 CFR §273.2(f)

*Revised:* March 2022

### ***Rule 3.3 Mandatory Verification at Initial Application.***

The following information must be verified prior to certification for households at the initial application:

- A. Gross nonexempt income – Gross nonexempt income, both earned and unearned, must be verified for all household members prior to certification.
- B. Citizenship and/or Non-citizen eligibility – The immigration status of all non-citizens applying for SNAP benefits must be verified using the Systematic Alien Verification for Entitlements (SAVE) system.
- C. Utility expenses – The worker must verify a household’s utility expenses if the household wishes to claim expenses in excess of MDHS’ utility standard and the expense would actually count as a deduction. If the household’s actual utility expenses cannot be verified before the thirty (30) days allowed to process the application expire, MDHS must use the standard utility allowance, provided the household is entitled to use the standard. If the household wishes to claim expenses for an unoccupied home, MDHS must verify the household’s actual utility expenses for the unoccupied home and not use the standard utility allowance.
- D. Medical expenses – The amount of any medical expense must be verified prior to initial certification and at recertification provided the expense would actually result in a deduction. If a portion of the expense is reimbursable, the amount to be reimbursed must be verified before the non-reimbursable portion can be allowed. Verification of other factors, such as whether services provided are allowable or the eligibility of the person incurring the cost, must be required if questionable.
- E. Social Security Numbers (SSN) – Households are required to provide the social security number of each household member or apply for a number prior to certification, but the worker must not delay the certification for or issuance of benefits to an otherwise eligible

household solely to verify the SSN of a household member. If an individual is unable to provide a SSN or does not have a SSN, the worker must require the individual to apply for a number. Once verified, MDHS must make a permanent notation in their system so as to prevent any further unnecessary reverification of the SSN.

- F. Residency – Residency in the county must be verified, except in unusual cases (such as homeless households, some migrant farm worker households, or households newly arrived in a county) where verification of residency cannot reasonably be accomplished.
- G. Identity – The identity of the person making application must be verified. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household must be verified.
- H. Disability – Verification of disability is required to identify individuals or households who may qualify for the uncapped shelter expense allowance, for excess medical deduction, the higher resource limit, exclusion from the gross test, and as a condition of eligibility for residents of blind and disabled group living arrangements.
- I. Household composition – The worker must verify factors affecting the composition of a household, such as student, boarder, or separate household status, if questionable. Individuals are responsible for proving they are a separate household to the satisfaction of MDHS.
- J. Students – If a person claims to be physically or mentally unfit for purposes of the student exemption, verification may be required.
- K. Legal obligation and actual child support payments – The legal obligation and actual child support payments made to or for a non-household member must be verified, if allowing the expense could potentially result in a deduction.
- L. Able-bodied Adult without a Dependent (ABAWD) – The number of hours worked and any countable months in another state must be verified. Any questionable information must also be verified.
- M. Household members Terminated for Non-Cooperation with State Quality Control (QC) Reviewer – All factors of eligibility must be verified after reapplying after ninety-five (95) days from the end of the annual review period. If it was non-cooperation with a Federal QC reviewer, then all factors of eligibility must be verified after reapplying after seven (7) months from the end of the annual review period.
- N. Liquid Resources and Loans – The worker will verify liquid resources and whether monies received by households are loans.
- O. Dependent Care Costs – All dependent care costs must be verified by the household, regardless of the amount.

*Source:* 7 CFR §273.2(f)(1)

*Revised:* March 2022

### ***Rule 3.4 Mandatory Verification at Recertification***

The required verifications at recertification are located in [Rule 33.10 Recertification Verification](#).

*Source:* 7 CFR §273.14(b)(4); 7 CFR §273.2(f)(8)(i)

*Revised:* March 2022

***Rule 3.5 Verification of Questionable Information.***

- A. MDHS must verify all other factors of eligibility it deems questionable and affect the household's eligibility and benefit level prior to certification of the household.
- B. To be considered questionable, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous application, or inconsistent with information received by the county.

Source: 7 CFR §273.2(f)(2)

Revised: March 2022

***Rule 3.6 State Option.***

- A. States may elect to mandate verification for factors besides those in *Rule 3.3 Mandatory Verification at Initial Application* that affect household eligibility and benefit levels. Statute has set Mississippi's option.
- B. MDHS also requires verification of household size, resources and loans, other shelter costs, dependent care costs, and any other expenses.

Source: 7 CFR §273.2(f)(3); Miss Code Ann. §43-12-29

Revised: March 2022

***Rule 3.7 Verification Sources-Written Evidence.***

- A. The worker shall use documentary evidence as the primary source of verification of the household's circumstances besides residency and household size.
- B. Although documentary evidence shall be the primary source of verification," the household cannot be limited to a specific type of document.
- C. Documentary evidence may be provided in person, through the mail, by fax or other electronic means or through an authorized representative.

Source: 7 CFR §273.2(f)(4)(i); 7 CFR §273.2(f)(5)

Revised: March 2022

***Rule 3.8 Verification Sources-Collateral Contacts.***

- A. Collateral contact is an acceptable form of verification if written evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level.
- B. A collateral contact is a verbal confirmation of the household's circumstances by a person outside of the household and may be made over the phone or in person.
- C. The household must specify a collateral contact who can verify their statement.
- D. MDHS may select a collateral contact if the household fails to designate one or designates one that is unacceptable to the agency due to it not being expected to provide an accurate third-party verification.
- E. When talking with collateral contacts, MDHS staff must only disclose information that is absolutely necessary to get the needed information.

Source: 7 CFR §273(f)(4)(ii); 7 CFR §273.2(f)(5)(ii)

Revised: March 2022

**Rule 3.9 Verification Sources-Home Visits.**

- A. Home visits are also an acceptable form of verification if written evidence is insufficient to make an eligibility determination.
- B. Home visits must always be scheduled in advance with the household.

Source: 7 CFR §273.2(f)(4)(iii); 7 CFR §273.2(f)(5)(ii)

Revised: March 2022

**Rule 3.10 Responsibility.**

- A. Households have the primary responsibility to provide documentary evidence to support statements on the application and to resolve any questionable information.
- B. MDHS is responsible for acquiring verification from acceptable collateral contact or substituting a home visit whenever documentary evidence cannot be obtained or is insufficient to make an eligibility determination.
- C. Workers must offer to assist when the household reports difficulty in getting verification or requests help provided it is cooperating with MDHS.
- D. MDHS must be responsible for verifying fleeing felon and parole or probation violator status.

Source: 7 CFR §273.2(f)(5)

Revised: March 2022

**Rule 3.11 Automated Resources-Mandatory Use of Income Eligibility and Verification System (IEVS).**

- A. IEVS uses the SSN of an applicant or a recipient to collect and exchange income and resource data from other federal and state agencies to be used in verifying eligibility for benefits for eligible households.
- B. This must be done in accordance with the disclosure safeguards and data exchange agreement.
- C. IEVS data must be requested for all household members, including excluded household members if the SSN is known.
- D. Applicants must be notified that information available from IEVS will be requested, used, and may be verified through collateral contact when discrepancies are found and that such information may affect household eligibility and benefit levels.
- E. IEVS data matches must be reviewed at every initial application and every time a new household member is added.
- F. Verified Upon Receipt: Information regarding social security, SSI benefit information, TANF benefit information and UB information are all considered verified upon receipt. Proper notices to households must be sent to households to terminate, deny or reduce benefits based on this information.
- G. Unverified Upon Receipt: Information regarding unearned income from IRS, wage information from SSA and SWICAs (State Wage Information Collection Agency) and any

questionable IEVS information must be independently verified by MDHS before any action is taken to terminate, deny or reduce benefits. Independent verification entails contacting the household in writing and/or the appropriate income, resource or benefit source. Except with respect to unearned income from IRS, if MDHS has information which indicates that independent verification is not needed, then such verification is not required.

- H. Documentation: MDHS must record when IEVS information results in an adverse action and when it does not.

*Source:* Section 7 CFR §272.8, 7 CFR §273.2(f)(6) and (9)(iii)(iv) *Revised:* March 2022

***Rule 3.12 Mandatory Use of Systematic Alien Verification for Entitlements (SAVE).***

- A. SAVE is a program that verifies immigration status.
- B. U.S. Citizenship and Immigration Services (USCIS) maintains the SAVE system to conduct this verification.
- C. Each household member that is a non-citizen must be submitted to SAVE.
- D. Non-citizen Applicants are given at least ten (10) days from the date requested to submit acceptable documentation prior to the 30<sup>th</sup> day following the date of application.
- E. After the USCIS document is received, use the SAVE system to verify the document is accurate.
- F. Written consent from the non-citizen is not required as a condition to contact USCIS for documentation validation.
- G. If the above requirements are met, but the non-citizen applicant fails to submit acceptable documentation, then the non-citizen will not be certified for benefits until acceptable documentation has been provided.
- H. However, if the ten (10) days does not lapse prior to the end of the 30<sup>th</sup> day following the date of application, then MDHS must provide benefits to the household no later than 30 days following the date of application provided that the household is otherwise eligible.

*Source:* 7 CFR §272.11; 7 CFR §273.2(f)(10)

*Revised:* March 2022

***Rule 3.13 Automated Resources-State Data Exchange and Beneficiary Data Exchange***

- A. SSI benefits may be verified through the State Data Exchange (SDX) and Social Security benefits information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household.
- B. SDX and BENDEX data may be used to verify other SNAP eligibility criteria.
- C. The household will be given an opportunity to verify information from another source if the SDX and BENDEX data contradicts information provided by the household or is unavailable.
- D. Eligibility determination and benefit levels must not be delayed past the normal application processing standards if SDX and BENDEX data is unavailable.
- E. Access to SDX and BENDEX data may be acquired without release statements from households provided there is a necessary data exchange agreement in place with the SSA.

Source: 7 CFR §273.2(f)(7)

Revised: March 2022

***Rule 3.14 Automated Resources-Deceased Person Match.***

- A. This system is used to ensure benefits are not issued to individuals who are deceased.
- B. The deceased person match is completed through an automated match using the State Verification and Exchange System (SVES), SSA Beneficiary and Earnings Data Exchange (BENDEX), and State Data Exchange (SDX).
- C. Households must be provided with an opportunity to respond to the match prior to an adverse action to deny, reduce or terminate benefits.

Source: 7 CFR §272.14; 7 CFR §273.2(f)(7)

Revised: March 2022

***Rule 3.15 Automated Resources-Electronic Disqualified Recipient System (EDRS).***

- A. EDRS is a nationwide database of persons disqualified for an Intentional Program Violation (IPV), which must be searched each time an initial application or recertification application is registered to prevent participation of individuals found guilty of an IPV by another state.
- B. MDHS must not take any adverse action to terminate, deny, suspend or reduce benefits to an applicant or recipient based on these match results unless the match information has been independently verified.

Source: 7 CFR §273.2(f)(11)

Revised: March 2022

***Rule 3.16 Automated Resources-National Directory of New Hires (NDNH).***

- A. MDHS routinely enters into a computer matching agreement with the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement (OCSE) to participate in the federal matching program.
- B. OCSE provides MDHS with new hire data from the National Directory of New Hires (NDNH), which is part of the Federal Parent Locator Service.
- C. A monthly match on members 18 years of age or older from a national directory that verifies wage and unemployment data.
- D. MDHS must independently verify NDNH information and households must be provided with an opportunity to respond to the match prior to an adverse action to deny, reduce or terminate benefits.

Source: 42 U.S.C. §653(i)(1) and 7 CFR §272.16

Revised: March 2022

***Rule 3.17 Automated Resources-Quarterly Wage Match Data (QWMD).***

- A. Wage information is reported to the NDNH by state and federal agencies.
- B. OCSE provides MDHS with quarterly wage match data (QWMD) from NDNH.

- C. MDHS must independently verify QWMD and households must be provided with an opportunity to respond to the match prior to an adverse action to deny, reduce or terminate benefits.

*Source:* 42 U.S.C. §653(i)(1); 7 CFR §272.16

*Revised:* March 2022

***Rule 3.18 Automated Resources-Unemployment Insurance Information.***

- A. This is information pertaining to benefits paid under state unemployment compensation programs and reported to the NDNH.
- B. OCSE provides MDHS with unemployment insurance data from NDNH.
- C. MDHS must independently verify unemployment insurance information and households must be provided with an opportunity to respond to the match prior to an adverse action to deny, reduce or terminate benefits.

*Source:* 42 U.S.C. §653(i)(1); 7 CFR §272.16

*Revised:* March 2022

***Rule 3.19 Automated Resources-Prisoner Verification System (PVS).***

- A. A match to identify individuals who have been or are currently incarcerated.
- B. This is used to monitor and prevent individuals being detained for more than 30 days from being included in a SNAP household.
- C. Households must be provided with an opportunity to respond to the match prior to an adverse action to deny, reduce or terminate benefits.

*Source:* 7 CFR §272.13

*Revised:* March 2022

***Rule 3.20 Automated Resources-Public Assistance Reporting Information System (PARIS) and PARIS VA.***

- A. Public Assistance Reporting Information System (PARIS) is a quarterly data match to identify individuals receiving both federal compensation or pension benefits and public assistance benefits under federal programs administered by states.
- B. The matching program will compare Department of Defense military and civilian pay records, military retired pay records and survivor pay records.
- C. The PARIS VA match shows Veteran Administration (VA) benefits received by individuals receiving public assistance benefits under federal programs administered by states.
- D. PARIS and PARIS VA can help detect dual participation.
- E. MDHS must independently verify PARIS data and households must be provided with an opportunity to respond to the match prior to an adverse action to deny, reduce or terminate benefits.

*Source:* 7 CFR §272.12; 42 U.S.C. §1320b-7; 42 U.S.C. §1396b(r)(3)

*Revised:* March 2022

***Rule 3.21 Discrepancies.***

- A. The household must be given ten (10) days to provide information when unverified information from the household or another source contradicts statements made by the household.
- B. The worker may verify the information directly and contact the household only if such direct verification efforts are unsuccessful.

*Source:* 7 CFR §273.2(f)(4)(iv)

*Revised:* March 2022

***Rule 3.22 Case Documentation.***

The case must contain documentation to support eligibility, ineligibility, and benefit level determinations.

*Source:* 7 CFR §273.2(f)(6)

*Revised:* March 2022

## Part 14 Chapter 4: Expedited Service

### ***Rule 4.1 General.***

- A. Expedited services are allowed for those in immediate need.
- B. Households must be screened at the time of application to determine eligibility for expedited services whether requested by the applicant or not.
- C. Expedited services allow households to quickly receive an initial benefit with fewer required verifications.
- D. All SNAP requirements must be completed before providing future months' benefits.
- E. Expedited service applies for the month of application only.
- F. Households are not eligible for expedited service at renewal (recertification) when they reapply before the end of the current benefit period.
- G. Households are not eligible for expedited service if they received benefits in another household or another state in the current month. However, eligibility for expedited service for the month following the month of application may be explored.
- H. **Exception:** Households in shelters for battered persons can receive benefits in the same month.
- I. Households requesting, but not entitled to, expedited service will have their applications processed under normal standards.

*Source:* 7 CFR §273.2(a)(2); 7 CFR §273.2(i); 7 CFR §273.3(a); 7 CFR §273.2(i)(4)(E)(v)

*Revised:* March 2022

### ***Rule 4.2 Screening Requirements.***

The following households are entitled to expedited service:

- A. Households with less than \$150 in monthly gross income and liquid resources of \$100 or less;
- B. Migrant or seasonal farmworker households who are destitute and have liquid resources of \$100 or less; or
- C. Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage payment and utility expenses (including entitlement to a standard utility allowance (SUA) if the SUA is higher than actual bills).

*Source:* 7 CFR §273.2(i)(1)

*Revised:* March 2022

### ***Rule 4.3 SSA Screening of Joint SSI and SNAP Applications.***

- A. Social Security Administration (SSA) will pre-screen all applications on the day it is received at SSA for expedited services.
- B. SSA will advise the household of the option to:
  - 1. Take the application to the appropriate county office for screening and an interview, or
  - 2. The application and any available verifications will be forwarded to the appropriate county office within one day and an interview will be scheduled.

- C. The expedited processing standards begin on the date MDHS receives an application at the appropriate SNAP office.

Source: 7 CFR §273.2(k)

Revised: March 2022

**Rule 4.4 Expedited Service Minimum Actions.**

- A. Households must complete the following minimum actions for expedited service:
  - 1. Complete the application (this may be done during the interview),
  - 2. Complete the interview, and
  - 3. Prove identity.
- B. See Rule 4.8 Postponed Verification or actions the household must complete in order to continue benefits beyond the first month. **Note:** Migrant/seasonal farmworker households must provide postponed verifications to continue benefits beyond the second month.
- C. See Rule 4.18 Reapplication After Expedited Service if the household's last approval was expedited.

Source: 7 CFR §273.2(i)

Revised: March 2022

**Rule 4.5 Interview.**

- A. Households must complete an interview before benefits are issued.
- B. **Exception:** A second interview is not required if SSA completed the interview and provided a complete application and verification of identity (if required), unless information is incomplete or questionable.
- C. The interview must be completed within the expedited service processing timeframes. See Rule 4.13 Processing Timeframes.
- D. The interview will be either:
  - 1. In-office face-to-face interview;
  - 2. Telephone interview; or
  - 3. Home visit.

Source: 7 CFR §273.2(e)(1)

Revised: March 2022

**Rule 4.6 Required Verification of Identity.**

- A. Households qualifying for expedited service must prove the identity of the person applying.
- B. Where an authorized representative applies on behalf of the household, the identity of both the authorized representative and the head of household must be verified.

Source: 7 CFR §273.2(i)(4)(i)(A)

Revised: March 2022

**Rule 4.7 Verification of Other Eligibility Factors.**

- A. Reasonable efforts should be made to verify residency, expenses, income and resources within the expedited service timeframes.

B. However, do not delay benefits once the expedited service minimum actions are completed.

*Source:* 7 CFR §273.2(i)(4)(i)(B)

*Revised:* March 2022

***Rule 4.8 Postponed Verification.***

All required SNAP verification requirements not completed during expedited service processing must be submitted and completed before the second month's benefits are issued.

*Source:* 7 CFR §273.2(i)(4)(A)

*Revised:* March 2022

***Rule 4.9 Social Security Numbers.***

- A. Eligible expedited households must furnish a social security number for each applicant or apply for one for those applicants before the second (2<sup>nd</sup>) full month of participation.
- B. **Exception:** Households with newborns have up to 6 months following the month of the child's birth to provide a SSN or proof of application for a SSN for the newborn.
- C. Household members unable to provide the required SSN or who do have one prior to the 2<sup>nd</sup> full month of participation will only be allowed continued participation if one of the good cause exemptions has been met.

*Source:* 7 CFR §273.2(i)(4)(i)(B)

*Revised:* March 2022

***Rule 4.10 Work Registration.***

- A. At a minimum, an applicant for expedited service must register for work unless exempt.
- B. **Exception:** Work registration does not need to be completed at the interview for:
  - 1. Household members who are exempt or claiming an exemption, or
  - 2. When an authorized representative applies for the household.

*Source:* 7 CFR §273.2(i)(4)(i)(B)

*Revised:* March 2022

***Rule 4.11 eDRS.***

The Electronic Disqualified Recipient System (eDRS) must be used to screen each adult household member to ensure they are not disqualified for an intentional program violation (IPV).

*Source:* 7 CFR §273.2(f)(11)

*Revised:* March 2022

***Rule 4.12 Household Fails to Complete Postponed Verification.***

- A. Case closure is required if the household fails to complete the postponed verification within thirty (30) days of the application date.

- B. Notice is not required as long as the household had received a prior notice advising it that benefits would end if all postponed actions were not completed, what actions were still needed and the due date to complete such actions.

Source: 7 CFR §273.13(b)(8)

Revised: March 2022

**Rule 4.13 Processing Timeframes.**

- A. The seven (7) day timeframe begins the day after the application date.
- B. Do not delay issuing expedited benefits if the household has applied for other programs still pending.
- C. For households entitled to expedited service, benefits must be made available to the recipient no later than the 7<sup>th</sup> calendar day after the application is filed. **Note:** To ensure timely issuance of the EBT card, the card, if needed, must be requested on the day of application or the day of the interview so the participant has access to benefits by the 7<sup>th</sup> day.
- D. If there is a late determination for expedited services, the processing timeframes will be calculated from the date MDHS discovers the household is entitled to expedited service.
- E. **Note:** Do not include mailing time as part of the processing timeframe when the application is returned to the household for a signature following a phone interview. Mailing time only includes the days the application:
  - 1. Is in the mail to and from the household, and
  - 2. With the household pending their signature and mailing.
- F. Households not eligible for benefits the first month of application, but eligible the second month qualifying for expedited service, must have benefits issued:
  - 1. Within seven (7) days of the application date, or
  - 2. The first day of the second month, whichever is later.

Source: 7 CFR §273.2(i)(3)

Revised: March 2022

**Rule 4.14 Minimum Actions Not Completed.**

- A. Households lose their entitlement to expedited service if they fail to complete the minimum actions within the seven (7) day timeframe. See [Rule 4.4 Expedited Service Minimum Actions](#).
- B. Process the application under normal thirty (30) day timeframes.

Source: 7 CFR §273.2(i)(4)

Revised: March 2022

**Rule 4.15 Other Application Dates.**

- A. Application Date for Joint SSI and SNAP Applications Completed at SSA: The application date for expedited service SNAP applications received at SSA is the date the application is received in the correct MDHS county office. SSA will forward SNAP applications within one day of receipt.

- B. Application Date for Pre-release Institution Residents: The date the resident is released from the institution for joint SSI and SNAP applications, if submitted by a resident of an institution prior to their release. SSA will provide notification of the resident's date of release.
- C. Application Date for Late Determination of Expedited Service Eligibility: Provide expedited service within 7-calendar days of the date of discovery when the application:
  - 1. Was screened as not meeting expedited service requirements, and
  - 2. Later found eligible for expedited service.

*Source:* 7 CFR §273.2(i)(3); 7 CFR §273.2(k)

*Revised:* March 2022

***Rule 4.16 Benefit Periods.***

- A. The longest benefit period possible based on the household's situation should be provided.
- B. Households that are certified on an expedited basis and have provided all necessary verifications prior to certification shall be assigned normal certification periods.
- C. Households assigned a benefit period longer than one (1) month with postponed verification must not receive the second month's benefits until the postponed verifications are completed.

*Source:* 7 CFR §273.2(i); 7 CFR §273.2(4)(iii)

*Revised:* March 2022

***Rule 4.17 Benefit Issuance: Initial Benefit.***

- A. Eligible households receive benefits for the initial month of eligibility.
- B. Benefits are not issued for future months until all postponed verifications are completed.
- C. **Exception:** Do not issue migrant or seasonal farmworker households:
  - 1. Second month's benefits until any postponed verifications from an in-state source are provided;
  - 2. Third month of benefits until any remaining postponed verifications from an out-of-state source are provided.
- D. Households that provide postponed verifications by the 30<sup>th</sup> day must have their second month's benefits available either:
  - 1. Within seven (7) working days of receipt of the verifications or
  - 2. The first day of the second month, whichever is later.

*Source:* 7 CFR §273.2(i)(4); 7 CFR §274.2(1)

*Revised:* March 2022

***Rule 4.18 Reapplication After Expedited Service.***

- A. When a household that failed to complete a postponed verification reapplies for benefits, the 30-day application processing timeframe applies.
- B. **Exception:** Provide expedited service if the household completes the postponed verification and qualifies for expedited service again.
- C. Approve households for expedited service without limits as long as the household:
  - 1. Completes the postponed verifications from the last expedited approval or

2. Was approved under normal 30-day timeframes since the last expedited service approval.

*Source:* 7 CFR §273.2(i); 7 CFR §273.14(f)

*Revised:* March 2022

## Part 14 Chapter 5: Household Composition

### ***Rule 5.1 General.***

A household is comprised of one of the following:

- A. An individual living alone;
- B. A group of individuals living together who routinely purchase and prepare food together;  
or
- C. An individual (or group of individuals) living with others who purchase and prepare food separately.

*Source:* 7 CFR §273.1(a)

*Revised:* March 2022

### ***Rule 5.2 Required Household Combinations.***

Individuals identified below must be included in the same SNAP household with the other people they live with, even if they purchase and prepare food separately:

- A. ***Spouses:*** Individuals must be legally married.
- B. ***Parents and Children:*** An individual under 22 years of age living with his/her natural, adoptive or stepparent(s).
- C. ***Minors Under Parental Control:*** A child (other than a foster child) under 18 years of age who is financially or otherwise dependent on a household member who is not his or her parent.

*Source:* 7 CFR §273.1(b)(1)

*Revised:* March 2022

### ***Rule 5.3 Head of Household.***

- A. The household may select an adult parent of children (of any age) living in the household or an adult who has parental control over children under 18 years of age as the head of household provided that all adult members of said household are in agreement.
- B. Each household will be permitted to select its own head of household at each certification action or wherever there is a change in the composition of the household.
- C. If all adult members of the household do not agree to the selection or decline to designate an adult parent as the head of household, then MDHS will designate the head of household.
- D. The head of household will be the principal wage earner regarding failure to comply with the work requirements unless the household has selected an adult parent of children, see [Rule 12.9 Household Ineligibility](#).

*Source:* 7 CFR §273.1(d)

*Revised:* March 2022

### ***Rule 5.4 Temporary Absences.***

- A. If, because of a loss of income, or loss or damage to a home as the result of a disaster, a household is forced to temporarily move in with other individual(s) or groups, the

household may continue to participate as a separate household. However, if the household temporarily moves in with parents, the household may not be granted separate household status unless the child(ren) is 22 years of age or older.

- B. Household members away from home because of vacation or illness will maintain their status as household members if they are in the home during any part of the calendar month.

*Source:* 7 CFR §273.1(c)

*Revised:* March 2022

### ***Rule 5.5 Elderly and Disabled Persons.***

An individual and spouse living together may be a separate household even if they purchase and prepare meals with others if all of the following are true:

- A. One of them is sixty (60) years or older;
- B. That person cannot purchase and prepare meals because of:
  - 1. A disability considered permanent by SSA, or
  - 2. Another permanent physical or mental non-disease related disability; and
- C. The gross monthly income for the number of others in the household does not exceed 165% of the federal poverty level.

*Source:* 7 CFR §273.1(b)(2)

*Revised:* March 2022

### ***Rule 5.6 Excluded Individuals.***

The following, in addition to other individuals within this chapter, are not eligible to participate as separate households or as a member of any household:

- A. Disqualified Members: These are individuals who would be household members, but are not allowed to be:
  - 1. Individuals who were found guilty of an intentional program violation.
  - 2. Individuals who failed to provide or apply for a social security number.
  - 3. Individuals who failed to meet work registration requirements (see *Rule 5.3 Head of Household*).
  - 4. Individuals who failed to cooperate with TANF Work Program requirements, but who meet a SNAP work registration exemption.
  - 5. Individuals who failed to comply with the child support cooperation requirements.
- B. Ineligible Members: Ineligible members are individuals who would be household members, but do not meet one of the non-financial eligibility requirements in the sections noted below:
  - 1. Individuals who have been convicted of aggravated sexual abuse, murder, sexual exploitation and abuse of children, sexual assault, or similar state laws after February 7, 2014 and who are in noncompliance with the terms of the sentence.
  - 2. Individuals who are fleeing felons (as defined in *Rule 22.2 Test for Fleeing Felons*) and are probation/parole violators.
  - 3. Individuals who failed to meet eligibility rules of citizenship and non-citizen status.
  - 4. Time Limited Able-Bodied Adults without Dependents (ABAWDs) who are not meeting the work requirement and who have exhausted their 3 months of eligibility within the 36-month period.

5. Ineligible students, who do not meet the eligibility criteria outlined in Chapter 10, Students, are non-household members.

*Source:* 7 CFR §273.1(b)(7)

*Revised:* March 2022

***Rule 5.7 Boarders.***

- A. Residents of Commercial Boarding Houses: Individuals or groups who reside in a commercial boarding house, regardless of the number of residents, are not eligible for SNAP. Commercial boarding houses are businesses that are licensed to offer meals and lodging for payment with the intent of making a profit.
- B. All other individuals or groups paying a reasonable compensation for lodging and meals in a noncommercial situation are considered boarders.
- C. Reasonable Compensation: This exists when the total paid by the boarders is equal to:
  1. When boarder pays for more than two meals a day: the maximum benefit for the appropriate boarder household size.
  2. When boarder pays for two meals or less per day: 2/3 of the maximum benefit for the appropriate boarder household size.
- D. The household that provides the boarder services may choose to include or exclude a boarder as a member of the household. If excluded, the boarder is not eligible to participate in SNAP.

*Source:* 7 CFR §273.1(b)(3)

*Revised:* March 2022

***Rule 5.8 Foster Children and Adults.***

- A. Individuals placed in the homes of relatives or other individuals by a governmental foster care program are considered boarders.
- B. Therefore, households providing foster care services may choose to include or exclude a foster child or foster adult who lives with them.
- C. If excluded, the foster child or adult is not eligible as a separate household.

*Source:* 7 CFR §273.1(b)(4)

*Revised:* March 2022

***Rule 5.9 Roomers.***

- A. Roomers are individuals who pay the household a flat fee for lodging, but not meals.
- B. They do not purchase and prepare food with the household from whom they rent.
- C. Roomers may be eligible for SNAP as a separate household.
- D. Individuals in required households who do not have an SSN (see *Rule 6.2 Individuals Without an SSN*) are not treated as roomers even if they pay each other for lodging.

*Source:* 7 CFR §273.1(b)(5)

*Revised:* March 2022

***Rule 5.10 Live-In Attendants.***

- A. Live-in attendants live with the household to provide medical, housekeeping, dependent care or other similar personal services.
- B. Live-in attendants may be eligible for SNAP as a separate household.
- C. Individuals in required households who do not have an SSN (see *Rule 6.2 Individuals Without an SSN*) are not treated as live-in attendants even if they are providing these types of services.

*Source:* 7 CFR §273.1(b)(6)

*Revised:* March 2022

***Rule 5.11 Residents of Institutions.***

- A. Individuals who receive over 50% of three (3) meals daily from an institution where they live are residents of institutions.
- B. Residents of institutions are not eligible for SNAP.
- C. **Note:** There are five exceptions to this rule listed in *Rule 5.12 Residents of Institutions Exceptions*.

*Source:* 7 CFR §273.1(b)(7)

*Revised:* March 2022

***Rule 5.12 Residents of Institutions Exceptions.***

Individuals who receive more than 50% of their meals while living in the following institutions may be eligible for SNAP if they meet program requirements:

- A. **Addiction Treatment Centers:** Individuals participating in a public or private nonprofit residential treatment facility for drug addicts or alcoholics must meet program requirements to become eligible. The children of a resident (but not the spouse) who lives with them in the center are included in the resident's household.
- B. **Group Living for the Blind or Disabled:** A public or private nonprofit residential setting that provides housing for no more than 16 residents. The resident must be blind or disabled to be eligible for SNAP.
- C. **Homeless Shelters:** A public or private nonprofit facility that provides temporary housing for homeless people. The household is defined as a single person or an individual and spouse and children.
- D. **Shelters for Battered Persons:** A public or private nonprofit residential facility that provides temporary housing for battered persons. The household is the battered person and their children.
- E. **Subsidized Housing for Seniors:** Federally subsidized housing for seniors built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act. The household is the senior and spouse. Eligibility is determined the same as any other household.

*Source:* 7 CFR §271.2; 7 CFR §273.1(b)(7)(vi)(A)-(E)

*Revised:* March 2022

***Rule 5.13 Strikers.***

- A. A striker includes anyone involved in a strike or the planned stoppage of work by employees and any other concerted interruption of operations by employees.
- B. Households with a striking member are not eligible to participate in SNAP unless the household was eligible for benefits the day before the strike and is otherwise eligible at the time of application.
- C. Government employees who go on strike are considered to have voluntarily quit their job without good cause.
- D. Strikers do not include the following:
  - 1. Any employee affected by a lockout;
  - 2. An individual who goes on strike, but is exempt from work registration the day before the strike began (exception: does not include the exemption for being employed 30 hours or more);
  - 3. Employees who are not part of the bargaining unit on strike who do not want to cross the picket line due to fear of injury or death; or
  - 4. Individuals who are unable to work due to striking employees.

*Source: 7 CFR §273.1(e)*

*Revised: March 2022*

## **Part 14 Chapter 6: Social Security Numbers**

### ***Rule 6.1 Requirements for Participation.***

- A. All household members initially applying for or participating in SNAP must provide their Social Security number (SSN) or apply for one before certification.
- B. Household members with more than one SSN must provide all of the numbers.
- C. Household members refusing or failing without good cause to provide or apply for an SSN will be disqualified and be ineligible to participate in SNAP.

*Source:* 7 CFR §273.6(a) and (c)

*Revised:* March 2022

### ***Rule 6.2 Individuals Without an SSN.***

- A. The household members who do not have an SSN, who do not know if they have an SSN, or are unable to find their SSN must apply at the Social Security Administration (SSA).
- B. The Social Security Administration will then inform MDHS of the SSN.

*Source:* 7 CFR §273.6(b)(2)(ii)

*Revised:* March 2022

### ***Rule 6.3 SSN for a Newborn.***

The household must provide the SSN or proof of the application for an SSN of a newborn child within six (6) months following the month of the child's birth, or at the next recertification, whichever is later.

*Source:* 7 CFR §273.6(b)(4)

*Revised:* March 2022

### ***Rule 6.4 Proof of Application.***

MDHS must receive proof of an SSA application, which may be a SSA approved form or a MDHS approved form.

*Source:* 7 CFR §273.6(b)(2)(ii)

*Revised:* March 2022

### ***Rule 6.5 Failure to Comply.***

If MDHS determines that a household member has refused or failed without good cause to provide or apply for an SSN, only the member without an SSN is ineligible, not the entire household.

*Source:* 7 CFR §273.6(c)

*Revised:* March 2022

**Rule 6.6 Determining Good Cause.**

- A. Good cause must be determined if the household is unable to provide an SSN or proof of application at its next recertification or 6 months following the child's birth.
- B. Good cause is determined using documentary evidence or collateral contacts showing the household applied for or made every effort to supply the necessary information to complete an application for an SSN.
- C. This information may come from any of the following:
  - 1. The household member;
  - 2. Social Security Administration; or
  - 3. A collateral contact.
- D. Because SSA allows mail-in SSN applications in lieu of applying in person, good cause does not include delays caused by:
  - 1. Illness;
  - 2. Lack of transportation; or
  - 3. Temporary absences from the home.

*Source:* 7 CFR §273.6(d)

*Revised:* March 2022

**Rule 6.7 Continued Participation.**

- A. A household member who can show good cause for failing to complete a timely SSN application may participate for the month of application and one additional month.
- B. Once an application is completed, the household member will be allowed continued participation pending notification of the SSN.
- C. The household must show good cause monthly in order to continue further participation.

*Source:* 7 CFR §273.6(d)

*Revised:* March 2022

**Rule 6.8 Regaining Eligibility.**

A disqualified household member may become eligible by providing their SSN.

*Source:* 7 CFR §273.6(e)

*Revised:* March 2022

**Rule 6.9 Use of the SSN.**

When determining eligibility for SNAP, a SSN may be used to:

- A. Determine the amount of benefits and the accuracy of information given by households;
- B. Prevent duplicate participation;
- C. Enable mass changes in federal benefits; and
- D. Request and exchange income and resource information through computer matches.

*Source:* 7 CFR §273.6(f)

*Revised:* March 2022

***Rule 6.10 Permanent Entry.***

MDHS must make a permanent notation in their automated database to prevent any unnecessary reverification of the SSN.

*Source:* 7 CFR §273.6(g)

*Revised:* March 2022

## **Part 14 Chapter 7: Identity**

### ***Rule 7.1 General.***

Applicants must provide proof of their identity.

*Source:* 7 CFR §273.2(f)(1)(vii)

*Revised:* March 2022

### ***Rule 7.2 Authorized Representatives.***

If an authorized representative applies on behalf of the household, their identity as well as the head of household must be verified.

*Source:* 7 CFR §273.2(f)(1)(vii)

*Revised:* March 2022

### ***Rule 7.3 Expedited Services.***

Identity is the only mandatory verification when providing expedited service.

*Source:* 7 CFR §273.2(f)(1)(vii)

*Revised:* March 2022

### ***Rule 7.4 Verification.***

Specific documents cannot be required to verify identity.

*Source:* 7 CFR §273.2(f)(1)(vii)

*Revised:* March 2022

## **Part 14 Chapter 8: Residency**

### ***Rule 8.1 General.***

The household must live in Mississippi when applying for SNAP benefits.

*Source:* 7 CFR §273.3(a)

*Revised:* March 2022

### ***Rule 8.2 Length of Time.***

- A. Individuals living in Mississippi meet the residency requirement regardless of the length of time they have been residing or plan to remain.
- B. Individuals vacationing in Mississippi shall not be considered residents and do not meet the residency requirement.

*Source:* 7 CFR §273.2(f)(1)(vi); 7 CFR §273.3(a)

*Revised:* March 2022

### ***Rule 8.3 Permanent Dwelling.***

The household is not required to have a conventional permanent dwelling or mailing address.

*Source:* 7 CFR §273.3(a)

*Revised:* March 2022

### ***Rule 8.4 Duplicate Participation.***

- A. No one can participate as an eligible member of two or more households, in more than one county, or state in any month.
- B. **Exception:** A resident of a shelter for battered women and children can be a member of the same household as the person who abused him or her as well as participate as a member in a separate household.

*Source:* 7 CFR §273.3(a)

*Revised:* March 2022

### ***Rule 8.5 Moving Within the State.***

When a household moves within the State and reports a change of address to another county, MDHS will transfer that household's casefile to the new county of residence and continue the household's certification without reapplication.

*Source:* 7 CFR §273.3(b)

*Revised:* March 2022

***Rule 8.6 Verification.***

- A. Residency must be verified except in unusual circumstances.
- B. No requirement for a specific type of verification may be imposed.

*Source:* 7 CFR §273.2(f)(1)(vi)

*Revised:* March 2022

## Part 14 Chapter 9: Citizenship and Non-Citizen Status

### *Rule 9.1 General.*

- A. Non-citizens must meet eligible non-citizen criteria to receive SNAP benefits.
- B. Qualified non-citizen are also required to meet other non-citizen criteria for eligibility. See *Rule 9.3 Qualified Non-Citizens Not Subject to the Five-Year Waiting Period* and *Rule 9.4 Qualified Non-Citizens Subject to the Five-Year Waiting Period or 40 Qualifying Quarters of Work.*
- C. Yet there are certain types of non-citizens who are not qualified non-citizens that may still be eligible to receive SNAP benefits. Such individuals are not required to meet any other non-citizen requirements as qualified non-citizen.

Source: 7 CFR §273.4

Revised: March 2022

### *Rule 9.2 Eligibility Criteria.*

The following household members meeting citizenship or non-citizen status requirements are eligible to participate in SNAP:

- A. ***U.S. Citizens:*** U.S. citizens are considered those born in one of the fifty (50) states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Marianna Islands.
- B. ***Non-Citizen Nationals:*** Non-citizen Nationals are persons born in American Samoa or Swain's Island. These persons may be eligible for SNAP benefits on the same basis as U.S. citizens and are not assigned any additional classifications by U.S. Citizenship and Immigration Services (USCIS).
- C. ***Certain American Indians:*** Those born in Canada living in the U.S. under section 289 of the Immigration and Nationality Act (INA) or a member of a federally recognized Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).
- D. ***Certain Hmong or Highland Laotian Tribal Members:*** A non-citizen lawfully residing in the U.S. who was a member of a Hmong or Highland Laotian tribe that helped U.S. personnel in Vietnam (during the period of August 5, 1964 through May 7, 1975). The person's eligibility continues even if the USCIS status changes at a future date. The eligibility also extends to:
  - 1. Spouse or surviving spouse of the tribal member;
  - 2. Unmarried dependent children under the age of 18 (or under age 22 if a full-time student);
  - 3. Unmarried children under the age of 18 (or under 22 if a full-time student) who were dependent on the tribal member at the time of the member's death; and
  - 4. Unmarried disabled children of any age who were disabled before age 18 and dependent on the tribal member prior to the child's 18<sup>th</sup> birthday.
- E. ***Trafficking Victims:*** A non-citizen approved by the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) as a victim of a severe form of trafficking to the same extent as a non-citizen who is admitted to the U.S. as a refugee under Section 207 of the Immigration and Nationality Act (INA) in accordance with the

Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386, as amended). Eligibility also extends to:

1. A non-citizen who has been subjected to a severe form of trafficking and who is under the age of 18 to the same extent as a non-citizen who is admitted to the U.S. as a refugee under Section 207 of the Immigration and Nationality Act (INA); and
  2. A spouse, child, parent or unmarried minor sibling of a victim for those individuals under 21 years of age and who has received a derivative T visa to the same extent as a non-citizen who is admitted to the U.S. as a refugee under Section 207 of the INA.
  3. A spouse or child of a victim of a severe form of trafficking in persons 21 years of age or older and who has received a derivative T visa to the same extent as a non-citizen who is admitted to the U.S. as a refugee under Section 207 of the INA.
- F. **Qualified Non-Citizens:** These are the categories of qualified non-citizens:
1. A non-citizen who was lawfully admitted for permanent residence (LPR) under the INA, including Iraqi and Afghan Special Immigrants (SIV).
    - a) Lawful Permanent Resident (LPR) are aliens who are lawfully authorized to live permanently in the United States also known as “Green Card” holders.
  2. Conditional Entrant: A non-citizen lawfully present under Section 203(a)(7) of the INA as in effect prior to 4-1-80.
  3. Battered Non-Citizen: A non-citizen who was subject to battery or extreme cruelty in the United States by a family member (i.e., spouse, parent or member of the spouse’s or parent’s family) the person previously lived with. This status is granted to a :
    - a) Person if their child was abused, or
    - b) Child whose parent was abused.
  4. Cuban or Haitian Entrant: A non-citizen from Cuba or Haiti who entered under section 501(e) of the Refugee Education Assistance Act of 1980.
  5. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) also considers trafficking victims (as defined above) as qualified non-citizens.

*Source:* 7 CFR §273.4(a); P.L. 111-118 §8120; 8 U.S.C. §1641      *Revised:* December 2025

***Rule 9.3 Qualified Non-Citizens Not Subject to the Five-Year Waiting Period.***

A qualified non-citizen is eligible to receive SNAP and is not subject to the requirements to be in qualified status for five (5) years (and thus eligible regardless of their date of entry) if one of the following criteria apply:

- A. 18 or older (LPRs) under the INA who has 40 qualifying quarters as determined by Title II of the Social Security Act.

1. A qualifying quarter of earned income is defined as the amount of earnings received by the individual or credit from his or her spouse (as long as the couple is still married, or the spouse is deceased) or credit from parents (before the non-citizen became 18 including before the child was born or adopted);
  2. If eligibility is determined based on the quarters of coverage by a spouse and then the couple divorces, the non-citizen's eligibility continues until the next recertification;
  3. If any Federal means-tested public benefits (including SNAP benefits) were received in any quarter after 12-31-96, then that quarter is not creditable towards the 40-quarter total.
- B. Cuban/Haitian;
- C. Amerasian: An Amerasian who entered under Section 584 of Foreign Operations, Export Financing and Related Program Appropriations Act, Public Law 100-202, as amended by Public Law 100-461;
- D. Military Non-Citizens
1. A veteran who was honorably discharged for reason other than non-citizen status;
  2. On active duty (other than for training); or
  3. Spouse and unmarried dependent children (under 18, a full-time student under 22, unmarried disabled child 18 or older if child was disabled and dependent prior to the child's 18<sup>th</sup> birthday( of a person described above);
- E. Blind or Disabled (LPR)
- F. Person who was lawfully living in the U.S. on August 22, 1996 and who was born on or before August 22, 1931;
- G. Qualified non-citizen children under 18 years of age;
- H. Certain American Indians (LPR)
- I. Certain Hmong or Highland Laotian Tribal Members (LPR)

Source: 7 CFR §273.4(a)(6)(ii); P. L. 111-118 §8120

Revised: December 2025

***Rule 9.4 Qualified Non-Citizens Subject to the Five-Year Waiting Period or 40 Qualifying Quarters of Work.***

- A. The following qualified non-citizens must be in qualified status for five (5) years or have 40 qualifying quarters of work to be eligible to receive SNAP:
1. 18 or older lawfully admitted for permanent residence (LPRs) under the INA;
  2. Battered Non-Citizen (LPR)
  3. Conditional Entrant (LPR)
  4. Victims of severe trafficking (LPR); or
  5. Iraqi and Aghan Special Immigrants (SIV) (LPR)
- B. The five years in qualified status may be consecutive or non-consecutive.
- C. Temporary absences of less than 6 months from the U.S. with no intention of abandoning U.S. residency does not terminate a person's period of U.S. residency.

- D. If the person was absent for more than 6 months, then MDHS can assume that U.S. residency has been interrupted unless the non-citizen presents proof to the contrary.

*Source:* 7 CFR §273.4(a)(6)(iii)

*Revised:* December 2025

***Rule 9.5 Reporting Illegal Non-Citizens.***

- A. MDHS must notify the local USCIS office whenever staff determine that any member of a household is ineligible due to the member being in the U.S. in violation of the INA.
- B. If it is indicated that the head of household or a household member is unable or unwilling to provide proof of non-citizen status, then MDHS will consider that person to be an ineligible non-citizen.

*Source:* 7 CFR §273.4(b)

*Revised:* March 2022

***Rule 9.6 Deeming of Sponsor's Income and Resources.***

- A. A non-citizen can be sponsored if a person executes an affidavit of support on behalf of a the non-citizen pursuant to section 213A of the INA.
- B. If a person has executed an affidavit of support, then the income and resources of the sponsor and the sponsor's spouse will be deemed as the unearned income and resources of the sponsored non-citizen.
- C. MDHS must deem the sponsor's income and resources until one of the following occurs:
  - 1. The non-citizen gains U.S. citizenship;
  - 2. The non-citizen has worked or can receive credit for 40 qualifying quarters of work;  
or
  - 3. The sponsor dies.

*Source:* 7 CFR §273.4(c)(1)-(2); 7 CFR §273.8(c)(3)

*Revised:* March 2022

***Rule 9.7 Exempt from Deeming Sponsor's Income and Resources.***

Some non-citizens are exempt from sponsor deeming even if an Affidavit of Support was signed on their behalf. Non-citizens exempt from sponsor deeming are:

- A. Non-citizen residing in the same house as the sponsor and included in the same SNAP household;
- B. Parent of a battered child, spouse of a battered non-citizen, or child of a battered non-citizen for 12 months. At the end of 12 months, the exemption continues if a court or USCIS determines the battering is substantially connected to the need for benefits. The non-citizen cannot live with the batterer during the exemption period;
- C. Citizen child under age 18 of a sponsored non-citizen;
- D. Sponsored non-citizen children under 18;
- E. Cuban or Haitian entrant;
- F. Indigent non-citizens. An indigent non-citizen may choose to opt out of the indigence determination and follow regular sponsor deeming rules;

- G. Non-citizens sponsored by organizations or groups; or
- H. Trafficking victims.

*Source:* 7 CFR §273.4(c)(3)

*Revised:* December 2025

***Rule 9.8 Eligible Sponsored Non-Citizen's Responsibilities.***

- A. The sponsored non-citizen is responsible for providing the documentation necessary to calculate the deemed income and resources at the time of application and recertification.
- B. The sponsored non-citizen must have the sponsor's cooperation in order to provide the names of other non-citizens for whom the non-citizen's sponsor has signed an affidavit of support.
- C. If the sponsor changes, dies, or there is a change in the income of the sponsor or the sponsor's spouse, the eligible sponsored non-citizen must report such to MDHS.

*Source:* 7 CFR §273.4(c)(4)

*Revised:* March 2022

***Rule 9.9 Awaiting Verification.***

- A. Until the non-citizen provides verification of the sponsor's income and resources, the sponsored non-citizen is ineligible; however, MDHS must determine the eligibility of the remaining household members.
- B. MDHS must consider the income and resources of the ineligible non-citizen (excluding the deemed income and resources of the non-citizen's sponsor and his or her spouse) in determining the eligibility and benefit level of the remaining household members.
- C. If the sponsored non-citizen refuses to cooperate in providing information or verification, other adult members of the non-citizen's household are responsible for providing the required information or verification.
- D. If a sponsor is responsible for the same household, the entire household will be considered ineligible until the household provides the needed sponsor information or verification.

*Source:* 7 CFR §273.4(c)(5)

*Revised:* March 2022

## **Part 14 Chapter 10: Students**

### ***Rule 10.1 General.***

- A. An individual enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual meets one of the student exemptions in [Rule 10.4 Eligible Student Exemptions](#).
- B. The school defines the number of credit hours to qualify a student as at least half-time.

*Source:* 7 CFR §273.5(a)

*Revised:* March 2022

### ***Rule 10.2 Institution of Post-Secondary Education.***

An Institution of Post-Secondary Education is any public or private educational institution (including distance learning or on-line institutions) which includes:

- A. A business, technical, trade or vocational school that normally requires a high school diploma or equivalency certificate for enrollment; or
- B. A college or university that offers degree programs regardless of whether a high school diploma is required.

*Source:* 7 CFR §273.5(a)

*Revised:* March 2022

### ***Rule 10.3 Enrollment Status.***

A student is considered enrolled on the first day of the school term and such status continues through normal scheduled class periods, vacation, and recess unless he/she:

- A. Graduates;
- B. Becomes suspended or expelled;
- C. Drops out; or
- D. Does not intend to register for the next school term (excluding summer school).

*Source:* 7 CFR §273.5(c)

*Revised:* March 2022

### ***Rule 10.4 Eligible Student Exemptions.***

A student must meet at least one of the following student exemptions to be eligible for SNAP:

- A. *Age* (age 17 or younger or age 50 or older);
- B. *Caring for a Dependent Child*
  - 1. Responsible for the care of a dependent household member under the age of 6;
  - 2. Responsible for the care of a dependent household member at least age 6, but under age 12 if the student does not have adequate childcare to attend class and comply with work requirements; or
  - 3. Full-time student who is a single parent responsible for the care of a dependent child under the age of 12.

- a) This applies only where one natural, adoptive or stepparent is living with the child in the same SNAP household.
- b) It could also apply where a full-time student with parental control over the child is living in the same SNAP household as long as the adult is not residing with a spouse.

*C. Employment*

- 1. The student must be paid for working at least an average of 20 hours a week over the course of a month;
- 2. If self-employed, be employed at least 20 hours a week and earning at least equal to the Federal minimum wage multiplied by 20 hours a week; or
- 3. Hours accrued during academic breaks less than or equal to one month will be excluded from the calculation.

*D. Physically or Mentally Unfit* (students must meet the work registration definition of physically or mentally unfit)

*E. TANF Recipient* (student receives TANF benefits)

*F. Training:* The student is assigned or placed in school through or complying with:

- 1. Workforce Innovation and Opportunity Act (WIOA);
- 2. A program under Section 236 of the Trade Act of 1974, which includes Trade Adjustment Assistance (TAA) and Trade Readjustment Allowances (TRA);
- 3. A program under the Job Training Partnership Act of 1974 (29 U.S.C. 1501, et seq.)
- 4. An employment and training program under 7 CFR § 273.7;
  - a) Enrollment in a career and/or technical education course as defined in the Carl D. Perkins Career and Technical Education Act of 2006 in or through a community college;
- 5. Participates in the TANF Work Program (TWP); or
- 6. An on-the-job-training program where the employer pays wages to the student for the training.

*G. Work Study:* Participating in a state or federally funded work study program.

- 1. The student must:
  - a) Be approved for work study at the time of application;
  - b) Be approved for work study for the school term; and
  - c) Anticipate actually working during that time.
- 2. Exemption Period:
  - a) The exemption will start the month the school term begins or the month the work study is approved, whichever is later.
  - b) Once allowed, the exemption continues until the end of the month in which the school term ends, or it is reported the student refuses a work study assignment; or
  - c) The exemption will not continue when there is a break between terms of a full month or longer unless the student participates in work study during the break.

*Source:* 7 CFR §273.5(b)

*Revised:* November 2024

***Rule 10.5 Income and Resources of an Ineligible Student.***

- A. A student who does not meet one of the required exemptions is determined ineligible for

SNAP and is considered a non-household member.

- B. As such, the income and resources of the ineligible student is not considered available to the household with whom the person resides.
- C. Cash payments by ineligible students to the household are considered income.
- D. If the household shares deductible expenses with the non-household member, only the actual amount paid or contributed by the household will be deducted as a household expense.
- E. If the payments cannot be differentiated, then the expenses will be prorated among those actually paying to the expense and only the household's prorated share will be deducted.
- F. When the earned income of a household member is combined with the earned income of an ineligible student into one wage, the income of the household members will determine by the share due to the household if such share can be identified.
- G. If the household's share cannot be identified, then the earned income among those whom it was intended to cover will be prorated to the household.
- H. Such non-household members will not be included in determining the size of the household when assigning benefit levels; comparing the household's monthly income with eligibility standards; or comparing the household's resources with eligibility limits.

*Source:* 7 CFR §273.5(d); 7 CFR §273.11(d)

*Revised:* March 2022

## **Part 14 Chapter 11: Interaction between General Work Requirements, ABAWD Policy and SNAP E&T**

### ***Rule 11.1 General.***

- A. The general work requirements and the ABAWD work requirements have their own set of exemptions.
- B. The general work requirements apply to non-exempt individuals ages 16 through 59.
- C. Persons aged 60 or older remain exempt from the general work requirements.
- D. The ABAWD time limit and work requirements apply to non-exempt individuals ages 18 to 64.
- E. ABAWDs would be a special subset of individuals who must meet the general work requirements.
- F. ABAWDs are subject to special time limits and must work and/or participate in a work program at least 80 hours per month or average 20 hours a week or participate in and comply with workfare in order to receive SNAP for more than 3 months in a 36- month period unless he or she becomes exempt.
- G. Participation in SNAP E&T (a funded education and skills training program) is one way an individual can meet the 80 hour per month or average 20 hours a week ABAWD work requirement. ABAWDs ages 60 – 64 are prohibited from being required to participate in mandatory E&T.
- H. MDHS has the option to provide qualifying work programs outside of SNAP E&T to ABAWDs.

*Source:* 7 CFR §273.7; 7 CFR §273.24

*Revised:* December 2025

### ***Rule 11.2 MDHS Responsibilities.***

- A. MDHS must register all non-exempt household members for work.
  - 1. Applicants must be allowed to complete a work registration form for each household member required to register for employment.
  - 2. MDHS may also document in the case record that all applicable household members have registered for employment.
- B. During the certification process, MDHS must provide a written notice and an oral explanation of the applicable work requirements for all household members and identify which requirements apply to the respective/appropriate household members.
- C. Such notice and explanation must also be provided when an exempt household member or a new household member becomes subject to the work requirements, and at recertification.
- D. The notice must include the following:
  - 1. An explanation of each work requirement;
  - 2. A list of the individuals who are subject to which work requirements;
  - 3. The exemptions to the work requirements;
  - 4. The steps to request an exemption;
  - 5. The rights and responsibilities of each work requirement;
  - 6. The requirements to maintain eligibility under the applicable work requirements;
  - 7. What actions are needed to remain in compliance;

8. The consequences for failing to comply; and
  9. The steps to initiate a good cause request.
- E. If a person is subject to a mandatory E&T program, the notice must explain the right to receive reimbursements for allowable expenses related to E&T participation up to the state cap.
  - F. If a person is subject to a mandatory E&T program, MDHS must exempt such participation when an individual's allowable expenses exceed what MDHS will reimburse.
  - G. MDHS is responsible for screening every work registrant to determine whether the individual should be referred to an E&T program.
  - H. E&T participants must receive both case management services and at least one E&T component while participating in E&T.
  - I. MDHS must determine the order in which a participant will receive the elements of an E&T program.
  - J. MDHS must explain to participants the next steps for accessing the E&T program. If there is not an appropriate and available opening in an E&T program, MDHS must determine the participant has good cause for failure to comply with the mandatory E&T requirement.
  - K. MDHS may, with approval by FNS, use intake and sanction systems that are compatible with the TANF Work Program. It must be proposed and explained in the State E&T Plan.
  - L. A notice of adverse action must be issued within 10 days after learning of the individual's noncompliance was without good cause. See Rule 12.6 Ineligibility for Failure to Comply.
    1. If an individual complies prior to the end of the advance notice period, MDHS must cancel the adverse action.
    2. If MDHS must issue the notice of adverse action when non-compliance with the E&T program is identified.
  - M. MDHS must design and operate an E&T program that consists of case management services and at least one or more, or a combination of, employment and/or training components.
  - N. MDHS must design its E&T program in consultation with the State workforce development board. Moreover, each component of the E&T program must be delivered through its statewide workforce development system, unless the component is not available locally through that system.
  - O. MDHS must ensure as much as possible that E&T programs are provided for Indians living on reservations.
  - P. If a benefit overissuance is discovered for a month(s) that a mandatory E&T participant has already fulfilled a work component requirement, MDHS must apply the claim recovery procedures as listed below:
    1. If an individual is still subject to a work obligation, MDHS must determine how many extra hours were worked because of the improper benefit and give the participant credit for those extra hours toward future work obligations.
    2. If the workfare or work component requirement does not continue, then MDHS must determine whether the overissuance occurred due to an intentional program violation, an inadvertent household error or an agency error.
  - Q. MDHS must conduct an effective and efficient E&T program or face possible injunctive relief and/or suspension of administrative funds.
  - R. MDHS must ensure that E&T providers understand their duty to determine if an individual is ill suited for a particular E&T component. See Rule 14.14 E&T Provider Determinations.

- S. MDHS must annually submit an E&T Plan to its appropriate FNS Regional Office no later than 45 days before the start of the Federal fiscal year.
- T. MDHS must submit required reports regarding work requirements to FNS.

*Source:* 7 CFR §272.2(d)-(e); 7 CFR §273.7(c) and (m)(6)(v); 7 CFR §276.1

*Revised:* March 2022

## **Part 14 Chapter 12: General Work Requirements**

### ***Rule 12.1 General Rule.***

- A. As a condition of eligibility, each non-exempt household member must comply with the following SNAP work requirements:
  - 1. Register for work at the time of application and every 12 months after initial registration;
  - 2. Participate in a workfare program if assigned by MDHS;
  - 3. Participate in a SNAP Employment & Training (E&T) program if assigned by MDHS;
  - 4. Provide MDHS or its designee with sufficient information regarding employment status or availability of work;
  - 5. Report to an employer that was referred by MDHS or its designee if the potential employment meets the suitability requirements;
  - 6. Accept suitable employment for a wage that is equal to or higher than the Federal or State minimum wage;
  - 7. Do not voluntarily quit a job of 30 or more hours or reduce hours to less than 30 hours per week without good cause.
- B. MDHS will determine whether an individual is complying with SNAP work requirements. Determining compliance must be comparable to determining compliance with the TANF Work Program (TWP).

*Source:* 7 CFR §273.7(a)

*Revised:* March 2022

### ***Rule 12.2 Strikers.***

Eligible strikers are subject to SNAP work requirements unless he or she is exempt.

*Source:* 7 CFR §273.7(a)(4)

*Revised:* March 2022

### ***Rule 12.3 SSI Households.***

Household members applying for SSI will have the SNAP work requirements waived until he or she is determined eligible for SSI and becomes exempt from SNAP work requirements, or until they are determined ineligible for SSI, at which time their exemptions from SNAP work requirements will be reevaluated.

*Source:* 7 CFR §273.7(a)(6)

*Revised:* March 2022

### ***Rule 12.4 Exemptions to General Work Requirements.***

Only the following individuals are exempt from the general work requirements:

- A. An individual younger than 16 years of age or an individual 60 years of age or older.
  - 1. A person 16 to 17 will also be exempt if he or she is:

- a) Not the head of household;
  - b) Attending school; or
  - c) Enrolled in a SNAP E&T program on at least a half-time basis.
- 2. If an individual's 16<sup>th</sup> birthday falls within a certification period, then that individual must fulfill the work registration requirement as part of the next scheduled recertification process unless the individual qualifies for another exemption.
- 3. Individuals aged 60 or older remain exempt from the general work requirements, and are prohibited from being required to participate in mandatory E&T.
- B. An individual mentally or physically unfit for employment.
  - 1. MDHS will determine such physical and mental fitness.
  - 2. Such determination must be comparable with the TWP.
- C. An individual subject to and complying with any work requirements under Title IV of the Social Security Act, including the TWP.
- D. A parent or other household member who is responsible for the care of a dependent child under 6 years old or an incapacitated person. If the child has his or her 6<sup>th</sup> birthday within a certification period, then the parent or other household member responsible for the care of such child must fulfill the work registration requirement as part of the next scheduled recertification process unless the individual qualifies for another exemption.
- E. A regular participant in a drug or alcoholic treatment and rehabilitation center.
- F. A person receiving unemployment compensation.
  - 1. A person who has applied for, but not received, unemployment compensation is also exempt if such person is complying with the work requirements that are part of the Federal-State unemployment compensation application process.
  - 2. If the exemption is questionable, MDHS will be responsible for verifying the exemption.
- G. A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the Federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers who are under a contract to begin work within 30 days.
- H. A student enrolled at least half-time in any recognized school, training program or institution of higher education.
  - 1. The exemption will remain as long as the student is enrolled as defined in [Rule 10.3 Enrollment Status](#).
  - 2. The student will remain exempt during normal class attendance and during vacations and recesses.
  - 3. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), MDHS must register the individual for work requirements unless the individual qualifies for another exemption.

Source: 7 CFR §273.7(b)

Revised: December 2025

***Rule 12.5 Losing Exemption Status Due to Change in Circumstances.***

- A. A person losing exemption status because of any change in circumstances that becomes known to MDHS during the certification period must register for employment when the

change becomes known to the agency.

- B. A person losing exemption status due to changes which do not have to be reported during the certification period must fulfill the work registration requirement as part of the next scheduled recertification (unless otherwise exempt).

Source: 7 CFR §273.7(b)(2)

Revised: March 2022

**Rule 12.6 Ineligibility for Failure to Comply.**

- A. A nonexempt individual who refuses or fails without good cause (as defined in Rule 12.12 Good Cause) to comply with general SNAP work requirements is ineligible to participate in SNAP and will be considered an ineligible household member.
- B. MDHS must determine if good cause exists once it learns of the individual's noncompliance.
- C. MDHS must provide an individual a notice of adverse action within 10 days of establishing that noncompliance was without good cause.
  - 1. The notice of adverse action must contain the particular noncompliance act and the proposed disqualification period.
  - 2. The notice must specify what actions can be taken to avoid disqualification prior to the beginning of the disqualification period.
  - 3. The notice must also state the individual may reapply, if appropriate, at the end of the disqualification period.

Source: 7 CFR §273.7(f)(1)

Revised: March 2022

**Rule 12.7 Failure to Comply with TWP or Unemployment Compensation Work Program.**

- A. An individual exempt from SNAP work requirements because he or she is subject to TWP or unemployment compensation work program who fails to comply with such programs are treated as if he or she failed to comply with SNAP work requirements.
- B. If the SNAP household reports a loss or denial of TANF or unemployment compensation benefits, MDHS must determine whether the loss or denial resulted from TWP or unemployment compensation work requirements.
- C. If MDHS determines that the loss or denial of TANF or unemployment compensation benefits is due to failure to comply without good cause, the individual (or household if applicable-see Rule 12.9 Household Ineligibility) will be disqualified in accordance with Rule 12.8 Disqualification Periods.
- D. However, if the individual meets one of the other general work requirement exemptions, then the individual (or household if applicable) will not be disqualified.

Source: 7 CFR §273.7(f)(7)

Revised: March 2022

**Rule 12.8 Disqualification Periods.**

- A. MDHS must submit a disqualification plan detailing its disqualification policy as part of the annual State Plan of Operations.

- B. The disqualification will begin on the first month following the expiration of the 10-day adverse notice period unless a fair hearing is requested. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.
- C. An E&T disqualification may be imposed after the end of a certification period.
- D. The following disqualification periods will be imposed for the noncompliant individual:
  - 1. First violation: three months and compliance;
  - 2. Second violation: six months and compliance; and
  - 3. Third violation: the individual is permanently disqualified. However, the remaining household member will be subject to a six-month disqualification period.

*Source:* 7 CFR §273.7(f)(1)-(4); 7 CFR §272.2(d)(1)(xiv); Miss. Code Ann. §43-12-37  
*Revised:* March 2022

***Rule 12.9 Household Ineligibility.***

- A. If the individual who becomes ineligible due to disqualification is the head of household, MDHS will disqualify the entire household from SNAP participation.
- B. Regarding failure to comply with the work requirements, the head of household will be the principal wage earner unless the household has selected an adult parent of children.
  - 1. The principal wage earner is the household member who is the greatest source of earned income in the two months prior to the month of the violation.
  - 2. This applies only if the employment is 20 hours or more per week or provides weekly earnings at least equivalent to the Federal minimum wage multiplied by 20 hours.
  - 3. If no principal source of earned income in the household, then the member who is documented as such in the case record will be considered the head of household for the period of ineligibility.
- C. MDHS will disqualify the household for a period that does not exceed the lesser of:
  - 1. The duration of the ineligibility of the noncompliant individual; or
  - 2. 180 days.
- D. If the head of household joins another household as the head of household, then that household will be disqualified for the remaining period of ineligibility.
- E. A disqualified household may reestablish eligibility if:
  - 1. The head of household leaves the household;
  - 2. A new and eligible individual joins the household as the head of household; or
  - 3. The head of household becomes exempt from work requirements during the disqualification period.

*Source:* 7 CFR §273.7(f)(5); Miss. Code Ann. §43-12-37

*Revised:* March 2022

***Rule 12.10 Fair Hearings.***

- A. MDHS provides SNAP applicants and/or recipients an opportunity to appeal adverse administrative decisions and provide supporting documentation challenging the adverse or

noncompliant action. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.

- B. Each individual or household has the right to request a fair hearing to appeal:
  - 1. A denial, reduction, or termination of benefits due to a determination of nonexempt status; or
  - 2. A MDHS determination of failure to comply with SNAP work requirements.
- C. MDHS or its designee operating the relevant component or service of the E&T program, must be given sufficient advance notice to allow the attendance of a representative or ensure a representative of the appropriate agency be available via phone during the hearing.
- D. A household must be permitted to examine its E&T program casefile, excluding information that MDHS deems confidential, at a reasonable time prior to the fair hearing.
- E. Confidential information not released to a household may not be used by either party at the fair hearing.
- F. The results of a fair hearing are binding on MDHS.

*Source:* 7 CFR §273.7(f)(6)

*Revised:* March 2022

***Rule 12.11 Suitable Employment.***

- A. Employment will be considered suitable unless:
  - 1. The wage offered is less than the highest of the applicable Federal minimum wage, the applicable State minimum wage or 80% of the Federal minimum wage if neither the Federal nor the State minimum wage is applicable.
  - 2. The employment is offered on a piece-rate basis (the worker is paid a fixed piece rate for each item produced regardless of the time involved) and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages as specified above.
  - 3. The household member, as a condition of employment or continuing employment, must join, resign from or refrain from joining any legitimate labor organization.
  - 4. The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under the Taft-Hartley Act or unless an injunction has been issued under section 10 of the Railway Labor Act.
- B. All other employment will be considered suitable unless the household member involved can demonstrate that:
  - 1. The risk to health and safety is unreasonable;
  - 2. The member is physically or mentally unfit to perform the employment as documented by medical evidence or reliable information from other sources;
  - 3. The employment offered within the first 30 days of registration is not in the member's major field of experience;
  - 4. The distance from the member's home to the place of employment is unreasonable considering the expected wage and time and cost of commuting; or
    - a) If daily commuting time exceeds 2 hours per day, not including transporting a child to and from a childcare facility, then it will be considered unsuitable.
    - b) If the distance to the place of employment prevents walking and there is no public or private transportation available to transport the individual to the jobsite, then it will also be considered unsuitable.

5. The working hours or nature of employment interferes with the member's religious observance, convictions or beliefs.

Source: 7 CFR §273.7(h)

Revised: March 2022

**Rule 12.12 Good Cause.**

- A. MDHS is responsible for determining good cause when a SNAP recipient fails or refuses to comply with a SNAP work requirement.
- B. MDHS must consider the individual member's facts and circumstances as well as information from the employer when making a good cause determination.
- C. Good cause includes circumstances beyond the individual's control such as, but not limited to:
  1. Illness;
  2. Illness of another household member requiring the member's presence;
  3. A household emergency;
  4. Transportation is unavailable; or
  5. The lack of adequate childcare for children age six, but under age 12.
- D. Good cause for leaving employment includes:
  1. Resigning from unsuitable employment as described in Rule 12.11 Suitable Employment;
  2. Employer discrimination based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
  3. Working without getting paid on schedule;
  4. Acceptance of employment or enrollment by the individual in any recognized school, training program or institution of higher education on at least a half time basis that requires the individual to leave employment;
  5. Resignation by individuals under the age of 60 recognized by the employer as retirement;
  6. Enrollment by the individual of at least half-time in any recognized school, training program or institution of higher education in another county that requires the household to move and therefore requires the individual to leave employment;
  7. Leaving one job to take another job involving at least 30 hours a week or weekly earnings equivalent to 30 hours a week at federal minimum wage; or
  8. Leaving a job based on patterns of work, meaning workers frequently move from one employer to another, such as migrant farm labor or construction work.
- E. If there is not an appropriate and available opening in an E&T program, MDHS must determine that the participant has good cause for failure to comply with the mandatory E&T requirement.
- F. Good cause for circumstances where there is not an appropriate or available opening within the E&T program only applies to the requirement to participate in E&T and does not provide good cause to ABAWDs who fail to fulfill the ABAWD work requirement.
- G. MDHS must request verification of household statements regarding good cause that are questionable. The household is primarily responsible for providing such verification.

Source: 7 CFR §273.7(c)(2); 7 CFR §273.7(i)

Revised: March 2022

***Rule 12.13 Voluntary Quit and Reduction of Work Effort.***

- A. An individual is ineligible to participate in SNAP if the individual within 60 days prior to the date of application either:
  - 1. Voluntarily and without good cause quits a job of 30 hours a week or more; or
  - 2. Reduces his or her work effort voluntarily and without good cause and, after the reduction, is working less than 30 hours per week.
- B. MDHS must determine whether a voluntary quit or reduction in hours occurred without good cause when a household files an application or when a household reports a loss of a source of income or a reduction in household earnings.
- C. Changes in employment status that result from involuntarily reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of an employer will not be considered a voluntary quit.
- D. An employee of the Federal, State or local government who is dismissed from that job because of engaging in a strike against the government will be considered to have voluntarily quit his or her job without good cause.
- E. If an individual quits a job, secures new employment at comparable wages or hours and then is laid off or, through no fault of his or her own, loses the new job, the earlier quit will not be considered as a basis for disqualification.
- F. If the individual reduces his or her work hours to less than 30 a week but continues to earn weekly wages that exceed the Federal minimum wage multiplied by 30 hours, then that individual will remain exempt from SNAP work requirements.
- G. If the voluntarily quit or reduction in work effort is without good cause, the individual will be disqualified.
- H. MDHS must provide the disqualified individual with a notice of adverse action within 10 days of the voluntary quit or reduction in work effort determination. See [\*Rule 12.6 Ineligibility for Failure to Comply\*](#) and [\*Rule 11.2 MDHS Responsibilities\*](#).
- I. The notice of adverse action must contain the particular act of noncompliance committed, the proposed period of ineligibility, and the actions that must be taken to avoid the disqualification. It must also specify that the disqualified individual, if otherwise eligible, may resume participation at the end of the disqualification period if MDHS determines the individual to be in compliance with SNAP work requirements.
- J. If the disqualified individual is the head of household, MDHS will also disqualify the entire household and provide the household with a notice of denial.
- K. Each individual has a right to a fair hearing to appeal a denial or termination of benefits due to a determination that the individual voluntarily quit his or her job or reduced his or her work effort without good cause. MDHS provides SNAP applicants and/or recipients an opportunity to appeal adverse administrative decisions and provide supporting documentation challenging the adverse or noncompliant action. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.

*Source: 7 CFR §273.7(j)*

*Revised: March 2022*

***Rule 12.14 Ending Disqualification.***

- A. Except in cases of permanent disqualification, participation may resume if the disqualified individual applies after the end of the disqualification period and is determined to be in compliance with the work requirements.
- B. A disqualified individual may resume participation during the disqualification period, if otherwise eligible, by becoming exempt from the work requirements.

*Source:* 7 CFR §273.7(g)

*Revised:* March 2022

***Rule 12.15 Optional Workfare Program.***

- A. In workfare, nonexempt SNAP recipients may be required to perform work in a public service capacity as a condition of eligibility to receive normal benefit allotments.
- B. The goal of workfare is to improve employability and move individuals into regular employment.
- C. A SNAP workfare program may be operated as an E&T component, or it may be operated independently.
- D. If the workfare program is part of an E&T program, it must be included in the E&T State Plan. If it is not part of an E&T program, then MDHS must submit an Optional Workfare Plan.
- E. MDHS may implement a workfare program statewide or in only some areas of the state as detailed in its E&T plan.
- F. Workfare plans must be approved by FNS and any changes to the plan must be submitted to FNS through amendments.
- G. MDHS is responsible for monitoring the agency's compliance with its workfare plan.
- H. The operating agency as detailed in the workfare plan is responsible for:
  - 1. Establishing and monitoring job sites;
  - 2. Interviewing and assessing eligible recipients;
  - 3. Assigning eligible recipients to the job sites;
  - 4. Monitoring participant compliance; and
  - 5. Making initial determinations of good cause for household noncompliance.
- I. SNAP recipients must only be subject to one SNAP workfare program.
- J. Workfare job sites may only be located in public or private nonprofit agencies.
- K. The operating agency must notify MDHS of noncompliance without good cause by an individual with a workfare obligation within 5 days of the determination so MDHS can make the final determination.
- L. MDHS must notify operating agencies of workfare eligible households. The notice must include the following:
  - 1. Case name;
  - 2. Case number;
  - 3. Names of workfare eligible household members;
  - 4. Address of the household;
  - 5. Certification period; and
  - 6. Indication of any part-time work.

7. The hours of obligation if MDHS is calculating those hours or if the operating agency is calculating the hours to be worked, include the monthly allotment amount.
- M. Recipients exempt from SNAP work requirements due to complying with the TWP are subject to workfare if he or she is currently involved less than 20 hours a week in TANF work activities.
- N. Recipients exempt from SNAP work requirements due to receiving or applying for unemployment compensation are subject to workfare.
  1. If such workfare recipient is unable to report for job scheduling, appear for scheduled workfare employment or complete the entire workfare obligation due to compliance with unemployment compensation, that inability will not be considered as refusal to accept workfare employment.
  2. If the workfare participant informs the agency of a time conflict, then the operating agency must reschedule the missed activity if possible. However, if it cannot be completed before the end of the month, that must not be considered as a reason for disqualification.
- O. The maximum total of monthly hours of work required of a household is determined by dividing the household's benefit allotment by the Federal or State minimum wage, whichever is higher.
- P. A participant may be required to work a maximum of 30 hours per week.
- Q. Workfare participants similarly employed with non-workfare employees must experience the same working conditions.
- R. Workfare jobs must not be related to any political activities.
- S. The operating agency can establish a job search period up to 30 days following certification prior to making a workfare assignment where potential participants are expected to look for a job.
- T. The operating agency must reimburse participants for transportation and other costs that are reasonably necessary and related to participation in the program.

*Source: 7 CFR §273.7(m)*

*Revised: March 2022*

***Rule 12.16 Comparable Workfare Programs.***

- A. MDHS can establish comparable workfare programs to provide ABAWDs a way to fulfill the work requirements.
- B. The following conditions must be met in order to establish a comparable workfare program:
  1. The maximum number of hours worked weekly in a comparable workfare activity, combined with any other hours worked during the week for compensation (in cash or in kind) must not exceed 30;
  2. Participants must not receive a fourth month of SNAP benefits without having secured a workfare position or without having met their workfare obligation;
  3. MDHS must maintain records to support issuing benefits beyond the third month of eligibility; and
  4. MDHS must provide a description of the program to the appropriate FNS Regional office.

*Source:* 7 CFR §273.7(m)(9)

*Revised:* March 2022

***Rule 12.17 Workforce Partnerships.***

- A. Workforce partnerships are programs operated by either:
  - 1. A private employer;
  - 2. An organization representing private employers;
  - 3. A nonprofit organization providing services relating to workforce development; or
  - 4. An entity identified as an eligible provider of training services under section 122(d) of WIOA.
- B. Workforce partnerships could include multi-State programs.
- C. MDHS may use a workforce partnership to supplement, not supplant, its E&T program.
- D. MDHS cannot require any SNAP household member to participate in a workforce partnership.

*Source:* 7 CFR §273.7(n)

*Revised:* March 2022

## **Part 14 Chapter 13: Able-Bodied Adults without Dependents (ABAWDs)**

### ***Rule 13.1 General Rule.***

- A. An able-bodied adult without dependents (ABAWD) is an individual age 18 but under 65 years old without dependent(s) under age 14.
- B. SNAP eligibility for ABAWDs is limited to (three) 3 countable months during any 3-year (36 months) period.
- C. An ABAWD meeting the work requirements, or an exemption is not subject to the time limits.
- D. Individuals may be eligible for up to (three) 3 additional months.
- E. MDHS must inform all ABAWDs of the ABAWD work requirements and time limits orally and in writing.
- F. ABAWDs ages 60 – 64 are subject to meeting the time limit, unless they meet another exception. *See list under Rule 13.6.*

*Source:* 7 CFR §273.24(b)-(c)

*Revised:* December 2025

### ***Rule 13.2 ABAWD Work Requirements.***

An ABAWD will comply with the work requirement by either:

- A. Working 20 hours per week or averaged monthly to 80 hours a month;
  - 1. Work in exchange for money;
  - 2. Work in exchange for goods or services, known as “in kind” work;
  - 3. Unpaid work as verified by MDHS; or
  - 4. Any combination of the above.
- B. Participating and complying with the requirements of a work program 20 hours per week as determined by MDHS;
- C. Combining working and participating in a work program for a total of 20 hours per week as determined by MDHS; or
- D. Participating and complying with a workfare program.

*Source:* 7 CFR §273.24(a)(1) -(2)

*Revised:* March 2022

### ***Rule 13.3 Qualifying ABAWD Work Programs.***

An ABAWD qualifying work program can include either:

- A. A program under Title 1 of the Workforce Innovation and Opportunity Act (WIOA);
  - 1. The Adult program;
  - 2. The Dislocated Worker program; and
  - 3. The Youth program.
- B. A program under section 236 of the Trade Act of 1974;
- C. An employment and training program operated or supervised by MDHS;
  - 1. This includes a SNAP E&T program excluding any job search, supervised job search or job search training program.
  - 2. A program can contain job search, supervised job search or a job search training program as subsidiary activities if such activity is less than half of the work

requirement.

3. If such activity is less than half the requirement, participation in job search, supervised job search or job search training will fulfill the ABAWD work requirement.
- D. Any program of employment and training for veterans that is operated by the Department of Labor or the Department of Veterans Affairs; or
- E. A workforce partnership.

*Source:* 7 CFR §273.24(a)(3)

*Revised:* July 2023

***Rule 13.4 Countable Months.***

Countable months are considered months during which an individual receives SNAP benefits for the full benefit month. A countable month will NOT be:

- A. When an individual is exempt for meeting the work requirements;
- B. When an individual is protected by a waiver;
- C. When an individual is fulfilling the work requirements;
- D. When an individual is receiving prorated benefits; or
- E. In the month an individual is notified of a provider determination.

*Source:* 7 CFR §273.24(b)(1)

*Revised:* March 2022

***Rule 13.5 Measuring the Three-Year Period.***

- A. MDHS measures the three-year period using a fixed clock that begins on the individual's date of initial application.
- B. The three initial months are not required to be consecutive.

*Source:* 7 CFR §273.24(b)(3)

*Revised:* March 2022

***Rule 13.6 Exemptions to the ABAWD Work Requirements.***

An individual is not subject to the ABAWD time limits if he or she is:

- A. Under 18 or age 65 or older;
- B. Determined by MDHS to be physically or mentally unfit for employment;
- C. a parent (natural, adoptive, or step) of a household member under age 14, regardless of that member's eligibility status;
- D. residing in a household where a household member is under age 14, regardless of that member's eligibility status;
- E. Pregnant;
- F. Indian;
- G. Urban Indian;
- H. California Indian
- I. Otherwise exempt from the general SNAP work requirements. Persons aged 60 or older are exempt from the general work requirements.

Source: 7 CFR §273.24(c)

Revised: December 2025

**Rule 13.7 Medical Certification of Unfitness for Employment.**

MDHS will consider an individual to be medically certified as physically or mentally unfit for employment if he or she:

- A. Receives temporary or permanent disability benefits issued by the government or private sources;
- B. Is obviously mentally or physically unfit for employment as determined by MDHS;
- C. If the unfitness is not obvious, a statement from a physician, physician's assistant, nurse, nurse practitioner, licensed or certified psychologist, social worker or other medical professional must be provided to MDHS that indicates that the individual is physically or mentally unfit for employment.

Source: 7 CFR §273.24(c)(2)

Revised: March 2022

**Rule 13.8 Good Cause.**

- A. MDHS will determine whether an individual has fulfilled the work requirement.
- B. The individual will be considered as fulfilling the work requirement even though he or she missed some hours for good cause if the absence from work, the work program or the workfare program is temporary.
- C. Good cause will be circumstances beyond the individual's control such as, but not limited to:
  - 1. Illness;
  - 2. Illness of another household member requiring the member's presence;
  - 3. A household emergency; or
  - 4. Transportation is unavailable.
- D. Good cause to ABAWDs for failure or refusal to participate in a mandatory SNAP E&T program does not provide good cause to ABAWDs who fail to fulfill the ABAWD work requirement.

Source: 7 CFR §273.24(b)(2)

Revised: March 2022

**Rule 13.9 Reporting Changes.**

ABAWD households must report a change in work hours below 20 hours per week, averaged monthly.

Source: 7 CFR §273.24(b)(7)

Revised: March 2022

**Rule 13.10 Regaining Eligibility.**

- A. Individuals denied eligibility under Rule 12.1 General Rule will regain eligibility during any 30 consecutive days if he or she:

1. Worked 80 or more hours;
  2. Participated in and complied with the work program requirements for 80 or more hours;
  3. A combination of work and participation in a work program for a total of 80 hours;
  4. Participated in and complied with a workfare program;
  5. Provides verification that he or she will meet the ABAWD work requirements within 30 consecutive days from the date of application as determined by MDHS; or
  6. Becomes exempt.
- B. Benefits for individuals regaining eligibility will be calculated as follows:
1. For individuals working, participating in a work program or a combination of work and participation in a work program, MDHS will prorate benefits from the day the 80 hours are completed or the date of application; or
  2. For individuals participating in a workfare program and the workfare obligation is based on an estimated monthly benefit prorated back to the date of application, will have their benefits prorated back to the date of application.
- C. There is no limit on the number of times an individual may regain eligibility and subsequently maintaining eligibility by meeting the work requirement.

*Source:* 7 CFR §273.24(d)

*Revised:* March 2022

***Rule 13.11 Additional Three-Month Eligibility (Bonus Months).***

- A. ABAWDs who regain eligibility by meeting an ABAWD work requirement and who are no longer fulfilling the work requirement may be entitled to three additional countable months.
- B. The additional months must be used in consecutive order.
- C. The consecutive months will begin when the individual notifies MDHS that he or she is no longer meeting the ABAWD work requirements.
- D. An individual is not permitted to receive benefits under this provision more than once in any three-year period.

*Source:* 7 CFR §273.24(e)

*Revised:* March 2022

***Rule 13.12 Waivers.***

MDHS may seek a waiver of the ABAWD time limits with the Governor's approval only during a formal state or federal declaration of a natural disaster.

*Source:* 7 CFR §273.24(f) and Miss Code Ann. §43-12-19

*Revised:* March 2022

***Rule 13.13 Discretionary Exemptions (8%).***

- A. MDHS is allotted a number of exemptions equal to 8 percent of the state's caseload that is ineligible for SNAP due to the ABAWD time limit.
- B. FNS will calculate and issue a new allotment each federal fiscal year.

- C. Each discretionary exemption extends eligibility to one ABAWD for one month.
- D. MDHS has discretion as how to use the exemptions.
- E. When the county has no available workfare sites or meaningful E&T activities and the participant is unable to self-initiate either a workfare site or an activity that will meet the monthly work requirements, a 8% exemption may be implemented.
- F. MDHS must track the number of exemptions used monthly and report such number to FNS.

*Source:* 7 CFR §273.24(g); 7 USCA§2015(6)(0)(6)

*Revised:* July 2023

***Rule 13.14 Adjustments.***

- A. FNS will adjust the number of exemptions for MDHS if the number of SNAP recipients varies from MDHS' caseload by more than 10 percent.
- B. If MDHS does not use all of its exemptions by the end of the fiscal year, then FNS will increase the number of exemptions allocated for use in the subsequent year.
- C. If MDHS uses more than its exemptions by the end of the fiscal year, then FNS will decrease the number of exemptions allocated for use in the subsequent year.

*Source:* 7 CFR §273.24(h)

*Revised:* March 2022

## Part 14 Chapter 14: E&T Work Requirements

### ***Rule 14.1 E&T Work Requirement.***

- A. Work Requirements
  - 1. As a condition of eligibility for SNAP benefits, each household member who is not exempt must comply with the following SNAP work requirements:
    - a) Register for work or be registered at the time of application and every 12 months after initial registration.
    - b) Participate in a SNAP Employment and Training (E&T) program, if required by the agency;
    - c) Participate in a workfare program, if required by the agency;
    - d) Provide the agency with sufficient information regarding employment status or availability for work;
    - e) Report to an employer to whom referred by the agency if the potential employment meets the suitability requirements;
    - f) Accept a bona fide offer of suitable employment, at a wage equal to the higher of the Federal or State minimum wage;
    - g) Do not voluntarily and without good cause quit a job of 30 or more hours a week or reduce work effort to less than 30 hours a week.
- B. Strikers determined eligible are subject to work registration requirements unless otherwise exempt.
- C. Household members who have applied for SSI and for SNAP benefits will have SNAP work requirements waived until they are determined eligible for SSI and become exempt from SNAP work requirements, or until they are determined ineligible for SSI, at which time their exemption from SNAP work requirements will be reevaluated.

*Source:* 7 CFR §273.7(a)(1)

*Revised:* March 2022

### ***Rule 14.2 Exemptions from E&T Work Requirements.***

The following persons are exempt from SNAP work requirements:

- A. A person younger than 16 years of age or a person 60 years of age or older. A person age 16 or 17 who is not the head of a household or who is attending school, or is enrolled in an employment training program, on at least a half-time basis, is also exempt. If the person turns 16 (or 18 under the preceding sentence) during a certification period, the agency must register the person as part of the next scheduled recertification process, unless the person qualifies for another exemption. Persons aged 60 or older remain exempt from the general work requirements, and are prohibited from being required to participate in mandatory E&T.
- B. A person physically or mentally unfit for employment. If a mental or physical unfitness is claimed and the unfitness is not evident, verification will be required. Receipt of disability benefits generally is sufficient evidence of the disability; however, if the payment is issued for a partial or marginal disability, as is sometimes the case with VA benefits, for example, it may mean that the participant would not be suitable for certain types of jobs.
- C. A person subject to and complying with any work requirement under title IV of the Social Security Act. If the exemption claimed is questionable, the agency is responsible for verifying the exemption.

- D. A parent or other household member responsible for the care of a dependent child under 6 or an incapacitated person. If the child has his or her 6th birthday during a certification period, the agency must work register the individual responsible for the care of the child as part of the next scheduled recertification process, unless the individual qualifies for another exemption.
- E. A person receiving unemployment compensation. A person who has applied for, but is not yet receiving, unemployment compensation is also exempt if that person is complying with work requirements that are part of the Federal-State unemployment compensation application process. If the exemption claimed is questionable, the agency is responsible for verifying the exemption with the appropriate Employment Security agency.
- F. A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.
- G. An employed or self-employed person working a minimum of 30 hours weekly or earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days, whereby working 30 hours per week or which produces earnings equivalent to the Federal minimum wage multiplied by 30 hours. There may be instances when an individual's hours fluctuate so that, although that individual does work an average of 30 hours per week, he/she may not work 30 hours each and every week. The agency may obtain an average of hours worked over a period of time not to exceed either the length of the certification period or the 12-month work registration period, in order to determine if a household member qualifies for this exemption. An employed or self-employed person who voluntarily and without good cause reduces his or her work effort and, after the reduction, is working less than 30 hours per week, is ineligible to participate in SNAP.
- H. A student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements. A student will remain exempt during normal periods of class attendance, vacation, and recess. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), the agency must work register the individual, unless the individual qualifies for another exemption.

*Source:* 7 CFR §273.7(b)(1)

*Revised:* March 2022

### ***Rule 14.3 Agency Responsibility.***

The agency must register for work each household member not exempted. Household members are considered to have registered when the SNAP application is submitted to the agency.

- A. During the certification process, the agency must provide a written notice and oral explanation to the household of all applicable work requirements for all members of the household and identify which household member is subject to work requirements. These work requirements include the general work requirement, mandatory E&T, and the ABAWD work requirement. This written notice and oral explanation must be provided to the household when a previously exempt household member or new household member becomes subject to the work requirements, and at recertification.

- B. The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including:
1. An explanation of the work requirement;
  2. Exemptions from the work requirement;
  3. Identify which individuals are subject to which work requirement;
  4. An explanation of the process to request an exemption (including contact information to request an exemption);
  5. The rights and responsibilities of each applicable work requirement;
  6. What is required to maintain eligibility under the work requirement;
  7. Pertinent dates by which an individual must take any actions to remain in compliance with the work requirement;
  8. The consequences for failure to comply with the work requirement;
  9. An explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and
  10. Any other information the agency believes would assist the household members with compliance.
- C. If an individual is subject to mandatory E&T, the written notice must also explain the individual's right to receive:
1. Participant reimbursements for allowable expenses related to participation in E&T, and
  2. The responsibility of the agency to exempt the individual from the requirement to participate in E&T if the individual's allowable expenses exceed what the agency will reimburse.
- D. The agency is responsible for screening each work registrant to determine whether or not it is appropriate, to refer the individual to an E&T program. The agency must refer participants to E&T, but in all cases E&T participants must receive both:
1. Case management services, and
  2. At least one E&T component while participating in E&T.
- E. After learning of an individual's non-compliance with SNAP work requirements, the agency must issue a notice of adverse action to the individual, or to the household if appropriate, within 10 days of establishing that the noncompliance was without good cause.
- F. Mandatory E&T participants who have received a provider determination (see paragraph 273.7 (c)(18)(i)) shall not be subject to disqualification for refusal without good cause to participate in a mandatory E&T program until after the agency has taken one of the four actions listed later in this chapter under Provider Determination (see paragraph 273.7 (c)(18)(i)), and the individual subsequently refuses to participate without good cause.

*Source:* 7 CFR §273.7(c)(1)

*Revised:* March 2022

#### ***Rule 14.4 Employment and Training Programs.***

- A. Work registrants not otherwise exempted are subject to the E&T program participation requirements. Such individuals are referred to as E&T mandatory participants or mandatory E&T participants. Individuals are considered to be meeting the ABAWD work requirement if he or she is working 80 hours per month or an average of 20 hours per week.

Individuals working less than the required number of hours must be referred to E&T and have their work hours coupled with another qualifying activity in order to meet the work requirement. Failure to comply without good cause with the requirements will result in disqualification. Mandatory E&T participants who receive an E&T provider determination shall **not** be subject to disqualification for refusal without good cause to participate in mandatory E&T.

B. An assessment must be completed to capture an individual's educational background, current/past employment history, employment skills, level of work readiness and intermediate goals needed to achieve long-term employment. The assessment may uncover circumstances that would make an individual exempt from a work requirement or provide good cause for non-compliance.

C. Case Management.

1. The E&T program must provide case management services such as:

- a) Comprehensive intake assessments,
- b) Individualized service plans,
- c) Progress monitoring, and/or
- d) Coordination with service providers which are provided to all E&T participants.

2. The purpose of case management services shall be to:

- a) Guide the participant towards appropriate E&T components and activities based on the participant's needs and interests,
- b) Support the participant in the E&T program, and
- c) To provide activities and resources that help the participant achieve program goals.

3. Case management services and activities must directly support an individual's participation in the E&T program.

4. The frequency and most efficient delivery of case management services is determined by the need of the participant.

5. Case management may include referrals to activities and supports outside of the E&T program, but the agency can only use E&T funds for allowable components, activities, and participant reimbursements.

6. The provision of case management services must not be an impediment to the participant's successful participation in E&T.

7. In addition, the agency may determine a mandatory E&T participant may meet an exemption from the requirement to participate in an E&T program, may have good cause for non-compliance with a work requirement, or both.

8. If the agency is unable to identify an appropriate and available opening in an E&T component for a mandatory E&T participant, the agency must enter an exemption.

D. Components.

Allowable Employment and Training Activities in which an individual referred to E&T will be required to participate in are:

1. Workfare
2. Comparable Workfare
3. Education
4. Work
5. Job Retention
6. Job Search Training

Source: 7 CFR §273.7(e)

Revised: July 2023

**Rule 14.5 Time Spent in an Employment and Training Program.**

- A. The time spent by the members of a household collectively each month in an E&T work program combined with any hours worked that month in a workfare program must not exceed the number of hours equal to the household's allotment for that month divided by the higher of the applicable Federal or State minimum wage. The total hours of participation in an E&T program for any household member individually in any month, together with any hours worked in a workfare program and any hours worked for compensation (in cash or in kind), must not exceed 120.

Source: 7 CFR § 273.7(e)(4)(ii)

Revised: March 2022

**Rule 14.6 Voluntary Participation.**

- A. Individuals exempt from work requirements may elect to participate in an E&T program to access E&T services.
- B. A volunteer participant must not be disqualified in an E&T program for failure to comply with E&T requirements.

Source: 7 CFR §273.7(e)(5)

Revised: March 2022

**Rule 14.7 Failure to Comply.**

- A. A nonexempt individual who refuses or fails without good cause to comply with SNAP work requirements or E&T requirements is ineligible to participate in SNAP and will be considered an ineligible household member.
  - 1. The agency must determine whether good cause for the noncompliance exists.
  - 2. The notice of adverse action must contain the particular act of noncompliance committed and the proposed period of disqualification. The notice must also specify that the individual may, if appropriate, reapply at the end of the disqualification period. Information must be included on or with the notice describing the action that can be taken to avoid the disqualification before the disqualification period begins.
  - 3. An E&T disqualification may be imposed after the end of a certification period.

Source: 7 CFR §273.7(f)(7)

Revised: March 2022

**Rule 14.8 Disqualification Periods.**

- A. Disqualification periods will be imposed for failure to comply without good cause with the work registration/E&T requirements.
- B. The following disqualification periods will be imposed:
  - 1. For the first occurrence of noncompliance, the individual will be disqualified for:

- a) Three months and compliance
- 2. For the second occurrence:
  - a) Six months and compliance
- 3. For the third occurrence:
  - a) Permanently

*Source:* 7 CFR §273.7(f)(2)

*Revised:* March 2022

***Rule 14.9 Household Ineligibility.***

- A. If the individual who becomes ineligible to participate is the head of a household, the agency will disqualify the head of household permanently and disqualify entire household from SNAP participation for six months.
- B. The agency will disqualify the household for a period that does not exceed the lesser of:
  - 1. The duration of the ineligibility of the noncompliant individual; or
  - 2. 180 days.
- C. A household disqualified may reestablish eligibility if:
  - 1. The head of the household leaves the household;
  - 2. A new and eligible person joins the household as the head of the household; or
  - 3. The head of the household becomes exempt from work requirements during the disqualification period.
- D. If the head of the household joins another household as its head, that household will be disqualified from participating in SNAP for the remaining period of ineligibility.

*Source:* 7 CFR §273.7(f)(5)

*Revised:* March 2022

***Rule 14.10 Fair Hearings.***

- A. Each individual or household has the right to request a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status, or an agency determination of failure to comply with SNAP work requirements.
- B. The agency operating the relevant component or service of the E&T program must receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative will be available for questioning over the phone during the hearing. A representative of the appropriate agency must be available through one of these means.
- C. A household must be allowed to examine its E&T program casefile at a reasonable time before the date of the fair hearing, except for confidential information (that may include test results) that the agency determines should be protected from release. Confidential information not released to a household may not be used by either party at the hearing.
- D. The results of the fair hearing are binding on the agency.
- E. If the participating individual's benefits are continued pending a fair hearing, the disqualification period must begin the first of the month after the hearing decision is rendered.
- F. If the household elects not to receive benefits during pendency of the appeal and subsequently wins the hearing, the agency will restore any benefits the household would have been eligible to receive during the appeal period.

Source: 7 CFR §273.7(f)

Revised: March 2022

**Rule 14.11 Failure to Comply with a Work Requirement Under Title IV of the Social Security Act, or an Unemployment Compensation Work Requirement.**

- A. An individual exempt from SNAP work requirements who fails to comply with the title IV-A or unemployment compensation work requirement will be treated as though he or she failed to comply with SNAP work requirements.
  - 1. If the agency determination of noncompliance with a title IV-A or unemployment compensation work requirement leads to a denial or termination of the individual's or household's SNAP benefits, the individual or household has a right to appeal the decision.
  - 2. In cases where the individual is disqualified from the title IV-A program for refusal or failure to comply with a title IV-A work requirement, but the individual meets one of the work registration exemptions, the agency may apply the identical title IV-A disqualification on the individual under SNAP. The agency must impose such optional disqualifications in accordance with the provisions of [§ 273.11\(1\)](#).
  - 3. If the agency determination of noncompliance with a title IV-A or unemployment compensation work requirement leads to a denial or termination of the individual's or household's SNAP benefits, the individual or household has a right to appeal the decision.
  - 4. In cases where the individual is disqualified from the title IV-A program for refusal or failure to comply with a title IV-A work requirement, but the individual meets one of the work registration exemptions, the agency may apply the identical title IV-A disqualification on the individual under SNAP.

Source: 7 CFR §273.7(f)(7)

Revised: March 2022

**Rule 14.12 Ending Disqualification.**

- A. Except in cases of permanent disqualification, at the end of the applicable mandatory disqualification period for noncompliance with SNAP work requirements, participation may resume if the disqualified individual applies again and is determined by the agency to be in compliance with work requirements. A disqualified individual may be permitted to resume participation during the disqualification period (if otherwise eligible) by becoming exempt from work requirements.
- B. ABAWDs disqualified as a result of failure to comply with E&T requirements must serve the minimum disqualification period and comply with E&T before being considered compliant with work registration requirements unless a work registration exemption is met during the minimum disqualification period.

Source: 7 CFR § 273.7(g)

Revised: March 2022

**Rule 14.13 Good Cause.**

- A. The agency is responsible for determining good cause when a SNAP recipient fails or refuses to comply with SNAP work requirements. The agency must consider the facts and circumstances, including information submitted by the employer, by the household member involved and by the provider in determining whether good cause exists. Good cause includes circumstances beyond the member's control, such as, but not limited to:
  - 1. Illness,
  - 2. Illness of another household member requiring the presence of the member,
  - 3. A household emergency,
  - 4. The unavailability of transportation, or
  - 5. The lack of adequate childcare for children who have reached age six but are under age 12.
- B. Good cause for leaving employment also includes:
  - 1. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
  - 2. Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
  - 3. Acceptance of employment by the individual, or enrollment by the individual in any recognized school, training program or institution of higher education on at least a half time basis, which requires the individual to leave employment;
  - 4. Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision that requires the household to move and thereby requires the individual to leave employment;
  - 5. Resignations by persons under the age of 60 which are recognized by the employer as retirement;
  - 6. Employment that becomes unsuitable after the acceptance of such employment. Employment will be considered suitable unless:
    - a) The wage offered is less than the highest of the applicable Federal or State minimum wage;
    - b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages;
    - c) The household member, as a condition of employment or continuing employment, is required to join, resign from or refrain from joining any legitimate labor organization;
    - d) The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under section 208 of the Labor-Management Relations Act (Taft-Hartley Act), or unless an injunction has been issued under section 10 of the Railway Labor Act; or
    - e) It fails to meet additional suitable criteria established by the agency.
  - 7. Acceptance of a bona fide offer of employment of more than 30 hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by 30 hours that, because of circumstances beyond the individual's control, subsequently either does not materialize or results in employment of less than 30

hours a week or weekly earnings of less than the Federal minimum wage multiplied by 30 hours; and

8. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for SNAP benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment must be considered as with good cause if it is part of the pattern of that type of employment.
- C. Good cause includes circumstances where the agency determines that there is not an appropriate and available opening within the E&T program to accommodate the mandatory participant. Good cause for circumstances where there is not an appropriate or available opening within the E&T program shall extend until the agency identifies an appropriate and available E&T opening, and the agency informs the SNAP participant. In addition, good cause for circumstances where there is not an appropriate and available opening within the E&T program shall only apply to the requirement to participate in E&T and shall not provide good cause to ABAWDs who fail to fulfill the ABAWD work requirement.
- D. To the extent that the information given by the household is questionable, the agency must request verification of the household's statements. The primary responsibility for providing verification rests with the household.

*Source: 7 CFR §273.7(i)*

*Revised: March 2022*

***Rule 14.14 Provider Determination.***

- A. The agency must ensure E&T providers are informed of their authority and responsibility to determine if an individual is not a good fit for a particular E&T component. Such determinations shall be referred to as provider determinations. An E&T provider is the provider of an E&T component.
- B. The E&T provider may also provide input on the most appropriate next step for the individual with a provider determination. If an E&T provider finds an individual is not a good fit for one component but determines the individual may be suitable for another component offered by the E&T provider, the E&T provider may switch the individual to the other component and inform the agency by updating the appropriate form of the new component without the need for the agency to act further on the provider determination. The E&T provider has the authority to determine if an individual is not a good fit for the E&T component from the time an individual is referred to an E&T component until completion of the component. In the case of either a mandatory or voluntary E&T participant with a provider determination, the agency shall notify the individual that they are not being sanctioned as a result of the provider determination.
  1. From the time an E&T provider determines an individual is not a good fit for an E&T component the individual shall not be found to have refused without good cause to participate in mandatory E&T. In the case of an ABAWD who has received a provider determination, the ABAWD will accrue countable months toward their three-month participation time limit the next full benefit month after the month during which the agency notifies the ABAWD of the provider determination, unless

the ABAWD fulfills the work requirements, or the ABAWD has good cause, or is otherwise exempt.

*Source:* 7 CFR §273.7(c)(18)(i)

*Revised:* March 2022

***Rule 14.15 Participant Reimbursements.***

- A. The agency must provide transportation stipends to mandatory participants in its E&T program, for expenses that are reasonably necessary and directly related to participation in the E&T program. These payments are made in advance as payment for anticipated expenses in the coming month.
  - 1. A monthly stipend will be posted to the individual's SNAP card for transportation assistance;
  - 2. Stipends are considered supportive services and are not counted as unearned income in the SNAP budget;
  - 3. Individuals engaged in Comparable Workfare are not eligible for the stipend;
  - 4. Overpayments will not be processed for E&T transportation stipends.

*Source:* 7 CFR §273.7(d)(4)

*Revised:* March 2022

***Rule 14.16 State Exemption.***

- A. The agency must inform all mandatory E&T participants that they may be exempted from E&T participation if their monthly expenses that are reasonably necessary and directly related to participation in the E&T program exceed the allowable reimbursement amount. Persons for whom allowable monthly expenses in an E&T component exceed the allowable amount are not required to participate in that component. These individuals will be placed, if possible, in another suitable component in which the individual's monthly E&T expenses would not exceed the allowable reimbursable amount paid. If a suitable component is not available, these individuals will be exempt from E&T participation until a suitable component is available or the individual's circumstances change, and his/her monthly expenses do not exceed the allowable reimbursable amount paid.
- B. The use of a state exemption does not stop the increment of the three (3) months in a 36-month period (3/36) counter.
- C. The exemption will allow the client to avoid the disqualifications associated with the E&T requirement as mandated by the agency; however, the client must meet the ABAWD work requirement unless otherwise determined exempt from the general work registration requirement.

*Source:* 7 CFR §273.7(d)(4)(v)

*Revised:* March 2022

## Part 14 Chapter 15: Categorically Eligible Households

### ***Rule 15.1 General.***

- A. Households are automatically eligible for SNAP based on receiving benefits from another low-income assistance program.
- B. The following households are categorically eligible for SNAP:
  - 1. Households where all members receive or are eligible to receive TANF.
  - 2. Households where all members receive or are eligible to receive SSI benefits.
  - 3. Households where all members receive or are eligible to receive TANF and/or SSI benefits.
- C. An individual may be considered a recipient of TANF or SSI if any of the following conditions exist:
  - 1. Is receiving TANF or SSI benefits;
  - 2. Is eligible for TANF or SSI benefits, but has yet to begin receiving such;
  - 3. Is eligible for TANF or SSI benefits, but has had benefits suspended or recouped;  
or
  - 4. Is eligible for TANF or SSI benefits but is not paid because the amount is less than the minimum amount.
- D. Any household is not considered categorical eligible if:
  - 1. The entire household is institutionalized;
  - 2. Any member is disqualified for an IPV;
  - 3. The head of household is disqualified for failing to comply with work requirements or voluntarily quitting or reducing hours; or
- E. A household member is a fleeing felon or parole or probation violator. An ineligible household member as defined in *Rule 5.6 Excluded Individuals* may not be included in a case that is otherwise categorically eligible.

*Source:* 7 CFR §273.2(j)(2)

*Revised:* March 2022

### ***Rule 15.2 Income and Resource Exceptions.***

- A. Categorically eligible households are not subject to:
  - 1. Monthly gross income maximums;
  - 2. Monthly net income maximums;
  - 3. Resource maximums.
- B. Households may exceed the SNAP resource or income limits and still be eligible due to their categorical eligibility status.

*Source:* 7 CFR §273.2(j)(2)(v)

*Revised:* March 2022

### ***Rule 15.3 Verification Exceptions.***

Categorically eligible households are exempt from the following verifications since these factors were considered in their needs based entitlement to TANF and/or SSI:

- A. Residency;

- B. Resources;
- C. Social Security number information other than providing it;
- D. Sponsored non-citizen information; and
- E. Gross and net income limits (although income will have to be verified for benefit determination).

*Source:* 7 CFR §273.2(j)(2)(v)

*Revised:* March 2022

***Rule 15.4 Residents of Institution.***

- A. Residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release will not be considered categorically eligible.
- B. MDHS will only determine such residents as categorically eligible when SSA makes a final SSI eligibility determination and after the individual has been released from the institution.

*Source:* 7 CFR §273.2(j)(2)(D)

*Revised:* March 2022

***Rule 15.5 Benefit Determination.***

- A. MDHS will base the benefit levels of all households solely using SNAP criteria.
- B. Benefits will be paid from the time TANF or SSI benefits are paid or the original SNAP application date, whichever is later.

*Source:* 7 CFR §273.2(j); 7 CFR §273.2(j)(1)(iv)

*Revised:* March 2022

## Part 14 Chapter 16: Resources

### ***Rule 16.1 General.***

- A. MDHS will apply uniform national resource standards of eligibility that are published every October 1<sup>st</sup> by USDA to all applicants.
- B. **Exception:** Households defined as categorically eligible are not subject to resource limits.
- C. Households with at least one member 60 years of age or older or disabled have a higher maximum resource limit than all other households.
- D. Resources are either included or excluded in determining SNAP eligibility.
- E. MDHS exempts most vehicles to align with MS TANF policy.
- F. MDHS will determine the value of nonexempt resources, except for licensed vehicles, at equity value, which is the fair market value less encumbrances.
- G. Resources of all household members will be counted, including ineligible non-citizens and household members disqualified due to failure to comply with a work requirement, failure to provide a SSN or because of an intentional program violation.
- H. **Exception:** Resources of non-household members such as students or boarders will not be counted as well as those who receive SSI.

*Source:* 7 CFR §273.8(a)-(b); 7 CFR §273.11(c)-(d)

*Revised:* March 2022

### ***Rule 16.2 Included Resources.***

The following resources must be included and verified:

- A. Liquid resources such as:
  - 1. Cash on hand (including gross lottery or gambling winnings);
  - 2. Money in checking and savings accounts;
  - 3. Saving certificates;
  - 4. Stocks or bonds;
  - 5. Vacation pay;
  - 6. Loans;
  - 7. Accumulated earnings of a student under 18;
  - 8. Retirement plans not listed in *Rule 16.4 Excluded Resources*; and
  - 9. Nonrecurring lump sum payments.
- B. Non-liquid resources such as:
  - 1. Personal property (not including jewelry or furniture);
  - 2. Recreational vehicles;
  - 3. Industrial vehicles (unless income-producing exceptions are met);
  - 4. Buildings (not specifically excluded in *Rule 16.4 Excluded Resources*);
  - 5. Property (not specifically excluded in *Rule 16.4 Excluded Resources*);
  - 6. Recreational property;
  - 7. Resources belonging to excluded household members; and
  - 8. Timber (not located on the same property as the home).
- C. Resources of the sponsor and sponsor's spouse must be deemed for a household that contains a sponsored non-citizen.

**Rule 16.3 Jointly Owned Resources.**

- A. Resources that are jointly owned by separate households will be considered available in their entirety to each household, unless it can be shown by the applicant household that such resources are inaccessible.
- B. If the household can provide proof that it can only access a portion of such resource, the value of that portion will be counted toward the household's resource level.
- C. The resource will be considered totally inaccessible to the household if the resource cannot be subdivided on practical terms and the household's access to the value of the resource is dependent on an agreement of a joint owner who refuses to comply.
- D. For purposes of this rule, ineligible non-citizens and disqualified members residing with the household will be considered household members.
- E. Resources are considered inaccessible for residents of shelters for battered persons if:
  - 1. Resources are jointly owned by such residents and by members of their former household; and
  - 2. Such resident's access to the value of the resource is dependent on an agreement with a joint owner who still resides in the former household.

**Rule 16.4 Excluded Resources.**

Exclude the following list of resources when determining eligibility for SNAP:

- A. Home and surrounding property (including barns, garages, sheds, workshops and other outbuildings) that is not separated by intervening property owned by others;
  - 1. Public rights of ways will not affect the exemption status of the property.
  - 2. Exemption status will remain when the home and surrounding property is temporarily unoccupied for reasons of employment, training for future employment, illness or uninhabitable due to a natural disaster or other casualty, if the household intends to return.
  - 3. Property owners or those purchasing a lot to build or who are building a permanent home will receive an exemption for the value of the lot and, if it is partially completed, for the home.
- B. Household goods and personal effects;
- C. One burial plot per household member;
- D. Value of one pre-paid funeral agreement per household member;
- E. Cash value of life insurance policies;
- F. Cash value of pension plans or funds;
- G. The following retirement accounts:
  - 1. Authorized under section 401 including 401(k) plans, 401(a), 403(a) and (b), 408 including traditional IRAs, 408A including Roth IRAs, 457(b) including eligible deferred compensation plans, 501(c)(18), 529A and 7701(j) of the Internal Revenue Code of 1986;

2. Any other retirement plan designated as tax-exempt under a provision of the Internal Revenue Code of 1986.
- H. Most vehicles;
1. Licensed or unlicensed vehicles used for regular, on-road transportation such as:
    - a) Cars;
    - b) Trucks;
    - c) Vans; or
    - d) Motorcycles.
  2. Any vehicles used as the household's home;
  3. **Exception:** Recreational vehicles (unless used as the family home), all-terrain vehicles (ATVs) and other off-road and industrial vehicles which are not income producing are included in the resource determination.
- I. Property which annually produces income consistent with its fair market value even if only used on a seasonal basis. Such property includes rental and vacation homes;
- J. Property used which is essential to employment and self-employment of a household member. Farm property used by a self-employed household member engaged in farming, but is no longer being used due to termination from self-employment, will continue to be excluded as a resource for one (1) year from the date such household member terminated his or her self-employment farming;
- K. Installment contracts for the sale of land or buildings if the contract is producing income consistent with its fair market value;
- L. Any governmental payments which are designated for the restoration of a home damaged in a disaster provided the household is subject to a legal sanction if the funds are not used as intended;
- M. Resources having a cash value which is not accessible to the household such as irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property that the household is making an effort to sell at a reasonable price but has not been sold;
- N. Resources which have been prorated as income for self-employed persons or students;
- O. Indian lands jointly held with the Tribe or land that can only be sold with the approval of the Bureau of Indian Affairs;
- P. Resources which are excluded for SNAP purposes by express provision of Federal statute;
1. The value of assistance to children under the Richard B. Russell National School Lunch Act according to P.L. 79-396, §12(e) and the Child Nutrition Act of 1966 according to P.L. 89-642, §11(b);
  2. Federal major disaster and emergency assistance payments and comparable disaster assistance provided by Mississippi such as Disaster Unemployment Assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act according to P.L. 93-288, §312(d);
  3. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646, §216);
  4. National Flood Insurance Program (NFIP) payments made under the National Flood Insurance Act of 1968 (P.L. 90-448, §1324);
  5. Payments to volunteers under the Domestic Volunteer Service Act of 1973, according to P.L. 93-113, §404(f). Payments under that Act include VISTA, University Year for Action, Urban Crime Prevention Program, Retired Senior

- Volunteer Program (RSVP), Foster Grandparents Program and Senior Companion Program;
6. The amount of any home energy assistance payments or allowance provided to, or indirectly on behalf of a household under the Low-Income Home Energy Assistance Act;
  7. Payments received from the Youth Incentive Entitlement Pilot Projects, the Youth Community Conservation and Improvement Projects, and the Youth Employment and Training Programs under Title IV of the Comprehensive Employment and Training Act of 1978 (P.L. 95-524);
  8. Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203);
  9. Funds distributed per capita to the Sac and Fox Indians according to P.L. 94-189;
  10. Per capita payments under the Indian Tribal Judgment Funds Use or Distribution Act of \$2000 or less pursuant to P.L. 93-134 and P.L. 98-64. This exemption applies to each payment made to each individual;
  11. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540);
  12. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (P.L. 94-114; §6);
  13. Payments of relocation assistance to members of the Navajo and Hopi Tribes under P. L. 93-531;
  14. Payments by 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);
  15. Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, §5);
  16. Funds paid under Indian Claims: Distribution of Funds to Seminole Indians (P.L. 101-277, §8(b)) are excluded except for per capita payments in excess of \$2000;
  17. Funds paid to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act except for per capita shares in excess of \$2000 according to P.L. 98-500, §8;
  18. Payments to the Seneca Nation according to P.L. 101-503;
  19. Payments to Confederated Tribes of Colville Reservations per P.L. 103-436;
  20. Payments to the Turtle Mountain Band of Chippewas, Arizona, pursuant to P.L. 97-403;
  21. Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago tribes (Arizona) as designated under P.L. 97-408;
  22. Per capita and interest payments made to the Red Lake Band of Chippewas pursuant to P.L. 98-123;
  23. Per capita and interest payments made to the Assiniboine Tribe of the Fort Belknap Indian Community and Fort Peck Indian Reservation (Montana) pursuant to P.L. 98-124;
  24. Payments to the Saginaw Chippewa Indian Tribe of Michigan according to P.L. 99-346, §6(b) and per capita funds according to P.L. 99-146 §6(b);
  25. Funds to the Puyallup Tribe of Indians Settlement Act per P.L. 101-41;
  26. Per capita payments to the Chippewas of the Mississippi pursuant to P.L. 99-377;

27. Income received by individuals age 55 and older under the Title V of the Older Americans Act according to P.L. 100-175, §509;
  28. Grants paid under the Civil Liberties Act of 1988 (P.L. 100-383) to certain U.S. citizens of Japanese ancestry and permanent resident Japanese non-citizens or their survivors;
  29. Payments made to children of Vietnam veterans who were born with spina bifida and certain other birth defects (P.L. 104-204);
  30. All payments received under the Agent Orange Settlement Fund, or any other fund established pursuant to the settlement in the Agent Orange product liability litigation (P.L. 101-201 and P.L. 101-239, §10405);
  31. Payments made under the Radiation Exposure Compensation Act (P.L. 101-426);
  32. Payments made to individuals because of their status as victims of Nazi persecution (P.L. 103-286);
  33. Compensation paid to crime victims under the Crime Act of 1984 (amended by P.L. 103-322);
  34. Exclude an Achieving a Better Life Experience (ABLE) account under P.L. 113-295, §103. **Note:** ABLE account funds exceeding \$100,000 are considered a resource.
- Q. Earned income tax credits as follows:
1. A federal earned income tax credit received either as a lump sum or as payments under section 3507 of the Internal Revenue Code for the month of receipt and the following month for the individual and his/her spouse.
  2. Any federal, state or local earned income tax credit received by any household member will be excluded for 12 months provided the household was participating in SNAP at the time of receipt and the household participated continuously during that 12-month period. **Note:** Breaks in participation of one month or less due to administrative reasons, such as delayed recertification or late monthly reports will not be considered as non-participation in determining the 12-month exclusion.
- R. Energy assistance payments or allowances excluded as income;
- S. Non-liquid asset(s) against which a lien has been placed as a result of a business loan and the household is prohibited from selling the asset(s) per the agreement;
- T. Real or personal property that is used in the maintenance or use of an excluded vehicle;
- U. Resources that cannot be sold for a significant return;
- V. Resources of a household member who receives SSI or TANF;
- W. Education savings plans such as:
1. Qualified tuition programs defined by section 529 of the Internal Revenue Code of 1986.
  2. Coverdell education saving accounts defined by section 530 of the Internal Revenue Code of 1986.
  3. Other education savings accounts deemed appropriate for exclusion by FNS.

*Source:* 7 CFR §273.8(e)

*Revised:* March 2022

**Rule 16.5 Value of Non-excluded Recreational Vehicles.**

- A. Fair market value is the current value of the recreational vehicle.
- B. Equity value is the fair market value minus encumbrances.
- C. A recreational vehicle may be:
  - 1. Counted according to its excess fair market value over \$4,650;
  - 2. Counted according to its excess fair market value over \$4,650 or its equity value, which is higher.
- D. A household will be allowed to acquire verification of the true value of a vehicle from a reliable source if it does not agree with MDHS' determination of the value of the vehicle.

Source: 7 CFR §273.8(f)

Revised: March 2022

**Rule 16.6 Commingling Excluded Resources.**

- A. Excluded resources kept in separate accounts will have a resource exclusion for an unlimited period of time.
- B. The excluded resources of students and self-employment households that are commingled with non-excluded resources will keep their exclusion status for the time which they were prorated as income.
- C. All other excluded resources commingled with non-excluded resources will retain their exemption for six months from the date of commingling. After six months, then all funds in the commingled account will be counted as a resource.

Source: 7 CFR §273.8(g)

Revised: March 2022

**Rule 16.7 Transfer of Resources.**

- A. Households will be asked to provide information regarding whether any resources have been transferred within a 3-month period immediately prior to the date of application.
- B. Households that knowingly transfer resources for the purpose of qualifying or attempting to qualify for SNAP benefits will be disqualified from participation for up to one (1) year from the date of the discovery of the transfer.
- C. This disqualification period will be applicable if the resources are transferred knowingly in the 3-month period prior to the application or if they were knowingly transferred after the household has been determined eligible for SNAP benefits.
- D. **Allowable Transfers:** The following are allowable transfer of resources which will not affect SNAP eligibility:
  - 1. Resources of excluded personal property such or furniture or money that is less than the allowable resource limit;
  - 2. Resources sold or traded at or near fair market value;
  - 3. Resources which are transferred between members of the same household; and
  - 4. Resources that are transferred for reasons other than qualifying or attempt to qualify for SNAP benefits such as placing funds into an educational trust fund.
- E. **Notice of Denial:** If MDHS determines that a household knowingly transferred resources for the purposes of qualifying or attempting to qualify for SNAP, the household will be

sent a denial notice that explains the reason and length of the disqualification. A notice of adverse action will be sent if the household is participating in SNAP at the time of discovery.

- F. ***Effective Date of Disqualification:*** The disqualification period will begin in the month of the application. However, for those participating, the disqualification period will be effective with the first issued allotment after the notice of adverse action time period has expired unless the household has requested a fair hearing with continued benefits. MDHS provides SNAP applicants and/or recipients an opportunity to appeal adverse administrative decisions and provide supporting documentation challenging the adverse or noncompliant action. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.
- G. ***Disqualification Period:*** The length of the disqualification is based on the amount that the nonexempt transferred resources, when added with other countable resources, exceeds the allowed resource limit. The following penalties apply:
1. One month of disqualification for \$0 to \$249.99 in excess of the resource limit;
  2. Three months of disqualification for \$250 to \$999.00 in excess of the resource limit;
  3. Six months of disqualification for \$1,000 to \$2999.99 in excess of the resource limit;
  4. Nine months of disqualification for \$3000 to \$4,999.99.00 in excess of the resource limit and
  5. Twelve months of disqualification for \$5,000 or more in excess of the resource limit.

*Source:* 7 CFR §273.8(h)

*Revised:* March 2022

## **Part 14 Chapter 17: Income**

### ***Rule 17.1 General.***

Participation in SNAP shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting individuals to obtain a more nutritious diet.

- A. Households with an elderly or disabled member must meet the net income eligibility standards.
- B. Households without an elderly or disabled member must meet both the gross and net income eligibility standards.
- C. Categorically eligible households do not need to meet either income standards.

*Source:* 7 CFR §273.9(a)

*Revised:* March 2022

### ***Rule 17.2 Eligibility Standards.***

- A. The gross income eligibility standard is 130 percent of the annual Federal income poverty level.
- B. The net income eligibility standard is 100 percent of the annual Federal income poverty level.
- C. The income eligibility limits are adjusted each October 1<sup>st</sup> to reflect the current Federal income poverty level and are posted on the FNS web site.

*Source:* 7 CFR §273.9(a)(1)-(4)

*Revised:* March 2022

### ***Rule 17.3 Income Defined.***

Income means all income from whatever source excluding only those items listed in [Rule 17.8 Excluded Income](#).

*Source:* 7 CFR §273.9(b)

*Revised:* March 2022

### ***Rule 17.4 Earned Income.***

Earned income includes the following:

- A. All salaries and wages from an employee;
- B. Gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business;
  - 1. **Exception:** The costs of doing business are excluded.
  - 2. Ownership of rental property is considered a self-employment enterprise. Income from a rental property is only considered earned income if a household member is actively engaged in the management of such property for an average of at least 20 hours per week.

3. Payments from a roomer or boarder (except foster care boarders) are considered a self-employment enterprise regardless of the number of hours spent weekly in providing the service.
- C. Training allowances from vocational and rehabilitative programs recognized by Federal, state, and local governments, such as the work incentive program, to the extent they are not a reimbursement;
- D. Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973;
  1. **Exception:** Payments made to volunteers will be excluded for those persons receiving public assistance or SNAP at the time he or she joined the Title I program.
  2. New applicants who were not receiving public assistance or SNAP at the time he or she joined VISTA will have these volunteer payments included as earned income.
- E. Earnings to persons participating in on-the-job training programs paid under Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014 and monies paid by the employer. **Exception:** This does not apply to household members under 19 years of age who are under the parental control of another adult member, regardless of school attendance and/or enrollment;
- F. Educational assistance that has a work requirement in excess of the amount excluded in *Rule 17.8 Excluded Income*. **Exception:** Earned income from work study programs funded under section 20 U.S.C. 1087uu of the Higher Education Act is excluded;
- G. Jury duty income unless the jury pay does not exceed \$30.00 in a quarter and cannot be reasonably anticipated as described in *Rule 17.8 Excluded Income*;
- H. Income received from the selling of blood or blood plasma;
- I. Military pay and allowances;
  1. Basic pay, with the exception of combat pay as described in *Rule 17.8 Excluded Income*.
  2. Basic Allowances for Quarters (BAQ) and Basic Allowance for Subsistence (BAS).
  3. **Note:** The mandatory salary reduction amount for military service personnel, which is used to fund the G.I. Bill, will not count as income pursuant to Section 303(a)(1) of the Omnibus Veterans Benefits and Health Care Authorization Act of 1986, as it is not considered to be received by or under the control of the individual.

Source: 7 CFR §273.9(b)(1)

Revised: March 2022

***Rule 17.5 Unearned Income.***

Unearned income includes the following, but not limited to, :

- A. Federal or federally aided public assistance program payments such as SSI or TANF;
- B. Social security benefits;
- C. Payments received through the Mississippi Band of Choctaw Indians (MBCI) Distribution Plan;
- D. Severance pay;
- E. Annuities;
- F. Pensions;
- G. Retirement;

- H. Strike benefits;
- I. Veteran's benefits;
- J. Disability benefits;
- K. Worker's compensation;
- L. Unemployment compensation;
- M. Monies deposited into a joint bank account. **Exception:** When one of the joint account owners is the protective payee of the funds deposited into the account and the funds are used for the needs of the protective payee, then such funds would be excluded as income to others;
- N. Foster care payments for children or adults who are considered members of the household;
  - O. Gross income less the cost of doing business from rental property where the household member is not actively engaged in the management of the property at least 20 hours a week;
- P. Support or alimony payments made directly to the household by non-household members;
- Q. Scholarships, educational grants, deferred payment loans for education (other than educational assistance with a work requirement) in excess of amounts excluded in Rule 17.8 Excluded Income;
- R. Payments from government sponsored programs, dividends, interest, royalties, and all other direct money payments construed to be a gain or benefit;
- S. Monies that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for a household expense (such as vendor payments described in Rule 17.8 Excluded Income);
- T. Income deemed to sponsored non-citizen as detailed in Rule 9.6 Deeming of Sponsor's Income and Resources;
- U. Monies which are withdrawn or dividends which are or could be received by a household from trust funds are considered to be excludable resources;
  - 1. Such trust withdrawals will be considered income in the month received unless otherwise exempt.
  - 2. Dividends which the household can select to receive as income or reinvest in the trust will be considered income in the month they become available to the household unless otherwise exempt.

Source: 7 CFR §273.9(b)(2)

Revised: March 2022

**Rule 17.6 Income from Non-Household Members.**

- A. The earned and unearned income from a non-household member disqualified for either an IPV or failing to comply with work requirements is attributed to the remaining household members.
- B. The earned and unearned income from a non-household member disqualified for failing to provide an SSN or being an ineligible non-citizen is counted as income, less a pro rata share for the individual.
- C. For households containing a sponsored non-citizen, the income of the sponsor and the sponsor's spouse must be deemed.

Source: 7 CFR §273.9(b)(3)-(4)

Revised: March 2022

**Rule 17.7 Child Support Payments received by TANF recipients.**

- A. Child support payments received by TANF recipients that must be transferred to the Division of Child Support Enforcement to maintain TANF eligibility are not counted as income.
- B. **Exception:** Any current payment including the entire child support pass-through payment that is disbursed to the household must be counted as unearned income when calculating SNAP benefits.

Source: 7 CFR §273.9(b)(5)(ii)

Revised: March 2022

**Rule 17.8 Excluded Income.**

Types of excluded income include:

- A. Any gain or benefit that is not in the form of money payable directly to the household;
  - 1. In-kind benefits: includes meals, clothes, housing or produce from a garden.
  - 2. Vendor payments: money payment made on behalf of a household by an individual or organization outside of the household either directly to the household's creditors or to an individual or organization providing a service to the household.
    - a) Public Assistance vendor payments are counted as income unless they are made for:
      - i. Medical assistance;
      - ii. Child care assistance;
      - iii. Energy assistance;
      - iv. Emergency assistance for migrant or seasonal farmer households while in the job stream;
      - v. Housing assistance payments made through a State or local housing authority;
      - vi. Emergency or special assistance (the assistance must be over and above the normal grant).
    - b) Department of Housing and Urban Development (HUD) vendor payments. Rent or mortgage payments made to landlords or mortgagees by HUD are excluded as income.
    - c) Vendor payments that are reimbursements are excluded.
    - d) Other third-party payments will be treated as follows:
      - i. Money legally owed and payable to the household that is diverted by the provider of the payment to a third party for a household expense will be counted as income.
      - ii. If an individual or organization makes a payment to a third party on behalf of a household using funds that are not owed to the household, the payment will be excluded.
- B. Educational assistance such as grants, scholarships, fellowships, work study or educational loans where payment is deferred and the following exists:
  - 1. The educational assistance must be received under section 20 U.S.C. 1087uu of the Higher Education Act;

2. The educational assistance must be awarded to a household member enrolled at either:
  - a) Recognized institution of post-secondary education;
  - b) School for the handicapped;
  - c) Vocational education program;
  - d) Vocational or technical school;
  - e) Program that provides for obtaining a secondary school diploma or the equivalent.
3. The educational assistance must be used for the following allowed expenses:
  - a) Tuition;
  - b) Books;
  - c) Supplies;
  - d) Mandatory school fees;
  - e) Transportation;
  - f) Miscellaneous personal expenses (other than normal living expenses);
  - g) Dependent care;
  - h) Origination fees and insurance premiums on educational loans.
4. Exclusions must be incurred or anticipated for the time the educational income is intended to cover regardless of when the educational income is actually received.
5. If a student uses other income sources to pay for the allowable educational expense in the months before the educational income is received, the exclusion to cover the expenses will be allowed when the educational income is actually received.
- C. Income received in the certification period too infrequently to be reasonably anticipated, but not greater than \$30 in a quarter;
- D. All loans (including loans from private individuals and commercial institutions) other than educational loans on which repayment is deferred;
  1. Loans in which repayment must start within 60 days after receipt of the loan will not be considered a deferred repayment loan.
- E. Reimbursements for past and future expenses as long as they do not exceed actual expenses and do not represent a gain or benefit to the household;
  1. **Note:** Reimbursements for normal living expenses (rent/mortgage, clothes or food eaten at home) are not excluded because they represent a gain or benefit to the household.
  2. To be excluded, the payments must be made for a particular expense and used for the intended purpose.
  3. Reimbursements may cover multiple expenses.
  4. Reimbursements will only be considered to exceed the actual expenses if the provider or the household determines the amount is excessive.
  5. Excludable reimbursements include:
    - a) Medical or dependent care reimbursements;
    - b) Reimbursements received by households to pay for services provided by Title XX of the Social Security Act;
    - c) Reimbursements for job or training related expenses such as travel, per diem, uniforms or transportation to and from the training site;
    - d) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of his or her work;

- e) Reimbursements made to the household for necessary expenses to participate in an education component under the E&T program;
  - f) Any allowance a State agency provides no more frequently than annually for children's clothes when the children enter or return to school or daycare, provided the State agency does not reduce the monthly TANF payment for the month in which the school clothes allowance is provided.
- F. The cost of producing self-employment income;
- G. Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;
- H. The earned income of a student that is under age 18 and who lives with a biological, adopted or stepparent or under the parental control of a household member other than a parent;
- 1. The exclusion will apply during temporary interruptions from attendance due to semester or vacation breaks as long as the child's enrollment will resume after the break.
  - 2. If the child's earnings or amount of work cannot be separated from other household members, the total earnings will be equally prorated among the working household members and the child's share will be excluded.
- I. Money received in the form of nonrecurring lump-sum payments, including income tax refunds, rebates, or credits, retroactive lump-sum social security, SSI, public assistance or refunds of security deposits on rental property or utilities;
- J. Any income that is specifically excluded by other Federal statute for the purposes of determining SNAP eligibility including the following:
- 1. The value of assistance to children under the Richard B. Russell National School Lunch Act according to P.L. 79-396, §12(e) and the Child Nutrition Act of 1966 according to P.L. 89-642, §11(b);
  - 2. Federal major disaster and emergency assistance payments and comparable disaster assistance provided by Mississippi such as Disaster Unemployment Assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act according to P.L. 93-288, §312(d);
  - 3. Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646, §216);
  - 4. National Flood Insurance Program (NFIP) payments made under the National Flood Insurance Act of 1968 (P.L. 90-448, §1324);
  - 5. Any payment to volunteers under Title II (RSVP, Foster Grandparents, and others) of the Domestic Volunteer Services Act of 1973 as amended (P.L. 93-113). Payments to volunteers under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are excluded only for individuals receiving SNAP at the time he or she joined the Title I program. The exclusion will continue even with temporary interruptions in SNAP participation;
  - 6. Allowances, earnings, or payments (including reimbursements) to individuals participating in programs under WIOA, such as Summer Youth Payments and AmeriCorps;
  - 7. The value of any childcare payments made under Title IV-A of the Social Security Act, including transitional child care payments (P.L. 100-485);
  - 8. Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203);

9. Per capita payments under the Indian Tribal Judgment Funds Use or Distribution Act of \$2000 or less pursuant to P.L. 93-134 and P.L. 98-64. This exemption applies to each payment made to each individual;
10. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540);
11. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (P.L. 94-114; §6);
12. Payments of relocation assistance to members of the Navajo and Hopi Tribes under P. L. 93-531;
13. Payments by 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);
14. Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, §5);
15. Funds distributed per capita to the Sac and Fox Indians according to P.L. 94-189;
16. Funds paid under Indian Claims: Distribution of Funds to Seminole Indians (P.L. 101-277, §8(b)) are excluded except for per capita payments in excess of \$2000;
17. Payments to the Seneca Nation according to P.L. 101-503;
18. Payments to Confederated Tribes of Colville Reservations per P.L. 103-436;
19. Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago tribes (Arizona) as designated under P.L. 97-408;
20. Per capita and interest payments made to the Red Lake Band of Chippewas pursuant to P.L. 98-123;
21. Per capita and interest payments made to the Assiniboine Tribe of the Fort Belknap Indian Community and Fort Peck Indian Reservation (Montana) pursuant to P.L. 98-124;
22. Payments to the Turtle Mountain Band of Chippewas, Arizona, pursuant to P.L. 97-403;
23. Funds paid to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act except for per capita shares in excess of \$2000 according to P.L. 98-500, §8;
24. Payments to the Saginaw Chippewa Indian Tribe of Michigan according to P.L. 99-346, §6(b) and per capita funds according to P.L. 99-146 §6(b);
25. Funds to the Puyallup Tribe of Indians Settlement Act per P.L. 101-41;
26. Per capita payments to the Chippewas of the Mississippi pursuant to P.L. 99-377;
27. Income received by individuals age 55 and older under the Title V of the Older Americans Act according to P.L. 100-175, §509;
28. Grants paid under the Civil Liberties Act of 1988 (P.L. 100-383) to certain U.S. citizens of Japanese ancestry and permanent resident Japanese non-citizens or their survivors;
29. Payments made to children of Vietnam veterans who were born with spina bifida and certain other birth defects (P.L. 104-204);
30. All payments received under the Agent Orange Settlement Fund, or any other fund established pursuant to the settlement in the Agent Orange product liability litigation (P.L. 101-201 and P.L. 101-239, §10405). **Note:** The Agent Orange Act

of 1991 (P.L. 102-4) authorized Veteran's Administration (VA) benefit to some veterans with service-connected disabilities resulting from exposure to Agent Orange. These VA monthly payment are not excluded and will be counted as unearned income;

31. Payments made under the Radiation Exposure Compensation Act (P.L. 101-426);
  32. Payments made to individuals because of their status as victims of Nazi persecution (P.L. 103-286);
  33. Compensation paid to crime victims under the Crime Act of 1984 (amended by P.L. 103-322);
  34. Income earned in an Achieving a Better Life Experience (ABLE) account is not taxed if spent on qualified disability-related expenses. ABLE accounts allow for significant amounts of money to be put into a tax-advantaged savings and investment account without affecting eligibility for means tested programs such as SSI and Medicaid (P.L. 113-295, §103).
- K. Energy Assistance such as:
1. Payments or allowances for providing energy assistance under any Federal law besides part A of Title IV of the Social Security Act. This includes utility reimbursements made by the Department of Housing and Urban Development and the Rural Housing Service.
  2. A one-time payment or allowance for an as-needed basis and made under a Federal or State law for weatherization costs or emergency repair or replacement of an unsafe furnace or other heating or cooling device.
- L. Cash donations based on need received on or after February 1, 1988 from one or more private nonprofit charities. These payments must not exceed \$300 in a Federal fiscal year quarter;
- M. Earned income tax credit payments received either as a lump sum or payments under section 3507 of the Internal Revenue Code of 1986;
- N. Any payments made to an E&T participant for costs that are reasonably necessary and directly related to the E&T program. Such costs may include:
1. Dependent care costs;
  2. Transportation;
  3. Other expenses related to work, training or education such as uniform or necessary books or training manuals;
  4. The costs may not include meals away from home;
  5. The value of any dependent care service provided for or arranged under E&T will be excluded.
- O. Governmental foster care payments received by households with foster care individuals who are considered boarders;
- P. Income of an SSI recipient which fulfills a plan for achieving self-support (PASS) which has been approved under section 1612(b)(4)(A)(iii) or 1612(b)(4)(B)(iv) of the Social Security Act;
- Q. Income received by a member of the U.S. Armed Forces under Chapter 5 of Title 37 of the U.S. Code that is:
1. In addition to the service member's basic pay;
  2. As a result of the service member's deployment in an area designated a combat zone; and

3. Not received by the service member prior to the service member's deployment to an area designated as a combat zone.

*Source:* 7 CFR §273.9(c)

*Revised:* March 2022

## **Part 14 Chapter 18: Expenses and Deductions**

### ***Rule 18.1 General.***

Deductions will only be allowed for the following household expenses:

- A. Standard deduction;
- B. Earned income deduction;
- C. Excess medical deduction;
- D. Dependent care;
- E. Optional child support deduction; and
- F. Shelter costs.

*Source:* 7 CFR §273.9(d)

*Revised:* March 2022

### ***Rule 18.2 Standard Deduction.***

- A. The standard deduction for household sizes one to six is equal to 8.31 percent of the monthly net income eligibility standard rounded up to the nearest whole dollar.
- B. For households greater than six, the standard deduction is equal to the standard deduction for a six-person household.
- C. This is the calculation used to determine the minimum standard deduction for the 48 States and D.C., Alaska, Hawaii, Guam and the U.S. Virgin Islands.
- D. The standard deduction for all household sizes is posted annually on FNS' website.

*Source:* 7 CFR §273.9(d)(1)(i)

*Revised:* March 2022

### ***Rule 18.3 Earned Income Deduction.***

- A. The earned income deduction is twenty (20) percent of gross earned income.
- B. Excluded income is not subject to this deduction.

*Source:* 7 CFR §273.9(d)(2)

*Revised:* March 2022

### ***Rule 18.4 Excess Medical Deduction.***

- A. A deduction will be allowed for a portion of medical expenses over \$35.00 per month, excluding special diets, incurred by any household member who is elderly or disabled.
- B. Spouses and others who receive benefits as a dependent of the SSI, disabled or blind recipient are not eligible for this deduction.
- C. Allowable medical costs include the following:
  - 1. Medical and dental care, including psychotherapy and rehabilitation services provided by a Mississippi licensed practitioner or other qualified health professional.
  - 2. Hospitalization or outpatient treatment.

3. Nursing care and nursing home care, including payments by the household for a person who was a household member immediately prior to entering a hospital or nursing home.
4. Prescription drugs (except any Schedule I controlled substance) prescribed by a Mississippi licensed practitioner, other over-the-counter medication (including insulin), medical supplies and equipment when approved by a Mississippi licensed practitioner or other qualified health professional.
5. Dentures, hearing aids and prosthetics.
6. Reasonable cost of transportation and lodging incurred to obtain medical treatment or services.
7. Health and hospitalization insurance policy premiums.
8. Medicare premiums related to coverage under Title XVIII of the Social Security Act and any cost-sharing or spend down expenses incurred by Medicaid recipients.
9. Securing and maintaining a service dog, including the cost of food and veterinary bills.
10. Eyeglasses prescribed by a skilled physician or by an optometrist.
11. Maintaining a homemaker, housekeeper, home health aide, or childcare services that are necessary due to age, infirmity, or illness.
  - a) An amount equal to the one-person benefit will be considered a medical expense if the household furnishes the majority of the attendant's meals.
  - b) If a household member incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the costs may be deducted as one or the other, but not both.

Source: 7 CFR §273.9(d)(3)

Revised: March 2022

**Rule 18.5 Dependent Care Deduction.**

- A. A deduction will be allowed for dependent care when payments are necessary for a member of the household to:
  1. Search, accept or continue employment;
  2. Comply with Employment and Training (E&T) requirements; or
  3. Pursue education or participate in training that is essential in preparing for employment. (except for educational income that has been excluded per Rule 17.8 Excluded Income).
- B. Deductible dependent care costs are restricted to care for a child under the age of 18 or an incapacitated person of any age.
- C. Dependent care expenses must not be paid by another source on the household's behalf.
- D. A relative providing care must not be included in the same SNAP household.
- E. If a household incurs attendant care costs that could be considered as both a medical deduction or a dependent care deduction, the costs may be deducted as one or the other, but not both.
- F. Allowable dependent care deductions include the following:
  1. Transportation costs to and from a care facility;
  2. Cost of care given by an individual care provider or care facility;

3. Other costs that are necessary for the household to participate in the dependent's care.

*Source:* 7 CFR §273.9(d)(4)

*Revised:* March 2022

***Rule 18.6 Optional Child Support Deduction.***

- A. Mississippi has taken the state option to provide a deduction rather than an income exclusion for legally obligated child support payments (including payments towards child support arrearages) paid by a household member to a non-household member.
- B. Alimony payments are not included in the child support deduction.

*Source:* 7 CFR §273.9(d)(5)

*Revised:* March 2022

***Rule 18.7 Homeless Shelter Deduction.***

- A. MDHS must offer a standard homeless deduction to households where all members are homeless and not receiving free shelter throughout the month.
- B. **Note:** Homeless households may claim actual costs instead of the standard homeless shelter deduction if they are verified and higher.

*Source:* 7 CFR §273.9(d)(6)(i)

*Revised:* March 2022

***Rule 18.8 Excess Shelter Deduction.***

- A. A deduction will be allowed for monthly shelter expenses in excess of 50 percent of the household's income after all other above referenced deductions have been applied.
- B. **Note:** The deduction cannot exceed the maximum shelter deduction provided by FNS unless the household contains a disabled or elderly individual.
- C. Shelter expenses only include the following:
  1. Reoccurring charges for the shelter occupied by the household such as rent, mortgage or continuing charges leading to the ownership of the shelter (i.e., loan payments for the purchase of a mobile home);
  2. Property taxes and insurance on the dwelling itself;
  3. Cost of fuel for heating and cooling;
  4. Electricity and fuel used for costs other than heating and cooling;
  5. Water and sewage costs (including well or septic tank installation and maintenance);
  6. Garbage and trash collection;
  7. All services and costs to provide one telephone;
  8. Shelter costs for the home if unoccupied due to being temporarily away for employment or training, illness or abandonment caused by a natural disaster;
  9. Repair charges for a home that was substantially destroyed by a natural disaster such as a fire or a flood;
  10. **Note:** Shelter costs do not include repair charges that will be reimbursed by a public or private relief agency or an insurance company.

**Rule 18.9 Standard Utility Allowances.**

- A. Households will receive the appropriate utility allowances in place of actual costs at initial certification, recertification and when a household moves:
  - 1. A standard utility allowance (SUA) that includes heating or cooling;
    - a) This is available to households that incur heating or cooling expenses separately from their rent or mortgage.
    - b) Households that include elderly or disabled members who receive more than \$20 under the LIHEAP program, are eligible for the standard utility allowance (SUA).
  - 2. A limited or basic utility allowance (BUA) that includes at least two electricity and fuel utilities other than heating or cooling; or
  - 3. A standard telephone allowance.
- B. Households whose telephone bill is their only separately billed utility expense must use the standard telephone allowance.
- C. Only households that do not qualify for the SUA, BUA or standard telephone allowance may claim actual utility expenses, which must be verified. MDHS will not prorate a SUA that includes heating or cooling costs provided to a household that lives and shares heating or cooling expenses with others.

## **Part 14 Chapter 19: Choctaw Food Distribution Program**

### ***Rule 19.1 General.***

- A. The Mississippi Band of Choctaw Indians received approval from FNS to operate a Food and Distribution Program (FDP).
- B. The Choctaw FDP will operate concurrently with the MS SNAP.
- C. FNS has the power to determine the amount of any claim and to settle and adjust any claim.

*Source:* 7 CFR §253.3(b) and 7 CFR §253.4

*Revised:* March 2022

### ***Rule 19.2 Eligible Households.***

- A. The Choctaw FDP will serve all eligible reservation residents, Indian and non-Indian.
- B. **Exception:** Off-reservation commodity assistance is limited to Choctaw Indian households.
- C. A Choctaw Indian household is defined as a household containing at least one (1) person age 18 or over, who is a recognized member of the Choctaw tribe.
- D. An individual must be a legal resident of the United States to participate in the FDP.
- E. Households where all members receive TANF or SSI will, if otherwise eligible, be determined eligible for the FDP regardless of the income of household members.
- F. The income limits for the FDP will be adjusted every October to reflect the changes in the SNAP eligibility limits and standard deductions.

*Source:* 7 CFR §253.6 and 7 CFR §253.7

*Revised:* March 2022

### ***Rule 19.3 Program Benefits.***

- A. Households choosing the FDP will receive a monthly commodity food package based on their household size.
- B. The food package is an acceptable alternative to the SNAP benefits.
- C. The food package will consist of a variety of food from each of the food groups.

*Source:* 7 CFR §253.3(d)

*Revised:* March 2022

### ***Rule 19.4 Choice of Programs.***

- A. Eligible households living on or near the Mississippi Choctaw reservation can choose to receive SNAP benefits or a commodity food package from the FDP.
- B. Households may switch between receiving SNAP and FDP benefits within a certification period only by terminating their participation and notifying the appropriate office in writing of their intention to switch programs, or at the end of the certification period.
- C. The household must apply for FDP with the Choctaw Agency.
- D. The household must complete an application when switching from receiving FDP benefits to SNAP benefits.

- E. SNAP benefits may be issued beginning the month following the month the FDP ended, if the household meets all SNAP eligibility elements.

*Source:* 7 CFR §253.1; 7 CFR §253.3(b)(2); 7 CFR §253.7(e)(2)

*Revised:* March 2022

***Rule 19.5 Dual Participation.***

- A. Households cannot receive SNAP and FDP benefits during the same month.
- B. MDHS and the Choctaw FDP will develop a method to detect dual participation.
- C. At a minimum, lists of currently certified households will be exchanged between the two programs on a monthly basis. The State agency may also employ computer checks, address checks and telephone calls to prevent dual participation.

*Source:* 7 CFR §253.7(e)(1)

*Revised:* March 2022

***Rule 19.6 Expedited Service.***

- A. Expedited service is available to those households in immediate need.
- B. Commodities may be distributed within one (1) calendar day after the application date (excluding weekends and holidays) to eligible households who report no income in the current month and for those households that would likely be eligible and would otherwise suffer a hardship.
- C. The household's identity and address must be verified.
- D. The other required verifications must be completed prior to distribution of commodities the following month.

*Source:* 7 CFR §253.7(a)(9)

*Revised:* March 2022

***Rule 19.7 Disqualification for Intentional Program Violation (IPV).***

- A. Disqualified members cannot participate in either program until the disqualification period ends and if determined eligible.
- B. Only the household member that was determined to have committed the IPV can be disqualified.
- C. The disqualification may affect the eligibility of the whole household.
- D. ***Penalties:*** Household members will be ineligible to participate in FDP for:
  - 1. 12 months for the 1<sup>st</sup> violation;
  - 2. 24 months for the 2<sup>nd</sup> violation; and
  - 3. Permanently for the 3<sup>rd</sup> violation.

*Source:* 7 CFR §253.7(f); 7 CFR §253.8

*Revised:* March 2022

## Part 14 Chapter 20: Self-Employment

### ***Rule 20.1 General.***

- A. Self-employment income is earned directly from a business or profession, rather than a specified salary or wages from an employer.
- B. Ownership of rental property is considered a self-employment business. **Note:** Income derived from the rental property will be considered earned income only if a member of the household is actively engaged in the management of the property at least an average of 20 hours a week.
- C. Payments from a roomer or boarder, except foster care boarders, are considered self-employment income.

*Source:* 7 CFR §273.9(b)(1)(ii)

*Revised:* March 2022

### ***Rule 20.2 Averaging Self-Employment Income.***

- A. Self-employment income must be averaged over the period of time the income is intended to cover.
- B. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced an increase or decrease in business, then MDHS must calculate the self-employment income on the basis of anticipated earnings.
- C. If the self-employment enterprise has existed for less than a year, then the income from such enterprise must be averaged over the period of time the business has been operating and the monthly amount projected for the coming year.
- D. Self-employment income from a farming operation that incurs irregular expenses has the option to annualize the allowable costs of producing self-employment income from farming when the self-employment farm income is annualized.
- E. Annualizing Income: An estimate of self-employment income over a 12-month period if the income represents a household's annual support, even if the income is received in a shorter period of time.
- F. Averaging Income: Averaging income over the number of months. The income is intended to cover, if the income is not included for the household's annual support.

*Source:* 7 CFR §273.11(a)(1)

*Revised:* March 2022

### ***Rule 20.3 Determining Monthly Income from Self-Employment.***

- A. The monthly net self-employment income is determined as follows:
  - 1. Add the gross self-employment income (actual or anticipated) and capital gains;
  - 2. Exclude the costs of producing the self-employment income; and
  - 3. Divide the remaining amount of self-employment income by the number of months over which the income will be averaged.

- B. The monthly net self-employment income must be added to any other earned income received by the household to determine total monthly earned income.
- C. Capital Gains: The proceeds from the sale of capital goods or equipment must be calculated in the same manner as a capital gain for Federal tax income purposes. Even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, MDHS must count the full amount of the capital gain as income for SNAP purposes.

*Source:* 7 CFR §273.11(a)(2); 7 CFR §273.11(a)(3)

*Revised:* March 2022

***Rule 20.4 Determining Self-Employment Expenses.***

MDHS may either use actual costs for allowable expenses or use the following to determine self-employment expenses:

- A. The current reimbursement amount for the Child and Adult Care Food Program or a standard amount based on an estimated per-meal cost for income from day care;
- B. The maximum SNAP allotment for a household size that is equal to the number of boarders for income from boarders;
- C. The standard amount that MDHS uses for its TANF program; or
- D. An amount approved by FNS.

*Source:* 7 CFR §273.11(b)(3)

*Revised:* March 2022

***Rule 20.5 Allowable Costs of Producing Self-Employment Income.***

Most costs of producing self-employment income are deductible, with some exceptions. Allowable self-employment expenses include, but are not limited to:

- A. Labor expenses, including employer taxes, insurance premiums, and wages;
- B. Insurance premiums for buildings, business vehicles, machinery, and trade;
- C. Payments (principal and interest) for the purchase prices of income-producing real estate, capital assets, equipment, machinery and payments for maintenance, repairs and storage;
- D. Supplies such as feed, fertilizer, plants, raw materials, seeds, stock; and
- E. Taxes paid on income producing property.

*Source:* 7 CFR §273.11(b)(1)

*Revised:* March 2022

***Rule 20.6 Disallowable Self-Employment Expenses.***

The following self-employment expenses are not allowable costs of doing business in determining net self-employment income:

- A. Depreciation;
- B. Income taxes (federal, state or local);
- C. Net losses from previous periods;
- D. Work-related personal expenses including, but not limited to, transportation to and from the work site;
- E. Money set aside for retirement purposes; and

- F. Any amounts that exceeds the payment a household receives from a boarder for lodging and meals;

*Source:* 7 CFR §273.11(b)(2)

*Revised:* March 2022

## **Part 14 Chapter 21: Child Support Requirements**

### ***Rule 21.1 General.***

- A. MDHS has taken the option to disqualify custodial parents and non-custodial parents for non-cooperation with child support enforcement as well as for child support arrears.
- B. To receive SNAP benefits, the following individuals must cooperate with the Division of Child Support Enforcement (CSE):
  - 1. Custodial parents living with his or her child under 18 years of age. A custodial parent in this context is a natural or adoptive parent or other individual who is living with and exercises parental control over a child under the age of 18.
  - 2. Non-custodial parents. A non-custodial parent in this context is a putative or identified parent who does not live with his or her child who is under the age of 18.
- C. MDHS must notify all individuals of this requirement at the time of application and reapplication for continued benefits.

*Source:* 7 CFR §273.11(o)-(q); Miss Code Ann. §43-1-7(4)

*Revised:* March 2022

### ***Rule 21.2 Verification of Child Support Payments.***

Child support payments must be verified (see [Rule 3.3 Mandatory Verification at Initial Application](#) and [Rule 33.10 Recertification Verification](#)).

*Source:* 7 CFR §273.2(f)(1)(xii); 7 CFR §273.2(f)(8)(i)(A)

*Revised:* March 2022

### ***Rule 21.3 Cooperation.***

- A. Natural and adoptive parents and adults with parental control must cooperate with:
  - 1. Establishing paternity of the child; and
  - 2. Obtaining, modifying, or enforcing a support order for the child.
- B. Non-custodial parents must cooperate with:
  - 1. Establishing paternity if the child is born out of wedlock; and
  - 2. Providing support for the child.
- C. CSE will determine whether an individual is cooperating in good faith.

*Source:* 7 CFR §273.11(o)(1)(iv); 7 CFR §273.11(p)(1)(iv); Miss Code Ann. §43-1-7(4)

*Revised:* March 2022

### ***Rule 21.4 Good Cause Exemption.***

- A. MDHS must notify all individuals at application and reapplication for continuation of benefits of the right to good cause as an exemption to the cooperation requirement and the requirements to make a good cause determination.
- B. An individual's failure to cooperate will be determined as "good cause" if:
  - 1. The individual meets the good cause determination for the TANF program; or

2. If cooperating would make it more difficult for the custodial parent to escape domestic violence or unfairly penalize the individuals who is or has been a victim of such violence.
- C. CSE provides and determines if the household has good cause for not cooperating with child support requirements.
- D. Good cause reasons are based on the household's circumstances and the child's best interest.
- E. Corroborative evidence must be provided as proof of the good cause claim.

*Source:* 7 CFR §273.11(o)(2); 7 CFR §273.11(p)(2)

*Revised:* March 2022

***Rule 21.5 Individual Disqualification.***

- A. Failure to cooperate with CSE without good cause by a custodial or non-custodial parent will result in disqualification of the individual household member, not the entire household.
- B. The income and resources of the disqualified individual will be handled according to [Rule 22.7 SSN Disqualifications, Child Support Disqualifications and Ineligible ABAWDs.](#)

*Source:* 7 CFR §273.11(o)(3); 7 CFR §273.11(p)(3); 7 CFR § 273.11(q)(3)

*Revised:* March 2022

***Rule 21.6 Termination of Disqualification.***

Disqualification will end once it has been determined that the individual is cooperating with CSE.

*Source:* 7 CFR §273.11(o)(5); 7 CFR §273.11(p)(6)

*Revised:* March 2022

***Rule 21.7 Disqualification of Child Support Arrears.***

- A. Non-custodial parents shall be ineligible to participate in SNAP as a member of any household during any month that the non-custodial parent is delinquent with any payments due under a court order for the support of a child of the individual.
- B. A disqualification will **not apply** if:
  1. A court is allowing the individual to delay payment;
  2. The individual is complying with a payment plan approved by the court or CSE;
  3. CSE determines that the individual has good cause for the non-support.

*Source:* 7 CFR §273.11(q)

*Revised:* March 2022

## **Part 14 Chapter 22: Households with Excluded Members.**

### ***Rule 22.1 Intentional Program Violation (IPV), Certain Convicted Felon Disqualifications, Fleeing Felon Disqualifications and Work Requirement Sanctions.***

- A. The income and resources of the following ineligible non-household members will count in their entirety for the remaining household members:
  - 1. Non-household members disqualified for an Intentional Program Violation;
  - 2. Non-household members disqualified for failure to comply with workfare or work requirements;
  - 3. Non-household members disqualified for a conviction as an adult for aggravated sexual abuse under section 2241 of title 18, United States Code, since February 7, 2014 and not in compliance with the terms of his or her release;
  - 4. Non-household members disqualified for a conviction as an adult for murder under section 1111 of title 18, United State Code, since February 7, 2014 and not in compliance with the terms of his or her release;
  - 5. Non-household members disqualified for a conviction as an adult for an offense under chapter 110 of title 18, United States Code, since February 7, 2014 and not in compliance with the terms of his or her release;
  - 6. Non-household members disqualified for a conviction as an adult for a Federal or MS offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994, since February 7, 2014 and not in compliance with the terms of his or her release;
  - 7. Non-household members disqualified for a conviction as an adult for an offense under MS law determined by the Attorney General to be substantially similar to an offense described in clauses 4-6 since February 7, 2014 and not in compliance with the terms of his or her release;
  - 8. Non-household members disqualified for being probation and parole violators; and
  - 9. Non-household members disqualified for being a fleeing felon.
- B. The entire household's allowable deductions will continue to apply to the remaining household members for the above referenced ineligible non-household members.
- C. The aforementioned ineligible non-household members must not be included when determining the household's size for the purposes of:
  - 1. Assigning a benefit level to the household;
  - 2. Assigning a standard deduction to the household;
  - 3. Comparing the household's monthly income with the income eligibility standards;  
or
  - 4. Comparing the household's resources with the resource eligibility standards.

*Source:* 7 CFR §273.11(c)(1); 7 CFR §273.11(s)

*Revised:* March 2022

### ***Rule 22.2 Test for Fleeing Felons.***

For an individual to be identified as a fleeing felon, MDHS must verify all of the following is true:

- A. An outstanding felony warrant by any law enforcement agency exists for the individual;

- B. The individual must be aware of or should reasonably be able to expect that a felony warrant has or would have been issued;
- C. The individual has taken some action to avoid being arrested or jailed; and
- D. Any law enforcement agency is actively seeking the individual.

*Source:* 7 CFR §273.11(n)(1)(i)

*Revised:* March 2022

***Rule 22.3 Probation and Parole Violator.***

To be considered a probation or parole violator, an impartial person, as designated by MDHS, must determine that an individual violated a condition of his or her probation or parole imposed under Federal or State law and that any law enforcement official(s) is actively seeking the individual to enforce the conditions of such probation or parole.

*Source:* 7 CFR §273.11(n)(2)

*Revised:* March 2022

***Rule 22.4 Actively Seeking.***

Actively seeking means either a Federal, State or local law enforcement agency:

- A. Informs MDHS of its intent to enforce an outstanding felony warrant or arrest the individual for a probation or parole violation within 20 days of submitting a request for information about the individual to MDHS;
- B. Presents a felony arrest warrant; or
- C. States its intent to enforce an outstanding felony warrant or to arrest the individual for a probation or parole violation within 30 days of MDHS submitting a request for information about a specific outstanding felony warrant or probation or parole violation.

*Source:* 7 CFR §273.11(n)(3)

*Revised:* March 2022

***Rule 22.5 Response Time from Law Enforcement.***

- A. MDHS must give the law enforcement agency 20 days to respond to a request for information about a felony warrant or a probation or parole violation and whether such agency intends to actively pursue the person.
- B. If the law enforcement agency does not indicate its intent to actively pursue the felony warrant or arrest the individual for the probation or parole violation within 30 days of MDHS' request for information about the warrant, then MDHS will conclude that such individual is not a fleeing felon or a probation or parole violator.
- C. If the law enforcement agency indicates its intent to actively pursue the felony warrant or arrest the individual for the probation or parole violation within 30 days of MDHS's request for information, then MDHS will delay taking action on the case until the 30-day period has expired.
- D. Once the 30-day period has expired, MDHS must verify with the law enforcement agency whether it has attempted to execute the felony warrant or arrest the probation or parole violator. If so, MDHS must deny an applicant or terminate a participant. If the law

enforcement agency has not taken any action within 30 days, then MDHS will conclude that such individual is not a fleeing felon or a probation or parole violator.

*Source:* 7 CFR §273.11(n)(4)

*Revised:* March 2022

***Rule 22.6 Awaiting Verification of Fleeing Felon, Probation or Parole Violator Status.***

- A. MDHS must continue to process the application while awaiting verification of fleeing felon, probation or parole violator status.
- B. The fleeing felon, probation or parole status will not be considered if MDHS must act in order to meet required timeliness application processing standards.

*Source:* 7 CFR §273.11(n)(5)

*Revised:* March 2022

***Rule 22.7 SSN Disqualifications, Child Support Disqualifications and Ineligible ABAWDs.***

- A. The resources of these ineligible non-household members will continue to count in their entirety for the remaining household members.
- B. A pro rata share of the income of these ineligible non-household members will be counted as income to the remaining household members. This pro rata share is calculated by first subtracting the allowable exclusions from the ineligible member's income and dividing the income evenly among the household members, including the ineligible members. Everything except the ineligible member's share is counted as income for the remaining household members.
- C. The 20% earned income deduction will apply to the prorated income earned by the above referenced ineligible household members. That portion of the household's allowable child support payment, shelter and dependent care expenses which are either paid by or billed to the ineligible members will be divided evenly among the household members, including the ineligible members. Everything except the ineligible member's share is counted as a deductible child support payment, shelter or dependent care expense for the remaining household members.
- D. The aforementioned ineligible non-household members must not be included when determining the household's size for the purposes of:
  - 1. Assigning a benefit level to the household;
  - 2. Assigning a standard deduction to the household;
  - 3. Comparing the household's monthly income with the income eligibility standards;
  - or
  - 4. Comparing the household's resources with the resource eligibility standards.

*Source:* 7 CFR §273.11(c)(2)

*Revised:* March 2022

***Rule 22.8 Ineligible Non-Citizens.***

- A. A pro rata share of the income of such ineligible non-citizen will be counted as income to the remaining household members. This pro rata share is calculated by first subtracting the allowable exclusions from the ineligible non-citizen's income and dividing the income evenly among the household members, including the ineligible non-citizen. Everything except the ineligible non-citizen's share is counted as income for the remaining household members.
- B. The resources of the ineligible non-citizen will count in their entirety for the remaining household members.
- C. The 20% earned income deduction will apply to the prorated income earned by the above referenced ineligible non-citizen. That portion of the household's allowable child support payment, shelter and dependent care expenses which are either paid by or billed to the ineligible non-citizen will be divided evenly among the household members, including the ineligible non-citizen. Everything except the ineligible non-citizen's share is counted as a deductible child support payment, shelter or dependent care expense for the remaining household members.
- D. **Exception:** If the household is entitled to the SUA or BUA and is billed or pays all or part of the household's utility expenses, then the household will be entitled to the full amount.
- E. The above statements do not apply to a non-citizen:
  - 1. Who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
  - 2. Who is granted asylum under section 208 of the INA;
  - 3. Who is admitted as a refugee under section 207 of the INA;
  - 4. Who is paroled in accordance with section 212(d)(5) of the INA;
  - 5. Whose deportation or removal has been withheld in accordance with section 243 of the INA;
  - 6. Who is aged, blind, or disabled in accordance with section 1614(a)(1) of the Social Security Act and is admitted for temporary or permanent residence under section 245A(b)(1) of the INA; or
  - 7. Who is a special agricultural worker admitted for temporary residence under section 210(a) of the INA.
- F. For an ineligible non-citizen within a category described above, MDHS will count all of the ineligible non-citizen's resources and all but a pro rata share of the ineligible non-citizen's income and deductible expenses.
- G. Ineligible non-citizen due to inability or unwillingness to provide immigration status: MDHS must count all of the ineligible non-citizen's resources and a pro rata share of the ineligible non-citizen's income and deductible expenses.
- H. The resources and income of the sponsor and sponsor's spouse will not be included in determining the resources and income of an ineligible sponsored non-citizen.

*Source: 7 CFR §273.11(c)(3)*

*Revised: March 2022*

***Rule 22.9 Treatment of Income and Resources of Other Non-Household Members.***

- A. For all other non-household members who are not specifically referenced in other rules in this chapter, the income and resources of such individuals will not be considered available to the remaining household members, such as an ineligible student.
- B. Cash payments from such non-household member to the household will be considered income.
- C. If the household shares deductible expenses with such non-household member, only the amount actually paid or contributed by the household will be deducted as a household expense. If the payments or contributions cannot be separated, the expenses will be prorated evenly among individuals actually paying or contributing to the expense and only the household's pro rata share will be deducted.
- D. **Exception:** If the household is entitled to the SUA or BUA and is billed or pays all or part of the household's utility expenses, then the household will be entitled to the full amount.
- E. If earned income of one or more household members is combined into one wage with the earned income of such non-household member, the income of the remaining household members will be determined as follows:
  - 1. If the household's share can be identified, MDHS will count that portion due to the household as earned income.
  - 2. If the household's share cannot be identified, MDHS will prorate the earned income among those whom it was intended to cover and count that prorated portion to the household.
- F. Such aforementioned other ineligible non-household members must not be included when determining the household's size for the purposes of:
  - 1. Assigning a benefit level to the household;
  - 2. Comparing the household's monthly income with the income eligibility standards;  
or
  - 3. Comparing the household's resources with the resource eligibility standards.

*Source:* 7 CFR §273.11(d)

*Revised:* March 2022

***Rule 22.10 Reduction of Public Assistance Benefits.***

- A. If a household's benefits are reduced because of the failure of a SNAP household member performing an action under a Federal, State or local means-tested public assistance program, MDHS will not increase the household allotment as the result of the decrease in income.
- B. The prohibition on increasing SNAP benefits exists for the duration of the reduction in the assistance program.
- C. If the sanction is still in place at the end of one year, MDHS must review the case to determine the appropriateness of a further sanction.
- D. MDHS must lift the prohibition on increasing SNAP benefits if it is determined that the individual has become ineligible for the assistance program for another reason or the individual's assistance case is closed.

- E. MDHS must act on changes that are not related to the assistance violation and that would affect the household's benefits.

*Source:* 7 CFR §273.11(j)

*Revised:* March 2022

***Rule 22.11 Comparable Disqualification.***

- A. If a disqualification is imposed on a member of a household for failure to perform an action required under a Federal, State, or local means-tested public assistance program, MDHS may impose the same disqualification on the SNAP household member.
- B. This provision does not apply to individuals who are disqualified at the time the individual initially applies for assistance benefits.
- C. MDHS must stop the SNAP disqualification when it becomes apparent that the individual has become ineligible for assistance for another reason or the individual's assistance case is closed.
- D. Only the individual who committed the assistance program violation may be disqualified for SNAP purposes even if the entire assistance unit is disqualified for Title IV-A purposes.
- E. MDHS may determine the length of the disqualification provided that the disqualification does not exceed the disqualification in the other program.
- F. If the sanction is still in place at the end of one year, MDHS must review the case to determine the appropriateness of a further sanction.

*Source:* 7 CFR §273.11(k)

*Revised:* March 2022

***Rule 22.12 School Attendance.***

- A. MDHS may sanction a family that includes an adult who has received TANF assistance or SNAP benefits if such adult fails to ensure that his or her minor dependent child(ren) attend school as required by the state of Mississippi.
- B. MDHS may sanction a family that includes an adult who is older than 20 and younger than 51 who has received TANF assistance or SNAP benefits if such adult does not have or is not working toward attaining a secondary school diploma or a recognized equivalent.

*Source:* 7 CFR §273.11(l)

*Revised:* March 2022

***Rule 22.13 Disqualification for Substantial Lottery or Gambling Winnings.***

- A. Substantial lottery or gambling winnings are cash prizes equal to or greater than the maximum allowable resource limit for elderly or disabled household as set by FNS that were won in a single game before taxes or other withholdings.
- B. Receipt of substantial winnings must be reported to MDHS.
- C. A household certified to receive benefits will lose eligibility immediately and be disqualified upon receipt of substantial lottery or gambling winnings by any individual in the household.
- D. Such households will remain disqualified until they meet the allowable income and resource eligibility standards as set by FNS.

*Source:* 7 CFR §273.11(r)

*Revised:* March 2022

***Rule 22.14 Individuals Convicted of Drug-Related Felonies.***

- A. Mississippi has opted out of the law that denies assistance and benefits after drug-related convictions.
- B. Mississippi statute as of July 1, 2019 provides that individuals convicted of drug-related felonies are eligible to receive SNAP benefits.

*Source:* 7 CFR §273.11(m); Miss. Code Ann. §43-12-71

*Revised:* March 2022

## **Part 14 Chapter 23: Drug Addict or Alcoholic Treatment and Rehabilitation Programs (DAA Treatment Centers)**

### ***Rule 23.1 Eligibility Criteria for DAA Treatment Centers.***

In order for an addict or alcoholic to be eligible to participate in SNAP, the DAA treatment center must provide proof that it is *either*:

- A. Publicly operated or a private non-profit organization and certified by Mississippi's Title XIX agency (Mississippi Department of Mental Health) as either:
  - 1. Receiving funding under part B of Title XIX of the Public Health Service Act;
  - 2. Eligible to receive funding under part B of Title XIX even if no funds are being received;
  - 3. Operating to further the purposes of part B of Title XIX to provide treatments and rehabilitation of drug addicts and/or alcoholics; or
- B. Authorized as a retailer by the Food and Nutrition Service (FNS).

*Source:* 7 CFR §271.2; 7 CFR §273.11(e)(1)

*Revised:* March 2022

### ***Rule 23.2 Application.***

- A. Residents of DAA treatment centers must voluntarily decide to apply for SNAP benefits but must apply and be certified through an authorized representative who is employed by the center and designated for such purpose.
- B. MDHS requires that the resident also designate the DAA treatment center as their authorized and benefit representative.

*Source:* 7 CFR §273.2(n)(1)(ii); 7 CFR §273.11(e)(1)

*Revised:* March 2022

### ***Rule 23.3 Expedited Service.***

MDHS will make benefits available to residents in DAA treatment centers who are entitled to expedited services no later than seven calendar days following the application filing date.

*Source:* 7 CFR §273.2(i)(3)(ii)

*Revised:* March 2022

### ***Rule 23.4 Household Concept.***

- A. Eligible residents living in DAA treatment centers must be certified as a one-person household from others living in the center.
- B. **Exception:** If their children are living with them, then the children must be included in the household.

*Source:* 7 CFR §273.1(b)(7)(vi)(B); 7 CFR §273.11(e)(1)

*Revised:* March 2022

***Rule 23.5 Use of Benefits.***

Eligible residents of a DAA treatment center may use SNAP benefits to purchase food prepared for them during the course of their stay by a private non-profit organization or a publicly operated community mental health center that is a FNS authorized retailer.

*Source:* 7 CFR §274.7(g)(3)(i); 7 CFR §278.1(e)

*Revised:* March 2022

***Rule 23.6 Responsibilities of DAA Treatment Centers During a Resident's Stay.***

- A. The staff member who is designated as the authorized representative must be aware of SNAP applicant's circumstances.
- B. Such authorized representative must use the SNAP benefits for food prepared by or served to the resident addict and/or alcoholic.
- C. If the DAA treatment center is an authorized retailer, a point-of-sale (POS) terminal will be installed for residents to pay for the meals provided.
- D. The DAA treatment center must ensure that only up to one-half of the allotment is used before the 16<sup>th</sup> day of each month.
- E. The DAA treatment center must notify MDHS of all changes in the household's circumstances, including when the residents leaves the center.
- F. On a monthly basis, management of the DAA treatment center must provide a listing the currently participating SNAP residents and attest to its validity. The form must be submitted to MDHS within five business days after the end of the month for which it is prepared.
- G. The DAA treatment center is responsible for:
  - 1. Any misrepresentations of fact or intentional SNAP program violations which it knowingly commits;
  - 2. And will be strictly liable for all losses or misuse of benefits and/or EBT cards held on behalf of resident households; and
  - 3. All over issuances that occur while households are residents of the center.

*Source:* 7 CFR §273.2(n)(4)(C); 7 CFR §273.11(e); 7 CFR §273.12(a)

*Revised:* March 2022

***Rule 23.7 Responsibilities of DAA Treatment Centers When a Resident Departs.***

- A. Notify the county MDHS office.
- B. Upon a scheduled departure, the DAA treatment center must provide the household with a change reporting form and advise the resident to complete and return the form to MDHS within 10 days.
- C. The center must provide the household its EBT card along with their personal identification number (PIN) upon departure.
- D. DAA treatment centers must return any EBT cards to MDHS by the end of each month that are not returned to the departing residents.

- E. The center is no longer authorized to act as the household's authorized representative for application purposes or as a benefit representative upon a resident's departure.
- F. If benefits are not used, then the full monthly value of the benefits must be on the EBT card or refunded to the resident when the household leaves the center.
- G. If benefits are debited and any portion used, then one of the following must occur:
  - 1. If the household leaves before the 16<sup>th</sup> of the month, the center must ensure the household has one-half of its monthly benefit allotment on the EBT card; or
  - 2. If the household leaves on or after the 16<sup>th</sup> day of the month, the resident must have control over any of the remaining monthly allotment.

Source: 7 CFR §273.11(e)(6)

Revised: March 2022

***Rule 23.8 Responsibilities of Residents of DAA Treatment Centers Upon Departure.***

Upon departure, the individual must complete and return the change reporting form provided by the DAA Treatment Center and return it to MDHS within 10 days to notify the agency of the individual's new address. The change reporting form is also available and can be uploaded on the MDHS website.

Source: 7 CFR §273.11(e)(6)(i); 7 CFR §273.12(a)

Revised: March 2022

***Rule 23.9 MDHS Responsibilities.***

- A. MDHS must clearly communicate the protocol DAA treatment centers must meet when making application on behalf of its residents.
- B. MDHS must also verify that the DAA treatment center meets the SNAP standards for certification prior to determining if any residents are eligible for SNAP benefits.
- C. MDHS must conduct random periodic on-site visits to the DAA treatment centers to ensure the accuracy of the monthly list and consistency with MDHS records.
- D. MDHS must ensure that the DAA treatment centers do not obtain more than one-half of the household's allotment prior to the 16<sup>th</sup> of the month or permit the return of benefits to the household's EBT account through a refund, transfer or other means.
- E. MDHS must effect the return of benefits if a resident departs and the center is unable to return the benefits as required in [Rule 23.7 Responsibilities of DAA Treatment Centers When a Resident Departs.](#)
- F. MDHS must promptly notify FNS when it suspects that a DAA treatment center is misusing benefits or EBT cards in its possession.

Source: 7 CFR §273.11(e)

Revised: March 2022

***Rule 23.10 DAA Treatment Centers Disqualified by FNS as an Authorized Retailer.***

MDHS will suspend a DAA treatment center's status as an authorized representative for the same period as FNS' disqualification period.

Source: 7 CFR §273.11(e)(8)

Revised: March 2022

***Rule 23.11 Notice of Adverse Action.***

Residents of DAA treatment centers will not receive an individual notice of adverse action when MDHS has terminated the eligibility of one of the residents of the DAA treatment center due to the facility losing either:

- A. Its certification from the appropriate agency of the state of Mississippi (Mississippi Department of Mental Health); or
- B. Its status as an authorized representative due to FNS disqualifications.

*Source:* 7 CFR §273.13(b)(11)

*Revised:* March 2022

***Rule 23.12 Certification Periods.***

Residents of DAA treatment centers may be certified for one or two months due to the likelihood of substantial changes in income or household status.

*Source:* 7 CFR §273.10(f)

*Revised:* March 2022

***Rule 23.13 Work Requirements.***

Individuals regularly participating in a DAA treatment center are exempt from work requirements.

*Source:* 7 CFR §273.7(b)(1)(vi)

*Revised:* March 2022

## **Part 14 Chapter 24: Blind and Disabled Group Living Arrangements (GLA)**

### ***Rule 24.1 Eligibility Criteria for GLAs.***

In order for a resident of a GLA to be eligible to participate in SNAP, the GLA must provide proof that it is *either*:

- A. 1. A public or private non-profit residential setting;
- 2. That serves no more than 16 residents; and
- 3. Is certified by the appropriate state agency under the regulations issued under Section 1616(e) of the Social Security Act; or
- B. Authorized as a retailer by the Food and Nutrition Service (FNS).

*Source:* 7 CFR §271.2

*Revised:* March 2022

### ***Rule 24.2 Resident Eligibility Criteria for GLAs.***

A resident of a group living arrangement must either:

- A. Receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act;
- B. Receive disability or blindness payments under Title I, II, X, XIV or XVI of the Social Security Act;
- C. Receive federal or state administered supplemental benefits under Section 1616(a) of the Social Security Act provided the eligibility was based on disability or blindness;
- D. Receive federal or state administered supplemental benefits under Section 212(a) of P.L. 93-66;
- E. Receive disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221(i) of the Social Security Act;
- F. Be a veteran with a service connected or non-service connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under Title 38 of the US Code;
- G. Be a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the US Code;
- H. Be a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the US Code;
- I. Be a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the US Code and has a disability considered permanent under Section 221(i) of the Social Security Act;
- J. Receive an annuity payment under Section 2(a)(1) of the Railroad Retirement Act of 1974 and is determined to be disabled based on criteria under Title XVI of the Social Security Act;
- K. Be a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness

criteria established by the State agency which are at least stringent as those used under title XVI of the Social Security Act.

*Source:* 7 CFR §271.2

*Revised:* March 2022

***Rule 24.3 Application.***

- A. Residents of GLAs may either apply:
  - 1. On their own behalf;
  - 2. Through an authorized representative who is employed by the GLA and designated for such purpose; or
  - 3. Through an authorized representative of their choice.
- B. The GLA decides whether an individual may apply on his or her own behalf based on his or her physical and mental ability to handle his or her own affairs.

*Source:* 7 CFR §273.2(n)(1)(ii); 7 CFR §273.2(n)(3); 7 CFR §273.11(f)(1) and (8)

*Revised:* March 2022

***Rule 24.4 Expedited Service.***

MDHS will make benefits available no later than seven calendar days after the date of application to residents in GLAs who are entitled to expedited service.

*Source:* 7 CFR §273.2(i)(3)(ii)

*Revised:* March 2022

***Rule 24.5 Household Concept.***

- A. If residents apply through the use of the GLA authorized representative, then their eligibility must be determined as a one-person household from others living in the center.
- B. **Exception:** If their children are living with them, then the children must be included in the household.

*Source:* 7 CFR §273.1(b)(7)(vi)(B); 7 CFR §273.11(f)(1)(ii)

*Revised:* March 2022

***Rule 24.6 Use of Benefits.***

- A. If the residents are certified on their own behalf, food may be purchased either:
  - 1. By the facility through a benefit representative card for meals served either communally or individually to eligible residents; or
  - 2. By eligible residents through use of their own EBT cards for preparation and their own consumption.
- B. The GLA may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain their meals at a central location as part of the GLA's normal services or if meals are prepared at a central location for delivery to the individual residents.

- C. If personalized meals are prepared and paid with SNAP benefits, the GLA must ensure that the resident's SNAP benefits are used for meals intended for that particular resident.

Source: 7 CFR §273.11(f)(8); 7 CFR §274.7(g)(3)(ii)

Revised: March 2022

***Rule 24.7 Responsibilities of GLAs During a Resident's Stay.***

- A. The staff member who is designated as the authorized representative must be aware of SNAP applicant's circumstances.
- B. The GLA must notify MDHS of all changes in the household's circumstances, including when the residents leaves the group living arrangement if it is acting as the authorized representative.
- C. If the resident applies on his or her own behalf, then he or she is responsible for reporting changes in the household's income and circumstances.
- D. On a periodic basis, management of the GLA must complete a form provided by MDHS listing the currently participating SNAP residents and attest to its validity. The form must be submitted to MDHS within five business days after the end of the month for which it is prepared.
- E. When acting as an authorized representative, the GLA is responsible for:
  - 1. Any misrepresentations of fact or intentional SNAP program violations which it knowingly commits;
  - 2. And will be strictly liable for all losses or misuse of benefits and/or EBT cards held on behalf of resident households; and
  - 3. All overissuance that occur while households are residents of the center.

Source: 7 CFR §273.2(n)(4)(C); 7 CFR §273.11(f); 7 CFR §273.12(a)

Revised: March 2022

***Rule 24.8 Responsibilities of GLA When a Resident Departs.***

- A. The GLA must return any EBT cards in their possession and provide the personal identification number to the household so that the household may have access to any remaining funds on the card.
- B. Any EBT cards not provided to the household upon departure must be returned to MDHS by the end of each month.
- C. Upon a scheduled departure, the GLA must provide the household with a change reporting form and advise the household to complete and return the form to MDHS within 10 days.
- D. The GLA is no longer authorized to act as the household's authorized representative for application purposes or as a benefit representative upon a resident's departure.
- E. If benefits are not used, then the full monthly value of the benefits must be on the EBT card or refunded to the resident.
- F. If benefits are debited by the GLA and any portion used, then one of the following must occur:
  - 1. If the household leaves before the 16<sup>th</sup> of the month, the GLA must ensure the household has one-half of its monthly benefit allotment on the EBT card; or

2. If the household leaves on or after the 16<sup>th</sup> day of the month, the individual or household does not receive any benefits.
- G. When a group of residents has been certified as one household and a member of such household leaves the GLA before the 16<sup>th</sup> of the month, then the following must occur:
1. The GLA must return a pro rata share of one-half of the household's benefit to the EBT account and advise MDHS that such individual is entitled to that pro rata share; and
  2. MDHS must create a new EBT account for such individual, issue a new card and transfer the pro rata share from the original household's EBT account to the departing household's EBT account.

Source: 7 CFR §273.11(f)

Revised: March 2022

***Rule 24.9 Responsibilities of Residents of GLAs upon Departure.***

Upon departure, the individual must complete and return the change reporting form provided by the GLA (if it acted as the authorized representative) and return it to MDHS within 10 days to notify the agency of the individual's new address. If the resident of the GLA acted on his or her own behalf, he or she may obtain the change reporting form and return the completed form by uploading it on the MDHS website.

Source: 7 CFR §273.11(f); 7 CFR §273.12(a)

Revised: March 2022

***Rule 24.10 MDHS Responsibilities.***

- A. MDHS must verify that the GLAs meet the SNAP standards for certification prior to determining if any residents are eligible for SNAP benefits.
- B. MDHS must conduct random periodic on-site visits to the GLAs to ensure the accuracy of the monthly list and consistency with MDHS records.
- C. MDHS must ensure that the GLAs return unused benefits to the household through a refund, transfer or other means.
- D. MDHS must effect the return or transfer of benefits if a resident departs and the GLA is unable to return the benefits as required in *Rule 24.8 Responsibilities of GLA When a Resident Departs.*
- E. MDHS must promptly notify FNS when it suspects that a GLA is misusing benefits or EBT cards in its possession.

Source: 7 CFR §273.11(f)

Revised: March 2022

***Rule 24.11 GLA Disqualified by FNS as an Authorized Retailer.***

- A. MDHS will suspend a GLA's status as an authorized representative for the same period as FNS' disqualification period.
- B. Residents applying on their own behalf will still be able to participate in SNAP if otherwise eligible.

*Source:* 7 CFR §273.11(f)(1)(i); 7 CFR §278.1(f)

*Revised:* March 2022

***Rule 24.12 Notice of Adverse Action.***

Residents of GLAs will not receive an individual notice of adverse action when MDHS has terminated the eligibility of one of the residents due to the facility losing either:

- A. Its certification from the appropriate agency of the state of Mississippi; or
- B. Its status as an authorized representative due to FNS disqualification.

*Source:* 7 CFR §273.13(b)(11)

*Revised:* March 2022

## **Part 14 Chapter 25: Shelters for Battered Persons**

### ***Rule 25.1 Eligibility Criteria for Shelters for Battered Persons.***

For residents of shelters for battered persons to be eligible to participate in SNAP, the shelter must *either* be:

- A. A public or private non-profit residential facility that serves battered persons; or
- B. Authorized as a retailer by the Food and Nutrition Service (FNS).
- C. If the facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons to qualify.

*Source:* 7 CFR §271.2

*Revised:* March 2022

### ***Rule 25.2 Dual Benefits.***

- A. A resident of a shelter for battered persons may be entitled, if otherwise eligible, to an allotment in the same month the individual moves into the shelter provided that the abuser was included in the previous household.
- B. Such additional allotments can only occur once a month.

*Source:* 7 CFR §273.3(a); 7 CFR §273.11(g)(2)

*Revised:* March 2022

### ***Rule 25.3 Expedited Service.***

MDHS will make benefits available to residents in shelters for battered persons who are entitled to expedited service no later than seven calendar days following the application filing date.

*Source:* 7 CFR §273.2(i)(3)(v); 7 CFR §273.11(g)(4)

*Revised:* March 2022

### ***Rule 25.4 MDHS Responsibilities.***

Prior to certifying any residents, MDHS must verify that the shelter meets the definition of a shelter for battered persons.

*Source:* 7 CFR §273.11(g)(1)

*Revised:* March 2022

### ***Rule 25.5 Use of Benefits.***

SNAP benefits may be used by shelter residents in any of the following ways:

- A. The residents may use the benefits to purchase meals prepared especially for them at the shelter, which is authorized by FNS to redeem benefits.
- B. The residents may designate the shelter as a benefit representative so that the shelter can purchase food for meals served to the residents.
- C. The residents may use the benefits to purchase food for their own consumption.

*Source:* 7 CFR §274.7(g)(3)(iii); 7 CFR §278.1(g);

*Revised:* March 2022

***Rule 25.6 Income, Resources and Expenses.***

- A. Shelter residents who apply as a separate household shall be certified only on the basis of their income, resources and expenses for which they are responsible, and their former household's income, resources and expenses shall be disregarded.
- B. Jointly owned resources with a former household member will be considered inaccessible and therefore not counted.

*Source:* 7 CFR §273.8(d); 7 CFR §273.11(g)(3)

*Revised:* March 2022

## **Part 14 Chapter 26: Homeless SNAP Households.**

### ***Rule 26.1 Homeless Individual.***

An individual who lacks a fixed and regular nighttime residence or whose primary nighttime residence is one of the following:

- A. A supervised shelter designed to provide temporary accommodations;
- B. A halfway house or similar location that provides a temporary residence for individuals intended to be institutionalized;
- C. A temporary accommodation for not more than 90 days in the residence of another individual; or
- D. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings

*Source:* 7 CFR §271.2

*Revised:* July 2023

### ***Rule 26.2 Homeless Meal Provider.***

A homeless meal provider is either:

- A. A public or private nonprofit establishment that feeds homeless people; or
- B. A restaurant that contracts with an appropriate state agency to provide meals at low or reduced prices to homeless people.

*Source:* 7 CFR §271.2

*Revised:* March 2022

### ***Rule 26.3 Authorized Representatives.***

Homeless meal providers may not act as authorized representatives for homeless SNAP recipients.

*Source:* 7 CFR §273.2(n)(4)(i)(D)

*Revised:* March 2022

### ***Rule 26.4 Use of Benefits.***

In addition to purchasing unprepared foods from retailers, homeless SNAP households will be permitted to use their SNAP benefits to:

- A. Purchase prepared meals from homeless meal providers authorized by FNS; or
- B. Purchase meals from restaurants authorized by FNS for such purpose.

*Source:* 7 CFR §273.11(h); 7 CFR §274.7(g)(4); 7 CFR §278.1(h)

*Revised:* March 2022

### ***Rule 26.5 Homeless Shelter Deduction.***

- A. MDHS must offer a standard homeless deduction to households where all members are homeless and not receiving free shelter throughout the month.

B. Homeless households may claim actual costs instead of the standard homeless shelter deduction if the actual costs are higher and verified.

*Source:* 7 CFR §273.9(d)(6)(i)

*Revised:* March 2022

***Rule 26.6 Certification Periods.***

Homeless households may be certified for one or two months due to the unpredictable changes in income or household status.

*Source:* 7 CFR §273.10(f)

*Revised:* March 2022

## **Part 14 Chapter 27: Migrant or Seasonal Farmworkers.**

### ***Rule 27.1 General.***

Migrant or seasonal farmworker households may be classified as destitute and in need of expedited services even though they may receive more income during the month of application.

*Source:* 7 CFR §273.10(e)(3)

*Revised:* March 2022

### ***Rule 27.2 Destitute Households.***

- A. Destitute status only applies to households consisting of migrant or seasonal farm workers.
- B. Households whose only income for the month of application was received prior to the date of application and was from a terminated source will be considered destitute and provided expedited service.
- C. Households whose only income for the month of application is received from a new source will be considered destitute and provided expedited service if income of more than \$25 from the new source will not be received by the 10<sup>th</sup> calendar day after the date of application.
- D. Households may receive income from a terminated source prior to the date of application, and income from a new source after the date of application and still be considered destitute if they receive no other income in the month of application and income of more than \$25 from the new source will not be received by the 10<sup>th</sup> day after the date of application.

*Source:* 7 CFR §273.10(e)(3)

*Revised:* March 2022

### ***Rule 27.3 Eligibility and Benefit Levels.***

- A. Destitute households will have their eligibility and benefit levels calculated for the month of application by considering only income that is received between the first of the month and the date of application.
- B. Any income from a new source that is anticipated after the day of application will be disregarded.
- C. Migrant and seasonal farmworkers benefits are prorated only after a break of more than 30 days.
- D. This only applies at initial certification, but only for the first month of each certification period.

*Source:* 7 CFR §273.10(a)(1); 7 CFR §273.10(e)(3)(iv)

*Revised:* March 2022

### ***Rule 27.4 Travel Advances.***

- A. Receipt of travel advances will not determine when a household is destitute.
- B. The travel advance will be considered income if:

1. The travel advance is by written contract an advance of wages, rather than a reimbursement, and
  2. The advance of wages will be subtracted from wages later earned by the household.
- C. Reimbursements for travel expenses by migrant workers are excluded income.

*Source:* 7 CFR §273.10(e)(3)(v)

*Revised:* March 2022

***Rule 27.5 Same Source.***

- A. A household member who changes jobs, but continues to work for the same employer will be considered as receiving income from the same source.
- B. A migrant farmworker's source of income will be considered the grower for whom the migrant is working for at a particular point in time and not the crew chief.
- C. A migrant who travels with the same crew chief but moves from one grower to another will be considered to have moved from a terminated income source to a new source.

*Source:* 7 CFR §273.10(e)(3)(vi)

*Revised:* March 2022

***Rule 27.6 Authorized Representatives.***

If employers of migrant or seasonal farmworkers are designated as authorized representatives or a single authorized representative has access to a large number of EBT accounts, MDHS must ensure that:

- A. Each household has freely requested the assistance of the authorized representative;
- B. The household's circumstances are correctly represented;
- C. The household is receiving the correct amount of benefits; and
- D. The authorized representative is properly using the benefits.

*Source:* 7 CFR §273.2(n)(4)(iii)

*Revised:* March 2022

## **Part 14 Chapter 28: Elderly Simplified Application Project (ESAP)**

### ***Rule 28.1 General.***

MDHS has received federal approval to implement ESAP, a demonstration project, which is designed to simplify the SNAP application process for households whose members are entirely sixty years of age or older. The goal of the project is to promote SNAP enrollment among eligible elderly citizens by providing a simpler method of applying for and maintaining eligibility for SNAP benefits.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

### ***Rule 28.2 Eligibility.***

- A. To be determined eligible for ESAP, an individual must meet **all** of the following criteria:
  - 1. All household members are age 65 or over;
  - 2. No household members receive earned income;
  - 3. The household is not mandatory to receive SNAP benefits through Mississippi Combined Application Project (MSCAP).
- B. All households meeting ESAP eligibility are mandatory for ESAP and are ineligible for the regular SNAP.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

### ***Rule 28.3 Interviews.***

- A. Interviews at initial certification are required; however, a face-to-face interview is not required.
- B. Recertification interviews are not required unless the case is being denied or the household specifically requests an interview.
- C. No case will be denied without an attempt to schedule an interview.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

### ***Rule 28.4 Verification.***

- A. Households will self-declare information used to determine eligibility, such as identity and residence.
- B. Computer matches will be used to the greatest extent possible to verify income and social security numbers.
- C. ESAP clients are required to verify non-citizen status, liquid resources, non-liquid resources and transfers, medical expenses in excess of \$35.00 monthly, shelter costs, and utility expenses.
- D. MDHS must verify all other factors of eligibility it deems questionable and affect the household's eligibility and benefit level.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 28.5 Certification Periods.***

There will be a thirty-six (36) month certification period for ESAP households.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 28.6 Reporting Changes.***

- A. An interim contact form is mailed to every ESAP household on an annual basis. **Note:** The household will be under no obligation to respond if there have been no changes in circumstances and the household wishes to continue to receive SNAP benefits.
- B. The Interim Contact Form is used to report changes to MDHS.
- C. ESAP households are required to report changes in their circumstances by the 10<sup>th</sup> of the month following the month in which the change occurred.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 28.7 Fair Hearings.***

- A. MDHS provides SNAP applicants and/or recipients an opportunity to appeal adverse administrative decisions and provide supporting documentation challenging the adverse or noncompliant action. Please refer to Title 18 of the Administrative Code, Part 23, Programmatic Administrative Agency Appeal Hearing Policy, Chapter 3.
- B. Fair hearings will be conducted by telephone with no limit placed on the number of representatives in attendance.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

## **Part 14 Chapter 29: Mississippi Combined Application Project (MSCAP)**

### ***Rule 29.1 General.***

MSCAP is a demonstration project and a cooperative effort between MDHS, FNS and the Social Security Administration (SSA) to streamline the application procedures for individuals who are receiving Supplemental Security Income (SSI) benefits and choose to apply for SNAP benefits.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

### ***Rule 29.2 Eligibility Criteria.***

- A. To be determined MSCAP eligible, an individual must meet **all** of the following requirements:
  - 1. Must be SSI eligible and receiving the maximum SSI benefit or SSI and any other combined form of unearned income (such as SSA benefits, Veteran's benefits, interest income, cash gifts, etc.) which meets the maximum Federal SSI benefit level.
  - 2. Must not have any earned income at the time of application for MSCAP. If an ongoing MSCAP participant becomes employed, the individual is allowed up to three (3) consecutive months of earnings before the individual loses MSCAP eligibility and is referred to the regular SNAP. There is no limit to the number of times this exclusion may be applied to any MSCAP participant.
  - 3. Must live alone or purchase and prepare meals separately if living with others.
- B. The MSCAP Unit will only handle single program (SNAP only) cases. If another open program is associated with the household for any reason, it will not be considered a MSCAP case.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

### ***Rule 29.3 Application.***

- A. An individual will apply for MSCAP through the SSA office or the local county MDHS office.
- B. The MSCAP Unit in State Office will handle processing of MSCAP cases that are identified as MSCAP mandatory, or if an individual is eligible to opt out but chooses to participate in MSCAP.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

### ***Rule 29.4 SSA Procedures.***

SSA will screen an applicant for SSI for MSCAP eligibility during the intake process.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 29.5 Verification.***

- A. MSCAP verification requirements will be fulfilled through the use of the SDX data received under SSI regulations.
- B. Any household that meets the verification criteria for the SSI program will be considered to have met the verification criteria for MSCAP eligibility.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 29.6 Eligibility to Opt Out of MSCAP.***

- A. Individuals who meet the eligibility requirements for MSCAP may participate in the regular SNAP instead of MSCAP if they can verify one or more of the following:
  - 1. Out-of-pocket medical expenses exceed a monthly average of \$35.00;
  - 2. Shelter and utility expenses exceed a monthly average over the MSCAP high shelter standard; or
  - 3. Eligibility for a legally obligated child support deduction.
- B. All other households meeting MSCAP eligibility are mandatory for MSCAP and are ineligible for regular SNAP.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 29.7 Standard Benefit Amount.***

- A. The MSCAP participant will receive a standard SNAP benefit amount based on the monthly representative income consistent with the SSI or SSI/SSA federal benefit rate and the appropriate standard shelter deduction.
- B. MSCAP eligibility and benefit levels are automatically determined based on household information transferred from the SDX or from information reported by the client on the MSCAP application.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 29.8 Certification Period.***

All MSCAP households are assigned a thirty-six (36) month certification period at the time of approval.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* July 2022

***Rule 29.9 Initial Benefits.***

- A. SSI recipients will begin receiving SNAP benefits the month following notification of approval for SSI.

- B. When the individual is already an SSI recipient, SNAP benefits begin the month following the date of the application.
- C. There are no expedited SNAP services for MSCAP.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 29.10 Outreach.***

The MSCAP Unit will receive information from SSA regarding persons in the state who meet MSCAP criteria and are not currently receiving SNAP benefits.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

***Rule 29.11 Reporting Changes.***

- A. MSCAP recipients are required to report changes through the proper SSI change reporting mechanism.
- B. No contact is required with the local county MDHS office. However, there will be times when changes are reported directly to the MDHS state or local office, such as changes in household size, address, phone number, or shelter/utility expense. When this occurs, the change must be accepted, but MSCAP recipients will also be referred to SSA so the change can be properly documented in the SSA computer system.

*Source:* 7 U.S.C. 2026; MS Waiver

*Revised:* March 2022

## Part 14 Chapter 30: Determining Household Eligibility and Benefit Levels

### ***Rule 30.1 General.***

- A. A household's eligibility will be determined for the entire month of the application date and that month's circumstances will be considered.
- B. Eligibility for recertification will be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period.
- C. **Exception:** Residents of institutions who apply prior to their release will have eligibility determined the month of their release date.
- D. A household's benefit level will depend on the date of application and be effective from the date of application.
- E. The level of benefits for recertification cases will be based on the same anticipated circumstances.
- F. **Exception:** Residents of institutions who apply prior to their release will receive benefits on the date of the month of their release.
- G. Benefits will be prorated using a standard 30-day calendar/fiscal month. Here a household applying on the 31<sup>st</sup> of a month will be treated as though it applied on the 30<sup>th</sup> of the month.

*Source:* 7 CFR §273.10(a)

*Revised:* March 2022

### ***Rule 30.2 Anticipated Changes.***

- A. A household may be eligible for the month of application, but not eligible for the subsequent month due to anticipated changes in circumstances.
- B. A household's benefit amount may vary month to month based on changes anticipated at the time of certification.

*Source:* 7 CFR §273.10(a)

*Revised:* March 2022

### ***Rule 30.3 Determining Resources.***

- A. Available resources at the time of the household's interview will be used to determine the household's eligibility.
- B. Nonrecurring lump sum payments will be counted as a resource starting in the month received and will not be counted as income.

*Source:* 7 CFR §273.10(b) and (c)(2)

*Revised:* March 2022

### ***Rule 30.4 Anticipating Income.***

- A. MDHS will count the income already received by the household and income that is reasonably anticipated to be received during the remainder of the certification period.

- B. Anticipated income will only be counted if there is reasonable certainty regarding the month in which the payment will be received and in what amount.
- C. If the receipt of income is reasonably certain, but the monthly amount may vary, the household may elect to income average.
- D. Income received during the past 30 days will be used to indicate income that will be available to the household during the certification period unless income fluctuates.
- E. If income fluctuates to the degree that a 30 day time period alone will not provide an accurate representation of anticipated income, then the household may use a longer period of time to provide a more accurate indication of anticipated fluctuations in future income.
- F. If the income fluctuates seasonally, then it could be appropriate to use the most recent season comparable to the certification period rather than the last 30 days.

*Source:* 7 CFR §273.10(c)(1)

*Revised:* March 2022

***Rule 30.5 Income Only in Month Received.***

- A. Income anticipated during the certification period will only be counted in the month that it is expected to be received unless the income is averaged.
- B. Advances on wages will count as income in the month received only if reasonably anticipated.

*Source:* 7 CFR §273.10(c)(2)

*Revised:* March 2022

***Rule 30.6 Income Averaging.***

- A. The household's anticipation of income fluctuations during the certification period will be used when averaging income.
- B. An average must be recalculated at recertification and in response to changes in circumstances related to income.
- C. By contract or self-employment households which derive their annual income in a period of time shorter than one year will have that income averaged over a 12-month period provided the income from the contract is not received on an hourly or piecework basis.
- D. Earned and unearned educational income (after allowable exclusions) will be averaged over a period that it is intended to cover.

*Source:* 7 CFR §273.10(c)(3)

*Revised:* March 2022

***Rule 30.7 Disallowed Expenses.***

- A. Any expense covered by educational income (in whole or part) which has been excluded is not deductible.
- B. A dependent care expense that is reimbursed or paid by the Job Opportunities and Basic Skills Training (JOBS) program under title IV-F of the Social Security Act or the Transitional Child Care (TCC) program is not deductible.

- C. A utility expense that is reimbursed or paid by an excluded payment, including HUD or FHA utility reimbursements, is not deductible.

*Source:* 7 CFR §273.10(d)(1)

*Revised:* March 2022

***Rule 30.8 Billed Expenses.***

A deduction will only be allowed in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense.

*Source:* 7 CFR §273.10(d)(2)

*Revised:* March 2022

***Rule 30.9 Averaging Expenses.***

- A. Households may elect to have expenses averaged.
- B. Households may elect to have expenses that are billed less often than monthly averaged over the timeline between scheduled billings.
- C. Households may elect to have one-time only expenses averaged over the entire certification period in which billed.
- D. Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of the certification period.

*Source:* 7 CFR §273.10(d)(3)

*Revised:* March 2022

***Rule 30.10 Anticipating Expenses.***

- A. A household's expenses will be calculated based on the expenses the household expects to be billed for during the certification period.
- B. Anticipation of the expenses will be based on the most recent month's bills unless the household is reasonably certain a change will occur.
- C. MDHS will not average past expenses such as utility bills for the last several months as a method of anticipating utility costs for the certification period.

*Source:* 7 CFR §273.10(d)(4)

*Revised:* March 2022

***Rule 30.11 Conversion of Deductions.***

The income conversion procedures also apply to expenses billed on a weekly or biweekly basis.

*Source:* 7 CFR §273.10(d)(5)

*Revised:* March 2022

***Rule 30.12 Energy Assistance Payments.***

Except for payments made under the Low Income Energy Assistance Act of 1981, MDHS will prorate energy assistance payments over the entire heating or cooling season the payment is intended to cover.

*Source:* 7 CFR §273.10(d)(6)

*Revised:* March 2022

***Rule 30.13 Calculating Net Income and Benefit Levels.***

- A. In determining net income, MDHS will:
1. Add the gross monthly earned and unearned income of all household members minus the income exclusions to determine the household's total gross income.
  2. Multiply the total gross earned income by 20 percent and subtract that amount to determine the net monthly earned income.
  3. Add to net monthly earned income the total average monthly unearned income of all household members, minus exclusions.
  4. Subtract the standard deduction.
  5. If the household is entitled to a medical deduction, subtract the portion that exceeds \$35.
  6. Subtract allowable monthly dependent care expenses, if any.
  7. Subtract allowable monthly child support payments.
  8. Subtract the homeless shelter deduction, if any.
  9. Total the allowable shelter expenses to determine shelter costs unless a deduction has been subtracted. Subtract from total shelter costs 50 percent of the household's monthly income after all the deductions previously mentioned have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, then the net monthly income has been determined.
  10. If there is excess shelter cost, subtract the excess shelter deduction.
- B. In determining a household's monthly benefit amount, multiply the net monthly income by 30% and round up to the nearest higher dollar amount.

*Source:* 7 CFR §273.10(e)

*Revised:* March 2022

***Rule 30.14 Certification Periods.***

- A. Households must certify each eligible household for a set period of time for the longest possible period of time based on the predicted household circumstances.
- B. Households with all adult members elderly or disabled will be certified for up to 24 months. (contact must be made with each household every 12 months).
- C. Households residing on a reservation will be certified for up to 24 months.
- D. Certification Period Length: Households should be assigned a certification period of at least 6 months unless the household contains an Able-Bodied Adult without Dependents (ABAWD) or whose circumstances are unstable. Households with zero net income or with an ABAWD member will have a certification period no less than 3 months. Households

will be assigned a 1 or 2 month certification period when it appears that the household will become ineligible in the near future.

- E. Shortening Certification Periods: MDHS may not end a certification period earlier than expected unless MDHS receives information that the household has become ineligible, has failed to comply with the required change reporting or due to receiving substantial lottery or gambling winnings. Loss of public assistance or a change in employment status is not sufficient in and of itself to shorten a certification period.
- F. Lengthening Certification Periods: Once established, certification periods may be lengthened so long as the total months of certification do not exceed 24 months for all elderly or disabled households or 12 months for other households. Households must be advised in writing if MDHS extends a household's certification period.

*Source:* 7 CFR §273.10(f)

*Revised:* March 2022

***Rule 30.15 Certification Notices.***

- A. No later than 30 days after the date of the initial application, applicants must receive either:
  - 1. Notice of eligibility;
  - 2. Notice of denial; or
  - 3. Notice of pending status.
- B. Notice of eligibility: If an application is approved, MDHS will notify the household in writing of the amount of the allotment and the beginning and ending dates of the certification period. The household must also be advised of any variations in benefit levels based on anticipated changes. If the initial allotment includes more than 1 month's benefits, the notice should indicate the monthly amount for the remainder of the certification period. The notice must also contain:
  - 1. Fair hearing rights;
  - 2. Toll-free number of the SNAP office and, if possible, the name of a person to contact for additional information;
  - 3. An individual or organization that provides free legal representation;
  - 4. A reminder of the household's duty to report changes may also be included and the
  - 5. Responsibility for applying for continued participation.
  - 6. If approved for expedited services, the notice must explain that the household must provide the postponed verification and the consequences of failing to do so.
- C. Notice of denial: If an application is denied, the household must receive a notice that contains:
  - 1. An explanation of the basis for the denial;
  - 2. Fair hearing rights;
  - 3. Toll-free number of the SNAP office and, if possible, the name of a person to contact for additional information;
  - 4. An individual or organization that provides free legal representation;
  - 5. Instructions to potentially categorically eligible households to contact MDHS if approved to receive public assistance and/or SSI benefits.
- D. Notice of Pending Status: MDHS pends all cases on the 30<sup>th</sup> day regardless of the reason for the delay. The notice will explain what action the household must still take and that

the application will be denied if the household fails to take the required action within 60 days of the application filing date.

- E. Applications for Recertification: Households that have filed an application by the 15<sup>th</sup> of the last month of their certification period must be provided with either a notice of eligibility or a notice of denial if the household has complied with all of the recertification requirements.

*Source:* 7 CFR §273.10(g)

*Revised:* March 2022

***Rule 30.16 Reduction or Termination of Benefits Within the Certification Period.***

- A. Whenever an individual is determined to be ineligible within the certification period, MDHS must determine the eligibility or ineligibility of the remaining household members based on as much as possible the information in the case record.
- B. Excluded for an IPV: If a household's benefits are reduced or terminated within the certification period because of one of the members being excluded due to disqualification for an intentional program violation, MDHS must notify the remaining household members of their eligibility and benefit levels at the same time the excluded member is notified of their disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing unless a disqualification hearing has already been conducted on the claim.
- C. Disqualified other than for an IPV: If a household's benefits are reduced or terminated within the certification period because of anything other than being disqualified for an IPV, MDHS must send a notice of adverse action which informs the household of the following:
  - 1. The person(s) ineligibility;
  - 2. The reason for the ineligibility;
  - 3. The eligibility and benefit levels for the remaining household members; and
  - 4. The action the household must take to end their ineligibility.

*Source:* 7 CFR §273.11(c)(4)

*Revised:* March 2022

## **Part 14 Chapter 31: Benefits**

### ***Rule 31.1 General.***

- A. MDHS is responsible for timely and accurate issuance of benefits to certified eligible households.
- B. SNAP benefits are issued only to certified eligible households via reusable plastic cards through an electronic benefit transfer (EBT) system.

*Source:* 7 CFR §274.1(a)-(b); 7 CFR §274.2(a)

*Revised:* March 2022

### ***Rule 31.2 Electronic Benefit Transfer (EBT).***

- A. EBT cards will be issued by first class mail.
- B. Households access SNAP benefits using reusable plastic EBT cards to purchase eligible foods at an authorized point-of-sale (POS) such as any retailer or wholesaler authorized to accept SNAP benefits.
- C. Authorized retailers include, but are not limited to, :
  - 1. Farmer's markets
  - 2. Group living arrangements
  - 3. Homeless shelters
  - 4. DAA treatment centers
  - 5. Shelters for battered persons
  - 6. Retail food stores
- D. The POS is connected to the EBT system to confirm the personal identification number (PIN) and the account balance.
- E. The EBT system communicates with the POS system and subtracts the amount of the sale from the household's account balance.
- F. The store will obtain reimbursement within two business days.
- G. There is no minimum purchase or transaction fees.
- H. Benefits can accumulate in the client's EBT account.
- I. The oldest SNAP benefits are used first.
- J. The EBT account is closed when all household members are deceased or when the SNAP case is closed.

*Source:* 7 CFR §274.2(f); 7 CFR §274.3; 7 CFR §274.7

*Revised:* March 2022

### ***Rule 31.3 PINs.***

- A. MDHS must allow SNAP households to select their PIN.
- B. A PIN should be at least four digits in length.
- C. PINs should only be known by the appropriate individual(s) and kept secure.
- D. Authorized retailers must accept EBT cards from all states as long as the user has a valid PIN.
- E. Software controls should be in place to limit the number of unsuccessful PIN attempts prior to a card being deactivated.

- F. Replacement cards keep the same PIN unless the person believes their PIN is no longer private.

Source: 7 CFR §274.2(f); 7 CFR §274.6(b); 7 CFR §274.8

Revised: March 2022

**Rule 31.4 Availability of Benefits.**

- A. Newly certified households, except for those given expedited service, must be given an opportunity to participate no later than 30 calendar days following the date of application.
- B. Households entitled to expedited service must have benefits available no later than the 7<sup>th</sup> calendar day following the date of application.
- C. An opportunity to participate means that households must be provided with an active EBT card and PIN with benefits posted to the EBT account and available for spending.

Source: 7 CFR §274.2(b)

Revised: March 2022

**Rule 31.5 Benefit Issuance Schedule.**

- A. SNAP benefits are issued once a month.
- B. Households should receive their benefits on the same date each month.
- C. Each state determines their monthly benefit issuance schedule.
- D. Households must be informed of the benefit issuance schedule.

Source: 7 CFR §274.2(d)

Revised: March 2022

**Rule 31.6 Initial Month.**

- A. An initial month is the first month the household receives benefits for the first time or following any time the household was not approved.
- B. **Exceptions:** Initial month for:
  - 1. Migrant or seasonal farmworkers is the 1<sup>st</sup> month the household is approved following a period of more than 30 days since the last approval.
  - 2. Joint Supplemental Security Income and SNAP applications filed before the person's release from an institution is the month the person is released.
- C. Households applying on the 1<sup>st</sup> of the month and found eligible receive a full initial month's benefits.
- D. Households applying after the 1<sup>st</sup> of the month and found eligible receive prorated benefits.

Source: 7 CFR §273.10(a); 7 CFR §274.2(b)

Revised: March 2022

**Rule 31.7 Combined Benefits.**

Combined benefits are issued when the:

- A. Date of application is after the 15<sup>th</sup> of the month;
- B. The household is not processed for expedited service; and
- C. The household is eligible to receive benefits the initial month and the following month.

Source: 7 CFR §273.2(g)(2); 7 CFR §273.10(a); 7 CFR §274.2(c)  
Revised: March 2022

**Rule 31.8 Prorated Benefits at Initial Application.**

Prorated benefits for initial month are issued when the household:

- A. Applies after the 1<sup>st</sup> day of the month. Benefits are issued from the date of application through the last day of the month.
- B. Is at fault for a delay in the application process preventing the case from being processed within the first 30 days. When eligibility is determined during the second 30-day period, benefits are issued from the date the household takes the required action to the end of the month. Therefore, the household is not entitled to benefits for the month of application.

Source: 7 CFR §273.10(a)(1)(ii); 7 CFR §273.2(h)(2) Revised: March 2022

**Rule 31.9 Prorated Benefits at Recertification.**

Prorated benefits at recertification are issued when the household causes a delay beyond the end of the expiring certification period. See [Rule 33.14 Delayed Processing Due to Household Delay](#).

Source: 7 CFR §273.14(e) Revised: March 2022

**Rule 31.10 Minimum Benefits.**

- A. Except during an initial month, all eligible one-person and two-person households will receive the minimum monthly benefit.
- B. The minimum benefit is 8% of the maximum allotment for a household of one, rounded to the nearest whole dollar.

Source: 7 CFR §273.10(e)(2) Revised: March 2022

**Rule 31.11 Zero Benefits.**

- A. It is possible for a participating household to have met the eligibility requirements, but receive zero benefits.
- B. This can occur in categorically eligible households.

Source: 7 CFR §273.2(j)(2)(vi); 7 CFR §274.4(2)(iv) Revised: March 2022

**Rule 31.12 Eligible Food.**

Households can use SNAP EBT cards to buy eligible foods such as:

- A. Fruits
- B. Vegetables
- C. Meat

- D. Poultry
- E. Fish
- F. Dairy Products
- G. Breads
- H. Cereals
- I. Snack foods
- J. Seeds and plants which produce food to eat
- K. Authorized prepared meals (communal dining facilities for elderly or disabled/SSI; DAA treatment centers; GLAs; shelters for battered women and children; authorized meal delivery services; authorized providers of meals for the homeless)

*Source:* 7 CFR §271.2; 7 CFR §274.3

*Revised:* March 2022

***Rule 31.13 Ineligible Items.***

Households cannot use their SNAP EBT cards to purchase non-food items such as:

- A. Beer
- B. Wine
- C. Liquor
- D. Cigarettes
- E. Tobacco
- F. Vitamins
- G. Medicines
- H. Supplements
- I. Energy drinks classified by the FDA as supplements (have a supplement facts label rather than a nutrition facts label)
- J. Foods that are hot at the point of sale
- K. Pet food
- L. Paper products
- M. Cleaning supplies
- N. Other household supplies
- O. Hygiene items
- P. Cosmetics
- Q. Container deposit fees
- R. Live animals (except shellfish or fish removed from water)

*Source:* 7 CFR §271.2; 7 CFR §274.3

*Revised:* March 2022

***Rule 31.14 Dormant EBT Benefits.***

- A. Dormant benefits are SNAP benefits not used by the household in 90 days.
- B. If a household has not initiated activity, such as a purchase or a return, that affects the balance of the EBT account, the EBT account will be considered inactive or dormant.
- C. Households can access dormant benefits until the benefits are expunged.

*Source:* 7 CFR §274.2(h)

*Revised:* March 2022

***Rule 31.15 Expunged EBT Benefits.***

- A. MDHS will expunge benefits after 9 months (274 days) of inactivity.
- B. At least 30 days prior to expungement, MDHS will issue a notice to households which will explain:
  - 1. The date when benefits are scheduled to be expunged; and
  - 2. The steps necessary to prevent expungement.
- C. MDHS must expunge the remaining SNAP balance in the household's EBT account at the time a death match for all certified members of the household is verified and the SNAP case is closed.
- D. Expunged benefits are returned to the federal SNAP program.
- E. Households cannot access or have expunged benefits returned to their account.
- F. **Exception:** paying a claim.

*Source:* 7 CFR 274.2(i); 7 CFR §273.18(g)(2)

(ii) *Revised:* March 2022

***Rule 31.16 Paying a Claim.***

- A. Households can pay a SNAP claim using benefits from their SNAP EBT account.
- B. Active, dormant, or expunged benefits may be used to pay a SNAP claim.
- C. The household must provide written or verbal permission to repay a claim using their active SNAP benefits.
- D. The household has 10 days to dispute using their dormant benefits.

*Source:* 7 CFR §273.18(g)(2)

*Revised:* March 2022

***Rule 31.17 Entitlement to Restoration of Lost Benefits.***

- A. MDHS must restore household benefits that were lost when:
  - 1. The loss was caused by an error caused by MDHS;
  - 2. By an administrative disqualification for intentional program violation which was subsequently reversed; or
  - 3. A statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits.
- B. Benefits will be restored for not more than 12 months prior to whichever occurs first:
  - 1. The date MDHS receives a request for restoration of benefits from a household; or
  - 2. The date MDHS is notified or otherwise discovers that a loss to a household has occurred.
- C. MDHS will restore household benefits that were found by any judicial action to have been wrongfully withheld.
- D. When the judicial action is a review of a MDHS action, the benefits will be restored for a period of not more than 12 months from the first of the following dates:
  - 1. The date MDHS receives a request for restoration;
  - 2. If no request for restoration is received, the date the fair hearing action was initiated; but

3. Never more than 1 year from when MDHS is notified of or discovers the loss.
- E. Benefits will be restored even if the household is currently ineligible.
- F. If MDHS determines that a loss of benefits has occurred and that the household is entitled to restoration of such benefits, then MDHS will automatically take action to restore the benefits.
- G. MDHS must notify the household of:
  1. Its entitlement;
  2. The amount of benefits to be restored;
  3. Any offsetting that was done;
  4. The method of restoration; and
  5. The right to appeal through the fair hearing process.

*Source:* 7 CFR §273.17(a)-(b)

*Revised:* March 2022

***Rule 31.18 Disputed Benefits.***

- A. When MDHS determines that a household is entitled to a restoration of lost benefits, but the household does not agree with the amount to be restored as determined by MDHS, the household may request a fair hearing within 90 days of the date the household is notified of its entitlement to restoration of lost benefits.
- B. If the household believes that it is entitled to restoration of lost benefits, but MDHS does not agree, the household may request a fair hearing within 90 days of the date the household is notified of the MDHS decision.
- C. MDHS will only restore lost benefits if the fair hearing decision is favorable to the household.

*Source:* 7 CFR §273.17(c)

*Revised:* March 2022

***Rule 31.19 Computing Amount of Restored Benefits.***

After correcting the loss for future months and excluding those months that benefits may have been lost prior to the 12-month time limit, MDHS will calculate the amount to be restored as follows:

- A. If the household was eligible but received an incorrect benefit, the loss of benefits will only be calculated for those months in which the household participated. If the loss occurred due to an incorrect delay, denial or termination of benefits, the months affected by the loss will be calculated as follows:
  1. If an eligible household's application was incorrectly denied, the month the loss initially occurred will be the month of application or for an eligible household filing a timely reapplication, the month following the expiration of its certification period.
  2. If an eligible household's application was delayed, the months in which benefits may be lost will be calculated according to *Rule 2.26 MDHS Delays*.
  3. If a household's benefits were incorrectly terminated, the month the loss initially occurred will be the first month benefits were not received as a result of the erroneous action.

4. After computing the date, the loss initially occurred, the loss will be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible.
- B. For each month affected by the loss, MDHS will determine if the household was actually eligible. In situations where there is no information in the case record to document that the household was actually eligible, MDHS will advise the household of what information must be provided to determine eligibility for those months. For the months in which the household cannot provide the necessary information to prove its eligibility, the household will be considered ineligible.
- C. For the months the household was eligible, MDHS will calculate the benefit the household should have received. If the household received a smaller benefit than it was entitled to receive, the difference between the actual and correct benefits equals the amount to be restored.
- D. If a claim against a household is unpaid or held in suspense, the amount to be restored will be offset against the amount due on the claim before the balance, if any, is restored to the household. When the household is certified and receives an initial benefit, the initial benefit will not be reduced to offset claims, even if the initial benefit is paid retroactively.

*Source:* 7 CFR §273.17(d)

*Revised:* March 2022

***Rule 31.20 Lost Benefits to Individuals Disqualified for Intentional Program Violation.***

- A. Individuals disqualified for intentional program violation are entitled to restoration of lost benefits during the months they were disqualified (not to exceed 12 months prior to the date of the MDHS notification) only if the disqualification decision is subsequently reversed.
- B. If entitled, the amount to be restored will be determined by comparing the benefit received with the benefit the household would have received had the disqualified member been allowed to participate.
- C. If the household received a smaller benefit than it should have received, the difference equals the amount to be restored.
- D. Participation in an administrative disqualification hearing that the household contests MDHS' assertion of an intentional program violation will be considered notification that the household is requesting restored benefits.

*Source:* 7 CFR §273.17(e)

*Revised:* March 2022

***Rule 31.21 Method of Restoration.***

- A. Regardless of current eligibility status, MDHS must restore lost benefits to a household by issuing a benefit equal to the amount of benefits that were lost.
- B. The amount of benefits will be issued in addition to the benefit currently eligible households are entitled to receive.
- C. MDHS may honor requests by households to restore lost benefits in monthly installments.

*Source:* 7 CFR §273.17(f)

*Revised:* March 2022

***Rule 31.22 Changes in Household Composition.***

- A. Whenever a household is entitled to restoration of lost benefits and the household's membership has changed, MDHS must restore the lost benefits to the household containing a majority of the individuals who were household members at the time of the loss.
- B. If MDHS cannot locate or determine the household that contains a majority of the household members, MDHS will restore the lost benefits to the household containing the head of the household at the time the loss occurred.

*Source:* 7 CFR §273.17(g)

*Revised:* March 2022

***Rule 31.23 Accounting Procedures.***

- A. MDHS will be responsible for maintaining an accounting system for documenting a household's entitlement to restoration of lost benefits and for recording the balance of lost benefits that must be restored to the household.
- B. MDHS must, at a minimum, document how the amount to be restored was calculated and the reason that the lost benefits must be restored.
- C. The accounting system must be designed to identify situations where a claim against a household can be used to offset the amount to be restored.

*Source:* 7 CFR §273.17(h)

*Revised:* March 2022

## **Part 14 Chapter 32: Change Processing/Reporting Requirements.**

### ***Rule 32.1 Household Responsibility to Report.***

Certified change reporting households are required to report the following changes in circumstances:

- A. A change of more than \$125 in the amount of unearned income, except changes related to public assistance.
- B. A change of more than \$125 in earned income from the amount used to calculate the household's benefit amount as long as the household is certified for no longer than 6 months.
- C. A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income.
- D. A change in residence and the resulting change in shelter costs.
- E. A change in household composition, such as an addition or loss of a household member.
- F. A change in liquid resources that reaches or exceeds the limit for elderly and disabled households and all other households, unless excludable.
- G. A change in the legal obligation to pay child support. MDHS may remove this reporting requirement if it uses information from the CSE agency.
- H. ABAWDs subject to the time limits, changes in work hours that cause an individual to be below 20 hours per week, averaged monthly.
- I. If a household member wins substantial lottery or gambling winnings.

*Source:* 7 CFR §273.12(a)(1)

*Revised:* March 2022

### ***Rule 32.2 When to Report.***

- A. Certified households must report within 10 days of the date the change becomes known to the household.
- B. For reportable changes in income, the household must report the change within 10 days of the date the household receives the first changed payment.
- C. An applying household must report any changes at the certification interview.
- D. Any reportable change that occurs after the interview but before the date of the notice of eligibility must be reported within 10 days from the date of the notice of eligibility.

*Source:* 7 CFR §273.12(a)(2)-(3)

*Revised:* March 2022

### ***Rule 32.3 Reporting Forms.***

- A. MDHS must provide a form for reporting the requiring changes.
- B. MDHS must pay the postage for the return of such form.
- C. A change reporting form must include the following minimum information:
  - 1. A clear statement indicating that changes in circumstances must be reported and clear descriptions of the types of changes that must be reported.
  - 2. The civil and criminal penalties of violating the Food and Nutrition Act of 2008 in boldface print.

3. A space for households to report whether the change will continue past the reported month.
  4. The telephone number to the SNAP office and a toll-free number or a number where collect calls may be received.
- D. Changes reported over the phone or in person must be acted upon in the same manner as those reported on the change reporting form.
  - E. Change reporting forms must be provided:
    1. To newly certified households at the time of certification;
    2. To households at recertification, if needed; and
    3. To a household that returns a change reporting form.
  - F. Households may also access the change reporting form on the MDHS website.

*Source:* 7 CFR §273.12(b)

*Revised:* March 2022

***Rule 32.4 MDHS Action on Changes.***

- A. MDHS must take prompt action on all changes to determine if the change affects eligibility or benefit levels.
- B. MDHS will only act on changes in medical expenses that are verified upon receipt from a source other than the household and contact with the household is not needed.
- C. MDHS must document when a change is reported.
- D. MDHS must advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. Benefits will be restored when MDHS fails to act on a change that will increase benefits within the required time limitations.

*Source:* 7 CFR §273.12(c)

*Revised:* March 2022

***Rule 32.5 Changes Resulting in an Increase in Benefits.***

- A. When benefits are increased due to an additional household member or due to a decrease of \$50 or more in the monthly gross income, the change must be effective no later than the month following the month the change is reported to MDHS.
- B. For changes not described above, MDHS must make the change effective no later than the first benefit issued 10 days after the reported change was known to MDHS. If the change is not reported until the 20<sup>th</sup> of a month and MDHS does not have time to adjust next month's benefit, then the supplemental benefit must be provided to the household by the 10<sup>th</sup> day of the following month or on the household's normal issuance during that month, whichever is later.
- C. MDHS has elected the option to verify changes that result in an increase in the benefit level.
- D. Therefore, MDHS must give the household 10 days to provide verification from the date the change was reported.
- E. If the household fails to verify the change within 10 days, but provides verification later, then the timeframes to make the change will be effective from the date of verification.

- F. If MDHS discovers that a benefit amount should have decreased after receiving subsequent verification, then it will issue a claim for the over-issuance.

*Source:* 7 CFR §273.12(c)(1)

*Revised:* March 2022

***Rule 32.6 Changes Resulting in a Decrease in Benefits.***

- A. If a household's benefits decrease or it becomes ineligible as a result of the change, MDHS must issue a notice of adverse action within 10 days from the date the change was reported unless an exemption to the notice of adverse action applies.
- B. When a notice of adverse action is issued, the decrease in benefits is effective no later than the month following the month in which the notice of adverse action period has expired, as long as a fair hearing and continuation of benefits has not been requested.
- C. When a notice of adverse action is not issued due to an exemption, the decrease in benefits is effective no later than the month following the change.
- D. Verification must be obtained prior to recertification.
- E. MDHS may suspend a household's certification prospectively for 1 month if the household becomes temporarily ineligible due to a periodic increase in recurring income or other change not expected to continue in the subsequent month. If the suspended household becomes eligible again, then benefits will resume on its normal issuance date. If the suspended household does not become eligible after 1 month, then MDHS will terminate the household's certification.

*Source:* 7 CFR §273.12(c)(2)

*Revised:* March 2022

***Rule 32.7 Unclear Information.***

- A. If MDHS receives unclear information regarding a household's circumstances from a third source, MDHS must pursue clarification and verification if applicable.
- B. MDHS must send a notice requesting that the household provide verification to clarify its circumstances within 10 days and the consequences of failing to do so.
- C. If a household fails to respond or refuses to clarify its circumstances, then MDHS will issue a notice of adverse action that terminates the case and explains that a new application will be required for continued participation.
- D. MDHS may receive unclear information from certain data matches. When it does, MDHS must follow up with a notice of match results and explain to the household what information is needed and the consequences of failing to respond to the notice.

*Source:* 7 CFR §273.12(c)(3)

*Revised:* March 2022

***Rule 32.8 MDHS Option for Processing Changes in Deductible Expenses.***

- A. If a household reports a change in residence with required verification, MDHS must take action on potential changes in shelter costs.

- B. If a household fails to provide information regarding shelter costs within 10 days, MDHS will send a notice to the household informing them that their benefits will be recalculated without the deduction.
- C. MDHS must act on all changes that affect the deduction.
- D. MDHS may not disregard new deductions, changes in earned income or changes in shelter costs that arise from a change in residence until the household's next recertification or after the 6<sup>th</sup> month in a 12-month certification period.

*Source:* 7 CFR §273.12(c)(4)

*Revised:* March 2022

***Rule 32.9 Failure to Report Changes.***

- A. If a household fails to report a change as required and receives unentitled benefits, then a claim will be filed against the household.
- B. A notice of adverse action is required if the household's benefits are reduced, and the discovery is made during the certification period.

*Source:* 7 CFR §273.12(d)

*Revised:* March 2022

***Rule 32.10 Mass Changes.***

- A. There are certain changes that may affect a significant portion of the caseload or the entire caseload that are initiated by either the state or Federal government.
- B. These mass changes include, but are not limited to, the following:
  - 1. Federal adjustments to eligibility standards, maximum allotments, standard deductions and state adjustments to utility standards.
    - a) A notice of adverse action must not be used for these changes.
    - b) These types of mass changes must be publicized through the news media or posters in certification offices or other sites frequented by certified households.
    - c) Households whose certification periods overlap the annual adjustment in the utility standard will be advised at the time of initial certification of when the adjustment will occur and what the difference in the benefit level will be, if known.
  - 2. Mass changes in public assistance.
    - a) When MDHS has at least 30 days advance knowledge of the amount of the public assistance adjustment, MDHS must make the change in benefits effective in the same month as the public assistance change.
    - b) If MDHS does not have sufficient notice, the SNAP change must be effective no later than the month following in which the public assistance change was made.
  - 3. Mass changes in Federal benefits.
    - a) MDHS must make procedures for making mass changes to show cost-of-living adjustments (COLAs) in benefits and any other mass changes under Retirement, Survivors, and Disability Insurance (RSDI), SSI and other

programs such as veteran's assistance under title 38 of the United States Code and the Black Lung Program.

- b) These changes will be reflected as soon as possible but no later than the 2<sup>nd</sup> benefit issued after the month in which the change becomes effective.
- C. Mass changes in public assistance and mass changes in Federal benefits require an individual notice for mass change.
- D. A household is entitled to request a fair hearing if it feels aggrieved by the mass change.
- E. A household which requests a fair hearing will be entitled to continued benefits at its previous benefit level if the household meets the following:
  - 1. The household does not specifically waive its right to continuation of benefits;
  - 2. The household requests a fair hearing in accordance with the notice of adverse action; and
  - 3. The household's fair hearing request is based on improper computation of SNAP eligibility or benefits, or upon a misinterpretation or misapplication of Federal law or regulation.

*Source:* 7 CFR §273.12(e)

*Revised:* March 2022

***Rule 32.11 Public Assistance Households.***

- A. Public assistance households have the same requirement to report changes as any other SNAP household.
- B. There can be a joint change reporting form for both SNAP and public assistance purposes.
- C. MDHS cannot terminate SNAP benefits solely because it has terminated the household's public assistance benefits.
- D. If a household change in circumstance results in a reduction or termination of the public assistance payment as well as a reduction or termination of SNAP benefits and MDHS has sufficient information to determine how the change will affect SNAP eligibility and benefit levels, MDHS must:
  - 1. Issue a single notice of adverse action for the SNAP and public assistance actions.
  - 2. Continue benefits on the basis authorized immediately prior to sending the notice if the household requests a fair hearing within the time limits provided in the notice of adverse action.
  - 3. The household must reapply for SNAP if the SNAP certification period ends prior to the completion of the fair hearing process.
- E. If a household change in circumstance results in a reduction or termination of the public assistance payment, but will increase the SNAP benefits and MDHS has sufficient information to determine how the change will affect SNAP eligibility and benefit levels, MDHS must:
  - 1. Issue a TANF notice of adverse action, but not take any action to increase the SNAP benefits until the household decides whether it will appeal the adverse action.
  - 2. If the household decides to appeal and the public assistance benefits are continued, then the SNAP benefits must continue at the previous basis.
  - 3. If the household does not appeal, the change must be acted upon within 10 days from the date the TANF notice of adverse action period expires.

- F. If a household change in circumstance results in a reduction or termination of the public assistance payment, but MDHS does not have sufficient information to determine how the change will affect SNAP eligibility and benefit levels (such as when an absent parent returns to the household), MDHS must:
1. Issue a request for information notice along with the TANF notice of adverse action.
  2. Before taking further action, MDHS must wait until the household's TANF notice of adverse action time period expires or until the household requests a fair hearing, whichever occurs first.
  3. If the household requests a fair hearing and elects to have its TANF benefits continue pending the appeal, then MDHS must continue the SNAP benefits at the same basis.
  4. If the household does not request a fair hearing and continue its TANF benefits, then MDHS must resume action on the changes.
  5. If a TANF notice of adverse action is not required, MDHS must issue a request for information and take the appropriate action, if necessary, to close the case or adjust the benefit level.

*Source:* 7 CFR §273.12(f)

*Revised:* March 2022

## Part 14 Chapter 33: Recertification

### ***Rule 33.1 General.***

- A. Recertification is a process of determining whether a household has continued eligibility prior to the end of the household's current certification period.
- B. The steps in the recertification process are similar to the application process ([see Rule 2.1 Application Process](#)).
- C. The recertification process only applies to households that apply prior to the end of their current certification period, and applications received within 30 days after the end of the certification period.

Source: 7 CFR §273.14(a); 7 CFR §273.14(b)(2)

Revised: March 2022

### ***Rule 33.2 Recertification Notices.***

Households must receive notices advising their benefits are ending and requirements to renew their benefits.

Source: 7 CFR §273.2(c)(5); 7 CFR §273.14(a)-(b)

Revised: March 2022

### ***Rule 33.3 Notice of Expiration (NOE).***

- A. MDHS must provide a NOE at the time of certification for households certified for one month or certified in the second month of a two-month certification period.
- B. MDHS must provide a NOE in the month before the certification period expires.
- C. Jointly processed public assistance households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their public assistance redetermination.
- D. The NOE will advise the household of the following:
  - 1. The date the certification period is ending;
  - 2. The date a household must submit an application for recertification in order to receive uninterrupted benefits ([see Rule 33.6 Timely Application for Recertification](#) for more information);
  - 3. Consequences of failure to apply for recertification in a timely manner ([see Rule 33.12 Untimely Application for Recertification](#) for more information);
  - 4. The right to receive an application upon request and for that application to be accepted as long as it contains a legible name, address and signature;
  - 5. Information on alternative submission methods;
  - 6. The address and phone number of the office where filing is taking place;
  - 7. Notice that an all member Supplemental Security Income (SSI) household is entitled to apply for SNAP recertification at a Social Security Administration (SSA) office;
  - 8. Notice that failure to attend an interview may result in delay or denial of benefits;
  - 9. Notice of the household's responsibility to reschedule a missed interview and provide required verification information; and

10. Fair hearing rights.

*Source:* 7 CFR §273.14(b)(1)

*Revised:* March 2022

***Rule 33.4 Recertification Application.***

- A. Households will use the same application form as the initial application form to apply for renewal of benefits.
- B. A new household signature and date is required at the time of recertification application.

*Source:* 7 CFR §273.14(b)(2)

*Revised:* March 2022

***Rule 33.5 SNAP Recertification through SSA.***

Households with only SSI recipients can apply for SNAP recertification at the SSA.

*Source:* 7 CFR §273.2(k)(2);

*Revised:* March 2022

***Rule 33.6 Timely Application for Recertification.***

- A. Households that are certified for one or two months during the month following application will have 15 days from the date the notice of expiration is received to file a timely application for recertification.
- B. Signed applications from SSI only households or from those that apply for recertification at SSA offices are considered timely when received by the SSA.
- C. Other households must submit an application by the 15<sup>th</sup> of the last month of their certification period to file timely.

*Source:* 7 CFR §273.14(c)

*Revised:* March 2022

***Rule 33.7 Timely Recertification Processing.***

If the household meets all the required steps in the recertification process, the household will be approved or denied prior to the end of the household's current certification period.

*Source:* 7 CFR §273.14(d)

*Revised:* March 2022

***Rule 33.8 Use of Disqualification Data at Recertification.***

MDHS will use the Electronic Disqualified Recipient System (eDRS) database to conduct matches on the current recipient caseload at the time of recertification for a period of 1 year after the implementation date of this match.

*Source:* 7 CFR §273.2(f)(11)(i)

*Revised:* March 2022

***Rule 33.9 Interview.***

- A. An interview must be scheduled with a member of the household or an authorized representative at least once every 12 months for households certified 12 months or less.
- B. Recertification applicants have the choice of a face-to-face interview even if MDHS routinely provides telephone interviews.
- C. Interviews must be scheduled so that the household will be given at least 10 days to provide the necessary verification prior to the end of the certification period.
- D. Households must be notified of their failure to keep scheduled appointments.
- E. A second interview will be scheduled only when requested by the household.

*Source:* 7 CFR §273.14(b)(3); 7 CFR §273.2(e)(2)(i)

*Revised:* March 2022

***Rule 33.10 Recertification Verification.***

- A. Households must be given a notice of required verification and a date such verification is due.
- B. Households must be given a minimum of 10 days to provide required verification information.
- C. If the required 10 day verification period extends past the end of the certification period, the household must be given the opportunity to participate within 5 business days after the household provides the information and benefits cannot be prorated.
- D. A change in income will be verified if the source has changed or the amount has changed by more than \$50.
- E. Income will not be verified if the source has not changed or if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or over 60 days old.
- F. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 will also be verified.
- G. Total medical expenses or actual utility expenses claimed by households that are unchanged or have changed by \$25 or less will not be verified unless the information is incomplete, inaccurate, inconsistent or over 60 days old.
- H. Households must verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a non-household member.
- I. Newly obtained social security numbers will be verified at recertification.
- J. Individuals' work hours will be verified for those subject to the SNAP time limits who are satisfying the work requirements in a program not operated or supervised by MDHS.
- K. Other information which has changed may be verified at recertification.
- L. Unchanged information will only be verified if the information is incomplete, inaccurate, inconsistent or over 60 days old.

*Source:* 7 CFR §273.14(b)(4); 7 CFR §273.2(f)(8)(i)

*Revised:* March 2022

***Rule 33.11 Available Employment and Training Services Advisement at Recertification.***

- A. Households that meet all of the following criteria must be advised of available employment and training services:
  - 1. Contain a household member subject to the work requirements in *Rule 12.1 General Rule*;
  - 2. Contain at least one adult;
  - 3. Contain no elderly or disabled individuals; and
  - 4. Have no earned income.
- B. Households must be provided, at a minimum, with a list of available employment and training services either in electronic format or in printed form.

*Source:* 7 CFR §273.14(b)(5)

*Revised:* March 2022

***Rule 33.12 Untimely Application for Recertification.***

Households lose their right to uninterrupted benefits when they fail to timely file an application by:

- A. The 15<sup>th</sup> day of the last month of the current certification period or
- B. For households approved for 1 or 2 months, within 15 days of the household's receipt of the NOE.

*Source:* 7 CFR §273.14(c)

*Revised:* March 2022

***Rule 33.13 Delayed Processing Due to Agency Delay.***

- A. If a household files an application before the end of the certification period, but processing is delayed beyond the end of the certification period due to the fault of MDHS, the household, if eligible, will receive a full month's benefits for the new certification period.
- B. The same is true if the eligible household files an application within 30 days after the end of the certification period and MDHS is at fault for causing the application to be filed after the certification period.

*Source:* 7 CFR §273.14(e)

*Revised:* March 2022

***Rule 33.14 Delayed Processing Due to Household Delay.***

- A. If the recertification process is delayed beyond the end of the expiring certification period due to a household delay, benefits will be prorated based on when the recertification application is filed.
- B. When a household files an application prior to the end of the certification period, regardless of whether the application was submitted by the 15<sup>th</sup> of the last month, and the household completes the last outstanding required action within 30 days after the end of the certification period, benefits will be prorated to the date the household took the required action.

- C. When a household files an application within 30 days after the last day of the certification period and completes all required actions within those 30 days, benefits will be prorated from the date of application.

*Source:* 7 CFR §273.14(e)

*Revised:* March 2022

***Rule 33.15 Expedited Service.***

- A. Any household that applies **after** the end of the certification period must be screened for expedited services.
- B. Households are not eligible for expedited service if the household files an application for recertification **before** the end of their current certification period.

*Source:* 7 CFR §273.14(f); 7 CFR §273.2(i)(4)(iv)

*Revised:* March 2022

## **Part 14 Chapter 34: Replacement Benefits**

### ***Rule 34.1 General.***

- A. MDHS may provide replacement benefits to a household when the household reports that food purchased with SNAP benefits was destroyed in a household misfortune or disaster.
- B. When a Federal disaster declaration has been issued and the household is eligible for disaster SNAP benefits (D-SNAP), the household cannot receive both D-SNAP and a replacement benefit for a misfortune.

*Source:* 7 CFR §274.6(a); 7 CFR §280.1

*Revised:* March 2022

### ***Rule 34.2 Replacement Restrictions.***

- A. Households must timely report a loss orally or in writing to MDHS prior to the issuance of replacement benefits.
- B. A report is considered timely if it is made to MDHS within 10 days of the date food purchased with SNAP benefits is destroyed in a household misfortune.
- C. Replacement benefits will be provided in the amount of the loss to the household, up to a maximum of one month's benefit, unless the issuance includes restored benefits which will be replaced up to their full value.
- D. There is no limit on the number of requests for replacement benefits.

*Source:* 7 CFR §274.6(a)(3)

*Revised:* March 2022

### ***Rule 34.3 Household Statement of Loss.***

- A. Prior to issuing a replacement, MDHS must obtain from a household member a signed statement attesting to the household's loss.
- B. The statement of loss will attest to the destruction of food purchased with the original issuance and the reason for the replacement.
- C. The statement of loss will also attest to the fact that the household is aware of the penalties for intentional misrepresentation of the facts including a charge of perjury for a false claim.
- D. The household statement of loss may be mailed if the household member is unable to come to the office due to age, handicap or distance and is unable to appoint an authorized representative.
- E. If the signed statement or affidavit is not received by MDHS within 10 days of the date of the report, no replacement will be made.
- F. If the 10<sup>th</sup> day falls on a holiday or weekend and the statement is received by MDHS the next business day, MDHS will consider the statement timely received.
- G. The household statement of loss must be retained in the case record.

*Source:* 7 CFR §274.6(a)(4)

*Revised:* March 2022

***Rule 34.4 Time Limits for Making Replacement Issuances.***

- A. Replacement benefits will be provided to households within (ten) 10 days after report of loss or within (two) 2 working days of receiving the signed household statement of loss, whichever date is later.
- B. MDHS will deny or delay replacement benefits if there is an indication that the household's request appears to be fraudulent.
- C. A household will be informed of its right to a fair hearing to contest the denial or delay of replacement benefits.
- D. Replacement benefits will not be issued while the denial or delay is being appealed.

*Source:* 7 CFR §274.6(a)(5)

*Revised:* March 2022

***Rule 34.5 Verifying Issuance and Household Misfortune.***

- A. Upon receiving a request for replacement benefits for food destroyed in a household misfortune, MDHS must determine if the issuance was validly issued.
- B. Prior to replacing the destroyed food that was purchased with SNAP benefits, MDHS must verify that the destruction occurred in a household misfortune or disaster, such as a fire or flood, through a collateral contact, documentation from a community agency including the fire department or the Red Cross, or a home visit.

*Source:* 7 CFR §274.6(a)(6)

*Revised:* March 2022

***Rule 34.6 Documentation and Reconciliation of Replacement Issuances.***

- A. MDHS must document in the household's case record the following information:
  - 1. Each request for replacement;
  - 2. The date of the request for replacement;
  - 3. The reason for the replacement; and
  - 4. Whether or not the replacement was provided.
- B. If a request for replacement is made late into the issuance month, the replacement will be issued in the following month in which the original benefit was issued.
- C. All replacements will be posted and reconciled to the month of issuance of the replacement and can be posted to the month of issuance of the original benefit, so that all duplicate transactions can be identified.
- D. MDHS must maintain an identifiable record of the replacements granted to the household, the reason and the month.

*Source:* 7 CFR §274.6(a)(7)

*Revised:* March 2022

***Rule 34.7 Providing Replacement EBT Cards or PINs.***

- A. EBT card replacement occurs when a household member reports their card was:
  - 1. Lost;
  - 2. Stolen; or

3. Damaged.
- B. MDHS, through the EBT Vendor, must place the replacement EBT card in the mail within (two) 2 business day following notice from the household of the loss, thief or damage.
- C. MDHS must ensure that households cannot access more than one account in the EBT system.
- D. MDHS must place an immediate hold on accounts at the time notice is received from a household regarding the need for a card or PIN replacement.
- E. Once a household reports their EBT card has been lost or stolen, MDHS must assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household.
- F. MDHS or its EBT Vendor must maintain a record showing the date and time of all occurrences of households reporting their card is lost or stolen.

*Source: 7 CFR §274.6(b)*

*Revised: March 2022*

***Rule 34.8 Excessive Card Replacements.***

- A. Households requesting (four) 4 or more card replacements in a 12-month period must receive an Excessive Card Replacement Notice.
- B. Excess Card Replacement Notices must:
  1. Be written in clear and simple language;
  2. Meet bilingual requirements;
  3. Specify the number of cards requested and over what period of time;
  4. Explain that the next request, or current request if the threshold has been exceeded, requires contact with MDHS before another card is issued;
  5. Provide all appropriate information on how contact is to be made in order for the client to comply such as contact name, phone number and address;
  6. Include a statement that explains what is considered a misuse or fraudulent use of benefits and the possibility of referral to the fraud investigation unit for suspicious activity.
- C. The notice advises the household that EBT transactions are being monitored for potential suspicious activity.
- D. The notice must also inform the household that if another replacement card is subsequently requested then participation in a face-to-face interview with a fraud investigator and eligibility expert will be required.
- E. Any third-party vendor must inform MDHS after the request for a 4<sup>th</sup> replacement card in a 12-month period and any subsequent request thereafter.
- F. Upon a recipient's request of a 5<sup>th</sup> replacement card within any 12-month period, an interview must be scheduled within 30 business days with a MDHS fraud investigator and eligibility expert before a new card will be issued.

*Source: 7 CFR §274.6(b)(5)-(6); Miss Code Ann. §43-12-47*

*Revised: March 2022*

## **Part 14 Chapter 35: Disaster SNAP (D-SNAP).**

### ***Rule 35.1 General.***

- A. Individuals who reside in a disaster area and suffered damage may be eligible for emergency disaster SNAP assistance (D-SNAP).
- B. D-SNAP uses different standards of eligibility than SNAP.
- C. Currently participating SNAP recipients are not eligible to receive D-SNAP benefits.
- D. However, SNAP households may request replacement and supplemental disaster benefits.
- E. There must be a Presidential Disaster Declaration for Individual Assistance for the disaster area.
- F. State agencies must request FNS approval before operating a D-SNAP.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)

*Revised:* March 2022

### ***Rule 35.2 Eligibility.***

To be eligible for D-SNAP:

- A. A household must live in the identified disaster area;
- B. A household must be affected by the disaster; and
- C. A household must meet certain D-SNAP eligibility criteria such as:
  - 1. The household must not be a current recipient of SNAP;
  - 2. The applicant must not be currently serving a SNAP disqualification or be convicted of a felony and not in compliance; and
  - 3. The household must pass special income and resource tests.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)

*Revised:* March 2022

### ***Rule 35.3 D-SNAP Plan.***

Each state agency must annually submit a State Plan of Operation to FNS that includes a required Disaster (D-SNAP) Plan to be approved by FNS.

*Source:* 7 CFR §272.2(a)(2); 7 CFR §272.2(d)(1)(ii)

*Revised:* March 2022

### ***Rule 35.4 Responsibility.***

- A. MDHS has the leading role in planning, requesting and operating a D-SNAP.
- B. FNS must approve MDHS' request to operate a D-SNAP.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)  
*Revised:* March 2022

***Rule 35.5 Application Period.***

Once a D-SNAP operation is authorized, there will be a specific application period, approved by FNS, for MDHS to accept applications from new households and requests for supplements from currently participating SNAP households.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)  
*Revised:* March 2022

***Rule 35.6 Adverse Effects.***

Households must have experienced one of the following adverse effects as a result from the disaster:

- A. Loss of income;
- B. Inaccessible liquid resources; or
- C. Suffered a deductible disaster-related expense.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)  
*Revised:* March 2022

***Rule 35.7 Benefit Period.***

- A. Once a D-SNAP operation is authorized, there will be a benefit period approved by FNS.
- B. The benefit period generally begins on the date of the disaster or the date of any mandatory evacuations following the disaster.
- C. Disaster-related expenses may be counted during this period.
- D. The benefit period is important in determining household composition, income, expenses, and resources for D-SNAP eligibility.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)  
*Revised:* March 2022

***Rule 35.8 Verification.***

- A. Verification rules are relaxed during D-SNAP to ease administrative burden.
- B. However, identity must be verified.
- C. Residency and loss or inaccessibility to liquid resources or income should be verified when possible.
- D. Household composition and food loss can be verified if questionable.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)

*Revised:* March 2022

***Rule 35.9 Benefit Amount.***

- A. Households that may not normally be eligible to participate in SNAP may be eligible for D-SNAP.
- B. Eligible households will receive a full month's benefits equal to the maximum benefit for the household size.
- C. The benefit amount for D-SNAP is updated annually and is published on the FNS website.

*Source:* Robert T. Stafford Disaster Relief and Emergency Assistance Act; Food and Nutrition Act of 2008 (as amended)

*Revised:* March 2022

***Rule 35.10 Participation in Other FNS Programs.***

A household is not eligible to participate in D-SNAP if it is already being served by another disaster household distribution of USDA Foods, such as The Emergency Food Assistance Program (TEFAP).

*Source:* 7 CFR §250.69(b); 7 CFR §250.70(b);

*Revised:* March 2022