

Change Summary for FoodShare Eligibility Handbook

Release 26-01

This coversheet contains a summary of the changes included in this release and the redline edit changes that were made in the handbook.

Policy Changes

TOPIC	SUMMARY	SECTIONS	SOURCE
National Accuracy Clearinghouse (NAC)	Policy regarding use of NAC data exchange. Requirements for acting on the resulting matches from the query/bulk matches and other state matching.	New Section - 1.2.3.12 National Accuracy Clearinghouse (NAC) 1.2.7 Unclear Information, 1.4.5.1 Data Exchanges Introduction	OM26-05
Increase to Social Security Administration (SSA) Authorized Representative Payee Monthly Fee for FoodShare Eligibility Determinations	COLA updates to the qualified organization fee expenses and adds a new type of fee.	4.3.4.3 Disregarded Unearned Income	OM26-11

Clarifications

TOPIC	SUMMARY	SECTIONS
Verify Only if Questionable	Added suggested meal plan verification sources, new table	1.2.6.2
Application Processing 30-day Time Frame	Add Juneteenth in the postal holiday definition	2.1.2.1
Residential Facilities	Created new section with policy that applies to all types of living arrangement facilities. Previously in 3.2.1.8	3.2.1.11
Huber Law	Policy clarification that someone living at home under an ankle monitoring program does not need to meet Huber criteria to be eligible for FoodShare.	3.2.1.2.2
Institution	Plain language update	3.2.1.4

Residential Care Apartment Complexes (RCAC)	Plain language update	3.2.1.5
Group Living Arrangement	Plain language update	3.2.1.6
Adult and Family Home (AFH)	Plain language update	3.2.1.7
Drug and Alcohol Treatment Centers	Plain language update	3.2.1.8
Drug Related Felony	Clarification on when to require a new drug test	3.20.1.1
Counted Unearned Income	Example of when to not count SSI and child support	4.3.4.2
Disregarded Unearned Income	Clarifying that income not available to the food unit is exempt and not counted	4.3.4.3
Replacement Issuance for Destroyed Food	Clarification regarding incomplete requests for replacement benefit forms.	7.1.1.5
Requesting a New Compromise	Clarification about when a new compromise can be requested	7.3.3.9

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1.2.3 Non-Financial Verification

1.2.3.12 National Accuracy Clearinghouse (NAC)

National Accuracy Clearinghouse (NAC) queries for duplicate participation must be conducted at application, renewal, and when a person is added to a FoodShare food unit (see Section 3.3.1.3 Relationship Rules). NAC queries will be completed for ongoing members through an automated monthly match process.

Before a NAC query can be conducted for an individual, their SSN and Wisconsin residency must be verified. The identity of the primary person on the case must also be verified.

When a match is found, the household must be notified, giving them the opportunity to refute the match before any action is taken to deny, end, or reduce benefits. The due date for members to provide a response follows FoodShare verification rules (see Section 1.2.1.2 Request for Verification). When a match results in denial, closure, or reduction of benefits, a notice of decision must be sent to the household informing them of the decision.

NAC Matches

Initial match information received from the NAC is not considered verified upon receipt. Once the match is identified, any additional information received directly from the matching state or territory, whether via the NAC or direct contact, is considered verified upon receipt and must be acted upon by Wisconsin. If the additional information from the other state would result in a closure or denial, negative action must not be taken for FoodShare until the household responds or the given due date, whichever comes first.

At application, renewal, or person add, the household must provide proof that benefits in the other state or territory have ended.

During the monthly match process and when other states or territories query NAC, the household must provide proof of Wisconsin residency to confirm Wisconsin is the correct state for SNAP eligibility.

When a household verifies their Wisconsin residency following a monthly match or match initiated by another state, Wisconsin benefits must remain open, and this verification must be entered into the case record as the final disposition for the match. Once the final disposition is entered in Wisconsin's case, the other matching state must take the necessary action to terminate SNAP eligibility in their state.

If there is a conflict between the information provided by the household and another state or territory, benefits must be issued based on the household's statement that benefits were not received in the other state or territory. However, if duplicate benefits are issued, the household will be responsible for the repayment.

Priority Service, Expedited Benefits, and NAC Matches

When an application or a late renewal is found to be eligible for priority service and/or expedited issuance, and residency, SSN, and the primary person's identity have been verified within the expedited processing window, the NAC must be queried for all individuals in the food unit before benefits are issued. If the NAC query criteria is not met and the household qualifies for expedited issuance, the NAC

query will be postponed like other verification (see Section 2.1.4.2 Verification Requirements for Expedited Services) when the SSNs for all members are provided and the primary person's identity is verified.

If the query results in a match showing that any individual(s) in the household are receiving benefits in another state or territory, the application is no longer eligible for priority service and reverts to a standard 30-day application.

Note	An exception to this policy applies when at least one member of the household resides in a shelter for victims of domestic violence. If the match is found only for the member living in a domestic violence shelter and the household meets all other FoodShare eligibility criteria, the household remains eligible for expedited benefits despite the pending NAC match.
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Deeming and NAC Matches

Individuals excluded from an assistance group due to a failure to respond to notification of a NAC match will be included in the food unit as a pro-rated deemer.

Vulnerable Individuals

If someone is a vulnerable individual, states must take steps to not disclose information about their location obtained through NAC matches. A vulnerable individual, for the purpose of the NAC, includes, but is not limited to:

- Any person who could be endangered by the dissemination of their information, regardless of age or gender.
- Anyone enrolled in the Safe at Home program.
- Any resident of a domestic violence shelter.
- Any person who self-identifies as fleeing domestic violence at any point during application, renewal, or when adding a new household member.

Benefit Recovery and Intentional Program Violation

If a NAC match is identified at application, renewal, or person add, and the agency issues duplicate benefits without taking action on the NAC match, this is considered a non-recoverable agency error overpayment. If residency was verified at application, renewal, or person add, and FoodShare benefits are subsequently ended due to a NAC match in another state, this is not an error, and no benefit recovery is required.

If a NAC match is identified through the monthly matching process or via another state's query, and the individual verifies current Wisconsin residency, they must continue receiving SNAP benefits in Wisconsin. The other state will be considered the state of duplicate issuance and is responsible for taking appropriate action to terminate eligibility and recoup any duplicate benefits issued if they fail to terminate the ongoing eligibility resulting from the match.

Fair Hearings

Households whose eligibility is denied, closed, or reduced as a result of an action related to a NAC match have the right to request a fair hearing once the action is taken on their case and the final disposition is entered.

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
ABAWD/FoodShare Work Requirement Exemptions	<ul style="list-style-type: none"> • Agency form, such as the Medical Exemption from Work Requirement for ABAWDs form (F-01598) • Statement from health care provider, social worker, homeless shelter, or AODA service provider • Data exchanges

	<ul style="list-style-type: none"> • Department of Veteran Affairs service department correspondence or contact including documents relating to release, discharge, or transfer; identification card indicating service veteran status • Information made known to the agency including agency verification of an obvious ABAWD status or exemption, such as pregnancy or inability to work due to a temporary or permanent health condition • IM worker determination that a person is unfit for employment (without requiring a statement or additional verification) • Tribal Enrollment Card • Written statement or document issued by the tribe indicating tribal affiliation • Medical record card (or similar documentation) issued by an Indian Health Service provider for American Indians and Alaska Natives that specifies an individual is an Indian or tribal member • Information known to the agency • Collateral contact • Other acceptable written statement
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 • Military service papers • Immigration or naturalization papers • Hospital birth record • Adoption record • Family records (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

	<ul style="list-style-type: none"> • 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 • Current school schedule • Enrollment letters • Financial aid papers • Literature from the school (brochure or online program information) • Collateral contact with Job Center of Wisconsin, FSET, or an employment agency
Substantial Lottery or Gambling Winning	<ul style="list-style-type: none"> • Member statement • Wisconsin Lottery Winner Claim Form • W-2G Certain Gambling Winnings Form • Letter from lottery commission or gaming entity • Another State's Lottery Claim Form • Any documentation that identifies the source of the payment, winner(s) name, address, date of the winning, and gross amount before taxes

* 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.

Asset Verification for Regular SNAP Rules

Verification Item	Suggested Verification Sources
Checking or Saving Account	<ul style="list-style-type: none"> • Bank statements • Letter from the bank on official letterhead showing account balance
Stocks or Bonds	<ul style="list-style-type: none"> • Brokerage or financial statements showing the value of holdings • Stock or bond certificate
Savings Certificate	<ul style="list-style-type: none"> • Statement from the financial institution that hold the savings certificate • Copy of a physical certificate
Lump Sum Payments	<ul style="list-style-type: none"> • Bank statement with the deposit amount • Copy of document showing the amount and type of deposit

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
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	<ul style="list-style-type: none">• Non-household member collateral statement• Statement from community organization
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Meal Plan for Residents of an Institution

<u>Meal Plan</u>	<ul style="list-style-type: none">• <u>Service Agreement (Charges for meals should be separately identified in this agreement. Both the resident and the facility have copies of the service agreement.)</u>• <u>Statement from dining services</u>• <u>Paid receipt or bill</u>• <u>Statement from a collateral contact</u>
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1.2.7 Unclear Information

Unclear information may be partially verified (verified but requires additional information to act on the change appropriately), unverified, or questionable.

Additional verification is requested when unclear information is something the household is required to report and is current, which is defined as occurring within the last two calendar months.

Additional verification is requested when the unclear information is deemed to be significantly conflicting. Unclear information may be significantly conflicting when it was required at application or renewal but was omitted by the applicant, member, or by worker error. Significantly conflicting unclear information includes information that was mis-reported or misrepresented.

Agencies must continue to follow the existing policy and process for acting on information from the Nationwide Prisoner Match ~~and~~ Date of Death Matches, and matches from the National Accuracy Clearinghouse (NAC).

A courtesy letter may be sent when held unclear information would increase the member's FoodShare benefits. The letter encourages the household to provide information to resolve and verify the held unclear information.

Adverse action is not taken if the household does not respond, or if the response is unclear. When this happens, the information continues to be held and the unclear change is addressed at the next application, SMRF, or renewal.

Example 1	<p>A FoodShare household reports a decrease in child support income but does not specify by how much or when the change happened. This information is considered unclear and is held. The unclear information could increase benefits.</p> <p>A courtesy letter is sent to the household. The letter states that they can voluntarily provide additional information to verify that change, and if clear, this information may increase their FoodShare benefit.</p> <p>The household responds to the courtesy letter with the clear, current information to verify the decrease in child support income. The information received from the member is applied to the case and used for eligibility and certification.</p> <p>If the household responds, but the information supplied is still unclear or incomplete, the unclear child support information continues to be held, and it is not used for eligibility. It is resolved and verified, as needed, at the next application, SMRF or renewal.</p>
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1.4.5 Data Exchanges

1.4.5.1 Data Exchanges Introduction

CWW Data Exchanges provide query access to databases that store Wisconsin citizen's birth and death information, intentional program violations, immigration status, national new hire, state wage query, Wisconsin new hire, low income energy assistance program, child support, prisoner data, [duplicate participation](#), address, employment information, unemployment income, and Social Security and SSI income (including social security number, citizenship/identification, disability, date of death and Medicare verification).

The rules of confidentiality apply to all data obtained from the query. In addition, because of the sensitive nature of the data available, rules have been established for accessing the data as well as release of data obtained from the query.

2.1.2 Application Processing Time Frame

2.1.2.1 Application Processing 30 Day Time Frame

7 CFR 273.2(c); 7 CFR 273.2(g); 7 CFR 273.2(h)(2)(i)(A)
OM 14-48

The application process must be completed 30 days from the initial filing date, unless the applicant is eligible for expedited services (see Section 2.1.4 Expedited Service at Application). Day one of the application processing period is the day after the filing date. The time frame for processing an application is the filing date plus 30 days.

If the 30th day falls on a weekend or postal holiday:

- For denials, the action to deny must be taken the next business day.
- For approvals, the approval must be processed no later than the 30th day. Waiting until the next business day or later to process an application for an eligible FoodShare assistance group is untimely and, therefore, not allowable.

Note	If the application is being processed after adverse action, eligibility will be determined for the application month and the next two months. If the food unit is ineligible for the application month and the second month, eligibility for the third month will also fail and the applicant would have to reapply even if there are changes in the third month that may make the food unit eligible for that month.
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Applicants are required to cooperate with the completion of this process. Agencies are required to assist the applicant in the completion of the application process if the applicant requests such assistance.

When the application process has not been completed by the end of the 30th day, a notice of pending will be sent explaining the necessary steps to resolve the delay. If there is outstanding verification, the notice of pending will list those outstanding items.

Required Actions Completed After Timely Denial But Within 60 Days of Filing Date

When an applicant fails to complete all required actions (including completing an interview and submitting all required verification) by the 30th day following the filing date, or 20 days from the date verifications were requested, whichever is later, the application must be denied.

The applicant has an additional 30 days from the date of a timely denial (denied on day 30), or 60 days from the filing date, to complete the required action (i.e., complete the interview or submit the required verification) without requiring a new application.

If all required actions are completed during the period on or after the 31st day but no later than the 60th day from the filing date, and the applicant is found eligible, benefits must be prorated from the date all required actions were completed. The initial month of application must be denied.

Example 1	Jane applies and completes her interview on January 5, and her application is considered a regular 30-day application. Her verification checklist is mailed on January 6 with a due date of February 5. Jane fails to submit the required verifications by February 5. Her case is denied for lack of verification on the 30th day. The notice will inform Jane that she will have until March 9 (60 days from the filing date including extensions for weekends) to submit the required verification without needing to reapply.
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	<p>If verifications are not submitted by this date, Jane will need to reapply and complete a new interview in order to have her eligibility determined.</p> <p>If verifications are submitted any time after February 5 but on or before March 9, benefits are prorated from the date all verifications were submitted.</p>
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See 1.2.1.2 Request for Verification for details on verification time frames.

All actions must be completed by day 60 or the application will be denied. If the interview is completed after day 30 with a result of pending verification, all pending verification must be returned 60 days following the filing date, or a new application is required.

<p>Example 2</p>	<p>George submitted an application but failed to complete his interview by day 30. The agency denies his application. George goes into the agency on day 55 of his 60-day application period and completes his interview. George reports employment which is then pended for verification. George will only have until day 60 to verify this employment or he will be required to reapply.</p>
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3.2.1 Residence

3.2.1.2 Temporary Absence

3.2.1.2.2 Incarceration and Huber Law Prisoners

7 CFR 273.1(c)

An individual who is incarcerated for more than 30 days is ineligible for FoodShare unless they meet all the Huber criteria listed below.

Some inmates may be allowed to leave jail for various reasons under the Huber Law, also known as the Huber Program. Huber Law prisoners who are released from jail to attend to the needs of their families can become or remain eligible for FoodShare if both the following are true:

1. They intend to return to the home.
2. They continue to be involved in the planning for the support and care of their minor children.

Huber Law prisoners who are released for a purpose other than attending to the needs of their families are not eligible for FoodShare.

~~A Huber law prisoner released under~~ An individual participating in a bracelet monitoring program who continues to live in is exempt from meeting the home Huber Law criteria and is eligible for FoodShare.

The temporary absence policy (see [Section 3.2.1.2 Temporary Absence](#)) does not apply for Huber and those monitored under the bracelet program.

Note	Under simplified reporting rules, a change in household composition is not required to be reported until SMRF or renewal.
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Example 6	A mother with three school age children has been sentenced to serve 90 days in a Huber facility. She is released at 8 a.m. to her place of employment and must report directly back to the Huber facility by 4:30 p.m. This mother is absent from the household and is not eligible for FoodShare benefits.
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Example 7	A father applies for FoodShare for himself and his two school age children. He is sentenced to serve 90 days in a Huber facility. Under the terms of his sentence, he is released each morning at 6 a.m. to report to his job; at 3 p.m. he is to leave his job and report to his home to care for his children, including fixing and eating dinner with them. He must report back to the Huber facility by 8 p.m. This father is temporarily absent from the FoodShare household and is eligible for FoodShare benefits.
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Example 8	A father <u>Waylen</u> is on a bracelet monitoring program under the Huber program, living with his wife and child <u>husband</u> at home and working full time. Some of his wages are intercepted by the county jail to offset incarceration and monitoring costs. Treat this case as a FoodShare assistance group of three <u>two</u> and budget the gross amount of his wages.
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3.2.1.4 Institution

7 CFR 273.1(b)(7)

An institution is any establishment that provides care and/or services above and beyond meals and lodging. Residents of an institution are ineligible for FoodShare. For information on institutions of higher education, see Section 3.15.1.3 Student Institutional Meal Plans.

A person is a resident of an institution if they receive a majority (over 50% of three meals daily) of their meals as part of the institution's normal operations (greater than 50% of three meals daily). A person is not considered a resident of an institution if they receive 50% or less of their meals.

Example 10	<u>Oakleigh's meal plan shows she gets dinner every day from the institution. She is responsible for her own breakfast and lunch. Oakleigh is not a resident of an institution because she does not receive over 50% of her daily meals from the institution.</u>
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Example 11	<u>Ismail's meal plan shows he gets breakfast, lunch, and dinner from the institution he lives in. He is not responsible for obtaining any of his daily meals. Ismail is considered a resident of an institution because he receives over 50% of his daily meals from the institution.</u>
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Residents of institutions living in a facility listed below are ineligible exempt from being considered a resident of an institution for FoodShare.

~~Some facilities appear to be institutions but are not. Persons living in the following licensed or authorized facilities may~~ They can be eligible for FoodShare: even if the facility provides them with a majority of their meals.

1. Shelters for the homeless,
2. Group living arrangements,
3. Drug and alcohol addiction treatment centers,
4. Shelters for victims of domestic violence,
5. Section 202, 221(d)(3), and 236 housing, and all residents of any federally-subsidized housing for the elderly.

3.2.1.5 Residential Care Apartment Complexes (RCAC)

7 CFR 273.11(f)

A Residential Care Apartment Complex (RCAC) is a ~~place where~~ facility with five or more adults ~~reside that consists of living in~~ independent apartments, ~~each of which has an individual lockable entrance. The name and addresses of facilities are listed in DHS's Residential Care Apartment Complex Directory exit.~~ This list identifies whether the facility is a kitchen, including a stove or microwave, an individual bathroom, sleeping, and living areas RCAC.

~~Residents of RCAC facilities that offer optional meal services, separately from the cost of care, can be treated as single apartment dwelling residents and be non-financially eligible for FoodShare.~~

To be eligible for FoodShare, residents must receive no more than 50% Residents of these facilities that do not have meal services separate their meals from the cost RCAC as part of care may be eligible if its normal services. If the RCAC provides the resident with over 50% of their meals, the resident is not considered a resident of an institution and is ineligible. ~~A resident of an institution is anyone who~~

~~receives the majority of their meals as part of the institution's normal operations, more than 50% of their daily meals. Residents would be eligible for FoodShare if they choose a meal plan provided by the facility that provides less than 50% of their daily meals.~~

Some RCACs offer optional meal services. Residents that opt out of optional meal services are considered to be living in an independent apartment. These residents are eligible because they are not a resident of an institution.

~~Every tenant has a signed "Service Agreement" with the RCAC provider, which lists the services the tenant is to receive from the facility (including meals) and the fees charged for those services. Charges for meals should be separately identified in this agreement. Both the resident and the facility are provided copies of the service agreement (contract). However, most RCAC's do not have a separate lease for individual tenants.~~

~~The name and address of the facility on the service agreement can also be used to verify that the residence is an RCAC by checking against.~~

~~The meal situation must be provided for each RCAC resident who requests FoodShare. Verification must be requested if the meal situation is~~Residents must report how many meals per day they receive from the RCAC. If the meal plan details are unclear, or if the member's statement is questionable, follow Section 1.2.7 Unclear Information. See Section 1.2.6.2 Verify Only If Questionable.~~Failure to provide verification when questionable will result in FoodShare closure or denial~~ for a list of suggested documents to verify a meal plan.

Example 12 0	Maria lives in an RCAC. Her service agreement shows she has no meals included in her cost of care, but she does have the option to select from various meal plans. She has opted to prepare all of her meals herself and not purchase any meal plan from the RCAC. She <u>is</u> would be non-financially eligible for FoodShare.
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Example 13 1	John also lives in the same RCAC <u>as Maria</u> . He has opted to purchase one of the dinner meal plans from the RCAC. Because the meal plan is purchased separately from his cost of care and the plan provides less than 50% of his daily meals, he <u>is</u> would also be non-financially eligible for FoodShare.
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Example 14 2	Francis lives in an RCAC that does not offer the option to buy meal plans separately from the cost of care. Her <u>All her</u> meals are included in the monthly cost of care. She <u>is ineligible</u> does not meet the non-financial eligibility criteria for FoodShare <u>because she receives over 50% of her meals from the RCAC.</u>
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3.2.1.6 Group Living Arrangement

7 CFR 273.11(f)

A group living arrangement is a public or private nonprofit ~~residential setting serving~~ facility with no more than 16 residents. It must be certified by the appropriate state or local agencies.

~~Any resident EBD residents of a group living arrangement who is elderly, blind, or disabled may~~ arrangements are not residents of institutions. They can receive over 50% of their meals from the facility and be eligible for FoodShare.

A non-EBD resident who receives over 50% of their meals from the group living arrangement is a resident of an institution. Residents of institutions are ineligible for FoodShare.

The resident may purchase meals directly from the group living arrangement when ~~the Food and Nutrition Service (FNS)~~ authorizes the facility to accept and redeem FoodShare as a retailer (see Section 3.22.1 Designated Representatives).

Determine the resident's eligibility as a one-person food unit (see SECTION 3.3.1 FOOD UNIT/FOODSHARE ASSISTANCE GROUP/RELATIONSHIPS) when the facility applies as an authorized representative for the resident. If the resident applies ~~on their own behalf~~ without an authorized representative, determine the group size according to food unit rules.

3.2.1.7 Adult Family Home

Wis. Stat. § 50.01(1)

An Adult Family Home is a type Residents of a group living arrangement who move out before where three or four adults with a developmental disability live. There can be more than four adults if they are all siblings. A list of names and addresses of Adult Family Homes can be found in the DHS's Adult Family Home Directory ~~16th~~.

Adult Family Homes are a type of group living arrangement. EBD residents of Adult Family Homes can be eligible for FoodShare regardless of the month should have half number of meals they receive. EBD residents can receive over 50% of their FoodShare allotment for meals from the month returned by the authorized representative home and be eligible for FoodShare.

<p>Note Example 13</p>	<p>A group living arrangement or facility authorized representative must not be listed as an authorized buyer for anyone living in the facility. <u>Elena has a developmental disability and lives in an Adult Family Home with two other residents and the care provider. Elena receives all her meals from the Adult Family Home. She is not considered a resident of an institution because she has a disability and lives in a group living arrangement with three residents. Elena is eligible for FoodShare even though she receives all her meals from the home.</u></p>
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The 3.2.1.7 Adult Family Home (AFH)

~~An Adult Family Home (AFH) is a type of group living arrangement where care and maintenance above the level of room and board, but not including nursing care, are provided in a private residence by the care provider whose primary domicile is this residence. The residence may have three~~ can include residents in their assistance group, or four adults, or more adults if all of the adults are siblings, each of whom has a developmental disability. A residence that meets these criteria residents can be considered an AFH regardless of whether it is licensed to be an AFH.

~~The individual in an AFH who is receiving foster care or paying board may be in their~~ in their own FoodShare assistance group. This is true regardless of whether, even if the care provider prepares the individual's resident's meals ~~as part of the care that is received in the AFH.~~

~~The individual providing care for an individual(s) in an AFH can choose to include an individual(s) in their assistance group or they can be separate. However, the care provider would be required to~~ must include their spouse and/or any children under the age of 22 in their group, if they live together.

Example 14	Hayden lives in an Adult Family Home with three other residents and the care provider, Reggie. Hayden wants to apply for FoodShare. Reggie purchases and prepares each meal for all the residents and himself. Reggie is already receiving FoodShare. Reggie can decide if he wants to add Hayden to his assistance group or help Hayden apply on her own.
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3.2.1.8 Drug and Alcohol Treatment Centers

7 CFR 271.2

7 CFR 273.11(e) and (f)(6)

DHS 75.03 General requirements

Residential ~~drug and alcohol and drug~~ treatment facilities are defined as centers can be: private facilities, ~~nonprofit organizations or institutions~~ nonprofits, community-based residential facilities, (CBRF), hospitals, or publicly operated community mental health facilities. ~~These facilities are not institutions.~~

~~The Department of Health Services (DHS) certifies these facilities according to DHS 75.03 General requirements. State certification of these facilities should not be confused with state licensing of drug and alcohol treatment facilities. Such licensing is not required for FoodShare eligibility.~~

~~For an individual of a residential treatment facility to be certified to receive and use their FoodShare benefits to purchase meals, the facility must either be:~~

Drug and alcohol treatment center residents can only be eligible for FoodShare if the facility meets one of the following criteria:

1. Tax exempt and certified by the State as either receiving, or eligible to receive, or operating to further the purposes of Part B of Title XIX (Medicaid).

See this list of qualifying Title XIX facilities ~~This may include faith-based treatment facilities; or~~

2. Authorized as a retailer by FNS.

~~Title XIX.~~

~~An individual residing in a treatment facility may voluntarily apply~~ If the facility meets one of the criteria, its residents are not considered residents of institutions. They can be eligible for FoodShare. ~~If an individual will be using FoodShare to purchase~~ regardless of how many meals, they receive from the facility.

If the facility meets none of the criteria, its residents are not eligible for FoodShare.

Example 15	Lanie enters a non-profit alcohol treatment center and asks to apply for FoodShare. The facility is eligible to receive Title XIX. Lanie can be eligible for FoodShare while residing in the facility even if she receives the majority of her meals from the facility. She is not a resident of an institution because she is residing in a qualifying drug and alcohol treatment center.
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Example 16	Sam enters a private treatment facility that is not tax-exempt, eligible to receive Title XIX, or authorized as a FNS retailer. Sam is not eligible for FoodShare while he lives in this facility, regardless of how many meals he receives.
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The Department of Health Services (DHS) certifies these facilities according to DHS 75.03 General requirements. State certification should not be confused with state licensing of drug and alcohol treatment facilities. Such licensing is not required for FoodShare eligibility.

~~or an employee of the facility~~ No residential drug and alcohol treatment center can require a resident to apply for FoodShare. Residents must be designated as choose whether to apply and if they want to, it is done voluntarily with an authorized representative ~~with the~~.

New applicants must designate the facility or an employee of the facility as their authorized representative with the Appoint, Change, or Remove an Authorized Representative form (F-10126B, Organization). ~~The~~ Then, the authorized representative must apply on the ~~individual's~~ residents behalf (see Section 3.22.1 Designated Representatives).

~~If the individual is the~~ The primary person on an existing case, must appoint the facility or employee ~~will need to be added~~ as an authorized representative. All other household members ~~will need to~~ must re-apply on their own to continue ~~to receive~~ receiving benefits. ~~Individuals residing in the facility must receive or have access to their notices, access to their case information and be allowed to file a fair hearing.~~

~~The~~ Even with an authorized representative, the resident is the QUEST cardholder and the primary person on the case. ~~The QUEST cardholder or the authorized representative, if granted permission by the resident, may purchase meals prepared and served by the facility, food purchased from another authorized retailer, or both.~~

~~Reminder:~~ The authorized representative cannot ~~also~~ be the authorized buyer.

~~Determine the eligibility of an individual residing in a treatment facility as a one-person FoodShare food unit, unless the resident is a parent whose child(ren) resides with them at the facility. Include any child(ren) residing, but they can use resident's card with their parent(s) at the facility, whether or not the facility provides the majority of the child(ren)'s meals, when determining eligibility~~ permission.
Authorized representatives cannot spend more than the resident's monthly allotment.

Note Example 17	Faith-based treatment and rehabilitation facilities are not required (by law or FNS regulation) to allow residents to opt-out of religious programming or activities in order to participate in the FoodShare program. Tommy is residing in a treatment facility. An employee of the facility is Tommy's authorized representative. Tommy is still the QUEST cardholder. With Tommy's permission, the authorized representative uses Tommy's QUEST card to purchase meals or groceries for him.
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When a household is discharged from the treatment facility, the facility must perform the following:

- ~~1. Notify the agency. If possible, the facility must also provide the member with a change report form to report the member's new address and other circumstances after leaving the facility. The facility must advise the member to return the form to the agency within 10 days. Members can also report changes through ACCESS or by phone.~~

~~After the member leaves the treatment facility, the facility can no longer act as the member's authorized representative for certification purposes or for obtaining or using benefits and must be removed from the member's case.~~

~~2. Return the member's QUEST card if it was in the possession of the treatment facility.~~

~~If a member from an existing FoodShare case is residing in~~ member moves into a drug or alcohol treatment facility and ~~is~~ does not ~~using FoodShare~~ use benefits to purchase food ~~and meals~~, the member is considered temporarily absent from the home. ~~In this case, the member does~~ Temporarily absent members do not need ~~to appoint~~ an authorized representative.

Faith-based treatment facilities can, but do not always, meet the criteria to be eligible to receive FoodShare. If the facility doesn't meet at least one of the criteria listed above, its residents cannot be eligible. Faith-based treatment and rehabilitation facilities are not required (by law or FNS regulation) to allow residents to opt-out of religious programming or activities to participate in the FoodShare program.

Example 18	Marcus resides in a non-profit faith-based treatment facility that is eligible to receive Title XIX and has required religious services. Because the facility is a non-profit that is eligible to receive Title XIX funding, Marcus can be eligible for FoodShare. The facility is not required to allow Marcus to opt-out of the religious services for him to participate in FoodShare.
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Outpatient treatment centers offering communal meals must meet both of the following criteria to be eligible to accept FoodShare benefits:

~~1. The facility is an authorized SNAP retailer.~~

~~2.~~ 1. The facility is tax-exempt and certified by the State as either receiving, eligible to receive, or operating to further the purposes of Part B of Title XIX (Medicaid). This ~~may~~ can, but does not always, include faith-based treatment facilities. If the facility is no longer certified under Part B of Title XIX, approval to participate in and redeem FoodShare benefits would be automatically withdrawn.-

2. The facility is an authorized SNAP retailer.

3.2.1.11 Residential Facility Responsibilities

7 CFR 273.11(f)(5)

7 CFR 273.11(f)(6)

No residential facility can require a resident to apply for FoodShare. Residents must choose whether to apply.

All residents must have access to their notices, case information, and be able to file a fair hearing. Any children living with their parent(s) at the facility must be included in their parent's assistance group (see Section 3.3.1.3 Relationship Rules).

The resident may appoint the facility as their authorized representative. The authorized representative cannot be the authorized buyer. However, the authorized representative, or another employee of the facility, can use resident's QUEST card with permission. The facility can never spend more than the resident's monthly allotment.

Resident Discharge

When a resident leaves a facility, it can no longer act as the member's authorized representative as an organization (F-10126B). They must help the resident remove the facility as an authorized representative from the case.

The facility must notify the agency of the FoodShare member's discharge and give the member:

- Their QUEST Card and PIN number, if they are in the facility's possession; and
- A change report form, when possible; and
- Monthly benefits in full regardless of when the resident leaves the facility if no benefits were spent; or
- Half of the resident's monthly benefit allotment if they leave on or before the 16th of the month; or
- Any remaining benefits not spent on the resident's behalf when they leave the facility after the 16th of the month.

3.20.1 Drug-Related Felonies

3.20.1.1 Drug-Related Felony

For FoodShare eligibility purposes, a person convicted of a drug-related felony is a person (adult or a minor) convicted of a felony in a state or federal court involving the possession, use or distribution of a controlled substance within the last five years. A person with a court finding of “Guilty but not guilty due to mental disease/defect,” or a similar ruling that results in the person having been found to be mentally incompetent, is not considered to have a drug-related conviction.

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

Applicants or members that have been convicted of a drug related felony must agree to take a drug test and provide passing test results to maintain FoodShare eligibility.

A person must only take and pass a drug test once after a drug-related felony conviction. Do not require a new drug test ~~at renewal or during the certification period if passing~~ there is a documented passed drug test results have been received after the person’s most recent drug-related felony conviction. A new drug test is only required if the person is convicted of an additional, more recent drug-related felony.

Example <u>1</u>	<u>Kelly applied for FoodShare in August. During the application process, she reported a drug-related felony conviction and passed a drug test. She is found eligible for FoodShare. At her next SMRF, she did not complete all requirements timely and her case closed. Kelly must re-apply to receive FoodShare again. At this application, she is not required to take and pass another drug test because she has not received a new drug-related felony conviction.</u>
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Do not require a drug test if the felony conviction 5-year look back falls within any of the following scenarios: the month of application or renewal, the month of re-request, the verification period, or within the following 30 days.

Example 1 <u>2</u>	<u>Ian applied for FoodShare on July 17, 2023. During the interview on July 21, Ian states, he is a drug felon. His conviction date is August 1, 2018. Ian will not be required to submit to drug test because his 5-year look back period would expire on August 1, this is within his 30-day application processing period.</u>
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4.3.4 Unearned Income

4.3.4.3 Disregarded Unearned Income

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

Housing and related income

1. Disregard rent paid by the Department of Housing and Urban Development (HUD) and Farmer's Home Administration (FMHA) directly to a landlord as income. Do not include these payments as a deduction. Only include as a rent expense what the food unit owes to the landlord after the HUD or FMHA payments.
2. Disregard rent paid by HUD to residents in the experimental housing program in Green Bay.
3. Disregard HUD or FMHA utility reimbursement payments made directly to a food unit or utility provider as income.
4. Disregard HUD utility reimbursement payments diverted by a Native American housing authority directly to the utility provider without permission, consent, or agreement of the food unit.
5. Under the Family Investment Centers program, HUD provides grant money to public housing agencies and Indian housing authorities. In turn, they provide access to education and job opportunities to public housing residents. Disregard as income services provided to these residents. Services include:
 - a. Child care
 - b. Employment and training counseling
 - c. Literacy training
 - d. Computer skills training
 - e. Assistance in attaining certificates of high school equivalency
 - f. Other similar services
6. Disregard free rent, no income is counted, and no rent deduction is allowed.
7. A tenant may be billed utility expenses for common electrical devices, for the benefit of any number of tenants, but wired through their meter. A notice from the landlord identifies that cost and the tenant's reimbursement. Disregard the reimbursement.
8. Income received as a result of participation in the Fresh Start Program.

Employment Training and Education

1. Educational aid for students is not counted as income.
2. Disregard educational expense reimbursements.
3. Disregard income produced by an educational trust.
4. Disregard W-2 TSP (stipends for non-custodial parents) received for W-2 education and training activities.

Loans

Disregard as income any loan to the food unit. This includes loans from private individuals and commercial institutions.

Verification is required when a reported loan appears to be countable income. A legally executed document is not required to verify that income is a loan. A statement signed by both parties is enough

to verify the income is a loan, if it contains: the amount of the loan, that the payment is a loan, and that repayment is required.

Medical and Dependent Care

1. Disregard reimbursements for medical or dependent care. Some examples of medical or dependent care reimbursements that must be disregarded are:
 - a. Reimbursements from the Medical Assistance (MA), also known as Medicaid or Title 19 Community Integration Program (CIP).
 - b. Reimbursements from Medicare Advantage supplement benefits.
 - c. Reimbursements from the Alzheimer's Family Caregiver Support Program (AFCSP), the National Family Caregiver Support Program (NFCSP), and the Program of Comprehensive Assistance for Family Caregivers (PCAFC).
2. Disregard dependent care payments as income for a food unit member's care when a county agency:
 - a. Pays a dependent care provider directly,
 - b. Reimburses the food unit after the food unit has incurred or paid a dependent care expense.
3. Disregard payments from the Wisconsin Family Support Program, which assists families by covering medical, dependent and other allowable expenses for in-home support for children with severe disabilities. Payments may be issued in several ways, including by voucher or direct payment to the vendor, or direct payment to the family as a reimbursement for allowable expenses. Do not confuse this program with "family support", a court-ordered obligation that combines child support and maintenance.

SSA programs

1. Disregard reimbursements for services provided by the [Social Services Block Grant Program](#).
2. Disregard retroactive SSI payments which are paid in installments.
 - a. Retroactive SSI benefits which total 12 months or more of the Federal Benefit Rate (monthly SSI amount) will be paid in three or fewer installments at six-month intervals. Each installment payment must be counted as an asset. Retroactive SSI benefits which equal or exceed 12 months of benefits, but which are owed to the following categories of recipients, will continue to be received in one lump sum:
 - i. A person who has a medical impairment which is expected to cause death within 12 months.
 - ii. A person who is ineligible for benefits and is likely to remain ineligible for the next 12 months.
3. Disregard income of an SSI recipient necessary to fulfill a Plan to Achieve Self-Support (PASS) regardless of the source. This income may be spent in accordance with an approved PASS or deposited into a PASS account. The SSA must approve the individual's PASS in writing, identifying the amount of income that must be set aside each month to fulfill the PASS. It is the member's responsibility to report and verify that such income is necessary to fulfill its PASS in order for the income to be disregarded.
4. A qualified organization may collect a fee for acting as the representative payee for ~~an someone receiving SSI or OASDI recipient~~. Do not count the fee as income to the member. Disregard the ~~amount withheld fee~~ from the SSI or OASDI payment ~~as income to the recipient~~. ~~Reduce the SSI or OASDI amount by the amount withheld instead~~.
 1. For an individual without an SSA-approved DAA condition, the fee is the lesser of 10% of the beneficiary monthly benefit amount or \$57.

2. For an individual with an SSA-approved DAA condition, the fee is the lessor of 10% of the beneficiary monthly benefit amount or \$106.

SSI-E

Disregard SSI-E income for FoodShare. It is not necessary to determine if an SSI-E payment is being used for its intended purpose in order to disregard the income.

Energy Assistance Program

Disregard all payments provided by the Low Income Home Energy Assistance Program (LIHEAP) or Wisconsin Home Energy Assistance Program (WHEAP).

Community Options Program

Disregard Community Options Program (COP) reimbursement for long-term care services. If a food unit member is receiving COP payments for providing services, count the money as earned income.

Tribal / Native American Payments

Disregard any Tribal General Welfare Assistance (GWA) and Tribal General Welfare Exclusion (GWE) payments (26 USC § 139E).

Disregard payments to individual tribal members of the following tribes or from the following federal settlements:

1. Seminole Indians of Florida (PL 84-736).
2. Pueblos of Zia and Jemez of New Mexico (PL 84-926).
3. Red Lake Band of Chippewa Indians (PL 85-794).
4. Alaska Native Claims Settlement Act (PL 92-203).
5. Stockbridge Munsee Indian Community of Wisconsin (PL 92-480).
6. Burns Indian Community of Oregon (PL 92-488).
7. Pueblo of Santa Ana (PL 95-498).
8. Pueblo of Zia of New Mexico (PL 95-499).
9. Bois Forte Band of the Chippewa Tribe or the Grand Portage Band of Lake Superior Chippewa Indians under 25 USC 1407 (PL 93-134, 97-458, 106-568, 113-290).
10. Navajo and Hopi Tribe relocation payments (PL 93-531).
11. Cherokee Nation of Oklahoma (PL 94-114).
12. Cheyenne River Sioux, Crow Creek Sioux, Lower Brule Sioux, Oglala Sioux, and Rosebud Sioux Tribes of South Dakota (PL 94-114).
13. Devils Lake Sioux and Standing Rock Sioux Tribes of North Dakota (PL 94-114).
14. Shoshone-Bannock Tribes of Idaho (PL 94-114).
15. Sac and Fox Indian claims agreement (PL 94-189).
16. Grand River Band of Ottawa Indians (PL 94-540).
17. Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (PL 95-433).
18. Indian Child Welfare Act of 1978 (PL 95-608).
19. Delaware Tribe of Indians and the Delaware Tribe of Western Oklahoma (PL 96-318).
20. Passamaquoddy Tribe, Penobscot Nation, and Houlton Band of Maliseet Indians under the Maine Indian Claims Settlement Act of 1980 (PL 96-420).
21. Wyandot Tribe of Indians of Oklahoma (97-371).

22. Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, and Cherokee Band of Shawnee descendants (PL 97-372).
23. Miami Tribe of Oklahoma and Miami Indians of Indiana (PL 97-376).
24. Clallam Tribe of Indians, including Port Gamble Indian Community, Lower Elwha Tribal Community, and Jamestown Band of Clallam Indians, of Washington (PL 97-402).
25. Turtle Mountain Band of Chippewas of Arizona (PL 97-403).
26. Blackfeet, Gros Ventre Tribes, and Assiniboine Tribes of Montana (PL 97-408).
27. Papago Tribe of Arizona (PL 97-408).
28. Red Lake Band of Chippewas (PL 98-123).
29. Assiniboine Tribes of Fort Belknap Indian Community and Fort Peck Indian Reservation of Montana (PL 98-124).
30. Chippewas of Lake Superior including the Bad River Band, Lac du Flambeau Reservation, Lac Courte Oreilles Band, Sokaogon Chippewa Community, Red Cliff Reservation, and St. Croix Reservation of Wisconsin; disregard any per capita payment issued under this judgement in its entirety (PL 99-146).
31. Keweenaw Bay Indian Community of Michigan (PL 99-146).
32. Fond du Lac, Grand Portage, Nett Lake, and White Earth Reservations of Minnesota (PL 99-146).
33. White Earth Band of Chippewas in Minnesota (PL 99-264).
34. Saginaw Chippewa Indian Tribe of Michigan (PL 99-346).
35. Chippewas of the Mississippi including Mille Lac, White Earth, and Leech Lake of Minnesota (PL 99-377).
36. Band of Potawatomi, including Hannahville Indian Community and Forest County Potawatomi, of Wisconsin; if issued as a per capita payment, disregard the first \$2,000 of each payment made from this judgement (PL 100-581).
37. Puyallup Tribes under the Puyallup Tribe of Indians Settlement Act of 1989 (PL 101-41).
38. Seneca Nation of New York under the Seneca Nation Settlement Act of 1990 (PL 101-503).
39. Catawba Indian Tribe of South Carolina (PL 103-116).
40. Confederated Tribes of the Colville Reservation (PL 103-436).

Exclude as income any lump sum or periodic payments received under the Cobell v. Salazar Class Action Trust Case during the one-year period beginning on the date of receipt (PL 111-291).

Disregard up to \$2,000 per calendar year held by an individual Native American which is derived from restricted land or land held in trust by the Department of Interior, Bureau of Indian Affairs (PL 103-66, 92-203, and 100-241).

Disregard the first \$2,000 of individual shares for the following:

1. Confederated Tribes of the Warm Springs Reservation (PL 97-436).
2. Old Age Assistance Claims Settlement Act (PL 98-500).
3. Seminole Nation of Oklahoma (PL 101-277).
4. Seminole Tribe, Miccosukee Tribe of Indians, and the independent Seminole Indians of Florida (PL 101-277).
5. Rincon Band of Mission Indians (Docket 80-A).
6. Walker Paiute Tribe (Docket 87-A).
7. Ak-Chin, Salt River Pima-Maricopa, and Gila River Pima-Maricopa Indian Communities (Docket 228).
8. Maricopa Ak-Chin Indian Community (Docket 235).
9. Peoria Tribe of Oklahoma (Dockets 313, 314-A, and 314-B).
10. Yankton Sioux Tribe (Dockets 342-70 and 343-70).

11. Wichita and Affiliated Tribe (Keechi, Waco & Tawakonie) of Oklahoma (Dockets 371 and 372).

Child Nutrition Act of 1966 and the National School Lunch Act

Disregard the value of assistance received from programs under the Child Nutrition Act of 1966 and the National School Lunch Act. These are the:

1. Special Milk Program.
2. School Breakfast Program.
3. Special Supplemental Food Program for Women, Infants and Children (WIC).
4. School Lunch Program.
5. Summer Food Service Program for Children.
6. Commodity Supplemental Food Program.
7. Child and Adult Care Food Program.

Disaster and Emergency Assistance Payments

1. Disregard major disaster and emergency assistance payments made by federal, state, county, and local agencies, and other disaster assistance organizations, including National Flood Insurance Program (NFIP).
2. Disregard Emergency Assistance or emergency General Assistance when either is given to a migrant or seasonal farm worker food unit if:
 - a. The payment is provided to a third party (vendor) on behalf of the migrant or seasonal farm worker; and,
 - b. The food unit was in the job stream when (for example, working) it was provided.
3. Disregard disaster unemployment benefits to any individual who is unemployed as a result of a major disaster. Individuals cannot be eligible for any other unemployment compensation and also receive disaster unemployment benefits. Payments are limited to 26 weeks.

COVID-19 Pandemic Assistance: Refer to [Process Help COVID-19 Unwinding](#) for specific policies and process related to COVID-19 pandemic income.

Veterans Benefits

Exclude VA aid and attendance and homebound allowances if the payment is:

1. For a past or future expense.
2. Not in excess of the actual expense.
3. Not for a normal household living expense.
4. Used for the intended purpose.

Disregard aid and attendance and housebound allowances received by veterans, spouses of disabled veterans, and surviving spouses.

GI Bill

All military personnel fund the GI Bill through mandatory payroll deductions in their first year of service. Disregard these deductions when counting income.

Example 2	During Joe's first year of military service, his gross pay is \$1,000 per month. One hundred dollars is deducted from his paycheck each month for the GI Bill. The IM worker disregards the \$100 deduction and budgets his pay as \$900 per month.
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Combat Pay

IM workers are required to determine if a military allotment made available to a food unit by an absent member deployed to a combat zone should be excluded when determining eligibility. Disregard any amount of combat zone pay that goes to the food unit that is in excess of the military person's pre-deployment pay. The exclusion lasts while the military person is deployed to the combat area.

If the amount of military pay from the deployed absent family member is equal to or less than the amount the food unit was receiving prior to deployment, all of the allotment would be counted as income to the food unit. Any portion of the military pay that exceeds the amount the food unit was receiving prior to deployment to a designated combat zone must be excluded when determining the food unit's income for FoodShare purposes.

Follow these steps in determining how to budget combat zone pay:

1. Ask if the service member is deployed to a combat zone.
 - a. If the answer is no, verify military pay using a bank record or Leave and Earnings Statements (LES) and clearly document in case comments how income to the food unit was determined and verified.
 - b. If the answer is yes, verify the service member's pay before deployment to a combat zone and the amount they receive due to being assigned to a combat zone. Leave and Earnings Statements (LES) or bank records can be used to verify this amount.
2. Any portion that is more than the amount the food unit was receiving immediately before deployment to a combat zone is exempt as combat pay.
3. Clearly document in case comments the combat pay source of verification and method used to determine amount to be disregarded and budgeted.

Deployment to a combat zone can be established through a variety of methods including:

1. The deployed person's military pay record, the Leave and Earnings statement (LES).
2. Orders issued to the military person in which the place of deployment is public record.
3. Contacting the Call Center which has a listing of designated combat zones, as well as a listing of pay items which may or may not be the result of deployment to a designated combat zone

Example 3	John, his wife Bonnie, and their daughter have an open FoodShare case. John is in the military stationed overseas; his monthly income is \$1,000. John sends his wife \$1,000 every month. When John is deployed to a combat zone his pay is increased to \$1,300 a month, which is deposited into a joint account. Because the \$300 is combat pay, it is exempt income and not counted in the determination. The pre-combat pay of \$1,000 is budgeted as unearned income for FoodShare.
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Example 4	Dori is in the military and receives \$1,000 per month in wages. Dori's husband Louie and their son Joe have an open FoodShare case. Dori has her military pay directly deposited into a bank account in her name only; Louie has no access to the funds or to the account. Do not count any of Dori's income in the eligibility determination for Louie and Joe.
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Example 5	Ben is in the military. His paycheck is \$1,000 a month. He has \$500 directly deposited into his account and \$500 directly deposited into a joint account with his wife, Andrea. The \$500 directly deposited into the joint account is budgeted as unearned income in Andrea's
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	FoodShare determination. Since Andrea does not have access to Ben's account, only the amount deposited in their joint account is counted.
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Example 6	Tim is in the military making \$1,200 a month. An allotment check of \$1,000 is paid directly to his wife Karla and \$200 to himself. The \$1,000 is budgeted as Karla's unearned income for her FoodShare determination.
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Dottie Moore

Disregard as income any penalty payment paid as a result of the Dottie Moore lawsuit by DHS (formerly DHSS) to any Aid to Families with Dependent Children (AFDC) applicant or member. These \$50 to \$200 penalty payments have been ordered by the U.S. District Court for the Eastern District of Wisconsin in Civil Action No. 80-C-118.

Income Tax Refunds, Credits, and Rebates

Disregard income tax refunds, credits, and rebates as income.

Victims of Nazi Persecution

Disregard as income payments under PL 103-286 to victims of Nazi persecution.

Payments to Crime Victims

Disregard any payments received from a state established fund to aid victims of a crime.

Agent Orange Settlement Fund

Disregard payments received from the Agent Orange Settlement Fund, or any other fund established in settling "In Re Agent Orange Product Liability Settlement Fund litigation M.D.L. No. 381 (E.D.N.Y.)." Continue to disregard the payments for as long as they are identified separately. Apply this disregard retroactively to January 1, 1989.

Wartime Relocation of Civilians

Disregard payments under PL 100-383 to U.S. citizens of Japanese ancestry and permanent resident Japanese immigrants or their survivors and Aleut residents of the Pribilof Islands and the Aleutian Islands West of Unimak Island.

Radiation Exposure Act

Disregard payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing (\$50,000) and uranium mining (\$100,000). Apply this disregard retroactively to October 15, 1990. When the affected person is deceased, payments are made to the surviving spouse, children, parents, or grandparents of the deceased. The federal DOJ makes the payments. Continue to disregard the payments for as long as they are identified separately. Apply this disregard retroactively to October 15, 1990.

Children of Vietnam Veterans Who Are Born with Spina Bifida

Disregard payments received under the provision of the Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida (PL 104-204). These payments are made to any child of a Vietnam veteran for

any disability they experience resulting from the spina bifida. Apply this disregard retroactively to September 26, 1996. Continue this disregard as long as payments are identified separately.

Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970

Disregard reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (PL 91-646, Section 216).

Capital Gains

Disregard capital gains from the sale of a personal asset as income. Profits gained from the sale of an asset continue to be counted as an asset (see Section 4.3.3.3 Capital and Ordinary Gains for policy related to self-employment).

Reverse Mortgage

Disregard reverse mortgage payments made to homeowners. Reverse mortgage payments are loans against the borrower's home and are considered an asset these payments are not considered income.

Payments to Filipino World War II Veterans

Disregard payments from the Filipino Veterans Equity Compensation Fund. The American Recovery and Reinvestment Act (ARRA) of 2009 created the fund for certain veterans and the spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during World War II. The compensation fund offers one-time payments that may be up to \$15,000 to eligible persons.

Living Independently through Financial Empowerment (LIFE)

The LIFE program provides short-term, monthly cash payments to families, including tribal members, experiencing crises resulting from a domestic violence situation. LIFE payments are designed to meet urgent financial needs such as but not limited to housing, utility payments, and groceries. The LIFE program is only available for a limited time until August 31, 2022. Approved applicants receive \$3,500 over three consecutive months: \$1,500 in month one, \$1,000 in month two, and \$1,000 in month three.

Universal Basic Income (UBI)

Universal Basic Income (UBI) and guaranteed income program payments are disregarded for FoodShare purposes if:

1. Excluded by TANF or Medicaid.
2. The payments are sourced solely from private funds or a mix of private and public funds.

Examples

1. Madison Forward Fund Universal Basic Income (UBI) Program Payments
2. The Bridge Project Guaranteed Income for pregnant individuals.

Priority Health Medicare Over-the-counter (OTC) Allowance

Dual Eligible Special Needs Plans (D-SNP); Over-the-counter (OTC) program; healthy foods/utility credits income are all disregarded for FoodShare.

Mobility management vouchers

Mobility management vouchers are disregarded as income.

7.1.1 Allotments

7.1.1.5 Replacement Issuance for Destroyed Food

7 CFR 274.6

Providing replacement benefits

Issue replacement benefits to a food unit when they report that food purchased with FoodShare benefits was lost or because of a household misfortune or natural disaster.

There is no limit to the number of times replacement benefits can be requested to replace food that was lost or destroyed.

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 (see Section 5.3.1 Disaster Supplemental Nutrition Assistance Program (DSNAP) For Victims Of Natural Disasters).
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Food Benefits Replacement

Only issue replacement benefits to the food unit if they make a timely report of the loss. The food unit may make an initial report of the loss to their agency orally or in writing. If the food unit makes an initial report, it must be made 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 if the member reports the loss on the business day following the weekend or holiday. The food unit must submit the Request for Replacement FoodShare and/or Summer EBT Benefits form ([F-00330](#)) within 10 calendar days after the initial report of the loss of food. The form may be completed in person, online via ACCESS, over the phone, mailed, or faxed to the agency.

Example 7	Lorraine was impacted by a power outage that occurred October 1 and lasted through October 2. Her food was destroyed on October 3. On October 12, Lorraine calls the agency to report her loss of food purchased with FoodShare benefits. During the call, Lorraine loses service and is not able to complete the request form over the phone at that time. Since she was able to verbally report the loss to the worker before the call dropped, this is considered a timely initial report. Lorraine must complete and return the Request for Replacement FoodShare and/or Summer EBT Benefits form within 10 days of her initial report to be eligible to receive replacement benefits. She can return the completed form in person, online via ACCESS, over the phone, or by faxing the form to the agency. If Lorraine submits the completed form by or on October 22, use the September benefit to issue the replacement.
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If the food unit does not make an initial report of the loss to the agency, they must submit the Request for Replacement FoodShare and/or Summer EBT Benefits form 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, and the form is received the day after the weekend or holiday, consider it to have been received timely.

Members must submit all missing information on an incomplete request form by the form's due date. The missing information may be an unanswered question or a missing signature. If the member made an initial report of food loss, the due date is 10 days from the initial report. Otherwise, the due date is 10 days after the loss of food.

The replacement benefit amount is the lessor of the claimed loss, or, up to the full allotment that was issued for the month of loss. If a member is eligible for replacement benefits, and the food loss occurs prior to the member's regular monthly issuance, process the replacement under the prior month's issuance, even if the prior month's issuance is lower. The full allotment issued to the food unit includes any restored or supplement benefits.

Example 8	Mary and her daughter receive FoodShare benefits on the 3rd of each month. In June Mary's benefit was \$275, and in July her benefits will increase to \$345. 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 the full amount of her June benefits replaced. Process the replacement under June's issuance in the amount of \$275.
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Example 9	Kevin receives FoodShare benefits of \$170 on the 4th of each month. Kevin's power went out overnight for 10 hours July 6. On July 7, he had to throw away his food due to spoilage. On July 16, he submits the completed replacement benefits request in ACCESS. Kevin claims he lost \$100 worth of food. The IM worker verifies the misfortune using power company data and issues Kevin \$100 in Foodshare replacement benefits for July.
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Statement of Loss: Request for Replacement FoodShare and/or Summer EBT Benefits form (F-00330)

Before issuing a replacement, the agency must obtain the signed request for replacement benefits form attesting to the loss of food from an adult member of the food unit. The form may be completed in person, online via ACCESS, over the phone, mailed, or faxed to the agency.

If the signed request or form is not received by the agency within 10 days of the initial report or loss of food, do not issue replacement benefits.

Verifying FoodShare Eligibility

When a food unit makes a request for replacement benefits, the agency must check if the food unit had received a FoodShare benefit in the month that the misfortune occurred or the month before the misfortune occurred.

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 10	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.
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Verification of misfortune or natural disaster

Workers must attempt to verify the household misfortune or natural disaster. If the agency cannot verify the misfortune and it is not questionable, the agency must issue the replacement benefits. If the agency cannot verify the misfortune and it is questionable, the agency must request verification of the misfortune from the food unit.

Example 11	Dawn requested \$60 of replacement benefits. She reports that her basement freezer, and all the food in it, was ruined after a flash flood. While attempting to verify the misfortune, the worker finds several news articles that show the flood affected an area that Dawn does not live in. The worker finds the misfortune questionable and requests proof of the misfortune from Dawn. Dawn needs to provide verification of the misfortune within 20 days.
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Example 12	Kendrick receives monthly FoodShare benefits of \$146. Kendrick reports that his fridge died and the \$200 worth of food in the fridge spoiled overnight. While processing the request, the worker sees that Kendrick has reported his fridge broke and destroyed his food every month for the past four months. The worker finds the misfortune questionable and requests proof of the misfortune from Kendrick. Two days later, Kendrick submits a receipt from a repairman for fixing his fridge. The receipt has Kendrick's name, the date of the payment, and states that the fridge had stopped working. Since Kendrick verified the misfortune, it is no longer questionable. The worker issues Kendrick \$146 of FoodShare replacement benefits.
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Workers should use discretion when determining if a misfortune is questionable.

The agency can verify the misfortune or disaster 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. Never attempt to verify the actual loss of food or value of food lost.

The agency must determine that the food loss occurred in or as a result of a household misfortune or natural disaster, such as, but not limited to, a 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 must be evaluated on a case-by-case basis since the circumstances of each misfortune may be different (for example, 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).

For more information on food safety, review the U.S. FDA Food Facts resource on [Food and Water Safety During Power Outages and Floods](#).

A household misfortune does not include FoodShare benefits that were stolen.

Time limits for replacing benefits

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

The agency must 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 replacement benefits. Replacements shall not be made while the denial or delay is being appealed.

Example 13	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 when her food was lost in November. The worker must also document the denial of the request in the case record. If Ginny files a fair hearing on this decision, no replacement benefits shall be issued while pending a decision.
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Verification exception policy

When a “State of Emergency”, 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 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 instances where the loss of food is found to be questionable during a “State of Emergency,” the worker must verify the event which resulted in the loss of food. Document the reason(s) the loss was found to be questionable.

Example 14	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. 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. The request is denied after the worker determines there was no power outage in Terry’s county.
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Example 15	A “State of Emergency” was declared by the Governor on July 20 due to extensive flooding in Grant County. The Department of Health Services was granted special approval to allow households up to 30 days to report food loss, or 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 21. Jesse will need to complete a request form by August 21 (allowed by the extension) to be found eligible for replacement benefits. The request is not questionable, so the worker does not need to verify the loss.
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In some instances, the Department of Health Services 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.

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 lost or destroyed food. This is essential for tracking, reconciliation, and reporting purposes.
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7.3.3 Overpayment Claims Compromise

7.3.3.9 Requesting a New Compromise

Liable persons who have had their request for compromise denied are only eligible for another compromise determination when a **significant** household change affects their ability to repay. If the reason for the denial was a failure to verify, a new request may be submitted and will be considered for compromise.

In instances where the household is over the asset limit and the request is denied, the liable person(s) may not have a new compromise considered for 18 months. The only exception to this 18-month restriction is a **significant** household change which affects their ability to repay. The requester must provide adequate documentation to corroborate their reported change.

Claims are typically compromised only once. If there is **significant** change in the household's circumstances, the claims should be reevaluated for compromise if a compromise is requested after one was previously granted. Compromised claims are to be paid in full before any new compromise requests are considered for newly established overpayment claims. Compromise requests cannot be reviewed or approved for claims not yet created.

Example 8	Felicity requested a compromise on her FoodShare overpayment claim in March. The compromise was denied due to the calculation determining that the amount she can repay over the next 36 months is greater than the remaining balance of the overpayment claim. Later in the year, Felicity's spouse developed a long-term medical condition that limits their ability to work for the foreseeable future. Due to this, Felicity's household income decreased significantly. Felicity re-requests a compromise in November. Based on the household's current income and expenses, a compromise was approved.
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