

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Department of Human Services

Department Division of County Operations

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Statutory Authority for Promulgating Rules Arkansas Code Annotated §§ 20-76-201, 20-76-401, and 25-10-129

**Rule Title:** Supplemental Nutrition Assistance Program (SNAP) Child Support Cooperation

Intended Effective Date  
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
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(Must be more than 10 days after filing date.)

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

<u>Thomas Herndon</u>	<u>thomas.herndon@dhs.arkansas.gov</u>	<u>01/17/2020</u>
Contact Person	E-mail Address	Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Mary Franklin  
Signature

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Director of the Division of County Operations

Title

1/17/2020

Date

# SNAP CERTIFICATION MANUAL – SECTION 1000

## 1110 Summary

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SNAP Manual 10/01/97

- SNAP benefits are based on the number of eligible household members.
- The Casehead is a responsible adult or an emancipated minor in whose name an application for SNAP benefits is submitted. The SNAP household, not the county office, designates the Casehead.
- The household must be residing in Arkansas. There are no restrictions on the duration of residence.
- Eligible household members are normally those people who live together and purchase and prepare food together. People who live in the home but are not included in the SNAP household may include disqualified members (see SNAP 1623), ineligible members (see SNAP 1620), boarders (see SNAP 1624) and people who have established a separate household unit. See SNAP 1631 for restrictions on separate households.
- Members of some residential facilities such as drug and alcoholic treatment centers, shelters for battered women, group living arrangements and shelters for the homeless may participate in the Supplemental Nutrition Assistance Program (see SNAP 1800). No other person living in an institution may participate in the Supplemental Nutrition Assistance Program. Boarders may not participate in the Supplemental Nutrition Assistance Program.

## 1200 Eligibility Factors

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SNAP Manual 10/01/97

An eligibility factor is a requirement that must be met before an application for SNAP benefits may be approved. Eligibility factors may be applied to entire households (e.g. residency) or to individual members (e.g. citizenship). In this section of policy, eligibility factors dealing with households and with individual members of households are discussed. The factors are presented in the order in which they are applied.

## 1300 Process 1 - Determining Residency

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SNAP Manual 04/01/20

The first eligibility factor to be considered is residency. A household must reside in Arkansas. Also, there is no requirement for a household to have lived in Arkansas for any length of time or even for a household to intend to reside in Arkansas permanently. Thus, eligible households that move frequently may participate in the Supplemental Nutrition Assistance Program (SNAP) as long as they currently reside in Arkansas and participate in only one state in a given month.

A fixed residence is not required. For example, campsites used by homeless individuals or migrant farm workers satisfy residency requirements. Since such households may not have a normal or standard mailing address, and to “reside” does not mean having a mailing address, “General Delivery” may be used as the mailing address.

People who are visiting in Arkansas for a brief period for recreational purposes are vacationers. Vacationers do not meet the residency requirements. Students who return to their permanent home during school breaks and elderly retired individuals who spend a portion of the year with relatives are not vacationing and meet residency requirements. Children who spend the summer months with grandparents, other relatives, or friends also meet residency requirements and may participate in the household where they are spending the summer.

No individual may participate in the Supplemental Nutrition Assistance Program more than once in any month unless the individual is a resident of a shelter for battered women and children (SNAP 1840) or the individual is being claimed as a member of one household and actually resides in another if the conditions in SNAP 12226 are met.

## 1310 Household Does Not Meet Residency Requirements

SNAP Manual 04/01/20

If an applicant does not live in Arkansas, the application will be denied, and the household will be advised to apply in its state of residence. Case records are not sent out of the state.



**NOTE:** If a county office worker establishes through any source that a household has moved from Arkansas to another state, the household’s case must be closed. This policy applies across the board to all SNAP households regardless of the household’s reporting requirements. No advance notice is required. See SNAP 11450 and SNAP 11571. If the worker suspects the household has moved from the State, a request for contact will be sent as instructed in SNAP 12400.

## 1320 Addresses

SNAP Manual 04/01/20

Each application must contain a complete and correct address. It is also essential that the county office know how to locate the household if a home visit, field investigation, or quality assurance review is to be conducted. Instructions about how to locate the home must be documented in the eligibility system.

## 1330 Verification of Residency

SNAP Manual 04/01/20

Verification of residency will be obtained at initial application and thereafter when information regarding residency is incomplete, inaccurate, inconsistent or outdated. See the Glossary, definition of "[Verification](#)" for additional information.

Verification may be waived when such verification cannot reasonably be accomplished. For example, verification may be waived when newly arrived households, migrant households, or homeless individuals apply. A home visit may be in order for such households. See the definition of "[Verification](#)" in the Glossary for an explanation of a home visit as a part of the application process.

No specific source of verification of residency is mandated. Acceptable verification includes rent receipts, mortgage payment books, utility receipts, or a driver's license if these documents contain the applicant's current physical address. Current utility receipts or receipts for utility deposits are preferred. (These items may also serve as verification of identity or expenses.) If verification of residency cannot be established through these sources, collateral contacts or other readily available documentary evidence which reasonably establishes the household's residency must be accepted. Failure or refusal to provide verification of residency will result in denial of the SNAP application for non-expedited households.

## 1400 Process 2 - Verifying Identity

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SNAP Manual 04/01/20

The identity of the person making application must be verified at the time of the application interview, and thereafter if information regarding identity is incomplete, inaccurate, inconsistent or outdated. See the Glossary definition of "[Verification](#)" for additional information.

If an authorized representative (AR) applies on behalf of the household, the identity of both the AR and the head of the household must be verified.

## 1500 Process 3 - Designation of Casehead

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SNAP Manual 04/01/20

When a household makes application for SNAP benefits for the very first time, the casehead must be established. After the casehead is established, the case will be filed in the county's file under the name of the casehead and all notices pertaining to the household's eligibility will be sent to the casehead.

The household, not the county office worker, normally designates the casehead. It is not necessary that the casehead be present for the interview. Any responsible household member may make application and appear for the interview, or the interview may be conducted with an authorized representative.

In no instance will an application be denied solely due to the lack of a responsible adult member to serve as the casehead. If a responsible household member is not available to serve as the casehead and the household cannot find a relative or friend to serve as an authorized representative, the worker will assist the household in completing the application and obtaining the necessary verification.

## 1600 Process 4 – Determining Household Composition

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SNAP Manual 04/01/20

A SNAP household is normally composed of an individual living alone or a group of individuals who live together and who customarily purchase food and prepare meals together. To “customarily purchase and prepare together” means that the household purchases food and prepares meals for home consumption as one unit more than 50% of the time. This includes individuals who intend to purchase and prepare meals for home consumption as a unit but lack the financial means to do so until SNAP benefits are received.

## 1620 Evaluating Eligibility of Members

SNAP Manual 04/01/20

The county office worker will evaluate each household member listed on the application to determine if that member is eligible to participate in the Supplemental Nutrition Assistance Program. The categories of individuals who are not eligible to participate in the Supplemental Nutrition Assistance Program are listed below.

1. Ineligible Aliens-Undocumented Aliens - See SNAP 1621 for details regarding qualified aliens. Ineligible-Undocumented aliens are those who are unable or unwilling to verify immigration status.
2. Certain Students Enrolled in an Institution of Post-Secondary Education - See SNAP 1622.2 for an explanation of which students are ineligible to participate in the program.
3. Disqualified Individuals - This includes people disqualified for any of the following reasons:
  - a. An intentional program violation (IPV) as defined in SNAP 15410
  - b. Failure to comply with the social security number (SSN) requirement as explained in SNAP 2100
  - c. Failure or refusal to comply with the work registration requirements explained in SNAP 3400
  - d. Noncompliance with the Workfare requirement explained in SNAP 3700
  - e. Being currently classified as a fleeing felon as explained in SNAP 1622.10
4. Boarders - See SNAP 1624 for an explanation of boarder policy.
5. Residents of Institutions - See SNAP 1800 for a definition of an institution and the exceptions to this rule.
6. OCSE (Office of Child Support Enforcement) Non-cooperation Disqualification -This includes both custodial parent, caretaker, or non-custodial parent who do not cooperate with OCSE.

## 1621 Citizenship Status

SNAP Manual 04/01/20

Participation in the Supplemental Nutrition Assistance Program is limited to US citizens and certain non-citizens who are lawfully residing in the United States.

Proof of citizenship will only be requested if an individual's U.S. citizenship is questionable.

### A United States citizen is:

- A person (other than the child of a foreign diplomat) born in the United State of America or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost his or her citizenship.
- A person born outside of the United States to at least one U.S. citizen parent. (These individuals are sometimes referred to as "derivative citizens.")
- A naturalized U.S. citizen.

Individuals who claim to be naturalized citizens must have completed all the requirements for citizenship, including the swearing in, and must have verification of their status as a naturalized citizen before they can participate in the Supplemental Nutrition Assistance Program as a citizen. (They may participate as a non-citizen if they meet those requirements.)

### A United States non-citizen national is:

- A person born in American Samoa or Swain's Island on or after the date the U.S. acquired the possession of either territory.
- A person whose parents are U.S. non-citizen nationals.

U.S. non-citizen nationals are treated as U.S. citizens.

The DHS county office worker must accept participation in another program as acceptable verification if verification of citizenship or non-citizen national status was obtained for that program. For other household members whose citizenship is questionable, the worker may accept any of the following documents as proof of citizenship:

- Birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and Swain's Island or the Northern Marianna Islands.
- United State passport except for limited passports which are issued for periods of less than five years.
- Report of birth abroad of a U.S. citizen issued by the Department of State.
- Certificate of birth by a foreign-service post.

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- Certificate of Naturalization.
- Certificate of Citizenship issued to individuals who derive their citizenship through a parent.
- Northern Marianna Identification Card
- Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen.
- American Indian Card with a classification code “KIC”
- Adoption Finalization Papers that show the child’s name and place of birth in the United States or one of its territories.

If none of these documents is available, the alien may provide secondary evidence such as religious records, school records, or census records that indicate birth in the United States.

If the household cannot obtain any of the forms listed above to verify citizenship and the household can provide a reasonable explanation as to why verification is not available, the worker will accept a signed statement, under penalty of perjury, from a third party indicating a personal knowledge that the member in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud. In the absence of verification or third-party attestation of U.S. citizenship or non-citizen national status, the household member whose citizenship status is in question will be treated as an ineligible alien (see [SNAP 1621.6](#)) until the issue is resolved.

A legal immigrant who has lived in the United States as a qualified alien for a period of five years or longer may participate in the Supplemental Nutrition Assistance Program if otherwise eligible. See SNAP 1621.1.

Not all aliens who are residing in the United States are allowed to participate in the Supplemental Nutrition Assistance Program. With some exceptions, aliens will be allowed to receive SNAP benefits only if:

1. The alien meets the criteria to be classified as a “qualified alien”; and
2. The alien meets one of the conditions under which a “qualified alien” may receive SNAP benefits.

See [SNAP 1621.1](#) for an explanation of a qualified alien.

An alien who will be allowed to participate in the Supplemental Nutrition Assistance Program is referred to as an “eligible alien.” However, “eligible aliens” must also meet Supplemental Nutrition Assistance Program requirements such as income and resource limits.



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Ineligible aliens include aliens such as, but not limited to:

- Visitors and tourists;
- Students;
- Diplomats;
- Aliens admitted under color of law;
- Aliens who have applied for eligible status but have not yet been approved; and
- Aliens who have a questionable or unverified status.
- Citizens of the Federated States of Micronesia (FSM) which includes the Republic of the Marshall Islands and the Republic of Palau. \*

Under the Compact of Free Association, FSM citizens may freely enter the U.S. and its territories and possessions. However, FSM citizens are not eligible for U.S. federal welfare protection and benefits. FSM citizens should carry an I-94 (Arrival/Departure Record) stamped CFAIFSM.

## 1621.1 Qualified Aliens

SNAP Manual 06/01/05

A qualified alien is:

- An alien who is lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). This category also includes “Amerasian immigrants” as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.
- An alien who is granted asylum under section 208 of the INA.
- A refugee admitted to the United States under section 207 of the INA. This includes victims of severe forms of trafficking, their minor children, spouses, and in some cases, their parents and siblings. See SNAP 1621.3.4 for additional information about trafficking victims.
- An alien who is paroled into the United States under section 212(d)(5) of the INA for a period of at least one year.
- An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA.
- An alien granted conditional entry under section 203(a)(7) of the INA as in effect before 4/1/80.
- An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
- A battered alien. See SNAP 1621.1.1 below for additional information about battered aliens.

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## 1621.1.1 Battered Aliens

SNAP Manual 04/01/20

An alien may be classified as a qualified alien if he or she has been subjected to battery or extreme cruelty in the United States by a family member with whom they reside. Qualified alien status also extends to an immigrant whose child has been abused or to an immigrant child whose parent has been abused. Battered aliens are exempt from the deeming requirements for a 12-month period. See SNAP 1621.7.1.

## 1621.2 Participation for up to Seven Years

SNAP Manual 04/01/20

Any of the following qualified aliens may participate in the Supplemental Nutrition Assistance Program for up to seven (7) years from the date of admission to the United States if otherwise eligible:

- Aliens who were granted asylum under section 208 of the INA.
- Aliens who were granted status as a refugee under Section 207 of the INA.
- Aliens whose deportation was withheld under section 243(h) or, after April 1, 1997, section 241(b)(3) of the INA.
- Aliens who were admitted as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988.
- Aliens who were admitted as a Cuban or Haitian entrant under 501(e) of the Refugee Assistance Act of 1988.

Refugees that are admitted under Section 207 of the Immigration and Nationality Act are given refugee status before the person enters the country. Therefore, for refugees, the seven-year count begins the date the refugee enters the U.S. The seven-year limit for refugees does not change once established. This applies even if the refugee's immigration status is later changed to another legal immigration status.

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## 1621.3 Other Eligible Aliens

SNAP Manual 04/01/20

Any of the following aliens may participate in the Supplemental Nutrition Assistance Program if otherwise eligible.

1. Any alien who has lived in the United States as a qualified alien for a period of five years or longer may participate in the Supplemental Nutrition Assistance Program if he or she is otherwise eligible.” See SNAP 1621.3.1. This includes those aliens described in SNAP 1621.2.
2. Any alien who is CURRENTLY ADMITTED FOR PERMANENT RESIDENCE as defined in Section 101(a)(2) of the INA and who can be credited with 40 quarters of work (their own, a spouse’s or a parent’s). See SNAP 1621.3 for instructions on determining if the alien meets 40 quarters of work.
3. Any qualified alien (as defined in SNAP 1621) who is a veteran of or is on active duty in the U.S. armed forces (e.g., has a military connection) OR any alien who is the spouse or dependent child of an individual with a military connection. See SNAP 1621.4 for additional information about aliens with a military connection
4. Any qualified alien who was lawfully present, as defined in SNAP 1621, in the United States on August 22, 1996, was age 65 or older on August 22, 1996 (i.e., were born on or before August 22, 1931) may participate in the Supplemental Nutrition Assistance Program for an unlimited lime if he or she is otherwise eligible.
5. Any qualified alien who is under 18 years of age may participate in the Supplemental Nutrition Assistance Program if otherwise eligible until he or she turns 18. After the child turns 18, the child may continue to be eligible for SNAP benefits only if he or she meets another alien eligibility status such as having qualified alien status for five years. If the child will turn 18 during the household’s upcoming certification period, the county office worker must take action to review the SNAP case prior to the month in which the child turns 18. If the worker cannot determine from the information in the case that the child meets another alien eligibility status, a request for contact (SNAP 12400) will be issued to the household. If the household does not respond to the request for contact or does not provide the information needed to determine the child’s alien eligibility status, the case will not be closed. Instead, the child will be classified as an ineligible alien. (See SNAP 1621.6 for instructions on handling the income and resources of an ineligible alien. These instructions will also apply to the parent’s income if the child is eligible but one or both of the parents are not eligible.)

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6. Any qualified alien who is currently receiving one of the payments for blindness or disability listed in the Glossary, definition of “[Aged/Disabled Household](#)” may participate in the Supplemental Nutrition Assistance Program for an unlimited time if he or she is otherwise eligible.
7. Any American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the INA apply may participate in the Supplemental Nutrition Assistance Program for an unlimited time if he or she is otherwise eligible.
8. Any member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act when the tribe is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians. *(This provision covers Native Americans who are entitled to cross the United States border into Canada or Mexico. These Indian tribes include, among others, the St. Regis band of the Mohawk in New York State, the Micmac in Maine, the Abenaki in Vermont, and the Kickapoo in Texas.)*
9. Any individual who is lawfully residing (as defined below) in the United States and who was a member of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975. The spouse or surviving spouse (if not remarried) and unmarried, dependent children (natural or legally adopted) of such an individual may also receive SNAP benefits if otherwise eligible. (This includes unmarried, dependent children under the age of 18, unmarried, dependent children between the ages of 18 and 22 who attend school full time, and unmarried, dependent disabled children age 18 and older so long as the child was disabled and dependent prior to his or her 18th birthday. It also includes the unmarried children of a deceased tribe member if the child meets one of the criteria stated above and was dependent on the tribe member at the time of his or her death.)

The following aliens are considered by the Department of Justice to be lawfully residing in the United States:

- A qualified alien.
- An alien who has been inspected and admitted to the United States and who has not violated the terms of the status under which he or she was admitted or to which he or she was changed after admission.
- An alien who has been paroled into the United States pursuant to section 212(d)(5) of the INA for less than one year.
- An alien currently in temporary resident status pursuant to section 210 or 245A of the INA.

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- An alien currently under Temporary Protected Status pursuant to section 244A of the INA.
- A Cuban Haitian entrant as defined in section 202(b) Public Law 99-603, as amended.
- A Family Unity beneficiary pursuant to section 301 of Public Law 101-649, as amended.
- An alien currently in deferred action status pursuant to Service Operations Instructions at OI 242.1(a)(22).
- An alien who is the spouse or child of a United States Citizen whose visa application has been approved and who has a pending application for adjustment of status.
- An applicant for asylum under section 208(a) of the INA and applicants for withholding of deportation under section 243(h) of the INA who have been granted employment authorization and such applicants under the age of 14 who have had an application pending for at least 180 days.

### **1621.3.1 Participation after Five Years as Qualified Alien**

SNAP Manual 04/01/20

Any alien who has lived in the United States as a qualified alien for a period of five years or longer may participate in the Supplemental Nutrition Assistance Program if he or she is otherwise eligible. The Immigration and Naturalization Service (INS) has the sole responsibility for determining the status of an immigrant as a qualified alien. The five-year waiting period begins on the date the immigrant obtains status as a qualified alien through the INS.

Even though some refugees may be granted qualified alien status prior to entering the United States, the five-year waiting period will begin with the date of entry into the United States.

A legal permanent resident may have been admitted to the United States under another status that confers qualified alien status. In that case, the five-year waiting period began on the date the alien became a qualified alien.

When qualified alien status is granted retroactively, the retroactive time will count towards the five-year requirement.

If the documentation presented by the alien provides the date on which the alien was granted qualified alien status, this documentation may be used to verify that the alien has met the five-year waiting period. (See SNAP 1621.5 for instructions on using the SAVE system to authenticate the documentation.)

For battered aliens, the five-year waiting period begins when the prima facie case determination is issued or when the abused immigrant's INS I-30 visa petition is approved. The relevant date for eligibility is the date the immigrant obtained qualified alien status as an abused immigrant

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rather than the date of that individual's immigration status, such as that of an alien legally admitted for permanent residence (LPR).

## 1621.3.2 Aliens Who Have 40 Qualifying Quarters

SNAP Manual 04/01/20



**NOTE:** Any alien legally admitted for permanent residence who has resided in the United States as a qualified alien for at least five years may participate in the Supplemental Nutrition Assistance Program without establishing that he or she has 40 qualifying quarters of work. See SNAP 1621.3.1.

Aliens legally admitted for permanent residence who can be credited with at least 40 qualifying quarters of work under Title II of the Social Security Act are not prohibited from receiving SNAP benefits if the household is otherwise eligible.

A qualifying quarter of work includes quarters worked by the alien, by a parent (natural, adoptive, or step) of an alien while the alien was under age 18, or by a spouse during a marriage if the alien remains married to the spouse or the spouse is deceased. (This does not include common-law marriages since such marriages are not recognized in Arkansas.) Quarters earned by a current spouse and one or more deceased spouses can be added together and credited. In the case of a divorce, the former spouse's quarters can no longer be credited. At the next household's next recertification, the alien's eligibility will be determined without crediting the alien with the former spouse's quarters of coverage.

If the alien lived with both parents, each parent's quarters will be counted individually. This means if both parents worked in the same quarter, this will count as two qualifying quarters of work. This also includes any quarters worked by a parent before a child was born or before the child entered the U.S. In the case of a natural or adoptive child, the child may be credited with the quarters even if the child is not living with the parent due to death, separation or divorce.

The stepparent/stepchild relationship will be severed by divorce but not by death. Therefore, at the first recertification following the divorce, the quarters credited to a stepchild by a stepparent will no longer be credited to the child.

Quarters of coverage earned by minor children cannot be credited to a parent. All quarters earned by a stepparent can be credited beginning with the quarter in which the marriage occurred if the marriage occurred before the alien turned 18 and did not end by divorce or annulment before the 40 quarters were credited. All quarters earned by an adoptive parent can be credited through the quarter the alien turns 18 if the adoption occurred before the alien

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turned 18. Quarters earned by a biological parent whose parental rights are lost as the result of an adoption of the child by another person are not creditable.

The Social Security Administration is the primary source of verification of qualifying quarters of work. An automated system has been developed to provide an array, by year beginning with 1937, of all qualifying quarters of work. The SSA automated system may be accessed via the SSA Query Screen (WQRY). The [SSA Quarters Of Coverage History System Appendix](#) provides complete information about verifying qualifying quarters of work via the SSA automated system.

In some instances, there will be discrepancies between the information provided by SSA and the information provided by the alien. In other instances, the automated system will not provide verification of qualifying quarters of work. The [SSA Quarters Of Coverage History System Appendix](#) also provides instructions for resolving discrepancies and for manual verification of qualifying quarters of work.

An alien may participate in the Supplemental Nutrition Assistance Program as an eligible household member for up to six months while SSA works to resolve a discrepancy between the information on their system and the information provided by the alien. However, when the county office is working with the alien to obtain verification of quarters of work not appearing on the system, the normal processing standards will apply. If the household does not provide the requested information by the specified deadline, the alien will be treated as an ineligible alien as per the policy in SNAP 1621.6.

Any quarter during which the alien actually received Federal means-tested public benefits is not a qualifying quarter. Quarters worked by a parent or spouse are not qualifying quarters if the parent or spouse actually received Federal means-tested public benefits in that quarter. SNAP benefits are classified as Federal means-tested public benefits. The following benefits have also been officially determined to be Federal means - tested public benefits for the purposes of this provision: Supplemental Security Income (SSI), Medicaid and Temporary Assistance for Needy Families (TANF). In Arkansas, the TANF Program is the Transitional Employment Assistance (TEA) Program.

### ***1621.3.3 Individuals with a Military Connection***

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An alien with a military connection is one of the following:

1. Any alien on active duty in any branch of the U.S. armed forces.
2. Honorably discharged veterans of the U.S. armed forces who were discharged for reasons other than alienage and who have met the minimum active-duty service

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- requirements of Section 5303(d) of Title 38, U.S.C. (These requirements are 24 months of service or service during the period for which the alien was called to duty.)
3. Military personnel who died in active military, naval or air service.
  4. Individuals who served before July 1, 1946, in the organized military forces of the Government of Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts as described in 38 U.S.C. 107.
  5. The spouse or unmarried dependent child of a member of the armed forces or an honorably discharged veteran of the armed forces. This includes the surviving spouse of a deceased, honorably discharged veteran or an individual who died while on active duty if the spouse has not remarried and the marriage meets the requirements of Section 1304 of Title 38 U.S.C.

The requirements of Section 1304 of Title 38 U.S.C. are:

- Married for at least one (1) year;
- Married before the end of a 15-year span following the end of the period of military service in which the fatal injury was incurred or aggravated; or
- Married for any period if a child was born of the marriage or was born before the marriage.

A dependent child must be the legally adopted or biological child of individual with military connection and must meet at least one (1) of the following criteria:

- Under the age of eighteen (18)
- Under the age of twenty-two (22) and a full-time student
- An unmarried, disabled adult child \*

*\* The child must have been dependent prior to his or her 18th birthday. Or, if the individual with the military connection is deceased, the child must have been dependent at the time of the individual's death.*

Aliens with a military connection that meet one (1) of the citizenship requirements in SNAP 1621.1 may participate in the Supplemental Nutrition Assistance Program for an unlimited period if otherwise eligible.

Aliens who are applying to participate in the Supplemental Nutrition Assistance Program based on military service must first provide documentation that he or she meets the citizenship requirements of SNAP 1621.1.

Any qualified alien who is currently serving in a branch of the U.S. armed forces must provide verification that he or she meets minimum active duty service requirements. Veterans must



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provide documentation (e.g., DD Form 214) showing the discharge was classified as an honorable discharge. A surviving spouse of a deceased veteran or an individual who died while on active duty must provide verification that the marriage lasted at least one (1) year.

### ***1621.3.4 Eligibility of Victims of Severe Trafficking***

SNAP Manual 04/01/20

Under the Trafficking Victims Protection Act of 2003, the categories of non-citizens eligible to participate in the Supplemental Nutrition Assistance Program under the Trafficking Victims Protection Act of 2000 have been expanded to include the minor children, spouses, and in some case the parents and siblings of the victims of severe trafficking. Under the Trafficking Victims Protection Act of 2000, non-citizens classified as victims of severe trafficking are eligible to participate in the Supplemental Nutrition Assistance Program under the same provisions as refugees. (This means that trafficking victims may participate in the Program for up to seven years from the date of admission to the United States, if they are otherwise eligible. After a trafficking victim has lived in the United States as a qualified alien for five years, he or she may participate in the Program indefinitely if he or she is otherwise eligible.)

Victims of severe forms of trafficking are issued T visas. Eligible relatives of trafficking victims are issued non-immigrant visas designated as T-2, T-3, T-4, or T-5. These visas are collectively referred to as “derivative T visas.” If a trafficking victim is under 21 years of age on the date, he or she filed for a T visa, derivative T-visas are available for the victim’s spouse, children, and unmarried siblings under 18 years of age and parents. If the victim is age 21 or older on the date, he or she filed for a T visa, derivative T visas are available only for the victim’s spouse or children.

## 1621.6 Handling the Resources and Income of Ineligible Aliens

SNAP Manual 04/01/20

The resources of ineligible aliens will be counted in their entirety when the household's eligibility is determined.

Households with an ineligible alien who is undocumented (i.e., unable or unwilling to verify immigration status), as described in SNAP 1620, must meet the gross income pretest to participate in SNAP. Determine the undocumented alien's gross countable income as instructed in SNAP 7500. If the household exceeds the income standard for their household size, deny the application. If the household meets the income standard for their household size, all but a pro rata share of the undocumented alien's income will be counted in the SNAP budget.

The gross income pretest does not apply to households with ineligible documented aliens. The income for ineligible aliens will be prorated across all household members including the ineligible aliens when determining the eligibility.

## 1621.7 Sponsored Aliens

SNAP Manual 04/01/20

Most immigrants who enter the U.S. must have a sponsor – someone who signs an affidavit promising to provide enough financial support to maintain the immigrant at or above 125 percent of the Federal poverty line. (This will be 100 percent for active duty military.) Legal immigrants who enter the country under the provisions of immigration law other than the family-sponsored categories do not have sponsors whose income must be deemed into the SNAP budget. These categories include refugees and Asylee.

There are special procedures for some sponsored aliens under which a portion of the sponsor's income and resources are considered available to the alien. These are called deeming procedures. **The deeming requirements apply only to immigrants whose sponsor has signed a legally binding affidavit of support (Form I-864 or Form I-864A) on or after December 19, 1997.** Before December 19, 1997, affidavits of support were not legally binding meaning the sponsor could not be legally compelled to support the immigrant.

Even some of those aliens whose sponsor has signed a legally binding affidavit of support are exempt from the deeming procedures. These sponsored aliens are listed below:

- Ineligible aliens.
- Aliens participating in the Supplemental Nutrition Assistance Program as a member of the sponsor's household.
- Aliens sponsored by an organization or group rather than an individual.

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- Sponsored aliens who have 40 qualified quarters of work as per SNAP 1621.3.1.
- Indigent aliens (see SNAP 1621.7.2 for additional information).
- Battered aliens (see SNAP 1621.7.1 for additional information).
- Aliens under the age of 18 (see SNAP 1621.3).

At each initial application and at each application for recertification afterward, the sponsored alien must provide information about his/her sponsor.

Deeming, which is the attribution of the sponsor's income and resources to the alien, lasts until the alien becomes a naturalized citizen, can be credited with 40 qualifying quarters of work (SNAP 1621.3.1), meets one of the exceptions listed above in items 1-6, or the sponsor dies.

The eligibility worker may verify whether an immigrant has a sponsor who has signed a binding affidavit of support by submitting to INS the Document Verification Request and Supplement (INS Form G-845 and G-845 Supplement) and requesting completion of block #7 - Affidavit of Support. (See SNAP 1621.4 for the website where this form may be downloaded and the mailing address for INS.)

Pending receipt of this form from INS, the worker will not delay, deny, reduce, or terminate the individual's SNAP benefits if he or she is otherwise eligible.

### ***1621.7.1 Citizenship Requirements for Sponsored Aliens***

SNAP Manual 06/01/01

Sponsored aliens must meet the citizenship requirements in SNAP 1621.1. If not, the sponsored alien is ineligible to participate in the Supplemental Nutrition Assistance Program and the deeming procedures will not apply. For sponsored aliens who meet the requirements in SNAP 1621.1 because they can be credited with 40 quarters of work, no deeming will apply. Sponsored aliens who meet the requirements in SNAP 1621.1 for other reasons, must meet the deeming procedures.

Deeming will be delayed for 12 calendar months for aliens who have been battered by a spouse, a parent, or another member of the household, if the battering is substantially connected to the need for benefits. This also applies to the alien child of a battered parent. (In other words, the alien had to leave the household where the battering occurred and, as a result, is in need of SNAP benefits.) After 12 calendar months, deeming of the sponsor's income and resources is permanently eliminated if the battery has been substantiated in a court or by the U.S. Citizenship and Immigration Services (USCIS) and the battery has substantial connection to the need for benefits.

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These provisions do not apply if the battered alien lives with the batterer. If the battered alien does live with the batterer and is a sponsored alien, the sponsor's income and resources will be deemed.

### **1621.7.2 Indigent Aliens**

SNAP Manual 04/01/20

A sponsored alien is classified as an indigent alien if the sum of the sponsored alien's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance from the sponsor and others does not exceed the gross income limit for the alien's household size. See the current SNAP Basis of Issuance Tables for the gross income limit for the appropriate household size.

The eligibility worker must determine the amount of income and other assistance provided in the month of application. If the alien is indigent, the only amount that is to be deemed to the alien will be the amount actually provided by the sponsor to the alien. This limited deeming procedure will begin on the date of this determination and will end 12 months after the date of determination. Each indigence determination will be renewable for additional 12-month periods.

The county office must notify by memorandum the Office of Program Planning and Development, Supplemental Nutrition Assistance Program (SNAP) Section, Slot S335, of each such determination, including the names of the sponsor and the sponsored non-citizen involved.

### **1621.7.3 Battered Aliens**

SNAP Manual 06/01/01

A battered alien is:

*An alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent or a member of the spouse's or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered.*

The sponsor's income and resources will not be deemed to battered aliens for 12 months after the county office worker determines that the battering is substantially connected to the household's need for SNAP benefits and that the alien does not live with the batterer. After 12 months, the sponsor's income and resources will not be deemed to the battered alien if:

- The battery is recognized by a court or the INS;
- The battery has a substantial connection to the need for benefits; and
- The alien does not live with the batterer.

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### *1621.7.4 Deeming the Sponsor's Income*

SNAP Manual 04/01/20

Deeming procedures are used to determine the amount of the sponsor's resources and income to be used in the SNAP budget of the sponsored alien's household. Deemed income and resources will continue to be used in the household's budget for the entire deeming period. The deeming period is three years from the alien's date of entry into the United States.

### *1621.7.5 Changes in Sponsors*

SNAP Manual 04/01/20

If the alien changes sponsors during the certification period, he or she must report the change to the county office within ten (10) days and verify the following information regarding the new sponsor:

- a. Name, address, and telephone number; and
- b. Resources and income.

Within ten (10) days of the report, the alien's eligibility will be re-determined based upon the new sponsor's income and resources. If the action adversely affects the alien, a notice of adverse action must be issued at least ten (10) days before the effective date of action.

### *1621.7.6 Reporting Changes in Sponsor's Income*

SNAP Manual 10/01/03

The sponsored alien must report to the county office the following changes in the sponsor's income within ten (10) days of the day the change becomes known:

- Change in employment.
- Loss of employment.
- Acceptance of new employment.

Semi-annual reporting households may report these changes on the first semi-annual report submitted after the change.

The deemed income must be recalculated to reflect these changes. If the reported change results in a decrease in benefits or case closure, a notice of adverse action must be issued. Verification of reported changes in the sponsor's income or spouse's income is required.

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### *1621.7.7 Verification from the Sponsor*

SNAP Manual 04/01/20

During the period that the alien is subject to deeming, the eligible sponsored alien is responsible for:

- Ensuring the cooperation of the sponsor.
- Providing to the DHS county office at the time of application and at the time of recertification with the information necessary to deem the sponsor's income and resources.
- Providing the names of the other aliens sponsored by the alien's sponsor. (*Other identifying information may also be requested if needed. If the information needed to identify other sponsored alien is not provided, all of the sponsor's income and resources will be deemed to the alien as instructed in SNAP 1621.7.4.*)

If the sponsored alien refuses to cooperate in providing information or verification, other adult members of the alien's household are responsible for providing such information or verification. If the other adult members of the household also refuse to cooperate, the application will be denied.

When the sponsored alien is cooperating but cannot obtain the needed information from the sponsor, the county office worker must assist by attempting to obtain the needed verification from the sponsor. This may include contacting the sponsor directly to request such information.

If the worker cannot determine the sponsor's income or resources due to lack of information or verification, the sponsored alien is ineligible, and the deemed income and resources of the sponsor will not be counted in the budget. However, a pro rata share of the alien's income and resources will be counted in the household's SNAP budget. See SNAP 1621.6.

If later in the certification period the household presents the necessary verification, the household's SNAP budget will be recalculated adding the sponsor's deemed income and substituting the full amount of the alien's income for the prorated amount. A *Notice of Action* will be issued if the case will be closed or the SNAP benefits will be reduced.

These actions will be taken within ten days of the day the required verification was provided by the alien.

If the ineligible alien is the only household member, the application will be denied. If the same sponsor is responsible for all the household members, the application will be denied.

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## **1621.7.8 Notices**

SNAP Manual 04/01/20

Approval and denial notices to households containing sponsored aliens must be issued manually. Such notices will contain, in addition to all mandatory information, the amount of the sponsor's income and resources that has been deemed to the alien.

When an application for a household containing a sponsored alien is approved, a letter will be sent to the sponsor. Any letter drafted by the county must contain all information contained in this sample:

### *Sample*

The household of \_\_\_\_\_ has been certified for participation in the Supplemental Nutrition Assistance Program. Eligibility in the program is based upon financial information provided by you or your spouse.

Please be advised that you or your spouse may be held liable for repayment of any overpayment of benefits resulting from incorrect information that you furnished.

## **1621.7.9 Incorrect Sponsor Information**

SNAP Manual 06/15/98

DCO will hold both the sponsor and the alien liable for incorrect information resulting in an overpayment claim, unless the sponsor can prove to be without fault, or the sponsor had good cause. If the sponsor can show good cause for the incorrect information, the claim will be filed against the alien or the alien's household. If the sponsor is found to be at fault, the claim will be filed against the party most likely to repay. If that cannot be determined, the worker will file a claim against both the sponsor and the alien. If fraud is suspected, the case will be referred to the Fraud Unit for investigation.

Sponsors against whom a claim has been filed are entitled to an administrative hearing. See [SNAP 16310](#) for instructions on requesting a hearing.

## **1621.7.10 Sponsored Alien Reports/Reimbursement**

SNAP Manual 04/01/20

Upon notification that a sponsored alien has received any benefit under any means-tested public benefit program, the appropriate agency shall request reimbursement by the sponsor in the amount of such assistance. For the purpose of this provision, the Supplemental Nutrition Assistance Program is considered to be a means-tested public benefit program. In order to

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comply with this requirement, the county office must report, by memorandum, the name of any participating sponsored alien and the name of the alien's sponsor to the Office of Program Planning and Development, Supplemental Nutrition Assistance Program (SNAP) Section, Slot 1240.

Additionally, the State must report to the Attorney General any sponsored non-citizens found to be indigent under the provisions in SNAP 1621.7. Therefore, if the alien has been found indigent, this information should be included on the memorandum to the Supplemental Nutrition Assistance Program (SNAP) Section.

## 1622 Determining Eligibility of Students

SNAP Manual 04/01/20

In the Supplemental Nutrition Assistance Program, a household member who is enrolled in an institution of higher education or an institution of post-secondary education is considered to be a student. Some students are eligible to participate in the Supplemental Nutrition Assistance Program and others are not.

The following students may participate in the Supplemental Nutrition Assistance Program if otherwise eligible.

- People attending high school or high school equivalency courses.
- People enrolled part time or full time in recognized schools or training programs that are not institutions of higher education.
- People participating in an on-the-job training program. A person is only considered to be participating in on-the-job training during the period he or she is being trained by the employer. During the period the person is attending classes, he or she would have to be otherwise classified as an eligible student to participate in the Supplemental Nutrition Assistance Program.

The following students may participate in the Supplemental Nutrition Assistance Program if otherwise eligible even if they are attending institutions of higher education.

- People age 17 or younger
- People age 50 or older
- People who are physically or mentally disabled as defined in the Glossary, under "[Aged/Disabled](#)", or as verified by a statement from a physician or other health professional, or whose educational expenses are partially or fully covered by funds from Rehabilitative Services



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Other students who attend institutions of higher education may participate in the Supplemental Nutrition Assistance Program only if they meet at least one of the criteria in SNAP 1622.2 and are otherwise eligible.

Students who are not eligible to participate in the Supplemental Nutrition Assistance Program are excluded as household members. The rest of the student's household may participate in the Program if otherwise eligible. See SNAP 1622.9. If a household is composed solely of ineligible students, the application will be denied, or the case will be closed. SNAP 11300 contains general instructions for closing cases and providing notices. SNAP 3290 explains work registration for eligible students.

## **1622.1 Educational Institution**

SNAP Manual 02/01/97

An institution of post-secondary education is any public or private educational institution that admits persons who are beyond the age of compulsory school attendance. The age of compulsory school attendance is set by the state in which the institution is located. Such institutions must be legally authorized or recognized by the state of location or must provide a program of training which prepares students for gainful employment.

A student is considered to be enrolled in an institution of higher education if he or she is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. A college includes a junior, community, two-year, or four-year college or a university. A person who is attending a business, technical, trade or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum is also enrolled in an institution of higher education.

Business, trade, and vocational schools are considered institutions of higher education if they normally require a high school diploma or equivalency certificate for enrollment. In some of these schools, individuals may choose among several more courses that provide practical skills. Some of these courses do require a diploma or the equivalent to enroll while others do not. Those enrolled in a curriculum for which a diploma is required are considered to be enrolled in an institution of higher education.

“Normally requires” means a person is required to have a high school diploma or equivalency certificate, but if the person does not have either, he may be enrolled by passing a special entrance examination. If a high school diploma or equivalency certificate is only required prior to completion of course work, as opposed to required for enrollment, students are not considered to be attending an institution of higher education. In addition, programs designed to

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help a person pass the General Education Diploma (GED) test do not qualify the person as attending an institution of higher education.

Enrollment in an educational institution begins with the first day of the school term. This is the day that classes actually begin. Enrollment will be considered to continue through normal periods of class attendance and also through periods of vacation and recess. Enrollment ends when the individual graduates, is expelled, withdraws from school, or states that he does not intend to register for the next normal school term, excluding summer school.

When it is necessary to determine half-time enrollment (see SNAP 1622.2), half-time enrollment will be defined by the educational institution where the student is enrolled.

## 1622.2 Applying the Student Criteria

SNAP Manual 04/01/20

Household members that are enrolled at least half time in an institution of higher education and who are at least age 18 but no older than age 50 and who are physically and mentally fit must meet at least one of the criteria listed in this section. If not, these members will be considered ineligible students.

### **Criteria 1: Employment**

The student must be employed at least an average of 20 hours per week (not less than 80 hours per month) at any rate of pay and be paid for such employment. If self-employed, the student must actually work at least an average of 20 hours per week and must receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours.

### **Criteria 2: Work Study**

The student must be approved to participate in a state or federally financed work-study program.

The student must be approved for the work study program at the time of application even though he or she may not actually be working at that time. A student who is approved for work study at the time of application and anticipates starting a job later in the school year is an eligible student.

Eligible student status will begin the month in which the school term begins, or the month work study is approved, whichever is later. Once begun, the student's status as an eligible student continues until the end of the month in which the school term ends, or it becomes known the student has refused an assignment. A student who has stopped working during the school year

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because the work study funding has run out would continue to be classified as an eligible student.

Eligible student status will also be granted to full time students participating in the work incentive program under Title IV of the Social Security Act or its Successors.

### **Criteria 3: Students with a Child under Age Six**

The student must be responsible for the care of a dependent household member under the age of six. If there are two parents enrolled in school, the individual who provides the majority of the actual care of the child will be considered the eligible student.

If neither parent provides the majority of the actual care of the child, the eligible student will be the parent who provides the majority of financial support to the child. If neither majority of actual care nor majority of financial support can be determined, the household may choose the parent to be classified as an eligible student.

### **Criteria 4: Students With - Child Age Six or Over But Less Than Age 12**

Eligible student status will be granted to any student who is responsible for the care of a child above the age of 5 but under age 12 when adequate child care is not available to enable the student to attend class and also to work at least 20 hours per week or to participate in a state or federal work study program. A household's statements about the availability of child care will be accepted.

Eligible student status will be granted to any full-time student enrolled in an institution of higher education if that student is single with the responsibility for the care of a dependent child under age 12 regardless of the availability of adequate child care. For the purpose of this provision, a single parent will be an unmarried or divorced parent of a child under age 12. This provision applies where only one natural, adoptive or stepparent, regardless of marital status, is in the same SNAP household as the child. For example, if one natural parent and a stepparent are living with the child, neither the natural parent nor the stepparent could qualify for the student exemption. A full-time student who is not living with a spouse may claim the single parent exemption if he or she has parental control of a child and no parent (natural, adoptive or step) lives with that child.

### **Criteria 5: Receiving TEA Benefits**

The student must be receiving a TEA Benefit authorized by the Agency.

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## **Criteria 6: Workforce Investment Opportunities Act (WIOA)**

(The Jobs Partnership Training Act (JPTA) was replaced by the WIOA.)

Eligible student status will be granted to students assigned to or placed in an institution of higher education through or in compliance with the following:

- A program under the Workforce Investment Opportunities Act (WIOA)
- An Employment and Training (E&T) Program under the Food Stamp Act,
- A program under the Section 236 of the Trade Act of 1974, (the Trade Adjustment Assistance Program administered by ESD)
- A program operated by a state or local government for the purpose of employment and training as determined to be appropriate by FNC.

## **1622.3 Educational Income**

SNAP Manual 01/01/03

Educational income is financial assistance received by students from sources such as, but not limited to, the following sources.

- Programs authorized under title IV of the Higher Education Act.
- Programs authorized under the bureau of Indian Affairs (BIA) Student Assistance Programs.
- Programs authorized under the Carl D. Perkins Vocational Education Act.
- Workforce Investment Act (WIA)
- Scholarships or other grants funded through private and publicly funded education programs.
- VA educational assistance paid through the Montgomery GI Bill.

Educational income awarded to a person enrolled at a recognized institution of post-secondary education, a school for the handicapped, a vocational education program, or a GED program is excluded as income in the Supplemental Nutrition Assistance Program.

## **1622.9 Ineligible Students**

SNAP Manual 04/01/20

When an individual is determined to be an ineligible student, that individual may not participate in the Supplemental Nutrition Assistance Program. Other members of the student's household may participate if they are otherwise eligible.

If the ineligible student is the only household member, the Supplemental Nutrition Assistance Program (SNAP) application will be denied.

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If other household members are eligible, the student will be included when calculating total household members but will not be included when calculating total eligible members.

The ineligible student's resources (except for jointly owned resources) will not be considered available to the eligible household members. Resources owned jointly by ineligible students and eligible household members are considered available to the household in their entirety. See SNAP 4910.

### **1622.10 Fleeing Felons**

SNAP Manual 10/01/08

A fleeing felon is an individual who is avoiding prosecution or custody for a crime, or an attempt to commit a crime that is classified as a felony. This provision also applies to individuals who are violating a condition of probation or parole under a Federal or State law. Fleeing felon status is usually determined by the existence of a warrant, and the individual is assumed to be fleeing as of the date the warrant is issued.

If law enforcement is not actively seeking to apprehend the individual in Arkansas, an individual assumed to be fleeing due to the existence of a warrant is eligible to participate in the Supplemental Nutrition Assistance Program. Identification as a fleeing felon based on SOLQ or from a source other than the law enforcement agency the individual is fleeing from is not considered verified upon receipt. The county office must contact the appropriate law enforcement agency for verification of fleeing felon status. If contact cannot be made with law enforcement officials, the individual will retain eligibility to participate in the Supplemental Nutrition Assistance Program. The county office worker must document each attempt to contact law enforcement officials.

Fleeing felons and probation/parole violators are ineligible to participate in the Supplemental Nutrition Assistance Program during any period while the individual is fleeing to avoid prosecution or custody. The presence of a fleeing felon or probation/parole violator will not make the entire household ineligible. Anyone identified as a fleeing felon, or a probation/parole violator will be treated as an ineligible household member and his or her income and resources will continue to be shown in the SNAP budget. See SNAP 1623.2 for instructions.

### **1622.20 Disqualification for Certain Drug Manufacture or Distribution Felonies**

SNAP Manual 02/01/18

~~DELETED 02/01/18~~

## 1623 Determining if a Household Member is to be Disqualified

SNAP Manual 02/01/18

The worker must determine if any household member is ineligible or is to be disqualified from participation in the Supplemental Nutrition Assistance Program for:

- Failing or refusing to provide a Social Security number (SNAP 2200)
- Failing to comply with the Supplemental Nutrition Assistance Program Requirement to Work (SNAP 3520-3530)
- Being found guilty of committing an intentional program violation (IPV)(SNAP 16600)
- Failing or refusing to comply with a Workfare Program requirement (SNAP 3760)
- Being classified as a fleeing felon (SNAP 1610)
- Failure to cooperate with the Office of Child Support Enforcement (SNAP 1623.3)

### 1623.1 Disqualification for SSN and RTW Noncompliance

SNAP Manual 04/01/20

SNAP 3500 explains compliance with the Supplemental Nutrition Assistance Program Requirement to Work (RTW). Individuals who fail to comply with this requirement are disqualified unless they qualify for a personal exemption as explained in SNAP 3530.

See SNAP 2100 for an explanation of the Social Security number requirements and disqualification of household members who fail to comply with these requirements. Members who fail to comply with these requirements remain disqualified until they do comply.

### 1623.2 Disqualification for IPV, Work Registration, and Fleeing Felons

SNAP Manual 04/01/20

See SNAP 12110 for instructions on handling TEA or SSI case closures, suspensions, or reductions in TEA or SSI benefits when a household member intentionally failed to comply with a requirement of that program.

SNAP 1622.10 explains which household members are considered to be fleeing felons.

SNAP 3100 summarizes the work registration requirements. (This includes the Workfare Program requirements.) Individuals who fail or refuse to cooperate with the work registration requirements will be disqualified. (Work registration requirements do include Workfare Program requirements. It does not include E&T Program requirements because participation in the E&T Program is voluntary.)

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SNAP 16800 covers the procedure for disqualifying a member who has committed an intentional program violation (IPV). An IPV disqualification may only be imposed after an administrative disqualification hearing, as the result of a decision of fraud by a court of law, or when the household signs a waiver.

SNAP benefits must not increase when one or more members are excluded due to:

- Classification as a fleeing felon as explained in SNAP 1622.10.
- Disqualification for a work registration violation as defined in SNAP 3401.
- Disqualification for failure or refusal to comply with a Workfare Program requirement as explained in SNAP 3760.
- Disqualification for an intentional program violation as explained in SNAP 16800.

### 1623.3 Disqualification for Non-Cooperation with OCSE (Office of Child Support Enforcement)

SNAP Manual 04/01/20

Under state and federal law, cooperation with the Office of Child Support Enforcement (OCSE) is a condition of eligibility for SNAP benefits. Applicants for SNAP must cooperate with OCSE, unless it is determined that good cause for non-cooperation exists.

A Certified Eligibility Specialist will deny SNAP eligibility to a custodial parent or non-custodial parent of a child under the age of eighteen (18) if the individual does not cooperate with the OCSE, as described below:

**Custodial Parents** will be denied from receiving SNAP benefits if they fail to cooperate with the OCSE in establishing paternity of the child (if the child is born out of wedlock) and obtaining support for the child. The Agency must determine if the individual has good cause for the individual's refusal to cooperate by taking into consideration circumstances in which cooperation may be against the best interest of the child.

**Non-Custodial Parents** will be denied from receiving SNAP benefits if the determined *putative* or identified *noncustodial parent* refuses to cooperate in establishing paternity of a child (if the child is born out of wedlock) and providing support for the child by OCSE. If OCSE determines that the non-custodial parent is not cooperating in good faith, the Agency will determine whether non-cooperation constitutes a refusal or unwillingness to cooperate as opposed to an inability to cooperate. *Noncustodial parents* determined to have refused to cooperate are ineligible and the Agency does not have the ability to establish good cause. If the Agency determines that the non-custodial parent has refused to cooperate, then that individual shall be ineligible to participate.

## 1623.3.1 Child Support Cooperation Requirements

SNAP Manual 04/01/20

Cooperation with the OCSE by a **parent** is required when:

- The parent is applying for or receiving SNAP benefits,
- Paternity has not been established and the alleged father is not in the home,
- One or both parents are absent from the home, or
- Good cause for non-cooperation does not exist as determined by the agency.

Custodial Parent cooperation includes the following:

- Providing complete information required to obtain child support (if information about the non-custodial parent is known by the individual but is withheld, the individual may face a possible penalty of perjury.
- Completing and signing affidavits attesting to paternity of the child; and
- Making court appearances and providing testimony in paternity hearings and support actions.

If both a legal and putative father exists, or the responsibility for support is not clear, the parent or caretaker must provide the information on both the legal and putative father.

Pregnant women who are receiving SNAP benefits for themselves and other dependent children are required to cooperate with the agency unless they have good cause reasons not to cooperate.

**Non-custodial Parent** cooperation with the OCSE requires:

- Assisting the OCSE with establishing parentage
- Providing verification of income for new court orders, modifying existing orders
- Paying arrearages if there is an obligation that exists.

## 1623.3.2 Good Cause for Failure to Cooperate

SNAP Manual 04/01/20

Cooperation in establishing paternity or securing support may be contrary to the best interest of the family. In those situations, a custodial or non-custodial parent may have good cause for not cooperating.

The State Agency will determine good cause.



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Good cause exists when cooperating with the State Child Support Agency would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual who is or has been victimized by such violence, or the individual who is at risk of further domestic violence.

For purposes of this provision, the term "domestic violence" means the individual or child would be subject to physical acts that result in, or are threatened to result in, physical injury to the individual; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; threats of, or attempts at physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

The preceding is not meant to be an exhaustive list of "good cause" claims. Other claims for good cause shall also be considered by the State Agency.

Good cause claims must be corroborated with documentary evidence. Examples of corroborative evidence include, but are not limited to, police reports, court papers, medical records, other written documentation, and photos.

The State agency will make a good cause determination based on the corroborative evidence supplied by the individual only after it has examined the evidence and found that it actually verifies the good cause claim.

### 1623.3.3 Failure to Cooperate

SNAP Manual 04/01/20

When the **parent**, including a **teen parent** refuses to provide information regarding the non-custodial parent of a child under the age of eighteen (18) residing in the home during the application or eligibility review, the eligibility worker must review child support cooperation requirements for the individual.

When the **non-custodial parent** refuses to provide information regarding establishing the paternity or providing support, the eligibility worker must review child support cooperation requirements for that individual.



**Note:** A Pregnant woman with no other deprived children is not subject to child support cooperation until the child's birth.

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When the parent, teen parent, or non-custodial parent has not cooperated per OCSE, the eligibility worker can deny SNAP benefits for the individual (adult or teen parent) subject to the child support cooperation if he or she does not express an intent to claim good cause or the intent to cooperate with the agency and authorize benefits for the other household members, if eligible.

### **1623.3.4 Disqualification for Failure to Cooperate**

SNAP Manual 04/01/20

For households with an absent parent, the county office will disqualify a custodial parent from receiving SNAP benefits if he or she fails to cooperate with the OCSE and is unable to demonstrate good cause for failure to cooperate. For individuals subject to the requirement, cooperation includes opening a case against the absent parent and working with the agency to determine parentage (if necessary) and establish, modify, or enforce an order.

When the custodial parent does not cooperate, a 10-day notice of adverse action will be sent informing them of their removal from the SNAP case for non-cooperation. The custodial parent will be removed from the SNAP case once the 10- day notice of adverse action has expired. If other eligible household members are in the SNAP case, only the custodial parent will be removed from the SNAP budget. The income, expenses and resources of the sanctioned individual will still be used for SNAP budgeting purposes.

For a non-custodial parent, the county office will disqualify a non-custodial parent from receiving SNAP benefits if they are determined to be refusing to cooperate with OCSE in establishing paternity (if necessary) or providing support. When the non-custodial parent does not cooperate, a 10-day notice of adverse action will be sent informing them of their removal from the SNAP case for non-cooperation. The non-custodial parent will be removed from the SNAP case once the 10- day notice of adverse action has expired. After a 10-day notice of adverse expires, the SNAP case will close unless the SNAP household contains other eligible household members. Only the non-custodial parent who is not complying will be removed. The income, expenses, and resources of the sanctioned individual will still be used for SNAP budgeting purposes.

### **1623.3.5 Ending Disqualifications**

SNAP Manual 04/01/20

For the custodial parent, teen parent and non-custodial parent:

Eligibility staff must:

# SNAP CERTIFICATION MANUAL – SECTION 1000

1. Remove the sanction when the Office of Child Support Enforcement has notified the county office that the individual complied.
2. Add the individual back into the SNAP budget (Must meet all other eligibility factors).
3. Not require an application unless the entire SNAP household is closed.

Remove OCSE imposed sanctions for non-cooperation with OCSE approval for the following:

1. When the last child subject to cooperation leaves the home.
2. When the last child subject to cooperation turns eighteen (18).
3. When the absent parent, based on established legal paternity, moves into the home.
4. When a non-custodial parent moves into the home and completes a form acknowledging paternity and county staff forwards the form to OCSE or to Vital Records.



**Note:** The effective date for adding the sanctioned individual is the first month following the date of compliance.

## 1624 Determining if a Household Member is a Boarder

SNAP Manual 04/01/20

Boarders may not participate in the Supplemental Nutrition Assistance Program.

A boarder is defined as an individual or a group of individuals to whom a household furnishes lodging and meals for a reasonable monthly payment.

The following individuals may not be designated by a household as a boarder:

1. A spouse of a household member. See the Glossary for an explanation of a [spouse](#).
2. Children age 21 and younger who are under the parental control of a household member. See the Glossary for an explanation of [parental control](#).

Boarders must make a reasonable monthly payment. (See SNAP 1624.1 for determination of a reasonable monthly payment.) If a boarder does not make a reasonable monthly payment, he or she will be included as a household member and all of his or her income and resources will be counted in the SNAP budget. When the boarder is considered a household member, the actual boarder payment will not be shown as income. If the individual does make a reasonable monthly payment, the payment will be considered self-employment income. See SNAP 5621 for procedures on handling income from boarders.

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The SNAP household may elect to include boarders as household members. If a boarder is added to the SNAP household, all of the boarder's income and resources will be counted in the budget. The boarder payment will not be counted as income.

## **1624.1 Reasonable Monthly Payment**

SNAP Manual 04/01/20

A reasonable monthly payment for a boarder is either of the following:

1. An amount which equals or exceeds the maximum SNAP benefit amount for the boarder's household size if the boarder's household normally consumes more than two meals per day in the SNAP household; or
2. An amount which equals or exceeds two-thirds of the maximum SNAP benefit amount for the boarder's household size if the boarder normally consumes two or less meals per day in the SNAP household.

All arrangements for the monthly boarder payment to the SNAP household will be made between the boarder household and the SNAP household.

## **1624.2 Boarding Houses**

SNAP Manual 10/01/97

Residents of commercial boarding houses may not participate in the Supplemental Nutrition Assistance Program. For Program purposes, a commercial boarding house is an establishment that offers meals and lodging for compensation for the purpose of making a profit. The statement of the proprietor or owner will be sufficient to determine whether the establishment fits this definition. The number of boarders residing in such an establishment will not be a consideration. The household of the proprietor of a boarding house will be allowed to participate in the Supplemental Nutrition Assistance Program if that household meets all of the eligibility requirements. See SNAP 5620 for instructions on determining income from boarding houses.

## **1624.3 Verification**

SNAP Manual 10/01/97

Income from boarders is considered self-employment income and must be verified. Normally, a note from each boarder household will be requested. The note must specify the amount the boarder household pays for room and board. If the amount of payment for room is distinguishable from the payment for meals, the note must specify the amount of each payment. The number of meals the boarder household eats per day must also appear in the

# SNAP CERTIFICATION MANUAL – SECTION 1000

note. The note must be dated and must contain the signature of a responsible member of the boarder household.

## 1630 Determining if the Declared Household Composition is Correct

SNAP Manual 04/01/20

Normally, a SNAP household is composed of an individual or a group of individuals. A description of several common household types appear below:

1. A household may be an individual who lives alone.
2. A household may be an individual who lives with others and customarily (more than 50% of the time) purchases food and prepares meals for home consumption separate and apart from the others. (See the restrictions in SNAP 1631.)
3. A household may be a group of individuals who live together and customarily purchase food and prepare meals together. This includes individuals whose work schedules allow them to be in the home only for short periods of time but who consider the home their primary residence and who are responsible household members. A responsible household member is a member such as a spouse who helps the household meet part or all of its expenses. Traveling salespeople, truck drivers, railroad employees, and offshore oil workers meet this condition even if these workers do not return to the home each night or on a regular weekly or biweekly basis. While these individuals may be out of the home a majority of the time, they are considered household members. The work schedule and not the profession will establish these individuals as household members. (There may be two or more groups of individuals who live in the same dwelling but participate in the program as separate households. There are restrictions to participation as a separate household. See SNAP 1631 below for those restrictions.)
4. A household may be a disabled, aged individual (age 60 or older) who is living with others but is unable to purchase and prepare meals due to a permanent disability such as, but not limited to, senility. This type of household may include the disabled individual and his or her spouse regardless of the physical condition or age of the spouse. All income of the individual and spouse will be counted in the SNAP budget. The income of all other members will be disregarded; however, the total gross non-excludable income of all other household members may not exceed 165% of the maximum income standard. If the income of all other household members exceeds 165% of the maximum net income standard, the disabled aged member's application for SNAP benefits will be denied.

## 1631 Restrictions to Participation as a Separate Household

SNAP Manual 10/01/97

An individual or a group of individuals may apply for SNAP benefits as a household separate and apart from the others with whom they share a dwelling. There are restrictions to such participation.

First, separate household status will not be granted under any circumstances to the spouse of a household member.

Second, the individual or group of individuals applying as a separate household must:

- a. Customarily (more than 50% of the time) purchase food and prepare meals separately from the others with whom they live; or
- b. Plan to purchase food and prepare meals separately when they receive their SNAP benefits if they currently lack the financial means to do so. (When a household states that they plan to begin purchasing food and preparing their meals separately, a written statement to this effect should be obtained from the household and placed in the case record as substantiation.)

### 1631.1 Relatives Participating as Separate Households

SNAP Manual 10/01/97

Unrelated or distantly related individuals (e.g. - friends, aunts, uncles, nieces, nephews or cousins) may participate as separate households as long as one of the individuals is not under the parental control of the other and the individuals do purchase their food and prepare their meals separately.

Children under the age of 22 who live with a natural, adoptive or stepparent must be included in the same household as the parent. This rule applies even if the child is married or has children.

Children age 17 or younger, other than foster children, who are under the parental control of an individual other than a natural, adoptive or stepparent must be included as member of that individual's household. This rule applies even if the child purchases and prepares his or her food separately. Children age 17 and younger who do not live with a parent or someone who acts as a parent may receive SNAP benefits in their own home.

Adult children age 22 and older who live with a natural, adoptive or stepparent can be a separate household if they purchase and prepare food separately. The adult child, their spouse or children (if any) must be certified as one household.

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Siblings age 18 or older who live together without a parent can be separate households if they purchase and prepare food separately. If one sibling is age 18 or older and the other sibling is age 17 or younger, the siblings cannot be certified as separate households unless the younger sibling is emancipated. If either sibling has a spouse or children, the spouse or children must be included in the household.

See SNAP 1640 for instructions on foster children.

See SNAP 1630 for instructions on aged/disabled individuals who wish to participate as separate households.

## **1632.1 Separate Dwelling Claims**

SNAP Manual 04/01/20

At times, parents and children who are not allowed to participate in the Supplemental Nutrition Assistance Program as separate households claim they live in separate dwellings that are closely situated or under the same roof. Each of these claims must be evaluated on a case by case basis.

If both households share common facilities such as the kitchen and living area, this is a good indication that the group should be certified as one (1) household. However, if each household lives in a separate structure, or has separate facilities within the same structure (i.e., an apartment or a duplex), then the households may be certified as separate households.

Such determinations may require collateral contacts with landlords or utility companies. A home visit may be indicated if collateral contacts are not available. See the Glossary definition of "[Verification](#)" for information on home visits as part of the application process.

## **1633 Verification of Separate Household Status**

SNAP Manual 10/01/97

Individuals who wish to participate in the Supplemental Nutrition Assistance Program in a household separate from others with whom they live are responsible for establishing that they are a separate household. The worker may require collateral contacts or a home visit if the household's claim is questionable.

Aged individuals who cannot purchase and prepare their own meals due to a disability (SNAP 1630) must verify the income of the other people with whom they live. Also, the individual must provide verification from a physician or a licensed or certified psychologist that he or she is not able to purchase and prepare their own meals if the disability is not obvious. Disabilities considered obvious must be fully documented in the case record.

## **1640 Foster Care**

SNAP Manual 12/01/00

A child or an adult placed in a foster care facility by a Federal, State or local governmental foster care program cannot be required to be considered a member of a SNAP household. The household that provides the foster care may elect to consider the person in foster care to be a boarder or to include the person as a household member. See SNAP 5708 for additional information.

If the person in foster care is to be considered a boarder, the foster care payment will be excluded entirely. If the person is to be considered a household member, the entire payment will be counted as income.

This policy does not extend to adults placed in foster care either through for-profit or non-profit private agencies. The existing policies in SNAP 1624 or SNAP 1630 will apply to these individuals.

Children “taken in” by neighbors, friends or relatives without formal placement by a governmental agency will be considered household members if they meet other eligibility requirements.



## 1700 The Effect of Striking Members on Households

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SNAP Manual 04/01/92

A strike is a concerted stoppage of work by employees. This includes stoppages caused by the expiration of a collective bargaining agreement. Strikes also include concerted slowdowns and the interruption of operations by employees. Households with striking members are not sanctioned. Nor are the striking members disqualified. However, there are special provisions that apply to these households. These provisions are listed below:

1. Households with striking members are not eligible for Supplemental Nutrition Assistance Program (SNAP) benefits unless they were eligible based upon the household's income as of the day before the strike began or they were participating in the Supplemental Nutrition Assistance Program the day before the strike began.
2. Households with striking members who are currently participating in the Supplemental Nutrition Assistance Program will not receive an increase in SNAP benefits as a result of the decrease in the income of striking members.
3. Strikers in eligible households who were exempt from work registration requirements the day prior to the strike solely due to employment must comply fully with all work registration requirements (including the E&T Program and Workfare) while on strike.

## 1710 Striker Status

SNAP Manual 04/01/92

Certain individuals are not considered strikers even though the plant or company where they are employed is the subject of a strike or walkout. These individuals are:

1. Employees whose workplace is closed by an employer in order to resist demands of the employees (e.g. - a lockout);
2. Employees who are unable to work as a result of striking employees - e.g. striking newspaper printers prevent the printing of the newspaper and consequently truck drivers cannot work because there are no newspapers to deliver;
3. Employees who are not part of the bargaining unit (union) but who do not want to cross the picket line because of fear of personal injury or death; and
4. Employees who were exempt from the work registration requirements the day prior to the strike for any reason other than employment.

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## 1730 Determining Eligibility Based Upon Income

SNAP Manual 04/01/20

When a household with a striking member applies for SNAP benefits, the household's pre-strike income eligibility will be determined first. If the household's income was within the applicable gross and net limits as of the day before the strike, the household's current eligibility will be determined. A description of this process follows:

**Step 1:** Determine the household's pre-strike income eligibility by considering the day before the strike as the date of application and assuming the strike did not occur. All allowable deductions will be applied when determining net income. If the household was ineligible as of the day before the strike, the SNAP application will be denied. If the household was eligible as of the day before the strike, go to step 2 below.

**Step 2:** Determine the household's current eligibility by comparing the striking member's current income to his or her income as of the day before the strike. Add the higher of these two amounts to the current income of all non-striking household members. Allow all applicable deductions such as the earned income deduction. The household must meet the gross and (if applicable) net income limits for the appropriate household size.

## 1740 Verification/Documentation

SNAP Manual 12/01/98

The county office worker must verify and document the income of all household members from all sources. Both the pre-strike and current income of striking members must be verified.

All income (pre-strike and current) must be documented in sufficient detail to determine if the correct income was used in the budget. All calculations pertaining to pre-strike and (if applicable) current eligibility must appear and must be adequately labeled.

## 1800 Institutions

SNAP Manual 01/01/07

In the Supplemental Nutrition Assistance Program, an institution is an established organization that offers meals and lodging as a part of normal operation. Examples of institutions are schools and colleges with dormitories, prisons, and rehabilitation and treatment centers (including certain mental health centers), group living arrangements, shelters for the homeless, shelters for battered women, extended care hospitals and nursing homes.

An individual is a resident of an institution when an institution provides an individual with the majority (over 50% of three meals daily) of his or her meals as part of the institution's normal services.

Residents of institutions are not eligible to participate in the Supplemental Nutrition Assistance Program except as listed below:

1. Residents of federally subsidized housing for the elderly.
2. Narcotic addicts or alcoholics who reside at a facility, treatment center or certain mental health centers for the purpose of regular participation in a drug or alcoholism treatment and rehabilitation program.
3. Disabled (as defined in the Glossary definition of [Aged/Disabled Household](#)) residents of group living arrangements.
4. Women or women with their children who are temporarily residing in a shelter for battered women and children.
5. Residents of shelters for the homeless.

Shelters for the homeless include the following:

- a) Supervised shelters such as welfare hotels or congregate shelters
- b) Halfway houses or similar institutions that provide temporary accommodations for individuals as an alternative to institutionalization

Generally, residents of institutions are certified under the provisions that apply to all other households. Such residents are also entitled to the same rights (notices of adverse action, administrative hearings, restoration of lost benefits, etc.) as other SNAP households.

## 1810 Residents of Federally Subsidized Housing for the Elderly

SNAP Manual 01/01/07

There are no special provisions for the certification of residents of federally subsidized housing for the elderly. Housing residents may use SNAP benefits to purchase delivered meals or

## SNAP CERTIFICATION MANUAL – SECTION 1000

communally prepared meals. A resident may also purchase food and prepare their own meals if meal preparation facilities are available.

### 1820 Residents of Drug Addiction or Alcoholism Treatment Centers

SNAP Manual 04/01/20

A treatment center is any such residential program conducted by a private non-profit organization or institution or a publicly operated community mental health center (under Part B of title XIX of the Public Service Act) to provide treatment that can lead to the rehabilitation of drug addicts or alcoholics.

In order for the residents of a drug addiction or alcoholism treatment center to be certified to receive SNAP benefits, the center must provide evidence that it is tax exempt and certified by the State agency responsible for the treatment and rehabilitation of drug addicts or alcoholics as:

- Receiving funding under part B of title XIX, or
- Eligible to receive funding under part B or title XIX if no funds are being received or
- Operating to further the purposes of part B or title XIX to provide treatment and rehabilitation of drug addicts or alcoholics.

**Even if the treatment center does not meet one of these criteria but has been authorized by FNS as a retailer (can use the SNAP benefits to purchase food for residents), the residents may receive SNAP benefits.**

See SNAP 981 for additional information.

Residents of treatment centers must apply and be certified for SNAP benefits through an authorized representative (AR) who is an employee of the treatment center. Each treatment center will designate in writing an employee to serve as an AR for SNAP purposes. The county will keep these designations on file and will update the files when a new AR is named by the center. If the center has multiple locations, each location must be reported to the DHS county office. Both the physical address and the mailing address of each location must be provided to the county office. (If the centers are located in different counties, this information should be provided to both DHS county offices.)

See SNAP 980 for the responsibilities of a treatment center serving as an AR.

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## 1821 Processing Standards

SNAP Manual 12/01/98

All income and resources of treatment center residents must be reported, verified as mandated by policy, and counted when a SNAP budget is calculated. If a resident incurs a cost for a room at the center, the room cost may be allowed as a shelter cost. Medical costs are allowable as specified in SNAP 6500 if the household is aged or disabled. (See the Glossary definition of an aged/disabled household.)

Each initial application submitted by the treatment center will be evaluated for eligibility as described in SNAP 8100.

Expedited applications will be processed under the standards in SNAP 9400.

Changes in household circumstances will be processed by the standards that apply to all other households. See SNAP 11100 for information on the reporting requirements. See SNAP 12100 for instructions on processing reported changes.

Applications for re-certifications submitted by resident households must be processed using the standards that apply to all other households. See SNAP 10600 when processing timely re-certifications and SNAP 10700 when processing untimely re-certifications.

### 1821.1 Residents Currently Receiving Benefits

SNAP Manual 04/01/20

When an authorized representative becomes aware that a treatment center resident was receiving SNAP benefits when he or she entered the center, the authorized representative (AR) must contact the DHS county office report that this individual is receiving SNAP benefits. (Even if the resident is currently receiving SNAP benefits through a DHS county office in another county, the AR should contact the local DHS county office.) This report may take place via telephone, in person, or through the use of a *Change Report*. The report should occur within 10 days of the date that the AR becomes aware the resident is currently receiving SNAP benefits.

The AR must ask the resident if he or she is currently included in a household with other members prior to accessing the account. Under no circumstances should a treatment center AR access more than a resident's monthly benefit amount as explained in SNAP 981.5. (The AR may contact the county to confirm the resident's monthly benefit amount.) However, if a resident is currently certified with other household members, the treatment center AR must not access the resident's SNAP benefits. To do so may cause a hardship on remaining household members.

# SNAP CERTIFICATION MANUAL – SECTION 1000

If a resident state he or she is not included in a household with other members but there is a large balance on the account, the treatment center must contact the DHS county office to confirm the information provided by the resident.

## **1821.2 State Agency Actions**

SNAP Manual 04/01/20

If the treatment center is located in the county where the resident receives SNAP benefits, the DHS county office will determine whether the treatment center resident is the only household member. If the treatment center resident is the only household member, the SNAP case will be adjusted to reflect the household's current circumstances.

If the treatment center resident is certified to receive SNAP benefits in a county other than the county where the treatment center is located, the DHS county office where the center is located must notify the county where the resident is certified. If the resident is the only household member, the county office where the resident is certified must close the case and transfer it to the county where the center is located. Once the original case has been closed and transferred, any application submitted by the center may be processed.

If there are other household members, the worker will proceed as instructed in SNAP 12226, "Household Division." Once the original case has been closed and transferred or adjusted, any application submitted by the center for this resident may be processed.

## **1822 Household Composition**

SNAP Manual 12/01/98

Normally, treatment center residents are one-person households. However, children who live with a parent in a treatment center may be included in the parent's SNAP case. Meals served to the children by the treatment center may be purchased with SNAP benefits.

## **1823 Work Registration**

SNAP Manual 04/01/20

Treatment center residents undergoing treatment or rehabilitation for drug or alcohol abuse are not subject to the work registration requirements.

## 1824 Monthly Reports and On-Site Visits

SNAP Manual 04/01/20

Each treatment and rehabilitation center must maintain a *Daily Census Report*. A copy will be provided to the appropriate county office at the end of each month. Daily and monthly totals must be shown. If a treatment center has multiple locations, each location must maintain and submit Daily Census Reports.

County offices will make random on-site visits to each participating treatment and rehabilitation center located in that county. At least one such visit will be made each year. If a center has multiple locations, each site must be visited. The purpose of the visit will be to ensure the accuracy of the *Daily Census Report* by comparing it to the center's records. A *Record of On-Site Visit* will be used to document the on-site visit. The *Record of On-Site Visit* may be accessed via DHS SHARE.

## 1825 When Residents of Treatment Centers Leave

SNAP Manual 12/01/98

A center may no longer act as an AR for a resident after the resident leaves the treatment center. See SNAP 981.4 for specific procedures.

## 1830 Residents of Group Living Arrangements

SNAP Manual 04/01/20

A group living arrangement is a public or private nonprofit residential setting serving no more than sixteen residents that is authorized by Food and Nutrition Services as an authorized retail store or certified by Developmental Disabilities Service (DDS) as a residence for disabled individuals. To be eligible for SNAP benefits, a resident of a group living arrangement must be disabled as defined in the Glossary, items 2-15 under "Aged/Disabled Households".

A resident of a group living arrangements may apply and be certified as a one-person household through an authorized representative (AR) designated in writing by the group living arrangement. The resident may also apply and be certified on his or her own behalf if the group living arrangement has determined the resident is capable of handling the application process. Last, the resident may apply and be certified through an AR of his or her own choice as determined permissible by the group living arrangement.

An organization, institution, or group living arrangement that applies on behalf of each resident will receive and spend these SNAP benefits for food to be prepared by or served to the resident.

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An eligible resident may also be allowed to use all (or any portion) of the SNAP benefits on his or her own behalf.

A resident may use his or her SNAP benefits to purchase meals prepared by the facility and served either individually or communally; to purchase and prepare food for his or her own use; or to purchase meals prepared and served by members of the group living arrangement. If personalized meals are prepared and paid for with SNAP benefits, the group living arrangement must ensure that the resident's SNAP benefits are used for meals intended for that resident.

## **1831 Processing Standards**

SNAP Manual 12/01/98

Processing standards for group living arrangements are the same as for Drug Addiction and Alcoholism Treatment Centers. See SNAP 1821 for an explanation of these standards.

## **1832 Household Composition**

SNAP Manual 12/01/98

SNAP applications will be accepted for an individual applying as a one-person household or for any grouping of residents applying as a household. The household will make either through an AR or through direct application applications for groups of residents. *(Any group living residents who apply through the group living arrangement's AR must be certified as a one-person household.)*

## **1833 Work Registration**

SNAP Manual 12/01/98

Residents of group living arrangements are not subject to work registration.

## **1834 When Residents of Group Living Arrangements Leave**

SNAP Manual 12/01/98

A group living arrangement will no longer act as AR for a resident when the resident leaves the arrangement.

If the group living arrangement is acting as an AR for a resident when that resident leaves the facility, the group living arrangement will return the resident's EBT card to the resident. The resident, not the group living arrangement, will be entitled to any EBT benefits remaining in the account when the resident leaves.



## SNAP CERTIFICATION MANUAL – SECTION 1000

If the resident leaves before the 16th day of the month, the resident is entitled to at least one-half the full monthly benefit amount. If the resident leaves after on or after the 16th day of the month and all the SNAP benefits have already been used on behalf of the resident, he or she will not be entitled to any additional benefits for the month.

### 1835 Reporting Changes

SNAP Manual 06/06/01

Any resident of a group living arrangements who has made application in his or her own behalf is responsible for reporting changes in his or her circumstances to the DHS county office. If the group living arrangement is acting in the capacity of an authorized representative, the responsible group living arrangement employee must notify the county office of changes in the household's income or other circumstances. This includes reporting if the resident leaves the group living arrangement.

### 1836 Monthly Reports and On-Site Visits

SNAP Manual 04/01/20

Each group living arrangement must maintain a *Daily Census Report*. A copy will be provided to the appropriate county office at the end of each month. Daily and monthly totals must be shown. If a treatment center has multiple locations, each location must maintain and submit Daily Census Reports.

County offices will make random, periodic on-site visits to each participating group living arrangement located in that county. If a center has multiple locations, each site must be visited. The purpose of the visit will be to ensure the accuracy of the Daily Census Report by comparing it to the center's records. A *Record of On-Site Visit* will be used to document the on-site visit. The *Record of On-Site Visit* may be accessed via DHS SHARE.

### 1840 Residents of Shelters for Battered Women and Children

SNAP Manual 12/01/98

Only residents of shelters for battered women and children that meet the following definition may participate in the Supplemental Nutrition Assistance Program:

**DEFINITION:** A public or private non-profit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women.

The name of the shelter must be documented in the case record.

## SNAP CERTIFICATION MANUAL – SECTION 1000

Shelters having FNS authorization to redeem SNAP benefits at wholesale operations will be considered as having met this definition and no further determination will be necessary.

### **1841 Certifying Residents of Shelters for Battered Women and Children**

SNAP Manual 12/01/98

The resident may elect to make application for SNAP benefits or to have an AR of their choice apply on their behalf. If a resident's children live with the resident in a shelter, the children must be included in her SNAP household.

A shelter resident will be certified based solely upon his or her current income and allowable expenses without regard to the income and expenses of the former household. Room payment incurred at the shelter will be considered a shelter expense.

Resources will be considered inaccessible to residents if the resources are jointly owned by the resident and members of the former household and the resident's access to the resources is dependent upon the agreement of the joint owner who still resides in the former household.

Shelter residents entitled to expedited service will be processed in accordance with the postponed verification procedures explained in SNAP 9441.1.

Shelter residents are subject to the work registration requirements unless otherwise exempt.

#### **1841.1 Residents Who Have Already Participated in the Current Month**

SNAP Manual 12/01/98

A resident of a shelter for battered women and children currently included in a SNAP household with the person who abused them may be allowed to apply for and (if determined eligible) receive additional SNAP benefits for the current month as a separate household.

Shelter residents may receive an additional issuance of benefits as a separate household only once a month.

In some instances, the shelter resident that applies for additional benefits was the head of the original household. In these instances, no additional benefits will be issued. Instead, the original EBT card will be voided, and a new EBT card and PIN will be issued as instructed in SNAP 14134.

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## 1841.2 Action on Former Households

SNAP Manual 12/01/98

The worker must take prompt action to change the former household's SNAP benefit amount or to close the case if necessary. (The period of certification may not be shortened.) A notice of adverse action will be issued. The former household will be responsible for any over-issuance that occurs due to failure to timely report that the battered members have left the home.

See SNAP 12450 for information on case adjustments based on information made known to the Agency.

See SNAP 15400 for an explanation of handling over-issuances that occur due to changes that were reported untimely.

## 1850 Homeless Households

SNAP Manual 12/01/98

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

1. A supervised shelter designed to provide temporary accommodation - e.g., a welfare hotel or a shelter for the homeless
2. A halfway house or a similar institution that provides temporary accommodations for individuals as an alternative to institutionalization
3. A temporary accommodation (lasting no longer than 90 days) in the residence of another individual
4. A place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. Examples are a hallway, a bus station, a lobby or similar places

Households composed entirely of homeless individuals are considered to be homeless households.

Homeless households, including residents of temporary shelters for the homeless, may be certified to receive SNAP benefits if otherwise eligible. This is true even if the shelter does not participate in the program as a homeless meal provider. Homeless households are subject to all eligibility factors. See the summary of non-financial eligibility requirements in SNAP 7200. See the summary of financial eligibility requirements in SNAP 7210. Homeless households have the same rights as any other household. See SNAP 1330 for the procedures for verifying residency for homeless households.

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Eligible homeless households may use SNAP benefits in the same manner as any other eligible household. See SNAP 120. However, eligible homeless households may also use SNAP benefits, on a voluntary basis, to purchase prepared meals from authorized homeless meal providers.

## 1851 Authorized Homeless Meal Providers

SNAP Manual 04/01/20

A homeless meal provider is an establishment that has been authorized by the Food and Nutrition Service (FNS) to accept SNAP benefits in payment for meals. A public or private, non-profit establishment which feeds homeless individuals may submit an *Application for Homeless Meal Provider Status* to the DHS County Office in the county where the establishment is located. Approved applications will be forwarded by DHS to FNS for the necessary authorization to accept SNAP benefits in payment for meals. See SNAP 1852.

Homeless meal providers must abide by the following policies:

1. The meal provider must serve meals that include food purchased by the provider. Meal providers serving meals prepared wholly from donated foods will not be eligible for authorization.
2. Only homeless SNAP households will be permitted to use SNAP benefits to purchase meals prepared by the meal provider. The meal provider must establish the household's right to use SNAP benefits to purchase meals.
3. The use of SNAP benefits to purchase meals from the meal provider must be voluntary on the part of SNAP households.
4. SNAP households must continue to be given the option of using cash if the meal provider requires payment for a meal.
5. If others have the option of eating free or making a monetary donation, SNAP households must be given this same option - eat free or donate money or SNAP benefits.
6. The amount requested from SNAP households to purchase meals may not exceed the average cost of the food contained in a meal served by the meal provider. This refers to the direct cost of food used in preparation of meals. It does not include the value of food donated by USDA or private individuals or companies. Neither does it include the costs of transportation, storage or preparation of the food. Average costs will be determined by averaging allowable food costs over a period of up to one calendar month.
7. Meal providers will not be allowed to serve as authorized representatives. See SNAP 920.

## 1852 Disposition of Homeless Meal Provider Applications

SNAP Manual 04/01/20

Organizations interested in accepting SNAP benefits from the homeless in payment for prepared meals will be referred to the local county DHS office. The Program Eligibility Coordinator or designee will issue an *Application for Homeless Meal Provider Status* to the organization. The organization must complete this form and return it to the county office. After the form has been returned, the Program Eligibility Coordinator or a designee will visit the feeding site to determine that meals are being served to homeless households. A *Meal Provider Visit Record and Disposal* will be completed during the visit and routed according to the instructions on the form. Both the *Application for Homeless Meal Provider Status* and the *Meal Provider Visit Record and Disposal* are available on DHS-SHARE.

No organization will be authorized as a meal provider if:

1. The organization does not prepare and serve meals as part of normal service;
2. The organization serves meals prepared wholly from food donated by U.S.D.A., private companies or individuals; or
3. None of the clientele served by the organization can be classified as homeless as defined in the Glossary under the definition of a "[Homeless Household](#)."

Denials of authorized meal provider status will be reviewed by the Manager of the SNAP Section prior to notification of the Center. When the DCO County Administrator determines that an organization should not be authorized as a meal provider, one copy of the Application for Homeless Meal Provider Status and all copies of the Meal Provider Visit Record and Disposal will be sent to the manager of the Supplemental Nutrition Assistance Program (SNAP) Section, Slot S335. If the manager agrees with the decision to deny authorization, he or she will sign the Meal Provider Visit Record and Disposal and return the original and two copies to the county. One copy will be retained in the SNAP Section.

If the manager does not agree with the denial, the Area Director will be contacted. The Area Director will make the final decision about the disposition of the application.

For approvals, both the original Application for Homeless Meal Provider Status and the original Meal Provider Visit Record and Disposal will be sent to the Supplemental Nutrition Assistance Program (SNAP) Section, Slot S335, and then forwarded by the SNAP Section to the U.S. Department of Agriculture, Food and Nutrition Service, Room 3313, Federal Building, Little Rock, AR 72201.

## 1900 Classifying Households

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SNAP Manual 06/15/98

Households will be classified in accordance with the provisions of this section.

### 1910 Aged/Disabled Household

SNAP Manual 04/01/20

An aged/disabled household contains at least one member who is age 60 or over or is disabled as defined in the Glossary under “[Aged/Disabled](#)”. The household member who is aged or disabled is entitled to a medical deduction as provided in SNAP 6500. Households with an aged/disabled member are entitled to unlimited excess shelter costs. They are not subject to the gross income pretest but must meet the net income standards. See SNAP 7600 for an explanation of net income eligibility.

### 1920 Categorically Eligible Household

SNAP Manual 6/01/18

A categorically eligible household is any household in which all members receive (or are authorized to receive) Supplemental Security Income (SSI) or at least one member receives (or is authorized to receive) a Transitional Employment Assistance (TEA) benefit as defined in SNAP 1920.2. “Authorized to receive” means that an individual has been determined eligible for benefits and has been notified of this determination even though the benefits have not yet been received. The fact that TEA or SSI benefits have been suspended, recouped, or are less than the minimum amount paid will have no impact on a determination of categorical eligibility.

No household may be classified as a categorically eligible household if:

1. The entire household is institutionalized, and the institution is not listed at SNAP 1800 as an institution where residents may participate in the Supplemental Nutrition Assistance Program.  
OR
2. Any member of the household is disqualified for an intentional program violation as defined in [SNAP 16600](#) and SNAP 16800.

No household member will be included as an eligible member of a categorically eligible household if that member is:

- An eligible alien as defined in SNAP 1621.
- An eligible student as defined in SNAP 1622.2.

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- Disqualified for failure to comply with a work registration requirement as defined in SNAP 3400.

## 1920.1 Categorically Eligible Households-SSI Recipients

SNAP Manual 04/01/20

See SNAP 1920 for restrictions to classifying households as categorically eligible.

Unless otherwise restricted, a household will be classified as a categorically eligible household if all household members (eligible and ineligible) receive or are certified to receive SSI benefits.

## 1920.2 Categorically Eligible Households-TEA Recipients

SNAP Manual 04/01/20

See SNAP 1920 for restrictions to classifying households as categorically eligible. Unless otherwise restricted, a household will be classified as a categorically eligible household if at least one household member receives (or is authorized to receive) one of the following Transitional Employment Assistance (TEA) benefits:

- **Child-care assistance:** This is limited to child-care assistance paid to current TEA cash assistance recipients and child-care assistance paid to former TEA cash assistance recipients through extended support services. If a TEA case closes due to employment, the former TEA recipient can receive child care assistance through extended support services for up to 36 months after the date of closure.
- **TEA cash assistance:** These monthly payments are available to help meet the family's basic needs while the parent or other adult relative works toward increasing his or her earning potential. An eligible family may receive cash assistance for no longer than 24 months. TEA cash assistance is also available to help meet the needs of children who are being cared for by adult relatives other than a parent. Assistance to such relatives is available without regard to a specified time limit.
- **Mentoring services:** This service is designed to provide clients with the support needed to move from welfare to work. Mentoring services will be provided as long as it is deemed appropriate by the worker, coordinator and mentee. If the TEA case closes due to employment, these services may be provided for up to six months after the date of closure.
- **Diversion Assistance:** This is a one-time payment intended to help a family through a financial problem which jeopardizes employment which, if not solved, could result in the family coming on to regular on-going assistance.
- **Case management services and extended case management services:** Case management is the process of coordinating and brokering the multiple services needed

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to achieve progress towards self-sufficiency. Case Managers serve as a point of contact for the client and a point of accountability for the agency. Case management services will be provided to those individuals who need assistance before and after accepting employment. This service will be provided as long as the client is eligible. Extended case management may be provided for up to 12 months after cash assistance has been terminated due to employment.

- **Employment Bonus:** An Employment Bonus cash payment will be made to any family that becomes income ineligible due to employment or who requests the cash assistance case be closed due to employment. Only one Employment Bonus may be authorized to a family within a 12-month period.
- **Transportation assistance:** When a TEA case closes due to employment (by agency determination or at the family's request), the family is automatically eligible to receive two months of Extended Support Services (ESS) Transportation assistance. There is no limit to the number of times a family may receive ESS Transportation assistance.
- **Job retention payments:** When a TEA case closes due to employment, the family may receive, during the 12-month period following case closure, a cash payment for the purpose of enabling the adult to retain his or her job. The amount of payment will be the actual amount needed to resolve the job-related need.

This list is all-inclusive. Other benefits funded in whole or in part by TANF (TEA) funds will not confer categorical eligibility. This definition applies to a finding of eligibility by the county office. This means a household cannot be considered categorically eligible under these rules unless at least one household member made application to receive some type of TEA benefit provided through the DHS county office and was found eligible to receive such benefits.

### 1921 Financial Eligibility Factors

SNAP Manual 06/15/98

A categorically eligible household is not subject to the resource and income limitations of the Supplemental Nutrition Assistance Program. These households will be considered resource eligible without verification. With regard to income, these households have neither gross nor net income limits. The county office worker must verify the household's income.

### 1922 Non-financial Eligibility Factors

SNAP Manual 06/01/01

If an individual's status as a U.S. citizen or non-citizen national is questionable and was verified for another program, the county office worker will accept participation in that program as proof of citizenship.



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Aliens who are otherwise ineligible for SNAP benefits are not made eligible for SNAP benefits because they receive SSI. The citizenship requirements supersede the categorical eligibility requirements of SNAP 1920.

A categorically eligible household is considered as having met the social security number information, sponsored alien information and residency requirements for SNAP purposes.

## 1923 Impact of Categorical Eligibility

SNAP Manual 08/01/04

If all members receive or have been authorized to receive SSI benefits and the household is otherwise entitled to be categorically eligible per SNAP 1920, the household is assumed to have met the SNAP residency requirements, SSN requirements, resource limits and net income limits. All household members must meet the citizenship requirements of SNAP 1621.

If a household is classified as a categorically eligible household because at least one household member receives one of the TEA benefits listed in SNAP 1920.2, the household is assumed to have met the SNAP residency requirements, resource limits and net income limits. However, those household members that receive neither SSI nor TEA benefits must comply with the SNAP SSN requirements specified in SNAP 2200. All household members must meet the citizenship requirements of SNAP 1621.

## 1924 When to Classify Categorically Eligible Households

SNAP Manual 04/01/20

If all household members receive SSI, if all members receive TEA cash assistance, or if all members receive a combination of TEA cash assistance and SSI benefits, the case will be classified as a categorically eligible household immediately. Otherwise, the county office worker must determine if a household is categorical eligibility if:

- An application for SNAP benefits is about to be denied because the household has resources or income over the Supplemental Nutrition Assistance Program limits; or
- A SNAP case is about to be closed because the household has resources or income over the Supplemental Nutrition Assistance Program limit.

Any SNAP application denied, or any SNAP case closed due to excess resources or income must contain documentation that the household is not categorically eligible. To assist in the process of applying these rules to households with excess resources of income and documenting the result, a *Categorical Eligibility Test* will be used. (The Categorical Eligibility Test may be accessed through DHS SHARE.) A Categorical Eligibility Test must appear in all SNAP denials and closures if the basis of the denial is excess income or resources. Households with a pending TEA application

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that have been denied benefits due to excess income or resources will be issued a manual denial notice. The notice must state that if any household member begins receiving TEA benefits, the household may become categorically eligible and that the household may reapply for SNAP benefits.

## **1925 Verification of Categorical Eligibility**

SNAP Manual 0/01/20

For all households, the household's categorical eligibility status will be determined when the SNAP case is adjusted to remove the cash assistance payment amount unless these benefits are being recouped or suspended. If the household continues to be categorically eligible due to receipt of or authorization to receive non-cash TEA benefits through the DHS County Office, the SNAP case will not be closed due to excess resources or income. If the household is no longer categorically eligible, the case will be closed if the household's income or resources exceed Supplemental Nutrition Assistance Program limits.

For households receiving or authorized to receive non-cash TEA benefits through the DHS County Office (even if these benefits are being recouped or have been suspended), the household's categorical eligibility status will be reviewed when the semi-annual report is submitted. If the household is not subject to semi-annual reporting, categorical eligibility will end when the household stops receiving TEA benefits unless these benefits are being recouped or suspended. Each county should devise some method of monitoring categorically eligible cases so that ineligible households do not continue receiving SNAP benefits when categorical eligibility ends.

If questionable, the worker will verify that the household contains at least one (1) member who receives a TEA benefit authorized through the DHS County Office or contains only members who are SSI recipients. If questionable, the worker will also verify that the household meets the definition of a household as provided in SNAP 1630.

## **1930 Regular Households**

SNAP Manual 06/15/98

Regular households are all households that meet neither the aged/disabled criteria nor the categorical eligibility criteria.