

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Medicaid Services
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To: FoodShare Handbook Users

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

Re: **FoodShare Handbook Release 20-02**

Release Date: 08/03/2020

Effective Date: 08/03/2020

EFFECTIVE DATE	The following policy additions or changes are effective 08/03/2020 unless otherwise noted. Underlined text denotes new text. Text with a strike through it denotes deleted text.
POLICY UPDATES	
1.2.3.1 Identity Verification	Clarified when to verify an applicant's identity
1.2.3.8 Student Eligibility in a Two-Year Program	Added link to 1.2.6.2 Verify if Questionable
1.2.6.2 Verify Only if Questionable	Updated sources of verification table
2.1.1.4 Setting the Filing Date	Clarified the need for a signature when setting a filing date
2.1.1.4.2 Faxed Application Registration	Removed information related to postponed interviews
2.1.3.1 Scheduling the Interview	Removed information related to postponed interviews
2.1.4.1 Eligibility for Priority Service and Expedited Issuances at Application	Removed information related to postponed interviews
2.1.4.4 Postponing the Interview for Expedited Issuance	Removed information related to postponed interviews
3.14.1 Intentional Program Violation (IPV) Disqualification	Updated ways to determine an IPV, and updated eDRS information
3.15.1 Student Eligibility	Updated text to match regulation language
3.16.1.6.1 At Application	Removed information related to postponed interview
4.1.1 General Financial Eligibility	Updated prospective budgeting language
4.3.2.1 Counted Earned Income	Added policy to disregard census income for 2020
4.3.2.2 Disregard Earned Income	Added definition of in-kind income
6.1.1 Change Reporting for All Food Units (Simplified)	Clarified reportable change in income definitions
7.1.1.5 Replacement FoodShare Benefits for Destroyed Food	Section re-written
7.3.1.9 Overpayment Due to Client	Added information about federal regulations for Quality

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	and Non-Client Error	Control review
7.3.2.1	Client and Non-Client	Updated examples
7.4.1.1	Supplement Benefits Due to Underpayment	Added note about federal regulations for Quality Control review
8.1.5	Eligible Food Items	Updated hyperlink

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1.2.3 NON-FINANCIAL VERIFICATION

1.2.3.1 Identity Verification

7 CFR 273.2(f)(1)(vii)

~~Verify~~ At the time of application, verify the identity of the primary person ~~(if not already verified)~~. If an authorized representative applies on behalf of the food unit, then verify the identities of both the authorized representative and the primary person.

Note: A complete Appoint, Change or Remove Authorized Representative form (F-10126) must be on file for an authorized representative designation to be valid. The completed Authorized Representative form meets the ID verification requirement, so no additional verification is required.

Identity is the only verification required to process expedited benefits.

Identity may be verified when the SSA data exchange returns a verified SSN code, through readily available documentary evidence, or ~~if this is unavailable,~~ through a collateral contact (1.2.6 for suggested sources of verification). See section 1.2.2.2 for definition of collateral contact. Any documents, which reasonably establish the primary person's and/or authorized ~~----~~ representative's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate or photo ID, may be imposed.

Note: If the primary person's identity was verified for another program of assistance, do not re-verify the applicant's identity. Identity is to be verified only once.

1.2.3.8 Student Eligibility in a Two-Year Program

If a student fails to meet one of the existing exemption reasons ~~(3.15.4)~~ (3.15.1 Student Eligibility), verification of enrollment in a program that can be completed in two years or less is required. This may include documents such as an enrollment letter, course schedule, financial aid papers, etc. (1.2.6.2 Verify if Questionable)

Verification that course completion has a direct link to employment that is in demand is required only if demand is not common knowledge to the IM worker. For example, many occupations in the health field are in demand and therefore do not need to be verified.

If the direct link to employment is unknown, several sources may be used as verification including: literature from the school such as a brochure or online program information, collateral contact with Job Center of Wisconsin, *FSET* or an employment agency, publications in newspapers or online, etc.

1.2.6 SUGGESTED VERIFICATION SOURCES

1.2.6.2 Verify Only If Questionable

Verification Item	Suggested Verification Sources
<u>Dependent Care*</u>	<ul style="list-style-type: none"> • Written statement from provider • Cancelled check • Collateral contact with provider • Paid receipt or bill • Collateral contact with child care worker (Wisconsin Shares) • Receipts or bills for costs associated with care such as additional fees, field trips, camps, supplies, transportation
<u>Shelter / Utility Expense*</u>	<ul style="list-style-type: none"> • Mortgage payment records • Rent receipt • Statement from landlord • Lease • HUD subsidized housing approval • Property tax statement • Real estate agreement • Canceled check for rent or utility payment • Statement from person(s) with whom the food unit shares shelter costs • Utility bill • Utility budget amounts • Statement from utility company • Landlord inquiry • Deferred payment agreement • Firewood receipt • Telephone bill • Documented collateral contact with landlord or utility company • Statement or receipt from landlord for utilities paid by landlord • Homeowner's insurance policy or billing statement • Statements from collateral contact • WHEAP/LIHEAP or other energy assistance
SSN**	<ul style="list-style-type: none"> • Social Security Card • Form 1610 (I-D) • Form SS-5 – Application for a Social Security Card • Form 2583 • Tax documentation (W-2, tax return form, refund check) • SSA documents such as award/denial letter or SSA/SSI benefit check • SOLQ-I search

Age	<ul style="list-style-type: none"> • Birth certificate • IEVS match • Baptismal certificate • Military service papers • Immigration or naturalization papers • Hospital birth record • Adoption record • Passport or U.S. citizen ID card • Driver's license • Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers) • Life insurance policy • School records (ID, report cards, diploma) • State/federal or Indian census records • Wisconsin birth query
Relationship	<ul style="list-style-type: none"> • Birth record query • Birth certificate • Baptismal certificate • Military service papers • Immigration or naturalization papers • Hospital birth record • Adoption record • Family Bible • Confirmation or church membership papers • Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers) • Life insurance policy
Household Composition	<ul style="list-style-type: none"> • Written or oral statement from a third party • FoodShare Buy and Make Food Separately (F-02491) signed by applicant indicating food is purchased and prepared separately from other household members
School Enrollment Status	<ul style="list-style-type: none"> • Report card • Collateral contact with school authorities • <u>Current school schedule</u> • <u>Enrollment letters</u> • <u>Financial aid papers</u> • <u>Literature from the school (brochure or online program information)</u> • <u>Collateral contact with Job Center of Wisconsin, FSET, or an employment agency</u>

* Lack of verification will not affect eligibility, but the deduction will not be allowed.

**Information may only be verified once; additional request for verification is prohibited.

Household Misfortune replacement benefits

Lost or destroyed food	<ul style="list-style-type: none">• Power outage map• Statement from utility company• Statement from insurance company• Report from fire department• Disconnection notice• Receipt from purchase of replacement freezer or refrigerator• Landlord statement• Non-household member collateral statement• Statement from community organization
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2.1.1 INITIAL CERTIFICATIONS (APPLICATIONS)

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 ([F-16019A](#)) must be provided if they request it.

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:

- A signed signature page printed from CARES during the registration process;
- A signed one-page application registration form ([F-16019A](#));
- A signed FoodShare Wisconsin application form ([F-16019B](#));
- A signed faxed registration and/or application form;
- A request is made and a telephonic signature ([2.1.1.4.1 Telephonic Signature](#)) is provided;
- An ACCESS application containing an electronic signature;
- 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;
- A signed PPRF received in the month following renewal due month;
- 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 applicant may verbally request FoodShare, but must also provide a signature through one of the formats listed above in order 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 4: 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 ([2.1.1.4.1 Telephonic Signature](#)). This case would also require an evaluation for expedited services ([2.1.4 Expedited Service at 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 they contact the agency. 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.

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, a new signature would be required and the date upon which the new signature is collected would establish a new application filing date. Be sure to ask about all individuals living in the home during the interview. Do not approve eligibility if there is a parental authority living with the minor, until a valid signature is obtained.

2.1.1.4.2 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 ~~unless the application meets the expedited criteria and the interview has been postponed.~~ 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.

2.1.3 INTERVIEWS

2.1.3.1 Scheduling the Interview

7 CFR 273.2(e)(3)

Agencies must make every attempt to schedule interviews to ensure that an initial FoodShare eligibility determination can be completed within the 30-day processing time frame. Priority Service interviews must be completed ~~unless postponed~~ (2.1.4 Expedited Service at Application).

FoodShare applicants have the right to complete a face-to-face or phone interview ([2.1.3.5 Telephone Interviews](#)). If an applicant requests a face-to-face interview, the interview is typically held at the local office but may be held at a mutually acceptable location such as the applicant's residence.

If a home-based certification interview is scheduled with the applicant or member, a hardship must exist (including but not limited to) and must be case commented:

- Illness
- Transportation difficulties
- Care of a household member
- Hardships due to residency in a rural area
- Prolonged severe weather
- Work or training hours that prevents the household from participating in an in-office interview

Agencies are required to schedule and provide written notice of an interview for an initial FoodShare application. Notice of the interview must be in writing and mailed to the applicant unless the notice cannot be received by the applicant prior to the date of the interview. Verbal notification of the interview is only allowable if an interview letter cannot be received prior to the interview and only if the agency provides this information directly to a responsible adult household member. If verbal notice is provided the agency must document in case comments that a verbal notice was provided, the name of the person who received the verbal notice, the date and time of the interview, and whether the interview will be conducted by telephone or face-to-face.

If the applicant is physically present when the appointment is scheduled, the agency must provide the applicant a print out of the written notice.

The IM worker must make two attempts to contact the applicant or an adult member of the food unit at the time of the scheduled interview. If the first attempt to contact the food unit is unsuccessful, make a second attempt 15 minutes after the first call. If the second attempt is unsuccessful, the IM worker must document in case comments that he or she was unable to contact the food unit at the appointment time, that the follow-up

call was made, and the length of time between calls. Send the Notice of Missed Interview (NOMI), directing the food unit to contact the agency to reschedule.

NOMI requirements must be met if the applicant or member misses the interview.

The agency must notify each applicant or member who misses the application or renewal interview that they missed the scheduled interview and that the applicant or member is responsible for rescheduling a missed interview. The use of Client Scheduling in *CWW* will ensure that the NOMI is generated by CWW and sent to the applicant or member, see [Process Help 1.8.9.7](#) for details on the automated NOMI process. If Client Scheduling is not used, a NOMI must be manually issued by the local agency. A copy of the agency notice must be scanned to the electronic case file. Agencies may not deny an application prior to the 30th day after the application filing date if the applicant fails to appear for the first interview.

For applicants who miss a scheduled appointment and contact the agency to reschedule within the 30-day application processing period (2.1.2 Application Processing Time Frame), the agency must schedule another interview.

An application must not be denied prior to the 30th day, unless the interview has been completed, even if other information has been reported on the application that would make the FoodShare assistance group ineligible.

On-Demand Interviews

Wisconsin received federal approval for a waiver that allows IM consortia to implement an on-demand, or unscheduled, interview model. Under the on-demand interview model, FoodShare applicants and renewing members may call their IM agency to complete the required FoodShare interview during the agency-designated FoodShare on-demand hours.

A consortium must apply this model across all agencies within the consortium. An on-demand interview must be offered at both application and renewal. A consortium implementing the on-demand interview model must continue to provide scheduled face-to-face or telephone interviews upon request.

All FoodShare applications must be screened for expedited service. A consortium must meet the following application and renewal processing standards:

- Expedited applications: IM workers must make at least two attempts to contact an applicant to complete the interview on the same business day the application is received or by the end of the next business day. IM workers must continue to meet all expedited service processing standards.
- Standard 30-day applications: IM workers must make at least two attempts to contact an applicant to complete the interview on the same business day the

application is received or by the end of the second business day following the day it was received.

- Renewals: On-demand interviews must be offered for all renewals when received. IM workers must make at least two attempts to contact a member to complete the interview on the same business day the renewal is received or by the end of the fifth business day following the day it was received.

Note: IM workers must allow at least 15 minutes between the first and second attempt to contact the applicant or member.

Notice of Interview for On-Demand Interviews

If an IM worker is unable to complete the interview at the time he or she contacts a household as described above, the IM worker must send a Notice of Interview. For on-demand interviews, the Notice of Interview language will be generated on the verification checklist (VCL). The household has nine calendar days from the VCL mailing date to call and complete the FoodShare interview. The Notice of Interview provides instructions to complete the interview. If the last day of the on-demand interview time frame falls on a weekend or CARES holiday, the due date will be the next business day. The on-demand interview timeframe of “10 days to call to complete” will not be adjustable in *CWW*. Verification due dates for other types pending after the interview will continue to be based on policy requirements and IM worker action.

2.1.3.1.1 Notice of Missed Interview (NOMI) Requirements

Application:

Not expedited

The agency must send a separate NOMI letter to each applicant who does not meet the criteria for expedited issuance and misses the scheduled interview appointment. The NOMI letter must inform the applicant that he or she missed the scheduled appointment and is responsible for rescheduling the interview. If the applicant contacts the agency within the 30-day application processing period, the agency must schedule a second interview. The application may not be denied due to an incomplete interview prior to the 30th day after the application filing date.

Expedited regular

A NOMI must be sent when: the household misses the interview that was scheduled and a second interview cannot be scheduled within the seven day expedited processing period due to household delay.

Expedited with postponed interview

~~A NOMI is not needed when a household misses~~ Effective 06/01/2020, the scheduled FoodShare interview for ongoing benefits after there has been a may no longer be postponed. The interview (expedited benefits issued already) must be completed prior to initial benefit issuance for all applications.

On-demand interview

If an applicant does not complete the required FoodShare interview by the last day of the on-demand interview time frame specified on the VCL, a NOMI will automatically be generated from *CWW*. The NOMI will include the date by which the interview must be completed and will indicate that the household will not get FoodShare benefits if the interview is not completed.

If an interview is scheduled using Client Scheduling, the NOMI will be automatically generated when a scheduled interview appointment is missed.

Renewal:

Language contained in the CARES generated Renewal Notice and closure notice meets NOMI requirements, therefore an additional NOMI letter does not have to be sent if the member misses the scheduled interview appointment.

On-demand interview

If a member does not complete the required FoodShare interview or verification requirements before adverse action of the renewal month, a Notice of Termination with NOMI language will automatically be generated from *CWW*. The notice will include the date when the member's FoodShare benefits will end due to not completing the required interview and will indicate that the member should call the agency to complete the interview.

2.1.4 EXPEDITED SERVICE AT APPLICATION

7 CFR 273.2(i)

Expedited services are designed to ensure that expedited services are issued to eligible FoodShare assistance groups by the seventh day after the date of the application. The applicant must be allowed to complete the interview quickly and benefits must be issued timely. The two phases of expedited services are described below.

- **Priority Service:** Screens all applications for potential eligibility for expedited issuance and faster service from the agency ([2.1.4.1 Eligibility for Expedited Service at Application](#)).
- **Expedited Issuance:** Benefits must be issued by the seventh day after the application is filed. Benefits will be available on the member's QUEST card the same day the application is confirmed in *CWW*. An interview is still required prior to issuance unless postponed ([2.1.4.4](#)). Postponing the Interview for Expedited Benefits). All food units that apply after the 15th of the month and who are eligible for expedited issuance must receive the prorated initial allotment and next month's allotment by the seventh day after the application filing date.

Agencies must provide expedited benefits to applicants who qualify for them after they are screened through the priority service process.

When contact is made by phone, every effort should be made to complete the FoodShare interview on the same day whenever possible. If an interview cannot be completed that day, an interview appointment must be scheduled within the seven-day time frame at the time of contact with the agency. If an applicant cannot make the scheduled appointment, the applicant will lose their right to expedited benefits.

2.1.4.4 Postponing the Interview for Expedited Issuance

7 CFR 273.2(i)(3)(iii) Waiver approval

~~Applicants that meet criteria for expedited issuance through a *CWW* priority service screening eligibility determination may be allowed to postpone their Effective 06/01/2020, the FoodShare interview under certain circumstances.~~

~~may no longer be postponed.~~ The interview ~~may be postponed prior to expedited issuance only when all of the following conditions are met:~~

- ~~1. There is sufficient information to determine household composition and income,~~
- ~~2. A food unit meets the criteria for expedited issuance as determined by *CWW* priority service screening, and~~
- ~~3. There are no individuals in the requesting food unit who have exhausted three months of time-limited FoodShare benefits and have no apparent exemption or non-ABAWD status, and~~
- ~~4. The identity of the applicant can be verified, and~~

- ~~5. The agency has made two attempts, but was unable to contact the food unit to complete the interview, or~~
- ~~6. The agency determines that the interview cannot be scheduled in time to complete the expedited issuance process timely because the applicant did not provide a phone number and the agency is unable to obtain a phone number using other sources such as a phone book or previous case.~~

~~Postponing the interview for expedited benefits may be applied only at the time of application and not at time of renewal. Postponing the application interview for expedited benefits does not exempt the applicant from the interview requirement or from completing the verification requirements for ongoing FoodShare benefits. The IM agency may treat the interview like other required verification and postpone the interview during the month of application. Once expedited benefits have been issued, however, a determination must be made for ongoing benefits within 30 days from the original filing date.~~

~~When an application is received for an individual who has no known or no apparent non-ABAWD status or exemption, and the worker has verified that the individual has received three time-limited FoodShare benefit months within a current 36-month clock, the FoodShare interview must be completed prior to issuing expedited FoodShare or denying the application; the interview cannot be postponed. If the IM worker is unable to verify that the applicant has exhausted their three time-limited FoodShare benefits on their current 36-month clock, and/or the applicant has reported a non-ABAWD status or an exemption from the work requirement, then expedited FoodShare may be issued and the interview may be postponed, as long as all other expedited criteria are met initial benefit issuance for all applications.~~

~~In all cases, the primary person's or authorized representative's identity must be verified through a collateral contact or readily available documentary evidence. Any documents which reasonably establish the primary person's identity must be accepted. If identity cannot be verified by the agency, the applicant does not qualify for a postponed interview and eligibility should be processed under normal FoodShare application processing guidelines, including the requirement to complete an interview prior to issuing benefits.~~

~~Information on the application and readily available verification, such as those submitted with the application or verified via data exchange should be used to determine eligibility. This may include items that can be verified upon receipt such as unemployment compensation and Social Security Administration records, and others such as new hire and state wage. If the food unit is not eligible for expedited benefits because unreported income was discovered through a data exchange or for any other reason, FoodShare benefits should remain in pending status for completion of the interview.~~

~~If a phone number is not provided on the application the agency must attempt to obtain a phone number through other means, such as a previous CARES case or by using online tools. If the agency is able to contact the applicant but the applicant is unable to~~

~~complete the interview during the phone call or within seven days, the interview can be postponed and expedited benefits issued, provided the above conditions for postponing the interview are met.~~

~~-~~

~~**Note:** The time frame for issuing expedited benefits has remained unchanged. Expedited benefits must be issued no later than seven calendar days from the date of application or by the 30th day after filing date, whichever is sooner, to avoid a Quality Control finding of untimely application processing.~~

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~~If the IM agency discovers that a regular, 30-day FoodShare application is eligible for expedited benefits, issue benefits within seven days of the discovery or by the 30th day after the filing date, whichever is sooner.~~

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~~Agencies do not have to wait until day seven to issue expedited benefits. The benefit may be issued when the IM worker has determined that the criteria for postponing the interview have been met.~~

3.14.1 INTENTIONAL PROGRAM VIOLATION (IPV) DISQUALIFICATION

7 CFR 273.16

An applicant or member commits an Intentional Program Violation (IPV) when he or she intentionally:

- Makes a false or misleading statement or misrepresents, conceals, or withholds facts, including their identity or place of residence, to become eligible or to remain eligible for benefits; or
- Commits any act that constitutes a violation of the Food and Nutrition Act of 2008, the Supplemental Nutrition Assistance Program Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of FoodShare benefits or QUEST cards.

Trafficking includes the following:

- Using FoodShare benefits to purchase food for the sole purpose of returning the food for a cash refund,
- Reselling food purchased with FoodShare benefits for cash or other consideration,
- Purchasing, for cash or other consideration, food that was previously purchased from a supplier using FoodShare benefits,
- Directly or indirectly buying, selling, or stealing EBT cards, card numbers, or personal identification numbers (PINs) for cash or other consideration,
- The exchanging of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of Title 21 of the United States Code, for SNAP benefits, or
- Unauthorized person(s) knowingly obtaining, possessing, transferring, or using FoodShare program benefits.

An IPV may be determined by the following means:

- Federal, state, or local court order,
- Administrative Disqualification Hearing (ADH) decision,
- Pre-charge or pretrial diversion agreement initiated by a local district attorney and signed by the FoodShare member in accordance with federal requirements, or
- A signed and completed “Waiver of ~~the right to an~~ Administrative Disqualification Hearing” form (F-16039):
 - The only acceptable ADH ~~signed~~ waiver is a completed DHS forms library version (F-16039). No other actions taken by or on behalf of the household should be interpreted as the ~~FoodShare member~~ individual waiving their ADH.

- The “Waiver of Administrative Disqualification Hearing” form should always be mailed to the individual. When the form is sent, it should be documented in accordance with federal requirements the case comments.

Note eDRS: If a worker receives a notification on the FoodShare IPV Sanction Page in the Individual Information – eDRS Details section that an IPV was received in another state, he or she must verify this information as either true or false with the other state or the member.

Documentation may be in any form deemed appropriate and legally sufficient. Such documentation may include, but shall not be limited to, electronic or hard copies of court decisions, administrative disqualification hearing determinations, signed disqualification consent agreements or administrative disqualification hearing waivers.

You may accept a verbal or written statement from another State agency attesting to the existence of the documentation listed above.

You may accept a verbal or written statement from the household affirming the accuracy of the disqualification information if such a statement is properly documented and included in the case record. If the statement from the household contradicts the disqualification data, additional documentation will be required to verify that the individual should not be disqualified.

IM workers should document any collateral contacts or other information regarding the IPV disqualification in Case Comments.

3.15.1 STUDENT ELIGIBILITY

7 CFR 273.5

Anyone (age 18-49) enrolled half-time or more in an institution of higher education is ineligible for FoodShare unless he or she meets one of the following exemptions below.

An institution of higher ~~education~~ may be defined as:

- A business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment, in the curriculum; or
- A regular curriculum at a college or university that offers degree program that does not require programs regardless of whether a high school degree as a condition of enrollment. It does not include any adult basic education program. Higher education institution examples are business, vocational, trade, technical schools, colleges, and universities diploma is required.

~~Anyone, age 18-49, enrolled half-time or more in an institution of higher education is ineligible, unless he or she meets one of the following criteria:~~

Student Eligibility Exemptions:

- Employed at least an average of 20 hours a week with earnings.
 - Compliance can be determined by calculating whether the student worked an average of 20 hours per week over the period of a month, a quarter, (calendar), a trimester, (Fall, Winter, Spring), or a semester, (Fall semester (1st) and Spring semester (2nd)). This is in line with the different ways contractual and fluctuating employment is budgeted. See [4.3.2 Earned Income for budgeting policy](#).
 - The payment can be received with regular frequency (weekly, biweekly, semi-monthly) or as a one-time payment at the beginning or end of the employment period. There is no minimum compensation that must be received so long as income is received.
- Self-employed at least an average of 20 hours a week with self-employment earnings (after self-employment expenses are subtracted) equivalent to at least the federal minimum wage.
 - Weekly earnings must be at least $\$7.25 \times 20 \text{ hours} = \145 per week. Use student monthly hours to calculate a weekly average. Students whose employment hours fluctuate from week to week may be determined eligible for FoodShare, provided they maintain an average of 20 hours per week at minimum wage.
- Participating in a ~~federal~~ State or ~~state~~ federally financed work study program during the regular school year:
 - ~~Continue~~ The student must be approved for work study at the time of application, the work study must be approved for the school term, and the student must anticipate actually working during that time.
 - The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once

begun, the exemption shall continue until the end of the month in which the school term ends ~~or the student refuses to do his, or her assigned work. A student who has stopped working during the school year because the work study funding has run out would continue to be classified as an eligible~~ it becomes known that the student ~~until the end of the school term~~ has refused an assignment.

~~b.c.~~ _____ The exemption ~~does~~ shall not ~~cover school breaks~~ continue between terms when there is a break of a full month or longer ~~than one month,~~ unless the student is participating in work study during the break.

4. Responsible for the care of a dependent household member under age six. If two people exercising *parental control* are in the food unit, allow student status to only one person per *child*.
5. Responsible for the care of a dependent household member who has reached age six but is under age 12 if the agency determines adequate child care is unavailable. to enable the student to attend class or work activities. If two people exercising parental control are in the food unit, allow student status to only one person per child.
6. Is a single parent enrolled in an institution of higher education on a full-time basis, as determined by the institution, and is exercising care and control of a dependent food unit member under the age of 12. To apply this provision there must be only one biological or adoptive parent or *stepparent* in the same food unit as the child. If there is no biological or adoptive parent or stepparent living with the child, another full-time student living with the child may qualify as an eligible student under this provision if the student has parental control of the child and does not live with his or her *spouse*.
7. Receiving a Tribal *TANF* cash payment, *W-2* cash payment, or working in a *W-2* Trial Job. Assigned to or placed in an institution of higher learning by Workforce Innovation and Opportunity Act (WIOA) .
8. Enrolled in a *W-2* employment position or other *TANF*-funded program under Title IV of the Social Security Act.
9. Physically or mentally unfit for gainful employment. Verify the claim if it's questionable, such as through receipt of temporary or permanent disability benefits, or a statement from a physician, or certified psychologist.
10. Participating in an on-the-job training program. This exemption applies only during the period of time the person is being trained by the employer.
11. Is assigned to or placed in an institution of higher education through or in compliance with the requirements of FSET, a program under the Job Training Partnership Act of 1974, or a program under section 236 of the trade Act of 1974.
12. Is enrolled in an educational program that is designed to be completed in two years or less and obtaining certification or a diploma from the program is expected to lead to employment.

Example 1: During an interview for FoodShare, Jack, reports that he is a full-time student at Northern Technical College for phlebotomy and plans to graduate in the next year. ~~Since phlebotomists are in occupational demand,~~ Jack is ~~confident he will~~

~~be able to obtain a job in his field upon graduation. Based on common knowledge that there is a shortage of trained medical professionals, the IM worker agrees. If all other FoodShare eligibility requirements are met, Jack would be an eligible student because he is~~ enrolled in a two-year degree program that is expected to lead to employment.

Example 2: When Carla applies for FoodShare, she reports that she is enrolled half-time at Madison Area Technical College and is taking cooking with herbs, pottery and jewelry making. ~~Carla indicates that she does not know if she will attend next semester because she is unsure about her career goals.~~ No other student exemptions are met. Carla would not be an eligible student, because ~~the direction of Carla's potential career is unclear~~ she is not enrolled in a program that will lead to employment.

Example 3: When Bill applies for FoodShare, he reports that he is enrolled in a four-year nursing program, but only has two years left in the program. Bill would not be an eligible student because the program was designed by the college to be completed in four years.

Example 4: Bella participates in an internship for a semester (5 months). Bella works a total of 400 hours over the semester. At the end of the internship, Bella will be paid a stipend of \$1,000. The hours would be averaged over the 5 months 400/5 totaling 80 per month or 20 per week. The stipend of \$1,000 will be averaged and budgeted over the 5 month semester and \$200 of earned income to will budgeted per month. Bella is an eligible student.

Note: A student who lives in campus housing and purchases a meal plan that provides more than half of their meals is not eligible for FoodShare, even if the student does not eat meals from the meal plan. If the meal plan is available, but the student does not purchase it, then they may be eligible for FoodShare.

Note: IRS tax dependency status does not impact FoodShare eligibility determinations. A student may be claimed as a tax dependent by his or her parents and still ~~qualifies~~ qualify for FoodShare if he or she meets all other non-financial and financial eligibility criteria.

A student is enrolled as of the first day of the school term through normal scheduled class periods, vacation, and recess unless he or she:

- Graduates ~~;~~
- Is suspended, expelled, or drops out ~~;~~ or
- Doesn't intend to register for the next school term (excluding summer school).

FoodShare Employment and Training

Students enrolled in higher education at the time of the FoodShare application and then found eligible for FoodShare may request to be referred to FSET to participate in activities other than education. Activities may include job search, work experience, or self-employment. FSET cannot provide reimbursement for expenses related to education for students who self-initiate enrollment in higher education.

Work Registration

A FoodShare-eligible student who meets the criteria in this section is exempt from the FoodShare work registration requirements.

ABAWDs

If an applicant or member is determined to be a FoodShare-eligible student based on the criteria in this section, the applicant or member is a non-ABAWD.

3.16.1 WORK REQUIREMENTS

7 CFR 273.7

3.16.1.6.1 At Application

If a sanction event occurs within 30 days of the application filing date, without good cause, the applicant or member will be sanctioned from receiving FoodShare benefits as of the application filing date.

An application is not eligible for expedited FoodShare issuance if there is a sanction event. An interview is required to determine if there is a sanction event. ~~When the interview is postponed, the worker must issue expedited FoodShare benefits within seven days from the application filing date.~~ The worker is required to determine sanction events and good cause in the interview. The IM worker should document exploration of sanction events and good cause in case comments. ~~A sanction will start the eligibility month after expedited FoodShare benefits have been issued.~~

If an applicant's or member's FoodShare eligibility is failing for another reason (e.g., the applicant or member did not verify information), a sanction will not be applied at the time of application.

Example 1: Joe completes an application on December 6 and the agency is unable to reach him for the interview. Joe reports no income or assets and he is otherwise eligible, so the agency ~~postpones~~ponds for his interview ~~and issues expedited FoodShare benefits for the month of December.~~ Joe comes into the agency on December 20 and completes his interview. Joe reports he quit his job on November 26 and has no exemption or good cause. Joe is otherwise eligible so ~~Joe's FoodShare~~the worker confirms the application ~~is denied,~~ and CWW applies his first sanction beginning ~~January 4~~December 6.

Example 2: Jack applies for FoodShare on August 8. Jack completes his interview on August 21 and reports that he refused suitable employment on July 20 without good cause. Jack is not otherwise exempt. Jack's application ponds for verification of his identity. Jack fails to verify his identity by his verification due date of September 7. Since Jack is being denied for failure to verify information, a sanction will not be applied.

3.16.1.6.2 Ongoing

If a sanction event occurs within the 6- or 12-month certification period, without good cause, the work registrant will be sanctioned. Sanctions for ongoing cases are applied following adverse action. In instances where a break in service occurs, the sanction

applies from the first date that eligibility is regained and runs for the remainder of that benefit month.

Note: Other than during six-month reporting and renewal, the only change food units are required to report is if their total monthly gross income increases above 130 percent of the federal poverty level (FPL) for their reported food unit size. This change must be reported by the 10th of the month following the month in which the total income exceeded 130 percent of the FPL. As long as a food unit's total income is less than 130 percent of the FPL, the food unit does not need to report changes in income, assets, address, household composition, etc. [[6.1.1](#) Change Reporting for All Food Units (Reduced Reporting)].

Example 3: John completes his renewal interview on December 3, and FoodShare pends for verification. John doesn't provide verification timely, so his FoodShare case closes at adverse action, effective December 31. John provides his verification on January 15 and also reports that he refused employment without good cause. Break-in-service requirements were met on January 15. This is John's first sanction event and the sanction is applied January 15 through January 31. Since John did not receive benefits from January 1 through January 31, this is a one-month sanction.

Example 4: Jeff applied for FoodShare in February and his case is currently open. On August 21, Jeff reports that he quit his job without good cause; he is not otherwise exempt. Verification is not necessary, so the worker determines Jeff's FoodShare eligibility and he receives his first sanction. Since FoodShare issuance already occurred for September, Jeff will be assigned a one-month sanction, beginning October 1.

When, during six-month reporting or renewal, a member reports that a sanction event took place during the certification period and FoodShare eligibility is closing for any reason, a sanction will be applied. This occurs because the member was subject to the work registration requirements at the time of the sanction event.

Example 5: Jill has a renewal due by December 31. Jill submits an ACCESS renewal and completes her interview on December 21. During the interview, she reports that she quit her job without good cause and is not otherwise exempt. The agency needs to verify Jill's unearned income. Jill fails to verify the income by December 31. The worker confirms that Jill's eligibility for ongoing FoodShare was closed on December 31 for failure to verify the unearned income, and a one-month sanction is applied for the month of January for her first sanction occurrence.

4.1.1 GENERAL FINANCIAL ELIGIBILITY

7 CFR 273.9

Eligibility and benefit calculations for FoodShare are based on prospectively budgeted monthly income using estimated amounts. If the most recent 30 days or month's income doesn't accurately represent what is usually received, a longer period can be used to obtain an average that more accurately represents the income that is anticipated to be received prospectively. The income to be budgeted is identified through the interview (2.1.3) and the verification (1.2.1) process. Only include income actually available to the food unit. Do not budget income until the first month in which it is received. The IM worker must use the best-verified information available when determining the best estimate of income.

If the most recent 30 days or month's income doesn't accurately represent what is usually received, a longer period can be used to obtain an average that more accurately represents the income that is anticipated to be received prospectively. Income is typically budgeted in the same manner it is received (weekly/biweekly/monthly/quarterly/annually/etc.) There may be scenarios where income is budgeted differently than the frequency with which it is received. For example the income is intended to cover months when no income is received.

Disregard means do not count, exempt, or exclude. Disregard any gain or benefit that is not in the form of money paid directly to the food unit. Examples of these in-kind benefits are meals, clothing, housing, and garden produce.

Deem means allocate income and/or expenses to the FoodShare assistance group from an individual not in the FoodShare assistance group. Deeming occurs regardless of whether the allocated amounts change hands. Deeming may occur for sponsored immigrants, or for members of the food unit who are not included in the FoodShare assistance group due to non-financial ineligibility.

4.3.2 EARNED INCOME

4.3.2.1 Counted Earned Income

Count the following sources of income as earnings in the month received:

1. Wages, tips, or salaries including, but not limited to, hourly wages and piecework.
2. Self-employment earnings (4.3.3 Farming and Other Self-Employment Income).
3. Recurring profit sharing payments or bonuses. Bonus income from employment should be counted as earned income if receipt is regular and predictable. Budget the bonus based on the frequency of receipt. A bonus would be considered a lump sum payment ([4.5.5](#)) if the income is received infrequently or irregularly to be reasonably anticipated.

Example 3: Joan received a \$10,000 bonus in September. Her SWICA wage match history shows that she has received this bonus annually. The bonus would be budgeted as earned income received monthly ($\$10,000/12 = \833.33).

4. Wages withheld at the request of the employee should be counted as income in the month it would normally have been received.
5. Advances on wages.
6. Any money received for accrued sick days and severance pay from an employer.
7. Any money received as payment for baby-sitting or childchild care as self-employment income if the care is provided in the food unit's home. If a self-employed child care provider also provides meals, they may be entitled to income deductions (8.1.3 Deductions). If the care is not provided in the food unit's home, count the payments as regular earned income.
8. Any child care payment paid by an outside source to a food unit member is treated as earned income. In situations when a food unit member pays another food unit member from his or her own pocket, such child care payments are not counted as earned income because the money is moving between food unit members.
9. Attendant care payments provided by an outside source are treated as earned income for the attendant if the care is for a disabled individual.
10. IRIS payments.
11. Money received from the sale of a person's blood or plasma.
12. Any training allowance from a vocational or rehabilitative program recognized by a governmental agency that is not an expense reimbursement, unless the source is listed as an exception in [4.3.2.2](#) Disregarded Earned Income.
13. Earnings from *WIOA* On The Job Training when the earner is either:
 - a. At least 19 years old, or
 - b. Less than 19 years old but not under the [parental control](#) of a member of the same food unit.

Note: See [# 9 in 4.3.2.2](#) Disregarded Earned Income for *WIOA* work experience.

14. Military pay cycles affect how income is counted. Count any income received on the last day of a month by an active member of the military as income in the following month. Some military personnel are eligible for a supplemental Family Subsistence Supplemental Allowance (FSSA) payment if they meet the FoodShare gross income limits. The FSSA is considered gross earned income and is to be budgeted like other military income. However, it appears on a different line on the military paycheck.
15. Contractual pay that is the food unit's annual income (intended to provide support for the entire year), and is not paid on an hourly or piece work basis, should be prorated over 12 months. Contractual income that is not the food unit's annual income (intended to provide support for the food unit for only a portion of the year), and is not paid on an hourly or piece work basis, should be prorated over the period the income is intended to cover.

Example 4: Joe works for public school as a teacher's aide. Joe has worked there for the last three years and receives a 9 ½ month contract every August. He earns \$13,480.50 annually. He lives off his salary as a teacher's aide for the full year and does not supplement his income during the summer. Average his income over 12 months ($\$13480.50/12 = \$1,123.37/\text{month}$).

Example 5: Nancy works for the public school as a nurse part-time. She receives a contract for 9 ½ months every August. In the summer she supplements her income with a job at the Girl Scouts campgrounds in the first aid tent. Average Nancy's school income over 9 ½ months because her contract income is not her annual income.

Note: Income from piecework or hourly work is not contractual income. Do not treat it as such.

16. *Migrant* Farm Worker Income

To determine migrant farm income:

- a. Request a copy of any existing work agreement,
- b. Contact the employer when necessary to find the hours of work and wage rate, and/or
- c. Ask the migrant how many hours he or she and members of his or her family expect to work and the wage rate they expect to be paid.

Most migrants work in fairly stable work environments such as canning factories or under some type of contract. In these cases, determine the employer's usual pay levels and pay periods, and project the hours and the rate of pay expected. Do not

assume without supporting documentation or collateral contacts that a migrant farm worker works 40 hours a week.

If the earnings received by the migrant worker are from employment other than agricultural income, it will be budgeted in the normal procedure on the CWW Employment screens. Normal procedures are also used for all unearned income and assets.

17. All [W-2](#) Wisconsin Works subsidized employment income including Transitional Jobs, Transform Milwaukee Jobs, and the Trial Employment Match Program (TEMP).
18. All Subsidized Private Sector Employment (SPSE) income.
19. All Transitional Jobs Demonstration Project (TJDP) income.
20. Temporary and permanent ~~sensus~~[census](#) employment income.
 - a. Per federal waiver approval, census income is to be disregarded for 2020. Work hours must be counted for student and ABAWD eligibility.

4.3.2.2 Disregarded Earned Income

Disregard means "do not count." When you are calculating the total amount of income a person has received, you should exempt or exclude any of the following kinds of income:

1. Wages withheld as a general practice by an employer (even if in violation of law) until actually received by the employee.
2. Earned Income Tax Credit (*EITC*) payments.
3. Earned income of any person 17 years or younger, who is a food unit member under parental control of an [adult](#) food unit member and is enrolled in an elementary, high school, technical school, or university. This includes GED classes and home schools recognized or supervised by the state or local board of education. Disregard the income until the month following the month in which the person turns 18 years of age. These provisions apply to semester and vacation breaks provided the student plans to return to school following the break.
4. Reimbursements or flat allowances for job or training-related expenses. Expenses may be for travel, daily allowance, dependent care, uniforms, and transportation to and from a job or training site, including travel expenses of migrant workers.
5. Reimbursements for a volunteer's out-of-pocket expenses incurred in the course of his or her volunteer activities.
6. Income from Title I of the Domestic Volunteers Service Act of 1973 only when the volunteer received FoodShare at the time he or she joined the Title I program. Interruptions in FoodShare participation do not alter this disregard. Some individuals were receiving the disregard for a Title I program at the time of conversion to the Food and Nutrition Act of 2008. Continue the disregard for the same time frame for which they said they would volunteer at the time of

conversion. If these exceptions do not apply, count Title I income as earned income.

Title I programs include:

- a. AmeriCorps* *VISTA*
 - b. University Year for Action
 - c. Urban Crime Prevention Program
7. All Title II Domestic Volunteer Service Act of 1973 program income. These programs include:
- a. Retired Seniors Volunteer Program (RSVP)
 - b. Foster Grandparents Program
 - c. Senior Companion Programs
8. Income from the Title V Senior Community Service Employment Program (SCSEP) of the Older Americans Act. Organizations that receive Title V include, but are not limited to, the:
- a. Experience Works Program
 - b. National Council on Aging
 - c. National Council of Senior Citizens
 - d. American Association of Retired Persons
 - e. U.S. Forest Service
 - f. National Council on Black Aging
 - g. National Urban League
 - h. National Association for Spanish Speaking Elderly
9. *WIOA* work experience: Any allowances, earnings (except On The Job Training), or payments to food unit members participating in WIOA programs, including Jobs Corps and YouthBuild. Only count earnings from WIOA On The Job Training when the earner is either:
- a. At least 19 years old, or
 - b. Less than 19 years but not under the parental control of a member of the same food unit.
- Note:** See [# 11 in 4.3.2.1](#) Counted Earned Income for WIOA OJT.
10. On The Job Training payments from the JTPA Summer Youth Employment and Training Program.
11. Allowances, earnings, educational awards, and payments to participants in the **National and Community Service Trust Act of 1993 (NCTSA)**. Income from participation in Americorps programs.
12. Work study by a student enrolled in an institution of higher learning.
13. Repayments (4.5.6.7 Earned Income Repayments).
14. Funds from a crowdfunding accounts (such as GoFundMe, Kickstarter, and Indiegogo) when a member or applicant does not have access to the funds.
15. In-kind income: a non-monetary benefit granted on behalf of the food unit for things such as meals, housing, clothing, or other goods in exchange for services.

Example 6: Tom works at J's BBQ 20 hours a week in exchange for free rent. Tom's work hours count toward his ABAWD work participation requirement. Tom receives

no money for the hours he works. Since he receives free rent in exchange for his work, no shelter expense is allowed.

6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS (SIMPLIFIED)

7 CFR 273.12(5)

All food units are only subject to simplified reporting rules. Whether or not the unit is required to submit a six month report if their total received form (SMRF), the food unit must report when its monthly gross income received exceeds 130% of the FPL (8.1.1). The food unit must use the monthly gross income limit for ~~their reported~~ the food unit size determined that existed at the time of its most recently completed recent certification. ~~This~~ or recertification, regardless of any subsequent changes in its food unit size.

Certified food units must report the change ~~must be reported~~ by the 10th of the month following the ~~month in which the total received income exceeded 130% of the FPL~~ change.

~~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.~~

Example 1: Mike's hours and rate of pay increase in the middle of January. Mike's total gross income on the paychecks he received in January did not put his food unit over 130% FPL. Mike's pay dates for February are 2/13 and 2/27. When Mike receives his paycheck on 2/27, his food unit's total gross income received is now over 130% FPL. The change in income must be reported by 3/10.

Example 2: Ted starts a new job on December 30. He receives his first paycheck on January 17. His gross income received from his first paycheck puts his food unit over 130% FPL. Ted must report the change in income by February 10.

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 gross income 130% FPL. A reported change in income can only be used in the budget after it is received. For example, an applicant reports during the interview, they expect to start a new job next month. Because the job has not started and a paycheck has not been received, no income is to be budgeted. The applicant is required to report when the income he or she receives from the job puts the food unit's income above 130% FPL.

~~#Once a food unit has reported total~~ been certified eligible with a gross income exceeding above 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, all reporting requirement for the remainder of the FoodShare certification period requirements have been met until the next SMRF or renewal.

Reporting exception: ABAWDs must report by the 10th of the following month when their work hours fall below 80 hours per month.

However, if any change is reported or becomes known to the agency, it must be acted upon. When the information is not verified upon receipt, it may be appropriate to request clarification of the change and/or pend when appropriate.

See 5.1.1 for change reporting requirements for Transitional FoodShare (TFS) members

7.1.1.5 Replacement Issuance for Destroyed Food

7 CFR 274.6

~~Replace~~ Providing replacement benefits

Agencies will need to provide replacement benefits to a food unit when the food unit reports that food purchased with FoodShare benefits ~~and~~ was destroyed in or as a result of a household misfortune or natural disaster.

There is no limit on the number of replacements that can be issued for the replacement of food purchased with FoodShare benefits which were destroyed in or as a result of a household misfortune or natural disaster.

Note: When a Federal Individual disaster declaration has been issued and the food unit is eligible for DSNAP benefits, the food unit is not eligible to receive both a disaster (DSNAP) benefit and a replacement benefit for the same misfortune. (5.3.1)

Replacement

Replacement benefits should be provided only if a food unit timely reports a loss orally or in writing. The report will be considered timely if it is made to the agency within 10 calendar days of the date food was destroyed in or as a result of a household misfortune or natural disaster. If the 10th day falls on a weekend or holiday, consider it to have been received timely.

Example 1: Lorraine's household was impacted by a power outage that occurred October 1 and lasted through October 2. On October 12, Lorraine calls the agency to report her loss of food purchased with FoodShare benefits. She states by October 3 her food had spoiled. This is considered a timely report. **Note:** To be eligible for replacement FoodShare benefits, Lorraine must complete and return the Request for Replacement FoodShare Benefits form (F-00330) and provide proof of the outage within 10 days of her verbal report (October 12). The signed form and verification must be returned by October 22 to replace Lorraine's October benefit amount.

Note: The benefit replacement amount is the lessor of the claimed loss, or, up to the ~~actual amount destroyed but not more than the monthly~~ full allotment ~~actually~~ that was issued for the month of loss. The full allotment issued to the ~~FoodShare assistance group that month, whichever is less.~~ A food unit includes any restored or supplement benefits.

Example 2: Mary and her daughter receive FoodShare benefits of \$345 monthly. There was a fire in their home on July 1. Mary goes into the agency on July 10 and reports that all of her food, valued at \$600, was destroyed in the fire. Mary completes the Request for Replacement FoodShare Benefits, (F-00330) and provides a statement from the Red Cross. Mary is eligible to have her July allotment replaced in the amount of \$345.

Example 3: Kevin receives FoodShare benefits of \$170 monthly. Kevin calls July 10 to report his power had been out for more than 4 hours July 6. On July 7 he had to throw away his food due to spoilage. He submits the completed the Request for Replacement FoodShare Benefits, (F-00330) and a news article about the power outage on July 16. Kevin claims he lost \$100 worth of food. The IM worker would issue Kevin \$100 in replacement benefits for July.

Verifying FoodShare Eligibility

Upon receiving a verbal or written request for replacement benefits for food destroyed in or as a result of a household ~~misfortunate may include~~ misfortune or natural disaster, the agency will need to check to see that the food unit had received a FoodShare benefit prior to the date of the misfortune.

Note: Use the Benefit Issuance History page to determine if the food unit was receiving benefits prior to or at the time of the misfortune. Do not use the EBT Transaction Details page when determining replacement eligibility or amounts.

Example 4: Steve and his child received a monthly benefit of \$265 on July 14. Due to a change in circumstances Steve's August benefit amount increased to \$355. August 3, Steve calls and reports that his electricity was shut off on July 28. He was able to pay his bill and the power was turned back on August 2. The power outage caused all of his cold and frozen foods to spoil. Steve claims to have lost \$600. Steve is eligible for a replacement up to his full July issuance of \$265.

Prior to issuing a replacement benefit, the agency will need to determine that the loss occurred in or as a result of a household misfortune or natural disaster, such as, but ~~is~~ not limited to, a ~~natural disaster, power outage (including an outage resulting from failure of the household to pay a bill), or fire, power outage, appliance failure,~~ utility disconnection, or flood. A power outage lasting four hours or more can result in food spoilage and is therefore a qualifying household misfortune. Each replacement request should be evaluated on a case-by-case basis since the circumstances of each misfortune may be different (e.g. food will spoil quickly during periods of extreme heat conditions, flooding may take a couple of days to reach the area food is stored or to damage an appliance).

More information about food safety can be found here.

Note: A household misfortune does not include FoodShare benefits that were stolen. Stolen benefits and food purchased with FoodShare that is stolen is a legal matter to be resolved by the FoodShare recipient with law enforcement.

Time limits for replacing benefits

Replacement benefits need to be issued to the food unit no later than 10 days after the report of loss or within two working days of receiving the signed form and verification, whichever date is later.

The agency should deny or delay replacement benefits in cases in which available documentation indicates that the household's request for replacement appears to be fraudulent.

A worker must send a Notice of Denial (F-16001) to explain the reason for the denial. Inform the food unit of its right to a fair hearing to contest the denial or delay of a replacement benefits. Replacements shall not be made while the denial or delay is being appealed.

~~A replacement issuance shall be provided only if a food unit:~~

- ~~1. Reports the loss orally or in writing to the agency within 10 days of the date the loss occurred;~~

~~Completes a "~~

Example 5: Ginny submits a Request for Replacement benefits form on November 20 stating her freezer broke down on November 15. Ginny is requesting replacement benefits of \$200 for the food she lost. The worker checks Ginny's FoodShare eligibility and notes that Ginny's FoodShare closed October 1. The worker must send Ginny a Notice of Denial (F-16001) and explain that she is not eligible for replacement benefits because she was not eligible for or receiving FoodShare in November. The worker must also document the denial of the request in the case. If Ginny files a fair hearing on this decision, no replacement benefits shall be issued while pending a decision.

Statement of Loss: Request for Replacement FoodShare Benefits" (F-00330). This can be form (F-00330)

Prior to issuing a replacement, the agency must obtain from an adult member of the food unit a signed form attesting to and verifying the loss of food (1.2.6.2). The required verification and form may be completed ~~and dropped off at the agency~~ in person, mailed, ~~or faxed~~, or submitted by other electronic means to the agency, ~~but must be~~

If the signed form, including required verification, is not received by the agency within 10 days of ~~when the food unit reports~~ the date of the member's verbal or written report of the loss; ~~and~~, no replacement is to be made. If the 10th day falls on a weekend or holiday, and the form with verification is received the day after the weekend or holiday, consider it to have been received timely.

~~Provides verification of the misfortune timely. The worker must send a~~

The form and verification need to be retained in the electronic case record. The form needs to attest to the destruction of food purchased with FoodShare benefits and the reason for the replacement. It must also state that the food unit is aware of the penalties for intentional misrepresentation of the facts, including, but not limited to, a charge of perjury for a false claim.

Verification of loss

The member can verify the loss through a collateral contact, documentation from a community agency including, but not limited to, the fire department, utility company, the Red Cross, or a home visit. The verification needs to support that there was a misfortune or natural disaster which resulted in the destruction of food. The member can request a worker's help in obtaining the verification (1.2.1.3).

Following a verbal or written report of loss, the agency will need to send the food unit the Request for Replacement FoodShare Benefits form (F-00330) and the DCF manual verification form (~~F-00330~~) ~~requesting verification of the misfortune. The verification~~ (F-2303) . The request must allow 10 days for the submission of the form and verification (1.2.1.2 Request for Verification).

Exception: Verification exception policy

When a "State of Emergency"², due to weather or natural disaster, has been declared by a government official for an area (county/zip code/city), verification of the misfortune is not required as long as the loss ~~was specifically due to the state of emergency event. The loss may not have occurred the same day as the event. All other criteria above must still be met~~ claimed was specifically due to the state of emergency event. The member has 10 days from the date the loss occurred to report orally or in writing. Allow 10 days for the Request for Replacement FoodShare Benefits form to be returned following the report of the loss. In some instances the Department of Health may obtain approval to extend the timeframe for reporting and receiving a completed form. The Department of Health Services will issue additional information in these situations.

In the instances where ~~Replacement amounts should be for amount of the loss claimed by the of food unit, up is found to be questionable during a "State of Emergency," the maximum issued for that month's allotment, unless the allotment includes supplemented benefits, then the full amount issued will be replaced.~~

~~Note: The food unit could have purchased food prior to the disaster using FoodShare benefits from previous months.~~

~~A replacement issuance must be provided to the FoodShare assistance group within 10 days after report of worker should request verification of the event which resulted in the loss. Verify the misfortune through the fire department, police department, a community organization such as the Red Cross, a collateral contact or home visit, etc.~~

~~Deny or delay a replacement issuance if available documentation indicates that the food unit's request for replacement appears to be fraudulent.~~

~~A worker must send a Notice of Denial from the DHS Forms Library to explain of food. Document the reason for the denial because CWW does not generate the required notice. Inform the food unit of its right to a fair hearing to contest the denial or delay of a~~

replacement issuance(s) the Replacements shall not be made while the denial or delay is being appealed.

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A food unit may experience such a loss more than once. There is no limit to the number of replacement issuances. was found to be questionable.

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Note: ~~Ensure you use the "905" replacement supplement code when issuing replacement benefits for destroyed food. This is essential for tracking purposes.~~

~~**Example 6:** Joyce received the maximum allotment for July, the month of the disaster. The food that Joyce stored in her basement freezer that was purchased with June benefits was also destroyed. Joyce is requesting a replacement for the food purchased in June and July. Joyce is eligible for replacement benefits up to the max allotment for July.~~

Example 6: A statewide "State of Emergency" was declared by the Governor due to severe weather. A number of counties sustained substantial damage from the storms including power outages lasting more than 24 hours while other counties were unaffected by the storms. Terry is a FoodShare member who lives in a county that had little to no impact from the severe weather outbreak. Terry requests replacement benefits claiming his electric was out for more than twelve hours. The county Terry lives in has had no reports of power outages. The worker finds Terry's request to be questionable. Terry will need to verify the power outage before replacement benefits can be approved.

~~**Example 7:** Kevin is a single individual receiving FoodShare monthly in the amount of \$170. Kevin completes the "Request for Replacement FoodShare Benefits" (F-00330) stating his food spoiled due to a power outage on July 16, and he lost \$100 worth of food purchased with his July FoodShare benefits. The IM worker would verify the power outage with the power company and issue Kevin \$100 in replacement benefits.~~

Example 7: A "State of Emergency" was declared by the Governor July 20 due to extensive flooding in Grant County. The Department was granted a special waiver to allow households to report food loss by August 21. Jesse reports on July 31 that his home sustained substantial flooding resulting in the loss of his food. He claims to have lost \$300 in food on July 27. Jesse will need to complete a request form by August 21 (allowed by the extension) to be found eligible for replacement benefits. Jesse does not need to verify his misfortune.

~~**Example 8:** Mary and her daughter receive FoodShare benefits of \$345 each month. There is a fire in their home on July 1 and Mary states that all of her food, valued at \$400, was destroyed. They complete the "Request for Replacement FoodShare Benefits" (F-00330) and are eligible to have their July allotment replaced in the amount of \$345.~~

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~~**Example 9:** Steve and his child receive a monthly benefit of \$340 in FoodShare on the 14th of every month. On August 3, Steve reports that his refrigerator stopped functioning on July 28. The refrigerator was not functioning for more than 24 hours before it was repaired, causing all of his cold and frozen foods to spoil. Steve claims to have lost \$600 in food all of which was purchased with his FoodShare over the last two months. Steve is eligible for a replacement up to the maximum monthly amount. Steve's July issuance is \$340. Because that is the month of loss, he will receive that in a replacement benefit.~~

~~**Example 10:** Tim and Sue apply for FoodShare on September 25 and are found eligible for \$25. During the application, Sue states that their house caught fire on August 31, which destroyed all of their food. Sue would like to receive FoodShare to cover her destroyed food. Sue is not eligible for a FoodShare replacement because the food destroyed was not purchased with the FoodShare benefits.~~

~~For policy related to replacing an issuance as the result of a federally declared disaster see 5.3.1 Emergency FoodShare Benefits for Victims of Natural Disasters.~~

Documentation and reconciliation of replacement benefit requests

The agency must document in the food unit's case file each request for replacement, the date of the verbal or written request, the reason for the request, and whether or not the replacement was approved or denied.

When a request for replacement is made, replace the benefit for the month the loss occurred.

Note: The "905" replacement supplement code must be used when issuing replacement benefits for destroyed food. This is essential for tracking, reconciliation, and reporting purposes.

7.3.1 BENEFIT OVERPAYMENT

7.3.1.9 Overpayment Due to Client and Non-Client Error

Federal regulations require that corrective action must be taken to establish a claim for any error discovered through a Quality Control (QC) review, regardless of the size of the error. Failure to take timely corrective action may result in liquidated damages against the agency in the amount of \$250 or more.

A client error occurs when the food unit unintentionally:

- Failed to provide correct or complete information,
- Failed to report a change that was required to be reported, or
- Received FoodShare for which it was not entitled pending a fair hearing decision.

A non-client error occurs when the state or local agency:

- Takes an incorrect action on a FoodShare case,
- Does not take prompt action on a change the food unit reported,
- Fails to correct an action,
- Incorrectly enters information or fails to include information that results in expedited eligibility,
- Misapplies policy, or
- System programming error, such as failure to include W-2 or SSI benefit increase.

Do not establish a claim if:

- An overpayment occurs because the agency did not ensure that a food unit signed the application form.
- Appropriate notice of a renewal or SMRF requirement was not sent due to an incorrect certification period in CARES.
- Expedited issuance resulting from a non-client error: Expedited issuance is based on best available information at the time of the eligibility determination and the FoodShare would only pend for identity.
- Benefits are issued solely because the 10-day negative notice requirement cannot be or has not been met.

Example 3: Mary's W-2 payment ended and she became eligible for TFS. CARES incorrectly set a 12 month certification period instead of a five month certification period. Because Mary did not receive a timely notice that her TFS benefits were ending after the fifth month, she would not be responsible for paying back any benefits that were issued incorrectly after the fifth month.

Do not establish a claim if Social Security, **SSI**, or Wisconsin Unemployment updates from data exchange are incorrect. These updates cannot be recovered or found in error because the information comes from a trusted third party source.

Expedited Issuance

In general, expedited FoodShare is issued on the best information available and not recoverable. There are certain situations where expedited benefits can be recovered. In instances where an individual would not be eligible for expedited issuance and the agency either incorrectly entered information or failed to include known information (data exchange information, for example), resulting in expedited eligibility, the agency can recover. If the agency establishes an intentional program violation (IPV), the agency can recover benefits. For client errors, do not pursue recovery of expedited benefits since the issuance is based on best available information and the application can only pend for identity prior to the expedited determination.

7.3.2 CALCULATING OVERPAYMENT CLAIM AMOUNTS

7.3.2.1 Client and Non-Client Error

When calculating the overpayment, consider the food unit's reporting requirements. Do not use income or expenses, or changes in income and expenses that were not reported and were not required to be reported. Calculating an overpayment claim means determining the correct amount of benefits for each month in which a household received an overpayment. The correct amount of benefits is the amount the household would have received had the information used in the eligibility determination been accurate at the time of the determination.

Use converted prospective income to determine ongoing benefit eligibility for the overpayment calculation. Do not use actual income to calculate the claim, even if all information is received for the entire overpayment claim period. Only use the income and expenses reported or required to be reported for each month of the overpayment period. In claim calculations, disregard income that was not previously reported and was not required to be reported.

When a food unit member should have been ineligible, their income and expenses should be deemed following the appropriate deeming standard. The ineligible individual should not be counted as part of the assistance group in calculating the overpayment claim. See 4.7.5 Prorated Deeming and 4.7.6 Gross Deeming.

The "Date of Discovery" is the date you become aware of the potential overpayment. This date is used to establish the look back period. The overpayment period begins with the date of discovery and extends back up to one year (12 months) for non-client errors and up to six years (72 months) for client errors. This look back period is the period of time during which the overpayment may have occurred.

From this point forward the term "Date of Discovery" will be synonymous with the "Date of Awareness." "Date of Discovery" will be used on all future correspondence. The intent of the policy is that both terms are part of a process to define the overpayment period. The overpayment period consists of the number of months during which there were overpayments within the look back period. The overpayment period begins with the first month had the change been reported timely and acted on timely. It would have been effective up to the month prior to when the case was corrected.

The date the claim is mailed or otherwise delivered to the food unit is considered the date of establishment of the claim for tracking purposes, including establishing delinquency for the purposes of tax intercept. If the claim was not established at a fair hearing, a notice of adverse action must be provided. The notice of adverse action can be included with the claim notice or mailed separately. Overpayment claim notices must be sent to the last-known address. If a fair hearing official determines that a claim does exist against the food unit, the food unit must be re-notified of the claim.

Current verification requirements still apply. When all attempts to obtain the verification are unsuccessful the worker must use the best available information to determine the monthly income amount for purposes of the overpayment calculation. The food unit has primary responsibility for providing documentary evidence to support statements in the case record and to resolve any questionable information. The worker must assist the household in obtaining this verification provided the food unit is cooperating with the agency. When the food unit fails or refuses to provide income information needed to calculate the claim and no other information is available, the claim should be calculated as if the food unit was completely ineligible. This process is consistent with eligibility determinations at application, six month report and renewal, where if the applicant member fails to provide mandatory verifications, the food unit is ineligible to receive FoodShare benefits (See [1.2.6.1 Required Verification to Determine Eligibility](#)). The overpayment is to be established using certification rules. If the relevant information is later provided by the food unit, the claim should be recalculated with the new information factored into calculating the monthly eligibility and benefit amount that should have been received.

The food unit must be given a reasonable opportunity to provide verification of income, and the agency may contact the employer directly for verification. It is not necessary to contact the food unit prior to contacting the employer; both contacts can be completed at the same time. Members should be provided 30 days to provide verification, unless it is determined that additional time is necessary in order to collect and submit the verification requested. If more than 30 days are allowed for provision of verification by the member, document the number of days allowed and the reason. Employers should be provided 10 days to provide verification. When no other form of verification is available, then SWICA information is considered the best available information and should be used to calculate an overpayment.

Document clearly in case comments the unsuccessful requests for verification from the household and the employer, and the reason for using a SWICA match as the best available verification of monthly income. Also clearly document how the income amount was calculated from the SWICA match.

If while calculating an overpayment claim, it is found that there was an underissuance that was a result of agency error and the underissuance is within the last 12 months, the amount of the underissuance must be offset against the total claim amount (if a claim is established) or a supplemental issuance should occur if there is no overpayment claim established.

7 CFR 273.18(d)(1)

In order to meet the established timeliness requirements, overpayment claims must be completed before the last day of the quarter following the quarter in which the IM discovered an overpayment. This holds true for both client and non-client errors. Overpayment claims must be established and recovered even if they are not calculated within this timeframe. Overpayment claims must be established and recovered even if

they are calculated late; failing to complete a claim within the given timeframe does not void the overpayment.

Client Error

A client error occurs when the food unit unintentionally:

1. Failed to provide correct or complete information,
2. Failed to report a change that was required to be reported, or
3. Received FoodShare for which it was not entitled pending a fair hearing decision.

The look back period for client errors begins with the date of discovery (the day the IM worker discovered the potential that an overpayment may exist) and extends backward:

1. Six years, or
2. To the month the change would have been effective had the food unit timely reported it, whichever is most recent.

The overpayment period begins with the first month had the change been reported timely, and would have been effective up to the month prior to when the case was corrected.

It is essential that the date of discovery be documented in case comments. This date locks in the look back and overpayment period. This date will not change even if the overpayment is calculated untimely.

The month the change would have been effective cannot be more than two months after the change in circumstance actually occurred.

When determining if an overpayment occurred due to an unreported increase in total gross monthly income, compare the total actual unconverted income amount to the income reporting limit for the FoodShare assistance group size to determine if the income should have been reported.

In overpayment calculations, do not apply the 20% earned income disregard to earned income that was required to be reported but was not reported timely. Disregard income that was not previously reported and was not required to be reported due to reduced reporting requirements. If expenses were reported correctly at the time of the overpayment, use those same expenses when calculating the overpayment. If expenses were incorrectly reported, and subsequently verified (examples: the expense was considered questionable and the IM worker requested and received verifications, or the expense was verified through a QC review or a WHEAP data exchange, etc.) use the verified amount in the overpayment calculation. If the IM worker knows the expense is incorrect and verification was requested but was not received, do not allow the expense in the overpayment calculation.

Earned income needs to be verified when determining income to be used in an overpayment calculation.

For Earned Income:

1. Dated check stubs of income that should have been reported that caused the overpayment.
2. Earnings reports, a statement from the employer, or ECF forms, signed by the employer, with all needed information.

Note: IEVS may indicate that income was earned from an employer sometime during three months of the work quarter. Do not use IEVS in calculations and overpayments.

Non-Client Error

A non-client error occurs when the state or local agency:

1. Takes an incorrect action on a FoodShare case,
2. Does not take prompt action on a change the food unit reported,
3. Fails to correct an action,
4. Incorrectly enters information or fails to include information that results in expedited eligibility,
5. Misapplies policy, or
6. System programing error, such as failure to include W-2 or SSI benefit increase.

The look back period for non-client errors begins with the date of discovery (the day the IM discovered the potential that an overpayment may exist) and extends backward:

1. Twelve months, or
2. To the month the error was effective had the change been acted on timely, whichever is most recent.

The overpayment period begins with the first month the change would have been effective up to the month prior to when the case was corrected.

It is essential that the date of discovery be documented in case comments. This date locks in the look back and overpayment period. This date will not change even if calculated untimely.

Example 1: At Jeff's renewal on June 5, ~~2012~~2019, he reported income of \$800 per month. His IM worker miscalculated Jeff's income and budgeted \$400 per month instead of the \$800 per month that Jeff reported. When Jeff submits his SMRF on December 5, ~~2012~~2019, the IM worker discovers her error and corrects the case effective January 1, ~~2013~~. ~~While reviewing Jeff's income, the IM worker discovers that Jeff started a second job on August 1, from which he earns \$600 per month.~~2020.

To calculate the overpayment, the IM worker budgets the correct income amount of \$800 from the job Jeff reported. ~~The IM worker does not use the income in the~~

~~overpayment calculation from the second job, because this income was not required to be reported due to reduced reporting requirements. Jeff reports this change on his December 2012 SMRF and this income is budgeted effective January 1, 2013.~~

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- The date of discovery is December 5th, ~~2012~~2019.
- The look back period is June ~~2012~~2019 through December ~~2012~~2019 (non-client error).
- Had the June ~~2012~~2019 change been acted on accurately the change would have been effective July 1, ~~2012~~2019, therefore the overpayment period is July 1, ~~2012~~2019 through December 31, ~~2012~~2019.

Example 2: Matt submitted a complete SMRF on August 4, ~~2013~~2019. On August 8, ~~2013~~2019, Matt's IM worker discovers that Matt started a job on April 5, ~~2013~~2019 and Matt received income in April that exceeded 130% of the FPL threshold. The new income should have been reported by the 10th of May. The IM worker corrects the case and closes it effective August 31, ~~2013~~2019.

- The date of discovery is August 8, ~~2013~~2019.
- Had the April ~~2013~~2019 income change been reported timely, the case would have closed as of ~~June 30, 2013~~ May 31, 2019. Therefore, the overpayment period is ~~July~~ June 1, ~~2013~~2019 through August 31, ~~2013~~2019. Section ~~6.1.16.1.1~~ Change Reporting for All Food Units (Reduced Reporting) applies, and the change must be reported by the 10th of the month following the month in which the total income exceeded 130% of the FPL.

7.4.1 BENEFIT UNDERPAYMENT

7.4.1.1 Supplement Benefits Due to Underpayment

7 CFR 273.17 (a) and (b)

7 CFR 273.17(e)

Supplement FoodShare benefits when a FoodShare food unit received fewer benefits than it was entitled to receive. Only supplement benefits if the food unit did not cause the underpayment. Do not supplement benefits if the underpayment occurred more than 12 months before the month the underpayment is discovered.

IM workers must issue the appropriate supplement benefit as soon as possible, but always by the 10th day of the month the increase in benefits is effective. Issuing supplemental benefits prior to the QC sample pull (1st Saturday of each month) may result in the case being correct for a QC review rather than in error.

Note: Federal regulations require that corrective action must be taken to restore lost or under-issued benefits for errors discovered through a Quality Control (QC) review, except for client caused under-issuances, which are not to be supplemented. Failure to take timely corrective action may result in liquidated damages against the agency in the amount of \$250 or more.

Supplement benefits even if the FoodShare assistance group is currently ineligible. The food unit does not need to request the supplement. Supplement benefits as soon the underpayment is discovered.

The local agency servicing the FoodShare case handles the correction if the case is receiving FoodShare. If the case is closed, the local agency that last serviced the case corrects the error.

Supplement benefits for a member disqualified due to an *IPV* only if the disqualification is reversed. Compare the allotment the FoodShare assistance group received with what it would have received if the disqualified member had participated, and supplement the difference.

IM workers must issue the appropriate supplement benefit as soon as possible, but always by the 10th day of the month the increase in benefits is effective. Issuing supplemental benefits prior to the QC sample pull (1st Saturday of each month) may result in the case being correct for a QC review rather than in error. If a member is already getting benefits and requests a hearing before the benefits change, the assistance group can keep getting the same benefits until the hearing officer makes a decision. If the hearing officer decides that the agency was right, the assistance group may need to return the extra benefits received after the benefits were supposed to change.

8.1.5 ELIGIBLE FOOD ITEMS

A list of [eligible food items](#) is found on the Supplemental Nutrition Assistance Program website. This website shows what food items may be purchased using FoodShare benefits.

People receiving their nutrition through Total Parenteral Nutrition (TPN) may be eligible for FoodShare benefits. TPN formulas are an eligible food item.