

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Medicaid Services
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Madison WI 53703

To: FoodShare Wisconsin Handbook Users

From: Jori Mundy, Bureau Director
Bureau of Eligibility and Enrollment Policy

Re: **FoodShare Wisconsin Handbook Release 23-02**

Release Date: 08/14/2023

Effective Date: 08/14/2023

EFFECTIVE DATE	The following policy additions or changes are effective 08/14/2023 unless otherwise noted. Underlined text denotes new text. Text with a strike through it denotes deleted text.
POLICY UPDATES	
2.1.1 Initial Certifications (Applications)	Updated and clarified changes in FoodShare application.
3.2.1.1 Joint or Shared Physical Custody of Children	Clarified 'joint or shared custody.'
3.3.1.1 HUG (Households, Units, Groups)	Updated screenshot.
3.8.1.1 EBD Introduction	Clarified definition of 'disabled individual'
3.12.1.14 Cuban Haitian Entrants (CHE)	New section.
3.13.1.1 Failure to Comply	Clarified existing policy.
3.13.1.2 Good Cause	Clarified existing policy.
3.15.1.4 Temporary COVID Exemptions Policy	Updated student exemption end dates
3.16.1.3 Exemptions from the FoodShare Basic Work Rules	Updated SSA joint application policy.
3.20.1 Drug Related Felonies	Section rewritten.
4.2.1.2 Case Processing	Clarified existing policy.
7.3.1 Calculating Overpayment Claim Amounts	Updated section title.
7.3.2 Overpayment Repayment, Collections, and Claims Supporting Policies	Updated section title.

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2.1.1 Initial Certifications (Applications)

7 CFR 273.2(c)

Local agencies must encourage ~~individuals~~ persons to file an application ~~or~~ and set a filing date for FoodShare on the same day they express an interest in FoodShare or concerns about food insecurity. ~~Local agencies must not discourage individuals from applying for FoodShare if their application or benefits for another program have been denied or terminated. In this situation, the local agency shall encourage the individuals to continue with the FoodShare application process.~~ Applications can be submitted with only a name, address, and signature. The application signature can be written, electronic, or telephonic.

~~2.1.1.1 Application Forms~~

~~Wisconsin provides an online~~ Submitting a signed application for FoodShare through ACCESS Apply for Benefits. ~~The ACCESS application can be found at.~~

~~The (online, phone, or paper application for FoodShare has been developed for use when) sets a filing date for benefits. Setting a filing date requires only the CARES system is unavailable. It can also be given to applicants who request a paper application form and for SSA staff when they accept applications from individuals where all household members are applying for or receiving SSI. The form can be found in the on the Eligibility Management website and is available in the following formats:~~

- ~~• FoodShare Wisconsin Registration Form () includes the Registration Form and Important Information.~~
- ~~• FoodShare Wisconsin Application Form () includes the Registration Form, Important Information (Part 1) and the Application Form (Part 2).~~

~~**Registration Form:** This section will be completed by the applicant and must include the minimum information (applicant's name, address, and signature). This section of the form is designed to be separated from the other sections so. A filing date is the date that it can be mailed, faxed, or hand-delivered to the agency to set the FoodShare application filing date. This form can also be used to determine eligibility for expedited services if completed beyond the minimum information (such as, name, address, and signature).~~

~~**Important Information Form:** This section describes the applicant or member's rights and responsibilities. It is designed to be separated from the Registration and/or the Application Form so that the applicant or member can keep this information for their records.~~

~~**Application Form:** This section gathers the information necessary to determine FoodShare benefit eligibility. It is designed to be separated from the other sections so that it can be submitted to the agency.~~

2.1.1.2 Application Process

A new application for FoodShare benefits is required whenever an individual or family makes a request for FoodShare benefits and:

1. They have not received FoodShare benefits in Wisconsin in the current or past month, or
2. They have received FoodShare benefits, but benefits have been denied/terminated beyond the calendar month following the month of closure.

Note FoodShare assistance groups with zero FoodShare benefits in their initial benefit month and a FoodShare allotment greater than zero in the second month will be certified for 12 months beginning with the application month.

The FoodShare application process includes:

1. Submitting an application in one of the following ways:
 - a. Submitting a signed RFA following the client registration process,
 - b. Submitting a FoodShare request with at least the minimum information required (that is, name, address, and signature) using the FoodShare Registration or Application forms (or),
 - c. Completing an application with an electronic signature, or
 - d. Completing a request over the phone using a telephonic signature (see).
2. Completing an interview (see Section 2.1.3.5 Telephone Interviews),
3. Verifying certain information (see Section 1.2.1 Verification Introduction),
4. Resolving any identified EPPs (see Process Help,), and
5. Confirming the FoodShare eligibility determination in CARES (see Section 2.1.7 Confirming the FoodShare Eligibility Determination in CARES).

Assistance completing the application process (for example, providing an interpreter, meeting disability needs, etc.) must be provided at no cost to the applicant.

Important Note The agency should not create an RFA and also have the applicant apply online or by phone. The agency may only require one signature for an application regardless of how the application was submitted. The application should be submitted one way or the other, but not both. Submitting duplicate applications only delays application processing and benefit issuance.

2.1.1.3 Reserved

2.1.1.4 Setting the Filing Date

An applicant must provide the minimum information necessary in order to set a FoodShare filing date. This includes name, address, and signature. Local agencies must encourage applicants to file an application or set a filing date for FoodShare on the same day they express an interest in FoodShare or indicate food insecurity. If an

~~applicant chooses not to set a filing date the same day that they contact the agency, the FoodShare application (-) must be provided if they request it.~~

can start. The filing date is set the same day, or the next business day if received after the regularly scheduled business hours, ~~when the agency receives one of the following:~~the application is received.

- ~~• A signed signature page printed from CARES during~~Additionally, the registration process
- ~~• A signed one-page application registration form (-)~~
- ~~• A signed FoodShare Wisconsin application form (-)~~
- ~~• A signed faxed registration and/or application form~~
- ~~• A request is made and a telephonic signature is provided (see -)~~
- ~~• An ACCESS application containing an electronic signature~~
- ~~• A filing date can be set by a late FoodShare ACCESS renewal – a renewal with a submission date in the renewal month, but received by the agency in the month following renewal due month.~~

A signed Pre-printed Renewal Form (PPRF) received in the month following renewal due month also sets a filing date.

- ~~• A signed CWW generated application or case summary~~

Note ACCESS uses the CARES holiday schedule on the CARES Mainframe table TDHY when setting the filing date for holidays. Agencies may be closed on some days that are not CARES holidays such as the day after Thanksgiving, Veteran's Day, and Christmas Eve. ACCESS submissions will have filing dates set on these days even though the agency may be closed. When processing these requests, IM workers should update the filing date to the next business day for their agency and document in case comments that the agency was closed on that date.

An~~if an~~ applicant may verbally request FoodShare but must also provide a signature through one of the formats listed above in orderchooses not to set a filing date.

Note The agency may not certify a FoodShare assistance group for benefits without a signed application on file, and a signed application may be any of the above listed.

Example 1	A FoodShare case has been open since March. The 12-month renewal was due by February 28. The member did not complete an interview in the renewal month. It is now March 3, and the member is calling to complete the interview and renewal. In this scenario, the member would need to reapply for FoodShare, and benefits would be prorated from the date the member provided a signature setting the new filing date (see SECTION 2.1.1.4.1 TELEPHONIC SIGNATURE). This case would also require an evaluation for expedited services (see Section 2.1.4 Expedited Service at
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Application).

The FoodShare Application Registration Form can be used when:

- An applicant comes into the agency, requests FoodShare, but cannot stay to complete the Client Registration process in CWW,
- The agency does not have sufficient time or personnel to complete client registration process before the office closes to the public, or
- An applicant calls to request FoodShare and there is insufficient time to complete the telephonic signature before the office closes to the public, or the applicant does not want to complete a telephonic signature and requests a form to be mailed to them.

This procedure was established to ensure applicants have the opportunity to set a filing date the first day the same day that they contact the agency, the FoodShare Application (F-16019). In some instances, the applicant may request to take this form or a FoodShare Application with them. These materials should be made available for the applicant to take. However, it is important for the agency representative to explain the importance of setting the filing date, how it is set, expedited benefits, and verification policies) must be provided if requested.

The agency should always attempt to set the filing date the same day of contact with the applicant.

In order for the application to set the filing date, the signature must be valid. Signatures can be collected in writing, telephonically, or via ACCESS. To be considered valid, the signature must be completed by an adult household member, an authorized representative, emancipated minor, or by a minor that does not have someone exercising parental authority over them. If an application is signed by a minor and it turns out that someone has parental authority over them is later established, a new signature would be required and the date upon which the new signature is collected would establish a new application set the filing date. Be sure Legal guardians, powers of attorney, or conservators may be able to ask about all individuals living in the home during apply on behalf of the interview. Do not approve eligibility if there is a parental authority living with the minor, until a valid signature is obtained. applicant (see Section 2.1.3.3 Use of an Authorized Representative).

The agency must not require more than one application or application signature, regardless of the method of application.

Local agencies must not discourage individuals from applying for FoodShare, including if their application or benefits for another program have been denied or terminated. In those situations, the local agency must encourage the individuals to continue with the FoodShare application process.

2.1.1.1 Application Methods

Wisconsin offers FoodShare applications in several formats: telephone, paper (F-16019) and an online application through ACCESS4 webpage.

Paper applications can be submitted in-person, through the mail, or via fax.

2.1.1.1.1 Telephonic Signatures

7 CFR 273.2(c)(~~7~~2)(viii)

An applicant may ~~verbally request sign a~~ FoodShare ~~and sign an RFA or application~~ Application by providing a telephonic signature. A telephonic signature is the same as a written or electronic signature and ~~it sets the~~ applicant's filing date ~~for~~ FoodShare.

Applicants must attest that the information they provided is complete and accurate when providing their telephonic signature. ~~A case summary must be sent to the applicant following the interview but does not require a signature unless changes are made to the summary. The applicant will have 10 days to notify the agency if corrections are needed.~~

The agency must ~~have Call Center Anywhere (CCA) or use~~ Genesys in order to record a telephonic signature. A copy of the case summary showing that a telephonic signature was collected is stored in the electronic case file. The IM worker must record the signature in ~~CCA or~~ Genesys.

Only one signature is needed for an application request. ~~If a case summary must be sent to the applicant following the interview but does not require a telephonic signature is completed through the CWW client registration process (or a signature is collected through an ACCESS or paper application), a second signature should not be collected when processing through the Generate Summary page in CWW unless changes are made to the summary.~~

2.1.1.41.2 Faxed Application Registrations

7 CFR 273.2(c)(1)

IM agencies should accept faxed application registrations to initiate the application process and set the filing date. No benefits should be issued, nor should any final determination of an applicant's eligibility be made until an interview is completed. Faxed application registrations received on weekends, holidays, or after hours should be considered received on the first working day following receipt of the application registration.

2.1.1.41.3 Application Registrations at the Wrong Agency Consortia

7 CFR 273.2(c)(2)(ii)

As of June 15, 2009, FoodShare applicants are no longer required to apply for assistance in the county in which they reside. The filing date for FoodShare will be set wherever an application is submitted, regardless of whether the applicant submits the

application in the county in which they reside. In January of 2012, IM program administration was taken over by Milwaukee Enrollment Services (MILES), tribal agencies, and 10 consortia groups made up of local county agencies. Each consortium has a call/change center that is responsible for processing and updating cases for all agencies within the consortium.

When an ACCESS application or Request for Assistance (RFA-) is submitted to the wrong consortia, the consortia that received the application or RFA should transfer it to the correct consortia inbox the same day that it is submitted to allow the consortia time to review for potential expedited service. The filing date will not be reset when the application or RFA is transferred.

Mailed or faxed applications received by the wrong consortia should be entered into CARES and then transferred to the correct consortia for processing.

2.1.1.2 Application Process

A new FoodShare Application is required when a person or household makes a request for FoodShare benefits and:

- They have not received FoodShare benefits in Wisconsin in the current or past month, or
- They have received FoodShare benefits, but benefits have been terminated beyond the calendar month following the month of closure.

The application process includes filing and completing an application form (paper, online, telephone), completing a FoodShare interview, and verifying certain information. The agency may not certify a FoodShare assistance group for benefits without a signed application on file.

The FoodShare application process includes multiple steps, including:

1. Submit an application (setting a filing date) in one of the following ways:
 - a. Submit a paper FoodShare Application with the minimum required information (name, address, and signature) using the FoodShare Application.
 - b. Complete an ACCESS application online with an electronic signature.
 - c. Complete a FoodShare Application over the phone using a telephonic signature (see SECTION 2.1.1.1.1 TELEPHONIC SIGNATURES).
2. Screen for Priority Services (see SECTION 2.1.4.1 ELIGIBILITY FOR PRIORITY SERVICE AND EXPEDITED ISSUANCE AT APPLICATION).
3. Complete an interview either in person or by phone (see SECTION 2.1.3.5 TELEPHONE INTERVIEWS).
4. Verify required information (see SECTION 1.2.1 VERIFICATION INTRODUCTION).
5. Review all information and then make an eligibility determination (see SECTION 2.1.7 CONFIRMING THE FOODSHARE ELIGIBILITY DETERMINATION IN CARES).

Assistance completing the application process (for example, providing an interpreter, meeting disability needs, etc.) must be offered and provided at no cost to the applicant.

FoodShare assistance groups eligible for zero FoodShare benefits in their initial benefit month and a FoodShare allotment greater than zero in the second month will be certified for 12 months beginning with the application month.

Example 1	The 12-month renewal was due by February 28. The member did not complete an interview in the renewal month. It is now April 3, and the member is calling to complete the interview and renewal. In this scenario, the member would need to reapply for FoodShare. This case would require a new signature (see SECTION 2.1.1.1.1 TELEPHONIC SIGNATURE), evaluation for expedited services (see SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION) along with completing the full application process.
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2.1.1.3 Reserved

2.1.1.4 Reserved

2.1.1.5 SSA Participation in FoodShare Applications

7 CFR 273.2(k)

~~Currently, SSA does not participate in a joint FoodShare application process.~~

Social Security Administration (SSA) must offer the opportunity to apply for FoodShare to all households where all members are applying for Social Security Insurance (SSI) benefits.

3.2.1 Residence

3.2.1.1 Joint or Shared Physical Custody of Children

7 CFR 273.1(b)(1)(iii)

Children are included in the food unit of ~~their primary caretaker, with whom they live~~the parent or caregiver(s) they live with. Children may only be included in one assistance group.

~~There may be situations when the living arrangement of a child is not easily determined. There are many methods that can be used to determine where the child is living.~~

~~If the living arrangement of a child is questionable, court documents can be used to determine if there is a primary caretaker designated. If the living arrangement is a 50-50 joint placement, and one parent is not designated as the primary caretaker, the parents can be asked to decide.~~If a child lives in a household without a caregiver exercising parental authority, they may establish their own household for the purpose of applying for and receiving benefits.

When a child lives with multiple caregivers, such as both parents, include the child in the assistance group of the caregiver or parent who applies first. This is common when there is a visitation agreement in place.

A child may split their time in multiple different residences. There is no requirement on the amount of time a child must reside with a caregiver to be included in the food unit.

<u>Example 1</u>	<u>Steve applied for FoodShare for both him and his son, Mark. Steve reports that Mark lives with him three days per week and spends 4 days per week with Mark's mother. Mark is included in the food unit.</u>
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When there is a 50/50 placement order the child spends equal time with both parents or caregivers. In these cases, the household that applied first includes the child in their assistance group.

<u>Example 2</u>	<u>Betty's parents have split custody. During the summer Betty alternates weeks, spending about 50% of the time with each parent. In June, Betty's dad applies for FoodShare for himself and Betty. Betty is already receiving FoodShare on her mom's case. Betty will continue to receive FoodShare on her mom's case.</u>
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Note A person can be in more than one food unit but may only receive benefits in one FoodShare assistance group at a time. A person cannot be a member of more than

one FoodShare assistance group in the same month (see SECTION 3.3.1 FOOD UNIT/ASSISTANCE GROUP/RELATIONSHIPS and Section 3.4.1 Dual Membership and Duplicate Benefits).

Primary Caregiver or Parent

If ~~the~~ a caregiver or parent applies for benefits for their child, and the child is already receiving benefits, then determine who the primary caregiver or parent is. The child should be included with their primary caregiver or parent. There are varying ways to determine a primary caregiver or parent.

A court order establishing a primary caregiver or parent is acceptable and the ruling should be followed. A court order may not use the term "primary caregiver." The primary caregiver may be referenced as the person exercising parental control, the person with primary placement or similar language.

If both parents or caregivers consider themselves to be the primary, they must mutually decide which assistance group will include the child. This mutual agreement must be documented in the case file.

If the parents or caregivers cannot ~~or will not decide~~ decide, and the primary has not been mutually determined, a worker makes the determination.

When determining who the primary caregiver or parent is, compare the ~~parents'~~ activities and responsibilities of each against the ~~following list and determine which one~~ below. Eligibility workers do not need to address each question on the list. Rather, the list provides activities and responsibilities that may be used to determine which parent or caregiver is exercising more ~~control than the other~~: parental control. This is useful in situations where multiple caregivers or parents are applying for benefits and there is disagreement on the primary caregiver or parent.

- ~~1. If the parents live in different school districts, where does the child attend school?
Who selected the school?~~
1. Which household provides the children with more than 50% of their meals?
- ~~1.2. Who assists the child with homework ~~or~~ and school-related tasks?~~
- ~~2.3. ~~Are there~~ Who pays for tuition costs for ~~the child's~~ their education? ~~If so, who pays these costs?~~~~
- ~~3.4. If the child is enrolled in day care, who arranges for and pays these costs?~~
- ~~4.5. Who is responsible for ~~taking the child to and from school and/or day care~~ the child's transportation needs?~~
- ~~5.6. Which parent is listed as the primary contact for emergencies at the child's school or day care provider?~~
- ~~6.7. Who arranges primarily handles the child's medical and dental care ~~for the child? Who selects the physician and dentist?~~~~
- ~~2. Who maintains the child's medical records?~~
- ~~3. Who initiates decisions regarding the child's future?~~
- ~~4. Who responds to medical or law enforcement emergencies involving the child?~~

- ~~5. Who spends money on food or clothing for the child when the child visits the absent parent?~~
- ~~6. Who disciplines the child?~~
- ~~7.8. _____ Who plays with the child and arranges for entertainment or other activities for the child?~~
- ~~8.9. _____ Are more of the child's belongings (for example, toys, clothing)- kept at one parent's home than the other parent's home?~~
- ~~7. In which household do the children receive the majority of their meals?~~

~~Only one parent can receive FoodShare for a child. If you still cannot determine which assistance group the child should be in, the child should be included in the assistance group of the parent who first applied. Use the best information available to make your decision, and document in case comments the basis of your determination.~~

<p><u>Example 3</u></p>	<p><u>Mary and Aaron have shared custody of their child, Ryan. Aaron applied for and started receiving FoodShare benefits for himself and for Ryan. Three months later, Mary applies for FoodShare benefits for herself and Ryan. Mary confirms that both she and Aaron share custody of Ryan. However, Mary disagrees with Ryan being excluded from her FoodShare assistance group and included in Aaron's FoodShare assistance group. Aaron and Mary cannot agree on a mutual arrangement.</u></p> <p><u>The worker must make a primary caregiver or parent determination. The worker reviews the details of the case and asks more questions of Aaron and Mary. This includes information about where Ryan goes to school and other responsibilities.</u></p> <p><u>Ryan spends days with Aaron and nights with Mary. However, Mary maintains a home for Ryan, he attends school in Mary's district, and Mary provides for most of Ryan's needs.</u></p> <p><u>The worker determines that Mary is the primary caregiver or parent of Ryan. Ryan will receive FoodShare benefits as a part of Mary's assistance group and leave Aaron's assistance group.</u></p>
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Nesting

“Nesting” or “bird's nest” custody is a joint custody arrangement where the children remain in the family home and the parents or caregivers take turns moving in and out of the family home. In other words, the parents are “visiting” the children instead of the

children visiting the parents. The parents share financial responsibility for the home and the children. As long as the nesting agreement is in place and being followed, both parents and children will remain as one food unit and assistance group.

<p>Example 14</p>	<p>Holly lives with her mother in Gleason. She attends school in her mother's district and her mother maintains a home for her. Her mother is the primary caregiver. Her father states Holly only visits him on the weekends. Her father is receiving FoodShare. Holly is considered as "living" with her mother and would be included in her mother's food unit if she applied. Her father cannot include her in his food unit. <u>Trudy and John have a nesting agreement in place. Trudy is staying the family home with the children Monday, Tuesday, and every other Wednesday, Saturday, and Sunday. John is staying in the family home with the children Thursday, Friday, and every other Wednesday, Saturday, and Sunday. The household bills such as mortgage, utilities, and child care expenses are shared between Trudy and John. As long as this agreement is in place and being followed, Trudy, John, and their children are all considered one food unit and assistance group.</u></p>
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<p>Example 2</p>	<p>Fran (mother) has legal custody of Clarence. However, Clarence lives with his grandmother and occasionally visits his mother. Clarence is considered to be living with his grandmother and would be included in grandmother's food unit if she applied. Clarence would not be included in his mother's food unit since he is living with his grandmother.</p>
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<p>Example 3</p>	<p>Mary and Rich have joint/shared custody of Ryan. Ryan spends days with Rich because Mary works days. Ryan spends nights with Mary because Rich works nights. However, Mary maintains a home for Ryan, he attends school in his mother's district, and she provides for most of his needs. Ryan is considered to be living with Mary and can receive FoodShare with her. Ryan would not be included in Rich's food unit since Ryan is living with Mary.</p>
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<p>Example 4</p>	<p>Pam and Paul have 50/50 shared custody of Emily. Neither is designated as primary caretaker. They do not agree on who exercises more control over Emily. They both have Emily for three and one-half days per week. They live in the same school district, both are contacted in an emergency, etc. Paul comes into the agency to apply for FoodShare first. Emily would be included in Paul's food unit.</p>
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Example 5

Trudy and John have a nesting agreement in place. Trudy is staying in the family home with the children Monday, Tuesday, and every other Wednesday, Saturday, and Sunday. John is staying in the family home with the children Thursday, Friday, and every other Wednesday, Saturday, and Sunday. The household bills such as mortgage, utilities, and child care expenses are shared between Trudy and John. As long as this agreement is in place and being followed (even when the divorce is final), Trudy, John, and their children are all considered one food unit and assistance group.

3.3.1 Food Unit/FoodShare Assistance Group/Relationships

7 CFR 273.1(a)

3.3.1.1 HUG (Households, Units, Groups)

To determine who is non-financially eligible for FoodShare, you must start with all household members.

H - Households

Households consist of all persons living in, or temporarily absent from, the same residence. It is important to enter all household members into CWW to ensure that the correct eligibility determination is made in CARES.

Note	Federal regulation cited in this handbook section, 7 CFR 273.1(a), and other portions of federal law also use the term “household.” Federal law and the Wisconsin FoodShare handbook do not apply the same definition to this term. The federal use of “household” is more comparable to the Wisconsin FoodShare term “food unit.”
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U - Food Units

One or more persons who live in the same household and purchase and prepare food together for home consumption, or individuals who must be included in the same food unit because of relationship rules (see [SECTION 3.3.1.3 RELATIONSHIP RULES](#)). This group is tested for eligibility together. There are some exceptions for boarders, foster persons, and certain elderly and disabled individuals.

Examples of a food unit include:

- A person living alone.
- A group of unrelated persons living together who purchase and prepare more than 50% of their weekly meals together for home consumption.
- An individual younger than 22 years of age living with their parents, regardless of whether they purchase and prepare food for home consumption separately from their parents.

Example 1	Jo and Sam are partners. Jo and Sam are responsible for their own cost of food, preparation, and consumption of their meals. Every Friday and Sunday, Jo and Sam prepare and share in a family supper. Jo and Sam are separate food units because they are responsible for their own purchasing, preparing and eating of their meals. Sharing two meals per week together is not more than 50% of their weekly meals.
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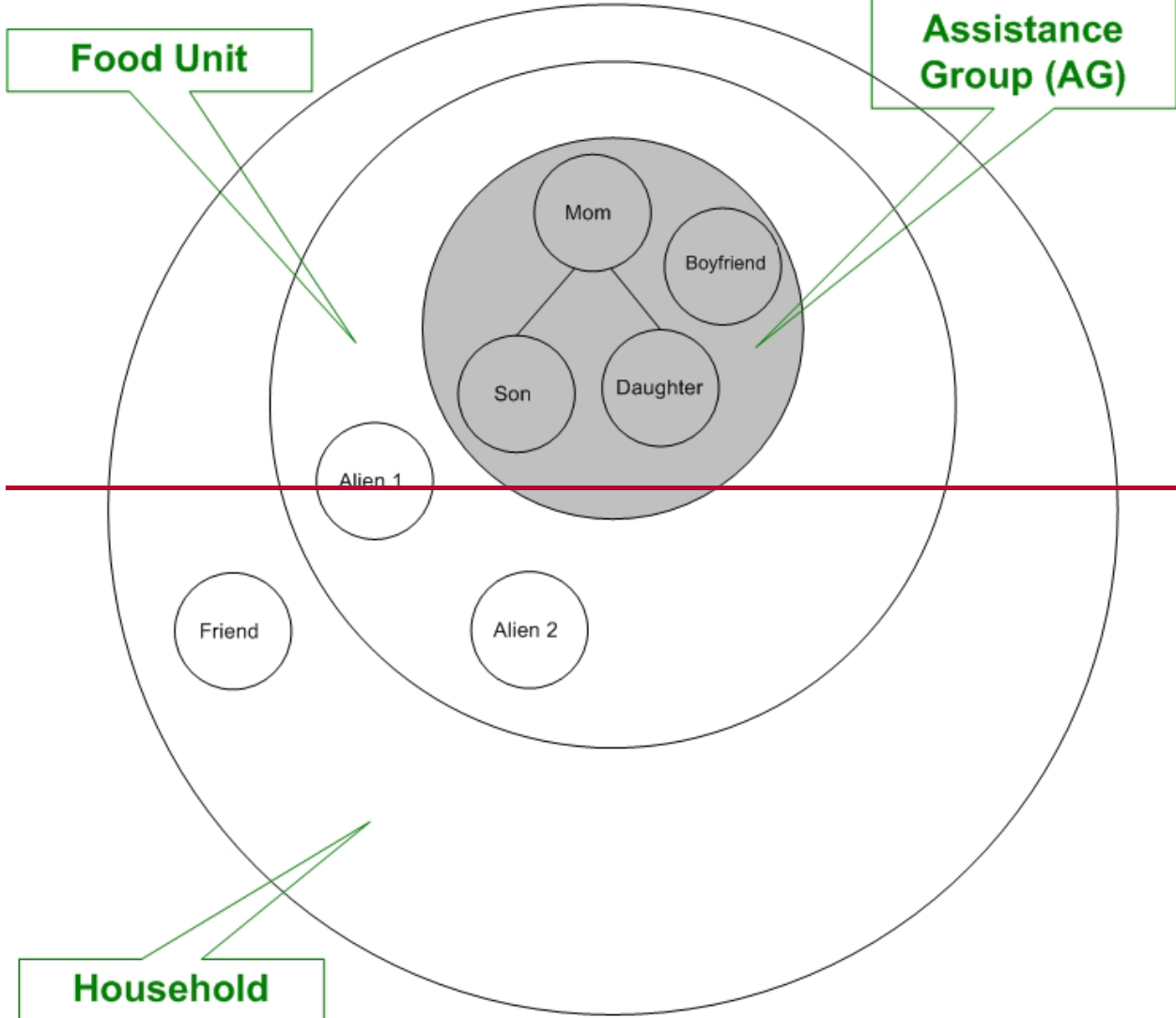
Example 2	Jane, age 22, and her sister Lillie, age 21, live together. They go shopping together and typically make their supper meals around the same time. However, Jane and Lillie buy their own food and eat their own separate meals. Jane and Lillie are separate food units because they buy their own food, prepare their own meals and eat their own meals separately.
Example 3	Jack and Jill are partners. They buy, prepare, and eat all their meals together except for lunch during the week (five meals). Jack and Jill are in the same food unit because they purchase, prepare, and consume more than 50% of their meals together.

G - FoodShare Assistance Groups

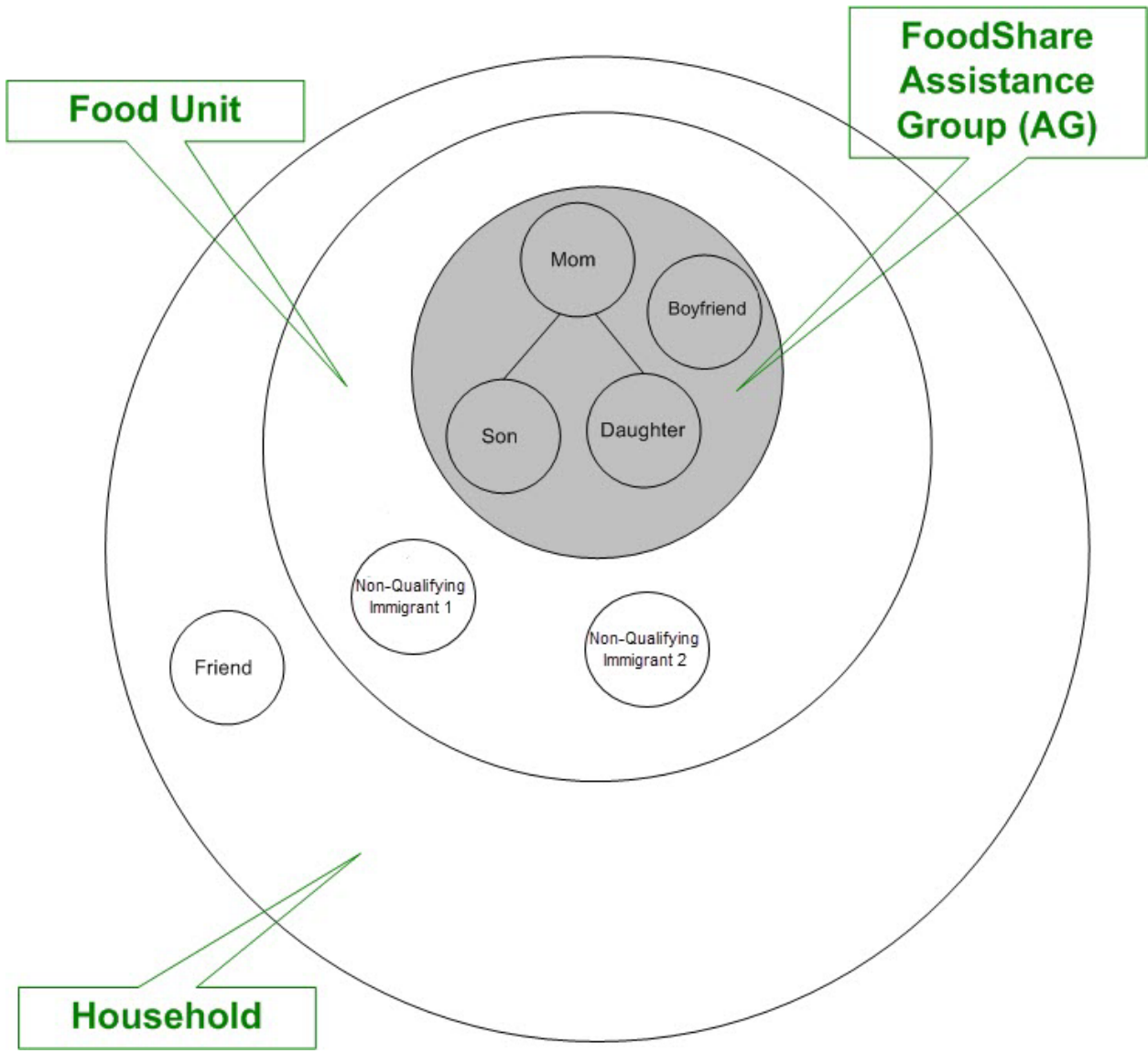
The FoodShare assistance group is formed by persons who are in the same food unit and pass all the individual non-financial criteria. The FoodShare assistance group receives the benefit.

Food Unit

FoodShare Assistance Group (AG)



Household



3.8.1 Elderly, Blind, or Disabled (EBD) Individuals

3.8.1.1 EBD Introduction

7 CFR 271.2

~~An~~ For FoodShare, an elderly individual is a food unit member age 60 or older.

~~A, blind or disabled individual is a food unit member who~~ person meets one or more of the following criteria:

- Is age 60 years or older.
- Receives disability or blindness benefits from any of these programs: Social Security Administration (SSA), Elderly, Blind or Disabled Medicaid (EBD MA), Social Security Income (SSI) or SSI-related MA, Railroad Retirement Board (RRB). A person certified for SSI-related MA is disabled until they or the Disability Determination Bureau (DDB) report they are no longer disabled.
- Receives a Veteran's Assistance (VA-) payment and meets one of the criteria listed in SECTION 3.8.1.2 DISABLED VETERANS.
- Receives a disability retirement benefit from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (Social Security Act requirements of disabled).
 - This includes the disability payment paid out from governmental employee trust fund (ETF) accounts ~~for instance, such as,~~ Wisconsin ETF Disability Payments. However, it does not include income continuation payments which may be paid by the same ETF accounts. This level of disability is usually short term and not permanent.

If ~~an individual~~ a person is certified as disabled or blind by one of the above agencies, but has not received the initial benefit, consider them disabled.

~~An individual~~ A person receiving retirement benefits from the RRB and found eligible for Medicare by the RRB is disabled. ~~An individual~~ A person who receives general assistance and meets the SSI program disability criteria is also disabled.

Under certain specific circumstances ~~an individual~~ a person and their spouse who are both elderly and/or disabled may be a separate food unit even if they are living and eating with others (see Section 5.2.1 FS-E for rules related to FoodShare-E eligibility).

3.12.1 Citizenship and Immigration Status

3.12.1.14 Cuban-Haitian Entrants (CHE)

The term “Cuban-Haitian Entrant” (CHE) relates to benefit eligibility rather than an immigration status. Cuban-Haitian entrants are certain nationals of Cuba or Haiti who have permission to reside in the U.S. based on humanitarian considerations or under special laws that apply to them. CHE are qualified immigrants with no waiting period.

If a person does not have another qualifying immigration status or has a qualifying immigration status that is subject to the five-year waiting period, then a worker must determine if the person is a CHE.

Section 501(e) of the Refugee Education Assistance Act of 1980 (REAA) states that a person is a CHE if they are:

- A person granted parole as a Cuban-Haitian Entrant (Status Pending) or any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the person at the time assistance or services are provided; or
- A national of Cuba or Haiti who is not subject to a final, non-appealable and legally enforceable removal order, and:
 - Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or
 - Is in removal proceedings under the Immigration and Nationality Act; or
 - Has an application for asylum pending with United States Citizenship and Immigration Services (USCIS)

Documentation

CHE status must be verified through SAVE. CHEs may have a wide variety of immigration documentation, including Permanent Resident Cards (Green Cards), that may not conclusively establish whether they are CHE without SAVE verification. Many Cubans or Haitians who have been paroled are CHEs based upon the parole even if they have obtained another immigration status.

The following chart provides examples of documentation that may be presented by a person claiming to be a CHE. These examples are not comprehensive. A Form I-551, Permanent Resident Card, with a CU6, CH6, HB6, or other category code is an example of an immigration document that does not conclusively establish CHE designation without SAVE verification.

<u>U.S. Immigration Category</u>	<u>U.S. Immigration Documents</u>	<u>Cuban or Haitian Nationality</u>
<u>Parole as CHE (Status Pending)</u>	<u>Form I-94, Arrival/Departure Record, with a Department of</u>	<u>U.S. immigration documentation is evidence of nationality. No</u>

	<p><u>Homeland Security or legacy Immigration and Naturalization Service stamp noting “Cuban-Haitian Entrant (Status Pending).”</u></p>	<p><u>additional evidence of nationality required.</u></p>
<p><u>Parole or other special status</u></p>	<ul style="list-style-type: none"> • <u>Form I-94 or Cuban or Haitian passport with a Department of Homeland Security or legacy Immigration and Naturalization Service stamp noting “parole under 212(d)(5).”</u> • <u>Form I-766, Employment Authorization Document (EAD), with category code “C11” or “A04.”</u> <u>These codes indicate that the individual was paroled into the United States.</u> • <u>Documentation issued by U.S. Immigration and Customs Enforcement (ICE), such as Form I-830, Notice to EOIR: Alien Address containing information that the person was released from ICE custody and paroled pursuant to 8 C.F.R. § 212.5.</u> 	<p><u>If Born In Cuba:</u></p> <ul style="list-style-type: none"> • <u>Expired or unexpired Cuban passport (Pasaporte de la Republica de Cuba) that lists the holder’s place of birth as being Cuba; or</u> • <u>Cuban birth certificate issued by the appropriate civil registry in Cuba</u> <p><u>If Born Outside Cuba:</u></p> <ul style="list-style-type: none"> • <u>Unexpired Cuban passport (Pasaporte de la Republica de Cuba);</u> • <u>Nationality Certificate (Certificado de Nacionalidad); or</u> • <u>Citizenship Letter (Carta de Ciudadanía).</u> <p><u>Note: A Cuban consular certificate documenting an individual’s birth outside of Cuba to at least one Cuban parent is not sufficient evidence to establish Cuban citizenship. This is true even if the consular certificate states that</u></p>
<p><u>Pending Asylum</u></p>	<ul style="list-style-type: none"> • <u>An EAD with a category code of “C08.” The C08 code indicates that the person has a pending application</u> 	<p><u>the person to whom the certificate was issued is a Cuban citizen.</u></p> <p><u>Note: A Cuban birth</u></p>

Individual in Removal Proceedings

- for asylum.
- Form I-797C, Notice of Action confirming USCIS receipt of the person's Form I-589, Application for Asylum and Withholding of Removal.

Documentation issued by the Department Homeland Security (DHS) or the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) showing pending removal proceedings, such as Notice to Appear, DHS Form I-862 and Order of Supervision, DHS Form I-220B.

Note: An Order of Release on Recognizance, DHS Form I-220A, is not evidence of parole or that a person is in removal proceedings.

certificate acknowledging a birth outside of Cuba or Cuban consular birth record issued for a principal applicant who was not born in Cuba is not sufficient to prove Cuban citizenship. A birth certificate issued by an entity outside of Cuba is not sufficient evidence to establish Cuban citizenship.

If Born In Haiti:

- Expired or unexpired Haitian passport;
- National Identity Card (Carte D'identification Nationale) (also known as a Voting Card);
- Birth certificate (Acte de Naissance) with photo identification;
or
- Birth Extract Issued by Haitian National Archives (Extrait de Naissance) accompanied by photo identification.

If Born Outside Haiti:

- Unexpired Haitian passport;
- National Identity Card (Carte D'identification Nationale) (also known as a Voting Card);
- Certificate of naturalization or certificate of citizenship issued by

the Haitian government accompanied by photo identification;
or

- A non-Haitian birth certificate listing a Haitian national parent and, for that parent, evidence of Haitian nationality as indicated in this chart.

3.13.1 Social Security Number (SSN) Requirements

3.13.1.1 Failure to Comply

Providing an SSN is voluntary. If someone refuses to provide an SSN, they are denied, and their income is deemed to the assistance group. Food unit members that do not provide an SSN are ineligible. Disqualify only the person without the SSN, not the entire food unit. ~~'Good cause'~~ An applicant proving good cause for not applying for an SSN is the only exception to the failure to comply policy.

3.13.1.2 Good Cause

~~Use~~ Use documents or collateral information from the food unit member, the SSA, the income maintenance (IM-) or tribal agency, and any other sources to determine if good cause exists.

Apply good cause if the applicant or member ~~makes~~ has made every effort to supply the ~~requested~~ SSA with the necessary information to complete an application for an SSN. Good cause does not include delays due to illness, lack of transportation or temporary absences. SSA makes provisions for mail-in a timely manner and online applications instead of applying in person.

If ~~they~~ the household member applying for an SSN has been unable to obtain the documents required by SSA, due to good cause, the worker must assist the individual in obtaining these documents.

If the household member can show good cause, ~~allow participation on a~~ for why an application for a SSN has not been completed, that person is allowed to participate for one month ~~by~~ in addition to the month ~~basis~~ of application. Good cause for failure to apply must be shown monthly in order for such a household member to continue to participate.

3.15.1 Student Eligibility

3.15.1.4 Temporary COVID Exemption Policy

Effective January 1, 2021, if a student applies for FoodShare or is a member of a FoodShare household, two new exemptions must be explored. For ongoing cases, the new exemptions must be explored, and eligibility must be re-determined. Similarly, the new exemptions must be explored for any new student added to the household.

1. Students are eligible to participate in state or federally financed work-study program during the regular school year, as determined by the institution of higher education or
2. Students have an expected family contribution (EFC) of \$0 in the current academic year, as determined by the institution of higher education.

Note

For the change to the work-study exemption, the student does not need to actually be participating or anticipate they will participate in work-study, just be eligible to participate.

These temporary student exemptions must be explored for FoodShare applicants and members through 30 days following the end of the Federal COVID-19 Public Health Emergency. Members will retain the new exemption through the end of their certification period. Starting the first full month following the month after the Federal COVID-10 Public Health Emergency ends, members must be screened for exemptions at their next renewal and the two, temporary student eligibility exemptions may no longer be applied.

Verification of Temporary Exemptions:

Workers must assist in obtaining verification when needed, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. A student may be required to sign a specific release form provided by the school before any Free Application for Student Aid (FAFSA) information can be released by the school to the worker. If all efforts to obtain documentary evidence fail, workers must accept the member's statement as best available information.

Verification of eligibility to participate in a work-study program may be found on the financial aid award letter provided to the student by the institution of higher education or in another letter from the institution of higher education.

Verification of an expected family contribution (EFC) of \$0 may be found on a financial aid award letter, Student Aid Report (SAR), or in another letter from the institution of higher education.

In addition, all students receiving the maximum Pell grant have an EFC of \$0. In the 2022-23 award year (July 1, 2022, to June 30, 2023), the maximum Pell grants are as follows:

- \$6,895 per academic year for students enrolled full-time
- \$5,171 per academic year for students enrolled three-quarter-time
- \$3,448 per academic year for students enrolled half-time
- \$1,724 per academic year for students enrolled less than half-time

Verification of the Pell grant amount may be found on the financial aid award letter and may be used as verification that a student has an EFC of \$0. However, not all students with an EFC of \$0 receive a Pell grant.

Exemption End Dates

Starting June 12, 2023, new FoodShare applicants will no longer qualify for FoodShare under these two temporary exemptions due to the Federal Public Health Emergency end date of May 11, 2023. The temporary exemptions will continue to be in effect for current student FoodShare members enrolled in FoodShare until their next renewal starting with renewals due in July 2023 or later.

3.16.1 FoodShare Basic Work Rules

3.16.1.3 Exemptions from the FoodShare Basic Work Rules

Some FoodShare applicants and members are exempt from the basic work rules in [SECTION 3.16.1.2 FOODSHARE WORK REQUIREMENTS](#). The following applicants and members are exempt from the basic work rules:

- A person 16-17 years of age who is not the primary person in a food unit.
- A person 16-17 years of age who is the primary person in a food unit but who is enrolled in school or in an employment and training program at least half-time.
- A person determined unfit for employment, which includes a person who is one of the following:
 - Receiving temporary or permanent disability benefits from the government or a private source.
 - Mentally or physically unable to work, as determined by the income maintenance (IM) or FSET agency.
 - Verified as unable to work by a statement from a health care professional or a social worker.
- A person participating in and complying with the Wisconsin Works (W-2) program requirements.

Note

If a person is open for W-2 in CWW, they are in compliance with the W-2 program work requirement.

- A parent or other food unit member who is the primary caregiver for a dependent child younger than six years old (whether the child lives in the home or out of the home). If two people are exercising parental control of a child, only one of those people can be exempt from basic work rules as the primary caretaker of that child.
- A parent or other food unit member who is the primary caregiver for a person who can't care for themselves (whether the person lives in the home or out of the home).
- A person who has applied for or is receiving unemployment compensation (UC).

Note

If UC is denied or has ended, the member is no longer exempt regardless of the reason.

- A person regularly participating in an alcohol or other drug abuse (AODA) treatment or rehabilitation program.
- An employed or self-employed person working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage.
 - This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
- A person who is enrolled at least half-time in any recognized school, training program, or institution of higher education.

An individual who jointly applies for SSI and FoodShare would be exempt from basic work rules until a disability determination is made. If they are determined ineligible for SSI, the exemption from the Basic Work Rules should be re-evaluated.

~~Currently in Wisconsin, SSA does not participate in a joint SSI and FoodShare application process.~~

Social Security Administration (SSA) offers all households where all members are applying for Social Security Insurance (SSI) benefits, the opportunity to apply for FoodShare.

Verification for an exemption from the basic work rules is not required unless the exemption is questionable.

Note

There are some differences between exemptions from the FoodShare basic work rules and exemptions from the ABAWD/FoodShare Work Requirement (see [SECTION 3.17.1.3 DETERMINING EXEMPTIONS FROM THE FOODSHARE WORK REQUIREMENT](#)).

3.20.1 Drug ~~Felons~~ Related Felonies

7 CFR 273.11(m)

§49.79(5)(a)

3.20.1.1 Drug-Related Felony

For FoodShare eligibility purposes, a person convicted of a drug felon-related felony is a person (adult or a minor) ~~who is~~ convicted of a felony in a state or federal court involving the possession, use or distribution of a controlled substance within the last five years.

~~An individual~~ A person with a court finding of “Guilty but not guilty due to mental disease/defect,” or a similar ruling that results in the ~~individual~~ person having been found to be mentally incompetent, is not ~~to be~~ considered to have a drug ~~felony-related~~ conviction. ~~Convicted drug felons must have a negative drug test result (pass) to become eligible for FoodShare. The drug test should include the drug for which the applicant or member received the felony conviction. Drug felons who test positive (fail) for controlled substances will be sanctioned.~~

~~The cost of drug testing must be paid for by the local agency and the drug test must be state certified. If the drug felon passes the drug test, do not test again at each renewal. The local agency may use the results of a drug test conducted by another state certified entity if the test was taken within the last 30 days. Examples of other state certified entities include, but are not limited to, probation officers, employers, FEPs, etc. If a previous drug test result is offered but is older than 30 days, require a new drug test.~~

A FoodShare applicant or member must state whether they or any member of their food unit ~~have~~ has been convicted in any state or federal court of a felony for possession, use, or distribution of a controlled substance. ~~The applicant or member's signature on the Application Summary is sufficient to satisfy this requirement in the past five years as a part of the application and renewal process. By signing (written, telephonic, electronic) the application or renewal, the applicant or member is attesting to the answer provided.~~

~~See Process Help, for information on requesting drug test verification.~~

3.20.1.1 Applications

~~During the FoodShare interview, IM workers must notify applicants and food unit members of the drug testing policy if anyone in the household has~~ Applicants or members that have been convicted of a drug related felony ~~in the past five years, the consequences of a positive (failed) drug test or refusal to submit a drug test, and the applicant's right to decline aid.~~

~~Applicants and food unit members who meet the definition of a drug felon must~~ must agree to and pass a drug test within 30 days from either the filing date or the date that the member is notified of the drug testing requirement to be found eligible. ~~Upon agreement to take the test, find the applicant eligible. If an applicant passes the test,~~

~~they would remain eligible for ongoing benefits. If a currently eligible food unit member passes the test, they would continue to be eligible. If the applicant or food unit member refuses to take a drug test, they will be ineligible (gross deemer without a sanction) for FoodShare until they agree to take a drug test.~~

~~If the drug test result is positive, the food unit member is ineligible for 12 months from the next possible benefit month. If the drug test result is negative, the individual remains eligible. Do not retest the individual at renewal. If applicants decline to submit to a drug test or fail to complete the test within 30 days, they are not subject to the 12-month sanction period. The applicant may reapply for FoodShare and complete the test at any time.~~

~~In the pre-drug test information gathering process, the FoodShare applicant or member should identify any prescription or non-prescription drugs they are taking that may cause a positive test. However, if the applicant or member tests positive for a drug legally prescribed, they should not be sanctioned if they a drug test and provide a statement from a physician or pharmacy explaining the positive test within 30 days from date of a positive test. For example, taking a legally prescribed opiate derivative could potentially cause a positive test but should not result in a sanction if the applicant or member verifies a valid prescription for this medication. IM workers must also inform applicant members who have agreed to a drug test that some non-prescription medications (for example, cold medicine) and some foods (for example, poppy seeds) may cause a positive result.~~

~~If a physician/pharmacist statement is not received by the IM agency within 30 days from testing positive, the applicant will be sanctioned for a year. For information on regaining passing results to maintain FoodShare eligibility, ~~see~~.~~

~~Applicants who miss a scheduled drug test should lose eligibility for the next possible month and no sanction will be applied. If the applicant later agrees to take a test within the application period, another drug test can be scheduled. If they take and pass this test, eligibility should be reinstated for the next possible benefit month. If the applicant misses a drug test and requests another test after the initial application period, the test should be scheduled. If they pass this test, approve benefits for the next possible benefit month.~~

A person must only take and pass a drug test once. Do not require a new drug test at renewal or during the certification period if passing drug test results have been received.

Do not require a drug test if the felony conviction 5-year look back falls within any of the following scenarios: the month of application or renewal, the month of re-request, the verification period, or within the following 30 days.

<u>Note</u> <u>Example</u> <u>1</u>	A member of a food unit found ineligible for FoodShare due to failing to take a drug test will become a gross deemer. <u>lan applied for FoodShare on July 17, 2023. During the interview on July 21, lan states, he is a drug felon. His conviction date is August 1, 2018. lan will not be required to submit to drug test because his 5-year look</u>
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	<u>back period would expire on August 1, this is within his 30-day application processing period.</u>
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~~For a one-person food unit, a missed drug test appointment would result in a denial of the FoodShare application. A new application (see) would be required if the individual wanted a new opportunity to take a drug test.~~

3.20.1.2 Administration of Drug Test

Drug tests must only be administered by trained professionals outside of the Income Maintenance and Tribal Income Maintenance (IM) staff). IM agency staff, regardless of position or title, cannot administer the drug tests.

Applicants and members cannot self-administer the drug tests.

Results can be received from the following types of entities which include but are not limited to:

- Doctors and nurses
- Public and Tribal health centers and departments (even if co-located within the IM agency)
- Certified laboratories
- Justice centers
- Drug courts
- Hospitals
- Medical centers
- Probation and Parole
- Employers
- Drug and alcohol treatment centers
- Other Credentialed/trained drug testing individuals/agencies (non-Consortia/Tribal IM staff)

If a person has been drug tested within the last 30 days by another entity such as their probation agent, a drug counselor, or an employer, they can choose to allow for the use those results and not have to take another test. Or they can opt to not use their former test results and instead take a new drug test. They maintain this right regardless of a pass-fail result of that former test.

A professional administering a drug test should collect documentation of any prescriptions and address any resulting positive test. However, if a person convicted of a drug-related felony reports to the IM worker they have a valid prescription and can provide documentation that they were prescribed a medication that resulted in a positive drug test, excluding medical marijuana, the sanction can be lifted, and the drug test is to be considered to have been passed.

3.20.1.3 Type of Drug Test

Drug tests solicited by the IM agency must meet the requirements as follows:

- The method of drug testing is to be urine or oral swab,
- At a minimum, use of a seven-panel drug test
- Must test for the following drugs: Marijuana (THC), Amphetamines, Cocaine and Opiates.

Any test (rapid or sent to a lab) that meets these requirements is acceptable.

Drug test results provided by an applicant or member from another entity are not required to meet these criteria. If the other entity uses a different sampling method or different drug panel, the passing results must still be accepted and a new test not required.

If there is a cost associated with the drug test, IM is responsible for paying for the drug test.

3.20.1.4 Scheduling

Applicants and members who need to take a drug test must be provided with all the information needed to schedule their drug test. This includes any referral paperwork, the vendor's name, address, special instructions, phone number, etc. If the applicant or member requests help in scheduling the test, the worker must assist them. The worker must document the method in which they provided the information to the member such as by phone or mail and what information they provided to the member. They also need to document if any additional assistance in scheduling was provided. Ensure the applicant or member has adequate time to schedule, take the drug test, and have the results returned. Note this may require a verification due date extension. Clearly document all actions taken in case comments.

3.20.1.5 Applications

IM workers must explain to members convicted of a drug related felony in the past five years, they will need to take and pass a drug test to maintain FoodShare eligibility.

Upon agreement to take the test, find the person eligible if they meet all other eligibility criteria. If they pass the test (negative test result), they remain eligible for ongoing benefits.

If they refuse to take a drug test, they must be determined ineligible (gross deemer without a sanction) for FoodShare, effective the next possible benefit month. Members who fail to take a test can choose to agree to take a drug test at any time.

If they fail the drug test (positive result), they must be sanctioned for 12 months (gross deemer with a sanction) effective the next possible benefit month. During this time, they cannot gain FoodShare eligibility. They must serve the full sanction.

Example 12	On June 19, Jane is applying applies for FoodShare for herself and her two children on June 19. She admits she is . Jane reports having a convicted drug felon felony conviction from three years ago and agrees to take a drug test. The IM worker schedules helps her schedule the drug
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<p>test for June 25. No other verification is needed by June 21, so theThe IM worker processes<u>continues to process</u> the application and Jane is found eligible for June, July, and August<u>July</u> FoodShare benefits. Results from<u>The worker confirms June and July benefits and pends Jane's case for the drug test results August forward. The drug test results are</u> received by the IM worker on July 2. Jane failed the drug test. Jane will be<u>is</u> sanctioned effective August 1 for 12 months. Her<u>Jane's</u> two children remain eligible for FoodShare.</p>
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~~3.20.1.2 Ongoing cases~~

~~If a felony drug conviction is reported for an eligible FoodShare member at renewal or any other time, immediately schedule the individual for a drug test. Refusal to take a drug test will result in the felon being removed from the FoodShare assistance group until the individual agrees to take the test. If a felon tests positive on a drug test, deny FoodShare for the individual for 12 months starting in the next possible benefit month.~~

~~If the agency later finds the member is subject to drug felon policy, require a drug test for the continuation of benefits. The agency should also pursue an IPV for falsifying information at the time of application and recover the benefits received from the application date until a negative drug test result is received. The member will only be eligible once the agency receives a negative drug test result.~~

<p>Example 2</p>	<p>Bob is receiving FoodShare with his girlfriend and her daughter. He was convicted of a drug felony on June 29 and reported this at his July renewal on July 12. He was placed on probation as a result of his conviction. He refuses to take a drug test. Bob will be sanctioned until he agrees to take a drug test. If he had agreed to take the test and failed, he would be sanctioned in the next possible benefit month for 12 months.</p>
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~~An IM worker may discover an unreported drug felony or incomplete Drug Felon page in an open or ongoing case. If it is within the five-year look back period, the IM worker must complete Notification of Required Drug Testing form (-) and mail it to the member. The IM worker must also either request that the member call to schedule a drug test or schedule a drug test and notify the member of the time and date.~~

<p>Example 3</p>	<p>In August, Mark requests to be added to Cindy's FoodShare case. Mark has declared he is not a convicted drug felon. However, when the IM worker gets to the Individual Non-Financial gatepost page, there is an indication that someone in the household is a convicted drug felon. Cindy is listed as a convicted drug felon who agreed to complete a drug test. There is no drug test date and no drug test results recorded in</p>
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	<p>CWW</p> <p>for Cindy. The IM worker will need to notify Cindy by using Notification of Required Drug Testing form (F-01542) that she must submit to and pass a drug test in order to maintain FoodShare eligibility.</p>
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Note

~~Members are not required to report a drug felony as part of the change reporting process (see Section 6.1.1 Change Reporting for All Food Units (Simplified)).~~

3.20.1.36 Regaining Eligibility

To regain eligibility after a 12-months-month sanction, the person with the drug-felon-related felony must ~~reapply and submit~~ re-request FoodShare. They will need to agree to take another drug test, unless the conviction is more than five-year look-back period has expired at the time of reapplication. years old. If the individualperson does not submitagree to take a drug test, continue to deny ~~the individual until a test is agreed to. Note the individual~~ them. The person will continue to be gross deemer, if they are noton an open FoodShare case, however, they are not in “sanction” status. If the person agrees to take a test, continue to deny benefits for the individualperson until the results are received.

If ~~the secondthey pass their drug test-is negative, the person,~~ they may be eligible for FoodShare as of the first of the month following the month in which ~~the individualthey~~ agreed to take the test. If they fail the seconddrug test results are positive, the person is ineligible, they will be sanctioned for the FoodShare program for an additionalanother 12 months. ~~As~~ For new applications, once a drug test is passed following a sanction, FoodShare will open back to the filing date.

Reminder, as with other sanctions that end, the individualperson must re-request FoodShare. ~~The individual~~ They will not automatically be eligible when the sanction period ends.

If the ineligible person with a drug felonfelony conviction is in the food unit, deem that person's income and expenses to the FoodShare assistance group.

4.2.1 Categorical Eligibility

4.2.1.2 Case Processing

FoodShare benefits will be automatically denied or closed when the FoodShare assistance group's verified adjusted income is greater than the maximum allotment amount for their ~~household~~assistance group size, with the exception of one- and two-person ~~households~~assistance groups. A closure notice will be sent ~~to the household~~ notifying them their net income exceeds allotment amount, and they are eligible for \$0 allotment.

~~Except during an initial month, all eligible~~For one- and two-person food units shall receive the minimum \$23~~assistance groups, the monthly allotment when (except in the gross income is below 200% FPL and the net adjusted income exceeds the net income limit~~initial month or on cases with allotment reduction) should never be less than the minimum allotment for that assistance group size.

A denied or closed FoodShare assistance group can file a new application and complete an intake interview if they wish to be reconsidered for FoodShare eligibility.

7.3.1 ~~Benefit Overpayment~~

~~7.3.2~~ Calculating Overpayment Claim Amounts

7.3.2 Repayment of Claims