

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**  
**Division of Medicaid Services**  
**1 W. Wilson St.**  
**Madison WI 53703**

To: FoodShare Handbook Users

From: Rebecca McAtee, Bureau Director  
Bureau of Enrollment Policy and Systems

Re: **FoodShare Handbook Release 19-01**

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Effective Date: 04/19/2019

<b>EFFECTIVE DATE</b>	The following policy additions or changes are <b>effective 04/19/2019</b> unless otherwise noted. <b>Underlined text denotes new text. Text with a strike through it denotes deleted text.</b>	
<b>POLICY UPDATES</b>		
1.2.3.5	Wisconsin Residency Verification	Clarified the requirement for verifying the residency of the primary person.
2.1.1.3	Break In Service	Updated the definition and examples for a Break in Service.
3.12.1	Citizenship and Immigration Status	Updated the description of individuals eligible for FoodShare.
3.13.1	Social Security Number (SSN) Requirements	Added information on requiring and verifying a Social Security number.
3.17.1.4	Determining ABAWD Status	Updated list of criteria for persons considered to be non-ABAWDs.
3.17.1.11	Regaining Eligibility after Exhausting Three Months of Time-Limited Benefits	Added information on sending the NFST (or NFSS) letter.
3.17.1.17	Countable Months From Another State	Added information on the states that use an ABAWD waiver.
4.3.4.2	Counted Unearned Income	Updated description of CMF+ payments.
4.6.7.2	Allowable Shelter Expenses	Updated description of what cannot be counted as shelter or utility expenses. Effective 11/1/2018.
5.1.1.1	TFS Introduction	Updated description of payments not considered a W-2 or Tribal TANF payment.
6.1.1	Change Reporting	Renamed section and updated information for reduced reporting. Effective 3/1/2019.
6.1.2	Six Month Reporting Requirement	Updated information on reporting requirements for a change of income. Effective 3/1/2019.

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# 1.2.3.5 Wisconsin Residency Verification

7 CFR 273.2(f)(1)(vi)

Address , Wisconsin residency , and household composition are separate and distinct eligibility factors with different verification requirements (see [3.2.1](#) Residence).

Verification of the primary person's residency is required at application for FoodShare eligibility, with an exception for homeless and migrant workers.

~~If it becomes known that a FoodShare applicant or member does not reside in Wisconsin, action must be taken to deny or terminate FoodShare benefits for this individual.~~

Residency must also be verified ~~at the time of application and~~ whenever a household member states that he or she resides in Wisconsin, but his or her Wisconsin residency is determined questionable. Do not require a specific type of verification. See [1.2.6.1](#) Required Verification to Determine Eligibility

If it becomes known that a FoodShare applicant or member does not reside in Wisconsin, action must be taken to follow up with the food unit to determine their residency.

Wisconsin "residency" refers to residing in Wisconsin, but is not limited to any specific type of housing.

- State residency is a condition of eligibility that can be verified through a number of acceptable documents from the applicant, a collateral contact, or another source, and must not be limited to a single type of document.
- If the address on the application is not a fixed Wisconsin mailing address and there is no additional information presented at the time of the interview to verify that the applicant resides in Wisconsin, the IM worker should attempt to obtain verification of state residency.
- IM workers should verify state residency only if the information was not already verified for another program (e.g. BadgerCare Plus). In other words, do not over-verify.
- Because Wisconsin is a statewide project area, an applicant/member can move from one county to another within the state of Wisconsin and still maintain residency. A county-to-county move does not make an applicant/member's Wisconsin residency questionable.

**Note:** Persons on vacation in Wisconsin are not residents of Wisconsin.

## Exception

An exception exists for verifying the residency of homeless persons ([3.2.1.3](#) Homelessness) and migrant farm workers ([2.1.4.3](#) Eligibility for Migrant Workers). Do not require residence verification for homeless persons or migrant applicants newly

arrived in Wisconsin. Do not verify shelter ([4.6.7 Shelter and Utility Deduction](#)) as part of residence verification. Shelter verification is a separate verification requirement.

### **CARES Processing - Residency**

If the IM worker is unable to obtain the applicant/member's current address as part of a Wisconsin residency determination at either the application or as part of an ongoing case, Wisconsin residency is questionable and the IM worker must:

- Enter a "Q?" in the Resides in Wisconsin Verification field on the Current Demographics page to pend FoodShare.
- If information is provided by the applicant/member, make the necessary updates to the case.
- If the applicant/member does not respond by the verification due date, update the Resides in Wisconsin Verification field with a "QV". Enter case comments to document the denial or termination of FoodShare due to failure to verify state residency.

An IM worker may become aware of information that makes Wisconsin residency questionable on an ongoing FoodShare case. Examples of questionable residency include:

1. Refusing to provide the address where the food unit is living,
2. Notices returned as "undeliverable with no known forwarding address", or
3. Agency receiving unclear information.

**Example 1:** Mary is applying for FoodShare. She refuses to provide the street address where she is currently living. She will only provide a general delivery (PO Box) address, but does not claim to be homeless. This brings into question whether she is living in Wisconsin (state residency), and whether her presence in the home will have an effect on her case or another case (household composition).

Since state residency is questionable, the IM worker should follow the process described above to obtain verification of residency. Since Mary's household composition is also questionable, the IM worker should enter a "Q?" in the Household Composition Verification field for Mary's case on the General Case Information page and initiate a Front End Verification, if appropriate. If verification of state residency is not provided by the verification due date, deny the case for failure to do so by entering a "QV" in the Resides in Wisconsin Verification field on the Current Demographics page. If Mary fails to provide clarifying information on her household composition or verification that is adequate for the IM worker to correctly determine Mary's food unit by the verification due date, then the IM worker must deny FoodShare for failure to do so by entering "QV" in the Household Composition Verification field on the General Case Information page.

**Example 2:** Margaret is open for FoodShare. Her notice of decision was returned to the IM agency as undeliverable with no forwarding address. The IM agency attempts to obtain Margaret's current address to determine her Wisconsin residency; they are

unable to do so and determine that Margaret's Wisconsin residency is questionable. The IM worker must enter a "Q?" in the Resides in Wisconsin Verification field and issue the verification notice using the appropriate verification due dates. If acceptable verification is not received by the due date, the IM worker must enter a "QV" in the Resides in Wisconsin Verification field and run eligibility and confirm to close FoodShare.

**Example 3:** Susan is applying for FoodShare and provided a Wisconsin street address, but failed to verify her shelter expenses. Since she works in Wisconsin and the address on her pay stub matches the address she provided, state residency is considered to be verified and is not questionable. Additional verification is not needed.

## 2.1.1.3 Break in Service

A break in service means that the FoodShare assistance group has closed ~~and FoodShare has not reopened during the month following the month of closure. A break in service requires a member of the food unit to reapply and complete the application process if they wish to receive benefits. Under some circumstances, income maintenance (IM) workers can reinstate a closed FoodShare assistance group without requiring a new application.~~

~~A break in service means that the FoodShare assistance group closed and~~for at least one day ~~has passed~~. Failure to provide timely verification is a common cause for FoodShare closure.

The FoodShare assistance group closes effective the last day of the month following adverse action if a requested action is not taken by the assistance group. To open the case without a new application, the reason for closure must be fully resolved during the calendar month following the closure ~~in order to reopen the FoodShare benefit~~. The date the closure ~~has been~~is fully resolved by the member is the date used to reestablish eligibility and issue prorated benefits. ~~For example, FoodShare closed for lack of verification and verification is then submitted in the first month of closure. The benefits are prorated from the date all required verifications are received by the agency.~~

Example 1: Verification of income was due November 26. FoodShare closed for lack of verification on December 31. Verification is submitted on January 7. FoodShare benefits are prorated from the date all required verifications are received by the agency (January 7). A new application is not needed.

If the reason for closure is not fully resolved the month following the month of closure, a new application must be completed.

Example 2: Verification of income was due November 26. FoodShare closed for lack of verification on December 31. Verification is submitted on February 7. A new application is required.

Allow FoodShare to reopen at renewal, if the requested action is completed in the month following the end of the current certification period, **as long as the interview was completed before the end of the renewal month.**

- An interview must be completed within the renewal month of the current certification period to be considered timely. If the food unit fails to complete a timely interview, FoodShare will close effective the last day of the renewal month, and a notice of closure will be sent at adverse action of the renewal month. A

new FoodShare application is required in the month following the renewal due month.

- If FoodShare closes for lack of verification or other reasons after a timely renewal interview and the food unit takes the required action within the calendar month following the certification period, the agency shall reopen FoodShare and prorate benefits from the date the food unit took the required action. The certification period will begin with the month after the renewal was due.
- If FoodShare closes due to agency delay in scheduling the interview or the food unit is not available to complete the interview offered by the agency until the month following the renewal month, benefits shall be restored and a supplemental benefit will need to be issued back to the first of the month to ensure ongoing benefits, as long as verification is timely.
- If the food unit contains a member who is a *migrant* and received FoodShare in the previous calendar month, benefits will not be prorated from the day the food unit provides necessary information but will be restored back to the beginning of the month ([7.1.1.2](#) Initial Allotment for Migrant and Seasonal Farm Workers). Benefits should not be issued as expedited when applying a break in service.

~~The reason for FoodShare closure must be fully resolved during the calendar month following case closure prior to reopening the case under break in service policy.~~

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**Example 13:** Sam requests an appointment to renew his FoodShare benefits on September 25. His benefits end on September 30. The first available appointment is October 3. Sam meets with his IM worker on October 3. The IM worker documents in case comments the reason for the late certification. Benefits begin the first of the month.

~~**Example 2:** Raquel's FoodShare closes December 31 for failure to verify information. On January 2, Raquel turns in the requested verification. In this circumstance, the IM worker is able to reopen the closed FoodShare case and Raquel is not required to file a new FoodShare application. Benefits will be prorated from the second of the month.~~

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~~If the FoodShare assistance group has closed and FoodShare has not reopened in the month following the closure, a member of the food unit will be required to reapply and complete the application process to receive benefits.~~

## 3.12.1 Citizenship and Immigration Status

7 [CFR](#) 273.4

The following individuals are eligible for FoodShare as U.S. citizens, nationals, and a select group of non-citizens. Individuals listed below do not have to meet any other non-citizen requirements to be eligible for FoodShare.

- U.S. citizens,
- Non-citizen nationals (people born in American Samoa or Swain's Island),
- American Indians born in Canada,
- Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-Determination and Education Assistance Act, and
- Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era from August 5, 1964, to May 7, 1975, and who are legally living in the U.S., and their spouses or surviving spouses and dependent children, including full-time students under the age of 22.

To meet the citizenship or qualifying immigrant requirement for FoodShare, a person must be one of the following:

1. A citizen of the U.S. which is defined as a person:
  - a. Who was born in the U.S. The U.S. includes: the continental U.S., Alaska, Hawaii, Puerto Rico, U.S. Virgin Islands, and Northern Mariana Islands, including Guam, or
  - b. Who is a naturalized citizen of the U.S.
2. A person born outside of the U.S. to, or adopted by, at least one U.S. citizen, which is sometimes referred to as a "derivative citizen."
3. A non-citizen with a qualifying immigration status.

**Note:** Effective 10/1/10, all Puerto Rican birth certificates issued before 07/1/10 are invalid. Ongoing members of IM programs from Puerto Rico do not need to submit new, valid birth certificates. However, all Puerto Rican birth certificates submitted by applicants must have been issued on or after 07/1/10.

### 3.12.1.1 Qualified Immigrant or Immigration Status

1. Use [Chart 1](#) to determine if a non-citizen is eligible for FoodShare.
2. Use [Chart 2](#) for decoding the admission or adjustment codes from [USCIS](#). Refer also to [Process Help 82.8](#) ~~the INS SAVE Manual M300 (revised 09-00) and the Travel and Identity Documents guide.~~

**Note:** If there is more than one admission or status code for the immigrant/non-citizen, always use the least restrictive code per 8 [CFR](#) 212.5(h). A best practice

is to ask each year about immigrant/citizenship status changes since the code(s) may change over time.

**CHART 1**

<b>Federal Supplemental Nutrition Assistance Program (SNAP)</b>	
Eligible as <u>a U.S. <del>Citizens</del>Citizen/National/Non-Citizen</u>	
<ul style="list-style-type: none"> <li>• U.S. citizens,</li> <li>• Non-citizen nationals (People born in American Samoa or Swain’s Island),</li> <li>• American Indians born in Canada,</li> <li>• Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-Determination and Education Assistance Act,</li> <li>• Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era from August 5, 1964, to May 7, 1975, and who are legally living in the U.S., and their spouses or surviving spouses and dependent children, including a full-time students under the age of 22.</li> </ul>	
<b>Immigrant Status Code</b>	<b>Eligible if:</b>
01-Lawfully admitted for permanent (LPR) residence	<ul style="list-style-type: none"> <li>• Meets work quarters, or</li> <li>• Meets military requirement, or</li> <li>• Receives disability benefit, or</li> <li>• Under age 18, or</li> <li>• Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> <li>• A legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
02-Permanent Resident under color of law (PRUCOL)	Ineligible
03-Conditional entrant lawfully present under Section 203(a)(7)	<ul style="list-style-type: none"> <li>• Meets work quarters, or</li> <li>• Meets military requirement, or</li> <li>• Receives disability benefit, or</li> <li>• Under age 18, or</li> <li>• Born before August 22, 1931, or</li> <li>• Has lived in the U.S. as a qualified immigrant</li> </ul>

	<ul style="list-style-type: none"> <li>for five years from the date of entry, or</li> <li>• A legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
04-Refugee lawfully present under Section 207	Eligible
05-Asylee lawfully present under Section 208	Eligible
06-Parolee lawfully present under Section 212(d)(5)	<ul style="list-style-type: none"> <li>• Meets work quarters, or</li> <li>• Meets military requirement, or</li> <li>• Receives disability benefit, or</li> <li>• Under age 18, or</li> <li>• Born before August 22, 1931, or</li> <li>• Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> <li>• A legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
07-IRCA – <u>No longer valid status</u>	Ineligible
08-Work Authorization: Temp.	Ineligible
09-Undocumented Immigrant	Ineligible
10-Illegal Immigrant	Ineligible
11-Cuban/Haitian entrant as defined in Section 501(e) of the Refugee Education Act of 1980	Eligible
12-Considered a permanent resident by <u>USCIS</u>	Ineligible
13-Special agriculture worker under Section 210(A)	Ineligible
14-Additional Special agriculture worker under Section 210A	Ineligible
15-An <u>alien immigrant</u> whose deportation is being withheld under Section 243(h) or 241(b)(3)	Eligible
16-Battered Immigrant  Code the battered immigrant adult or child or parent with the broadest immigrant eligibility category that applies to that person (e.g., code a battered refugee immigrant, as a refugee). Document in case comments that the person	Ineligible unless: <ul style="list-style-type: none"> <li>• Meets work quarter requirement, or</li> <li>• Meets military requirement, or</li> <li>• Receives disability</li> </ul>

is a battered immigrant and therefore exempt from sponsor deeming. Do not list the sponsor in <u>CWW</u> . Do not list any of the sponsor's income and assets.	<ul style="list-style-type: none"> <li>benefit, or</li> <li>Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> <li>Under age 18, or</li> <li>Was a legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
17- Amerasians	Eligible
18 - Native Americans born abroad	Eligible
19 - Trafficking victims, including the minor children, spouses, and, in some cases, the parents and siblings of victims of severe trafficking (treat as refugee under section 207 of the INA), the spouse, child, parent or unmarried minor sibling of a victim of a severe form of trafficking in persons under 21 years of age, or the spouse or child older than 21 who has received a derivative T visa, to the same extent as an immigrant who is admitted to the U.S. as a refugee under Section 207 of the INA.	Eligible
<u>20 – Lawfully Residing</u>	<u>Ineligible</u>

~~2) Use chart 2 for decoding the admission or adjustment codes from . Refer also to the INS SAVE Manual M300 (revised 09-00) and the .~~

## CHART 2

Immigration Status	CARES Code	I-94 Codes	I-551 Codes	Other
Cuban/Haitian Entrant	11	212(d)(5) or paroled or C/H Entrant and from Cuba or Haiti or I-551 stamp and CU6 or CH6	CU6 or CU7, CH6	Unexpired and expired I-551 stamp in foreign passport
Deportation Withheld	15	106 or 243(h) or 241(b)(3)	NA	<u>USCIS</u> Form I-688B annotated 274a.12(a)(10); <u>USCIS</u> Form I-766, annotated A10; order from an immigration judge showing deportation

				withheld under 243(h) or removal withheld under 241(b)(3)
Battered Immigrant	16	AR1, AR6, C20 through C29, CF1, CF2, CR1, CR6, CR7, CX1, CX2, CX3, CX6, CX7, CX8, F20 through F29, FX1, FX2, FX3, FX6, FX7, FX8, IF1, IF2, IR1, IR2, IR3, IR4, IR6, IR7, IR8, IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21, P22, P23, P26, P27, P28; IB3, IB6, IB7, IB8, B11, B12, B16, B17, B20 through B29, B31, B32, B33, B36, B37, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8 some Z13	AR1, AR6, C20 through C29, CF1, CF2, CR1, CR6, CR7, CX1, CX2, CX3, CX6, CX7, CX8, F20 through F29, FX1, FX2, FX3, FX6, FX7, FX8, IF1, IF2, IR1, IR2, IR3, IR4, IR6, IR7, IR8, IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21, P22, P23, P26, P27, P28; IB3, IB6, IB7, IB8, B11, B12, B16, B17, B20 through B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8 some Z13	I-551 stamp in foreign passport with one of the preceding codes; or <b>IMPORTANT:</b> Applicant has filed an I-130 or I-360 petition as a battered immigrant. <u>USCIS</u> Form - 797 is documentation of approval of an I-130 application.
Amerasian	17	AM1, AM2, or AM3	AM 6, AM7, or AM8	I-551 stamp in foreign passport with one of the preceding codes
Foreign born Native American	18	S13	S13	I-551 stamp in foreign passport with S13 tribal membership card from federally recognized tribe.
Trafficking Victim	19	T-2, T-3, T-4 and T-5 known as "Derivative T" visas are not		Health and Human Service Office of Refugee

		currently available in the SAVE system.  Call the toll-free trafficking verification line at 1-866-401-5510 to notify ORR of the benefits for which the individual has applied.		Resettlement Certification Letter
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This is not an all-inclusive list of government issued codes. Additional codes may be found at: <https://www.uscis.gov/sites/default/files/ocomm/ilink/0-0-0-32054.html>.

See also [Process Help 82.8](#) ~~the Travel and Identity Documents Guide~~ for explanations of the types of USCIS authorization documents.

### 3.12.1.2 Eligibility Pending Documentation of Immigration Status

7 CFR 273.2(f)(1)(ii)(B)

A non-citizen is ineligible until acceptable documentation of qualifying immigration status is provided unless:

1. The IM agency has submitted a document provided by a household to USCIS for verification. Pending such verification, the IM agency cannot delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status, or
2. The applicant or the IM agency has requested qualifying quarter information from SSA. SSA has responded that the individual has fewer than 40 quarters but is investigating to determine if more quarters can be determined. The IM agency must certify the individual pending the results for up to six months from the date of the original determination of insufficient quarters, or
3. The applicant or IM agency has requested verification from a federal agency for verification of the immigrant's status. The IM agency must certify the individual pending the results up to six months from the date of the original determination of insufficient quarters.

An alien immigrant who has a pending application for a qualifying status is not potentially eligible until the status has been granted.

## 3.13.1 Social Security Number (SSN) Requirements

7 CFR 273.6

A food unit participating in or applying for FoodShare must provide the SSN of each food unit member who is requesting benefits. Individuals without an SSN must apply for one before certification. If anyone has more than one number, all numbers must be provided.

Explain that failure to provide an SSN will disqualify the person without the SSN. Allow the SSN applicant to participate on a month by month basis, while awaiting receipt of the SSN. He or she must provide the SSN or proof of application within 30 days of the FoodShare application.

~~A-completed~~ In cases where an application for SSN has been filed with the Social Security Administration, an SSN must be provided by the time of the next FoodShare renewal or FoodShare eligibility will be terminated for that individual. In addition, if eligibility for another program pends for an SSN and the SSN application date on file is six months or older, eligibility for FoodShare will also pend. Members must be given a minimum of 10 days to provide an SSN, but if they do not, FoodShare eligibility must be terminated for the individual.

Agencies must assist any household that requests help with applying for an SSN. "Assisting the applicant" may include helping with filing the SS-5 SSN Application form and obtaining a birth certificate or other document needed to apply for the SSN. An applicant does not need to provide a document or Social Security card. He or she only needs to provide a number, which is verified through data exchanges.

If the caretaker is unwilling to provide or apply for the SSN of a minor or 18-year-old, then the person with no SSN is ineligible.

Verify the SSN only once.

If the SSN validation process returns a mismatch record, the worker must first attempt to correct the mismatched information. If the worker is unable to correct the information, the worker must contact the member to correct the information.

The member should be informed if the SSN validation process indicates another individual is using the same SSN. The member should contact the Social Security Administration and request they conduct an investigation. The IM worker cannot provide the member with any information that would identify the individual who is using the member's SSN.

If the Social Security Administration finds that the SSN has been used fraudulently it may:

1. Recommend further action be taken,

**and/or**

2. Provide the member with the information on the fraudulent action so that the member may pursue action through the legal system.

A parent of a newborn may begin an SSN application on the newborn's behalf while still in the hospital. If the SSN has not been applied for, the worker will either need to assist in completing form [SS-5](#) ~~is-proof~~ or require the parent to complete the application. A completed SS-5 is verification of application for an SSN for a newborn food unit member.

## 3.17.1.4 Determining ABAWD Status

**Non-ABAWD:** A FoodShare applicant or member is determined a non-ABAWD if he or she meets any one of the following criteria, as determined by the IM agency:

- Under age 18\* or age 50\*\* and older
- Residing in a food unit with a child under age 18\*\*\*
- Pregnant
- Determined unfit for employment, which includes someone considered any 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 IM agency
  - Displaying mental instability, combativeness, or other mental health issues. The IM worker should consider the member unfit for work and document an exemption without requiring verification from a health care professional.
    - Per direction from [FNS](#)
  - Verified as unable to work by a statement from a health care professional or a social worker (may use form [F-01598](#) Medical Exemption from Work Requirement for ABAWD to verify)
  - Experiencing chronic homelessness
    - A person is chronically homeless if he or she currently lacks a fixed, regular nighttime residence and does not expect to have a regular nighttime residence in the next 30 days. This includes people who are in a temporary housing situation, such as transitional living arrangements.
- Receives Unemployment Compensation (UC), or has applied for UC, and is complying with UC work requirements

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

- Regularly participates in an alcohol or other drug abuse (AODA) treatment or rehabilitation program
- A high school student 18 years of age or older attending high school at least half time
- A student of higher education who is otherwise eligible for FoodShare (see [3.15.1](#))
- Primary caretaker of a dependent child under age six or an incapacitated person (may be part of the food unit or in a separate household)
- Is not a work registrant due to working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage
- Complying with Wisconsin Works (W-2) program requirements

\*Age 18: ABAWD status applies the month following the month the FoodShare member or applicant turns age 18.

\*\*Age 50: ABAWD status no longer applies the first day of the month an ABAWD turns age 50.

\*\*\* Individuals who reside with and are included in the same food unit as a child under age 18 are non-ABAWDs, even if that child is ineligible for FoodShare. See section [3.3.1.1](#) for food unit requirements.

As a best practice, workers should document exemptions in case comments.

Non-ABAWDs are not subject to [TLBs](#).

**Note:** Individuals who are coded as out of the home, including children placed in foster care and out of home tax dependents and co-filers, do not make an individual a non-ABAWD.

**Example 1:** An IM worker conducts a FoodShare renewal interview over the telephone with Jolene. Jolene explains that she is homeless and currently sleeping at a temporary shelter at night and does not know when she will find permanent housing. The worker determines Jolene is chronically homeless and a non-ABAWD.

**Example 2:** An IM worker conducts a FoodShare application interview over the telephone with Andrea. Andrea explains that she is homeless and currently sleeping on the couches of three different friends and does not know when she will find permanent housing. The worker determines Andrea is chronically homeless and a non-ABAWD.

**Example 3:** An IM worker conducts a renewal FoodShare interview over the telephone with Ronald. Ronald explains that he is living at his friend's house, but he is not on the lease and cannot use it as a mailing address. Ronald plans to continue living with his friend. The worker determines that Ronald is not chronically homeless.

Non-ABAWDs are not subject to TLBs during months in which they have a verified exemption. Workers must apply an exemption on the first of the month in which the exemption began, regardless of when the exemption is reported or whether it is verified timely. Correct determination of ABAWD exemptions impacts whether or not members are subject to TLBs. ABAWDs may cycle on and off FoodShare benefits and may gain or lose exemptions for a variety of reasons.

FoodShare members who have a pending exemption receive a referral to the [FSET](#) program as ABAWDs. Once an exemption is verified, a referral update is sent to notify the FSET agency of the status change.

**Note:** For situations where more than one individual shares care giving responsibilities for a child under age six or an incapacitated person, the agency should work with the member to determine which individual has primary responsibility for care of the child or incapacitated person. The other individual's care giving responsibilities can be seen as work and the hours can count towards meeting the work requirement, see [3.17.1.8](#) ABAWD Definition of Working. In most situations, only one individual may claim exemption under this provision for the care of an incapacitated individual. However, there may be an exception with medical documentation which specifies that more than one person is needed to provide the required care.

**ABAWD:** A FoodShare member is an ABAWD if he or she does not have an exemption from the work requirement, as determined by the IM agency. ABAWDs are subject to TLBs and need to meet the ABAWD work requirement to maintain ongoing eligibility for FoodShare. One of the ways these members can meet the ABAWD work requirement is through FSET participation.

All ABAWDs who are not currently meeting the work requirement outside of FSET receive a TLB referral to the FSET program. ABAWDs who are meeting the work requirement outside of FSET may choose to be referred to the FSET program. ABAWDs are not required to participate in FSET as a condition of FoodShare eligibility. However they may lose eligibility for FoodShare due to failing to meet the ABAWD work requirement after exhausting three months of TLBs in a 36-month period.

## 3.17.1.11 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits

There is no limit on how many times an ABAWD may regain eligibility after exhausting three months of TLBs. A new application is required if the ABAWD re-requests FoodShare as a food unit of one unless the case has been closed less than 30 days and can reopen under break in service ([2.1.1.3](#)). If an ABAWD is requesting FoodShare on an on-going case, follow the person add policy to re-establish FoodShare eligibility ([6.1.3.3](#)).

ABAWDs who have exhausted three months of TLBs during a 36-month period may regain eligibility by:

- Meeting the ABAWD work requirement for at least 30 consecutive days prior to the new FoodShare filing date and currently meeting the ABAWD work requirement, OR verifying that the ABAWD work requirement will be met within 30 days of the new filing date. The ABAWD work requirement can be met by:
  - Working ([3.17.1.8](#)) a minimum of 80 hours in the 30-day period;
  - Participating in and complying with requirements of an allowable work program ([3.17.1.8](#)) for at least 80 hours in the 30-day period ([3.17.1.7](#)). FoodShare eligibility is a required prerequisite to FSET enrollment, so an ABAWD cannot regain eligibility through FSET participation after FoodShare closes. Keep in mind, this is only for ABAWDs who have exhausted their three TLBs; or
  - A combination of work and participation in an allowable work program for a minimum of 80 hours in the 30-day period;
- Currently a non-ABAWD exemption at the time of the application and providing required verification;
- Providing verification of an exemption that removes one or more TLBs; or
- The ABAWD's 36-month period expires.

An ABAWD who has exhausted three months of TLBs and is not meeting one of the above requirements at the time of re-application is ineligible for FoodShare. If the ineligible ABAWD is a member of an open food unit, the ABAWD will be counted as a pro-rated deemer. See [4.7.5](#) Prorated Deeming.

**Note: If an individual has exhausted his or her three TLBs, is reapplying or re-requesting FoodShare, and has a pending exemption or non-ABAWD status, the manual CARES Worker Web letter, FSET PROOF OF EXMPT – NFST, must be sent to request verification. To send this letter in Spanish, use the manual NFSS letter.**

**Example 13:** Stella's FoodShare closed on October 31 after three TLBs were issued for August, September, and October. Stella reapplies for FoodShare on January 2. During the FoodShare interview Stella reports that she had gained seasonal employment of 20 hours per week from November 8 through December 28. Stella's application is denied because although she worked 30 consecutive days, she was not meeting the ABAWD work requirement at time of application. Had Stella's job not ended, FoodShare eligibility would be effective from her filing date.

**Example 14:** Gracie received three TLBs for November, December, and January. FoodShare closes January 31. Gracie claims an exemption when she re-applies for FoodShare on February 10. Verification of the exemption is requested by the IM worker. Gracie failed to submit verification until after the 30 day application processing period, so the FoodShare application is denied.

**Example 15:** Toby is open for FoodShare on a case with his girlfriend and cousin. Toby received three TLBs for January, February, and March. FoodShare remains open for Toby's girlfriend and cousin. Toby becomes a pro-rated deemer effective April 1. On May 12, Toby requests to be added back into the food unit. He has been working at Target since May 5. He works 10 hours a week, and provides paystubs for verification. When eligibility is run, Toby is found ineligible because he is not fully meeting the ABAWD work requirements and he will continue to be a pro-rated deemer.

## 3.17.1.17 Countable Months From Another State

Time-limited months and additional months received in another state are countable months if the ABAWD already had a 36-month clock established in Wisconsin prior to moving to the other state. In this case, the IM agency must verify the number of countable months the individual received in the other state. If the individual did not establish a 36-month clock prior to moving to another state, the IM agency would not need to verify countable months received in the other state. [Use the link below to view the list of states that currently have an ABAWD waiver.](#)

<https://www.fns.usda.gov/snap/abawd-waivers>

**Note:** States that have an ABAWD waiver do not currently apply ABAWD policies, those that have a partial waiver may implement ABAWD policies in portions of their state, and those that do not have an ABAWD waiver apply ABAWD policies statewide.

If the individual did not establish a 36-month clock prior to moving to another state, the IM agency would not need to verify countable months received in the other state.

## 4.3.4.2 Counted Unearned Income

1. Tribal TANF payments.
2. Interest, dividend, and royalty payments if available to a food unit member. Dividends that the food unit has the option of either receiving as income or reinvesting in a trust or other investment are to be considered income in the month they become available to the food unit, unless exempt under [4.3.4.3. Disregarded Unearned Income](#).
3. Annually paid annuities and lottery winnings. Average these payments over 12-months. Do not count the entire amount in the month received.
4. Individual Retirement Account (IRA) payments. Budget IRA withdrawal payments based on frequency received (annually, quarterly, monthly).
5. Net SSI payments.
6. Gross Social Security payments less any repayments withheld due to previous overpayments of Social Security benefits. Include any Child Support payments withheld from Social Security payments. This will ensure that Child Support payments are correctly included in the total gross unearned income and correctly budgeted as a Child Support payment deduction.
7. Unemployment Insurance (Unemployment Compensation) payments, except for the \$25 supplemental weekly Unemployment Compensation payment (stimulus payment) authorized by the American Recovery and Reinvestment Act of 2009 (ARRA) for FoodShare. Disregard the stimulus payments effective 11-06-09.
8. Worker's Compensation benefits.
9. VA disability and pension benefits, COLA and other adjustments made to the payments. ~~The adjustments that are excluded are~~ "Aid and Attendant Allowances" referenced in [4.3.4.3 Disregarded Unearned Income](#) ~~below~~ are excluded.
10. Private disability payments.
11. Caretaker Supplement (CTS) payments.
12. Child Support and maintenance payments made directly to the food unit, or passed through to the food unit by a child support agency, whether court-ordered or voluntary. However, child support paid to a custodial parent who resides with the non-custodial parent and the child (ren) for whom the child support is paid is not counted as income. Disregard child support payments received directly from an absent parent by a food unit if the money is turned over to the child support agency. Disregard child support payments retained by a child support agency.
13. Child Support and Family Support must be prorated among the members covered by the court order. If a Family Support order includes the custodial parent, the income proration would also include that parent. Child support is prorated for only the children covered by the court order. Maintenance is budgeted for the person actually receiving it. The most up-to-date information about Child Support and Maintenance is auto populated on the CARES Worker Web Child Support screen.
14. W-2 payments received under W-2T, CSJ full and prorated placements, CMF+, ARP, or as the custodial parent of an infant (CMC). See [8.1.6 System Generated](#)

Payments.

Note: CMF+ is an incentive payment for job retention services and is not considered a paid placement for TFS eligibility.

**Note:** See [7.1.1.7 Deny Benefit Increases Due to Penalties in Other Programs.](#)

15. Kinship Care payments are unearned income for the child receiving the payment.
16. Subsidized guardianship payments.
17. Any money received for sick or severance pay from an insurance policy, an income continuance policy, or disability payments from an employer that are not paid as accrued sick, vacation, or personal time. Gross income from these sources is budgeted. Whether or not the income is taxed or untaxed does not determine if the pay is counted as unearned or earned income.
18. Reimbursements for normal household living expenses such as rent, mortgage, personal clothing, and food eaten at home. These are counted because they are a gain or benefit. Include stipends that are part of a financial aid package and are intended as a reimbursement for living expenses.
19. Count a subsidized adoption payment or adoption assistance payment as unearned income.
20. Tribal distribution payments. Income from tribal distributions should be prorated over the period it is intended to cover if it is predictable and regularly received. If the FoodShare assistance group becomes ineligible and then reapplies before receiving their next installment, continue to use the same prorated amount as before.

**Example 1:** Dawn receives \$500 quarterly from the Potawatomi Tribe. The frequency of the payment is regular and the amount is predictable. To calculate the monthly amount to be budgeted prospectively, prorate the amount over the time period intended:  
 $\$500/3 = \$166.67$  per month to be prospectively budgeted.

21. Money withdrawn or dividends that are received or could be received from an otherwise exempt trust fund.
22. Monetary gifts over \$30 a calendar quarter. Calendar quarter: three consecutive months beginning with January, April, July, or October.
23. Income from a land contract. Count any portion of monthly payments received that are considered interest from a land contract as unearned income. Do not count the principal as income, because it is the conversion of one asset form to another. If received less often than monthly, prorate it over the period between payments. Do not count this income until a member actually receives it.
24. Any money received from an installment contract must be:
  - a. Counted as income in the month received, or
  - b. Averaged over the number of months between payments. For example, average a quarterly payment received in January over January, February,

and March. The food unit must choose one of the above methods. Document the choice in the case record.

25. If someone receives rental income and the property is managed more than 20 hours per week, see Self-Employment [4.3.3.4](#).

If someone manages the property for less than 20 hours a week, treat the income as unearned and budget as listed below. Include gross receipts minus allowable business expenses as earned income. Tax Forms 1040 Schedule C or 1040 Schedule E are used to determine rental income. If using tax form Schedule E, use recorded rental income plus the principal paid, to estimate future income. If the applicant or member has not completed a Schedule C or Schedule E tax form, use the following method to calculate earned income.

- a. When the owner is not an occupant, "net rent" is the total rent payment(s) received minus the total mortgage payment (principal and interest) and other verified operational costs such as (but not limited to) hazard insurance, mortgage insurance, and taxes.
- b. When income is received from a multi-unit property and the owner lives in one of the units, compute "net rent" as follows:
  - Step 1:** Add the total mortgage payment (principal and interest) and other verified operational costs such as (but not limited to) hazard insurance, mortgage insurance, and taxes common to the entire operation.
  - Step 2:** Multiply the number of rental units by the total in Step 1.
  - Step 3:** Divide the result in Step 2 by the total number of units, to get the proportionate share.
  - Step 4:** Add the proportionate share in Step 3 to any operating costs paid that are unique to the rental unit. This equals total expenses.
  - Step 5:** Subtract total expenses in Step 4 from gross rent payments to get net rent.

CARES will budget self-employment income from rental property as earned income if the property is self-managed 80 or more hours per month. If the monthly hours entered are less than 80, the income will be treated as unearned income even if the self-managed switch is "Y".

Verify unearned rental income using available documentation. It is not necessary to collect Self-Employment Income Report Forms (SEIRF) for unearned income.

## 4.6.7.2 Allowable Shelter Expenses

Shelter expenses that are deductible include:

1. Rent.
2. Home mortgage and property taxes (if not in the mortgage). Homestead property may consist of multiple sections of land for tax purposes. Since the food unit is responsible for all taxes owed on the homestead property, the taxes owed on all sections of the property are allowed as a deduction.
3. Countable utility expenses.
4. Mobile home lot rent and loan payments.
5. Insurance on the structure (if not included in the mortgage). If a food unit has a homeowner's insurance policy that includes insurance on the structure and household contents, but the costs cannot be separately identified, the total cost is allowable. **Note:** Renter's insurance is not an allowable shelter deduction.
6. Second mortgage or home equity line of credit (regardless of what the mortgage is used for).
7. Special assessments.
8. Condominium fees or condo association fees.
9. Mortgage obligation if still owed when a reverse mortgage is in place.

See [1.2.6.2](#) Verify Only If Questionable for list of verification sources for shelter and utility expenses, if the expense is questionable.

Do not count ~~as shelter or utility expenses such~~ surcharges such as pet expenses, ~~or~~ extra garage rentals, as shelter or ~~air conditioning surcharges~~ utility expenses. The monthly amount of rent the individual is obligated to pay should be taken into consideration each month when the shelter deduction is determined without regard to when the rent is actually paid. Only allow current monthly expenses. DO NOT include arrearages, late charges or discounts for early payment.

Disregard HUD and FMHA payments paid directly to the landlord or mortgage holder as an expense. Only include the amount the food unit owes after the HUD or FMHA payments as a rent expense.

Do not allow in-kind payments as a shelter deduction. This includes arrangements such as receiving free rent for providing child care, or other services. In these situations, no rent deduction is allowed, no income is counted and no child care deduction is allowed.

Include costs for the repair of damages to the food unit's home due to a natural disaster as a shelter expense. Examples of natural disasters are fires, floods, hurricanes, and tornadoes.

Do not count expenses for repairs that have been or will be reimbursed to the food unit by any private or public relief agency, insurance company, or any other source.

If anyone in the household shares the shelter cost with the food unit, create a separate shelter screen for each contributor, using the correct obligation amount for which each contributor is responsible.

When a self-employed food unit claims the total shelter costs as a business expense, do not allow any shelter deduction. If the food unit claims a percentage of the shelter costs as a business expense, the remaining percentage is a shelter deduction.

If the percentage used for the business expense was not self-declared, use IRS form 8829 or the "Expenses for business use of your home" line from IRS form 1040 Schedule C to determine the amount of the home that was claimed as a business expense. Any remaining amount that was not counted as a business expense should be allowed as a shelter expense.

## 5.1.1.1 TFS Introduction

7 CFR 273.26

Transitional FoodShare (TFS) benefits automatically extend FoodShare benefit eligibility for five months to FoodShare assistance groups whose Wisconsin Works (W-2) or Tribal TANF (TT) cash assistance ends as long as:

1. The member was part of an active FoodShare case in the benefit month and the month the last W-2 or TT payment was issued, and
2. The member was receiving a W-2 or Tribal TANF payment. This does not include CMF+, W-2 Trial Job Placements or Transitional Jobs cases managed by a W-2 agency.

FoodShare assistance groups are not eligible for TFS after Wisconsin Works (W-2) or Tribal TANF (TT) cash assistance ends when:

1. The W-2 or TT payment is sanctioned to zero for nonparticipation, or
2. All FoodShare assistance groups members lose FoodShare eligibility due to:
  - a. An intentional program violation
  - b. Failure to comply with a work requirement (see [3.16](#) Work Requirements)
  - c. Ineligible student status
  - d. Ineligible immigrant status
  - e. Failure to provide information necessary for determining eligibility or failure to complete a renewal
  - f. Assets of an EBD non-categorically eligible FoodShare member were divested for the purpose of qualifying or attempting to qualify for the program
  - g. Dual FoodShare participation
  - h. Status as a fleeing felon

**Note:** There is no limit to the number of times someone can be eligible for TFS; however the member must be receiving regular FoodShare prior to starting TFS.

**Example 1:** Linda is eligible for TFS from February through June. She is injured in a fall in May and is unable to work. In May, she re-applies for W-2 and is placed in a W-2T. The TFS benefit period will continue through June. Because the five-month TFS benefit period ends in June, Linda completes a recertification review for regular FS benefits in June, and starts receiving them in July. Linda returns to her full time job in August. Her household will receive another five months of TFS benefits once her W-2 payment ends.

## 6.1.1 Change Reporting for All Food Units (Reduced Reporting)

7 CFR 273.12(5)

~~Change reporting policy depends on the type of food unit. There are two:~~

- ~~1. food units with no earnings, or~~
- ~~2. All other food units.~~

### ~~6.1.1.1 Change Reporting For EBD Food Units with No Earnings~~

~~Elderly, Blind, or Disabled (EBD) food units are those where all food unit members are elderly, blind, or disabled. If no one in this food unit has earned income, these food units are required to report the following changes within 10 days:~~

- ~~1. Number of people in the home:~~
  - ~~a. When a person is born or dies, and/or~~
  - ~~b. When someone moves in or out~~
- ~~2. Income:~~
  - ~~a. Unearned: A new source of income and increases of more than \$100 a month from a current source of income, and~~
  - ~~b. Earned: changes in the current source of income of more than \$100 a month (a new job must be reported within 10 days from the start of the job, not from when the member received the job).~~
- ~~3. /shelter expense:~~
  - ~~a. New address when a move takes place, and~~
  - ~~b. Change in shelter and utility expense obligations if a move occurs.~~
    - ~~1. Any change in the legal obligation to pay child support.~~

~~Changes must be reported to the FoodShare agency within 10 days of the date the change is known to the food unit, except for reporting receipt of a new job. Then the change must be reported within 10 days from when the job starts.~~

### ~~6.1.1.2 Change Reporting for All Other Food Units (Reduced Reporting)~~

7 CFR 273.12(5)

~~All other~~

All food units are only required to report if their total received monthly gross income exceeds 130% ~~(+)~~ of the FPL (8.1.1) for their reported food unit size determined at the most recently completed certification. This change must be reported by the 10th of the month following the month in which the total received income exceeded 130% of the FPL.

As long as a food unit's total received income is less than 130% of the FPL, a food unit need not report changes in income, assets, address changes, household composition, etc. This is known as "Reduced Reporting" requirements.

ABAWDs subject to simplified reporting must report by the 10th of the month following a month in which their work hours fall below 80 hours per month.

**Note:** Anticipated receipt of income and/or work hours is not required to be reported, even if the anticipated income is expected to put the food unit over the 130% FPL. A reported change in income can only be used in the budget after it is received.

If a food unit has reported total income exceeding 130% of the FPL for their food unit size, and the food unit remains open for FoodShare due to broad-based categorical eligibility, the food unit has fulfilled their change reporting requirement for the remainder of the FoodShare certification period.

~~The 130% of the FPL reduced reporting level is based on the food unit size determined at the most recently completed certification.~~

However, if any change is reported or becomes known to the agency, it must be acted upon.

See [5.1.1](#) for change reporting requirements for Transitional FoodShare (TFS) members.

## 6.1.2 Six Month Reporting Requirement

7 CFR 273.12(a)(iii)

Food units certified for 12 months, and subject to reduced change reporting requirements, are required to submit a six-month report form (SMRF) in the sixth month of the certification period. ~~Self-employment income that has already been averaged does not need to be re-verified, unless a significant change is reported.~~ Elderly Blind and Disabled food units without earned income are exempt from the six-month report requirement.

The following changes in income must be reported on the SMRF for FoodShare members:

- A change of ~~\$50~~100 or more in unearned income based on the most recently verified amount.
- Changes in earned income (from the most recently verified information) that must be reported includes:
  - Rate of pay,
  - Number of hours worked,
  - Loss of job,
  - Change from full to part-time, and
  - New employment, but only if the first paycheck has actually been received by the time the SMRF is completed.

Income verification at SMRF is only required for employment that meets the criteria listed above. An IM worker should not request verification of previously verified earned income that has not changed.

Self-employment income that has already been averaged does not need to be re-verified, unless a significant change is reported.

Other changes that must be reported on the SMRF are:

- Household composition (persons that have moved in or out, including newborns),
- New address and resulting changes in shelter expenses, and
- Change in legal obligation to pay child support ([4.6.5](#) Child Support Payment Deduction)

The paper SMRF and the online form are available to members on ACCESS Renew My Benefits (RMB) and will have the employment fields pre-populated to reflect the most recently verified information in CWW. This is the income that is being used in the current FoodShare benefit calculation.

An adult food unit member must sign the SMRF.

To be considered timely, a SMRF must be returned to the local agency by the due date of the process month (month six). The SMRF due date will always be 10 days before the adverse action date in the due month. If the food unit fails to return a timely SMRF, FoodShare will close effective the last day of the process month at adverse action.

If verification is needed the member has 10 days to provide verification from the date it is requested. If verification is not returned timely, the FoodShare assistance group will close. A FoodShare assistance group closed prior to the end of the report month may reopen for month seven without a new application if both the SMRF and the requested verification is/are received prior to the end of month seven. Benefits will be prorated from the date all verification requirements are met.

**Example 1:** Emma is certified for FoodShare from January to December, ~~with a~~. Her SMRF is due in June. Emma returns the SMRF June 27 without verification of her income. Although Emma returned her SMRF at the end of the process month, the due date for verification extends into July because the IM worker must allow 10 days to provide verification. Emma provides the requested verification on July 2. Emma's certification period for FoodShare remains the same, January to December. Benefits go back to July 1 and are not prorated, as there was no break in service.

~~FoodShare may reopen without a new FoodShare application at SMRF under specific circumstances. Allow FoodShare to reopen at SMRF if the required action to regain eligibility is completed in the calendar month following the month the SMRF was due, as long as a complete SMRF is returned and verification requirements met, no later than the end of the seventh month of the certification period.~~

If FoodShare closes for lack of SMRF, verification, or other reasons and the food unit takes the required action within the calendar month following the report due month, the agency shall reopen FoodShare and issue prorated benefits from the date the food unit took the required action.

If FoodShare closes due to agency delay in processing a SMRF, benefits shall be restored back to the first of the month.

**Example 2:** Joe has an open FoodShare case with a certification period of April through March ~~with a~~. His SMRF is due in September. Joe fails to return a timely SMRF in September and FoodShare closes effective September 30.

Joe returns the SMRF with required verification on October 25, but he forgot to sign the form. The IM agency returns the SMRF to Joe and indicates that he must return a signed SMRF by October 31 to avoid needing a new FoodShare application.

**Note:** The SMRF must have an action date on the View/Record Six Month Report Actions page that is in the process month otherwise CWW will continue to fail the case for lack of SMRF.

Joe returns the signed SMRF on October 31. Although Joe regains FoodShare eligibility October 31, FoodShare will fail with a \$0 benefit for October and pass with a FoodShare benefit for November and December. The FoodShare certification period for Joe's case remains the same, April through March.

Had Joe returned a timely SMRF, but the IM agency did not process the form until October, benefits would have been issued back to October 1, due to the agency's late processing.

If Joe had returned the signed SMRF on November 1, which is beyond the month following the report month, FoodShare would have closed and he would need to reapply.

### **Complete SMRF**

To be considered complete, all of the boxes must be checked and a signature must be provided on the SMRF. If a box is checked indicating a change but the details of the change have not been provided, it is still a complete SMRF. Missing details related to changes must be pended or the worker must call the member for clarification.

If the SMRF does not have all of the boxes checked or is missing a signature, it is an incomplete SMRF. Refer to Process Help [3.4](#) for processing instructions.