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# **PROGRAM VIOLATIONS/SANCTIONS**

## **910 INTENTIONAL PROGRAM VIOLATION**

### **910.1 Intentional Program Violation (IPV) Definition**

An IPV is an intentional action by an accused individual for the purposes of establishing or maintaining program eligibility, or increasing or preventing a reduction in the benefit amount when they:

- Made a false or misleading statement, or misrepresented, concealed or withheld information; or
- Committed any act that violates Nevada Revised Statute 207.340, or Nevada Revised Statute 422A.700, or intentionally violates any rule or regulation established by the Division of Welfare and Supportive Services (DWSS); or
- Made an attempt to obtain, increase or continue public assistance benefits for themselves or others to which they would otherwise not be entitled; or
- Received benefits to which they would otherwise not be entitled; or
- Failed to comply with reporting requirements as set forth in E&P manual section B-600; or
- Made a false or misleading oral or written statement or submitted a false document to DWSS; or
- Altered any voucher or check to increase its value or duplicated any voucher or check to receive benefits they were not entitled to receive; or
- failed to use or return training funds in a manner consistent with the training agreement.

The actions listed above do not have to result in a claim. If there is potential for erroneous benefits being issued, an IPV may exist.

Intent may be demonstrated in a number of ways, such as:

- the accused individual had reason to know or had knowledge of the information withheld or misrepresented;
- the accused individual failed to report or clarify the information withheld or misrepresented during contact with DWSS or contracted staff, either in person, by mail, by phone, FAX or Electronic Mail;
- the accused individual has demonstrated the ability to report or clarify required information in the past;
- the accused individual has a history of previous program violations and/or client caused claims; or
- the accused individual signed and/or initialed a DWSS document acknowledging their reporting requirements/obligations and the penalty for hiding or giving false information.

**The following acts are illustrative but not exclusive:**

- Concealing or misrepresenting – identity, Social Security number, employment information, paternity information, pregnancy information, marital status, household resources, persons living in the home earned or unearned income, child care information, assets, residency, household expenses, non-custodial parent information, citizenship, household members temporary absence from the home, receipt of public or government assistance, criminal information, school attendance of children, child support issues, medical expenses, separate food units, medical conditions of persons living in the home, lump sum disbursements, winnings, fleeing felon status, subsidized housing, prior Intentional Program Violations or any other information specifically addressed on the public assistance application.
- Altering, forging, duplicating or transferring of DWSS vouchers, forms, checks, affidavits, or any documents submitted to DWSS.
- Misuse or unauthorized presentation, transfer, acquisition, receipt or possession of TANF or SNAP electronic credits or benefits, vouchers, checks, warrants or affidavits,

**910.2 Disqualification Penalties for Intentional Program Violation (IPV)**

Accused individuals who are found to have committed an IPV, by a court of appropriate jurisdiction, or have signed a disqualification consent agreement, are ineligible for any program benefits for:

**A pro rata reduction of the ongoing benefit for:**

- First Violation **12 months**
- Second Violation **24 months**
- NEON (training funds) **60 months**
- Residence/ID **120 months**
- Third or Subsequent Violation **Permanently**

- First Violation **12 Benefit months**
- Second Violation **24 Benefit months**
- Residence/ID **120 Benefit months**
- Third or Subsequent Violation **Permanently**

A NEON IPV disqualification applies to the TANF program.

If a participant is found to have committed any IPVs due to misuse of NEON training funds, their household will be disqualified from TANF for 60 months.

Note: See manual section A-814.5.1.3 for the Definition of Misuse of Funds. IPV disqualified individuals ineligible for TANF are eligible for Medicaid benefits, if otherwise determined eligible.

**911 DETERMINING INTENTIONAL PROGRAM VIOLATION (IPV)  
DISQUALIFICATION OCCURRENCES**

When one or more IPVs are discovered, each occurrence must be separated by an administrative disqualification order or signed and approved Administrative Disqualification/Penalty Waiver or criminal court Judgment of Conviction (JOC) before the next level of penalties may be pursued. Occurrences are separated in the following manner:

<b>1st Violation</b>	Program violations occurring from the date of the accused individual's birth until the date of disqualification (date of the Hearing Officer's notification letter) order or date of signed and approved waiver (date signed by designated Investigations and Recovery (I&R) staff) or date of the JOC, regardless of the number of violations committed in between.
<b>2nd Violation</b>	Program violations occurring after the approval date of the initial signed waiver until the date of a subsequent signed and I&R approved waiver or after being found guilty of a first violation until the date of a subsequent disqualification order or Judgment of Conviction, regardless of the number of violations committed in between.
<b>3rd or Subsequent Violation</b>	Program violations occurring after the approval date of the second signed waiver until the date of a subsequent signed and I&R approved waiver or after being found guilty of a second violation until the date of a subsequent disqualification order or Judgment of Conviction, regardless of the number of violations committed in between.

**911.1 Identification of Intentional Program Violations (IPVs)**

IPVs may be identified through a variety of means. The violation **does not** have to be discovered through an investigation or omission by the accused individual and does not have to include the incorrect payment of benefits. As defined in section B-910, the mere **attempt** to acquire benefits incorrectly may be reason enough to pursue disqualification penalties.

Substantiation of a violation may be accomplished through, but is not limited to, collateral contacts, automated interfaces, case investigations or eligibility interviews.

**912 REFERRAL PROCEDURES FOR INTENTIONAL PROGRAM VIOLATION (IPV)**

Any DWSS employee or staff contracted by the Division may recommend disqualification be initiated against an accused individual by completion and transmittal of Form 6021-AF, “Administrative Disqualification/Penalty Waiver.” This is the only form used to pursue an administrative disqualification/penalty for IPV. Included in the form are the following:

- Violation Summary; and
- Rights of the Accused; and
- Waiver of Right to Administrative Disqualification/Penalty

**When completing Form 6021-AF, the worker must check for prior disqualifications by sending an email to [welfinvest@dwss.nv.gov](mailto:welfinvest@dwss.nv.gov) (Welfare Investigations) to ensure the appropriate penalty period is correct.**

**912.1 Signed IPV Waiver**

If a signed waiver is obtained, the worker shall:

- create an Investigations and Recovery Information System (IRIS) referral by completing the applicable referral detail fields;
- select the “IPV Waiver Attached” option;
- enter IPV waiver information and save the referral; and
- scan and attach the signed IPV waiver document to the referral.

Upon successful referral generation, IRIS will route the referral to the Referral Management Unit (RMU) for case establishment and routing through the IPV process.

**912.2 Request I&R Pursue IPV**

If the accused individual refuses to sign the waiver, the worker must refer the case to the I&R Unit for an investigation to pursue an IPV by:

- creating an IRIS referral by completing the applicable referral detail fields; and
- selecting “I&R to Complete IPV Waiver”; and
- entering IPV waiver information and then saving the referral.

Upon successful referral generation, IRIS will route the referral to the RMU for case establishment and routing through the investigative process.

Contact with the accused individual prior to initiation of a SNAP disqualification procedure is not required by SNAP regulations. DWSS staff having sufficient evidence of an individual's guilt may request an administrative disqualification hearing without any intervening communication with the accused individual.

However, contacting the accused individual prior to initiating a formal procedure affords the individual the opportunity to explain away questionable circumstances to I&R staff and avoid the necessity of further action. The contact also provides I&R staff an opportunity to gather further evidence if obtained from the accused individual voluntarily. I&R staff may request but not require individuals to attend meetings to discuss their suspicions. I&R staff may request accused individuals to discuss the issues over the telephone or respond in writing. If the accused individual fails or refuses to respond to any such request, I&R staff having sufficient evidence may proceed with the administrative hearing process. In no event, will the accused individual or household be terminated for non-cooperation with the IPV process

Form 6058-AF, "Timely and/or Accurate Reporting," may be sent to the accused individual as a warning of the suspected violation; however, this form is not necessary to pursue an IPV disqualification.

### **913 INTENTIONAL PROGRAM VIOLATION (IPV) METHODS**

There are three separate methods by which an accused individual may be penalized for an IPV, they are:

1. Acknowledgment and voluntary acceptance of the penalties by the accused, via a signed IPV Waiver; or
2. By formal order of the DWSS hearings officer after conclusion of the administrative penalty/disqualification hearing process; or

3. By conviction in a criminal court for any offense related to violation of any program administered by DWSS.

## **914 INTENTIONAL PROGRAM VIOLATION (IPV) DISQUALIFICATION HEARINGS**

### **914.1 Consolidation of Administrative Disqualification Hearings**

Disqualification hearings for TANF and SNAP may be combined into a single hearing if the factual issues arise out of the same or related circumstances and the household received prior notice the hearings will be combined.

Combining hearings permits presentation of issues at a common hearing time. However, an individual request for Administrative Disqualification/Penalty Waiver, Form 6021-AF, must be completed for each accused individual and for each program.

If combined, a separate file must be established for each case, and separate presentations must occur for each program. This permits individual rulings for each separate program violation.

### **914.2 Pre-Hearing Resolutions**

IPV issues may be resolved without a hearing or prior to a scheduled date of hearing:

- If the accused individual signs the “Waiver of Right to Administrative Disqualification Hearing” section of Form 6021-AF; or
- DWSS formally withdraws their request for a disqualification hearing.

The IPV disqualification waiver may also be used to address accused individual’s program violations without prior submittal of the 6021-AF to the Hearing Unit. This permits accused individual’s acceptance of IPV disqualification penalties without the formality of the actual hearing.

Signed IPV disqualification waivers are forwarded immediately to the designated I&R staff for review and approval signature. After approval, I&R staff will prepare and send a copy of the waiver and Notice of Imposition of Penalties to the accused individual and the appropriate case manager advising of DWSS’s intent to impose disqualification penalties.

**If a signed waiver is obtained, penalties shall not be imposed until the case manager has received notification from I&R staff. Once disqualification data is entered to the system by I&R staff, the appropriate case manager will be notified to complete the imposition of penalty.**



No further administrative appeal procedure exists after an accused individual waives his/her right to an administrative disqualification hearing and a disqualification penalty has been imposed. The accused individual however is entitled to seek relief in a court having appropriate jurisdiction.

### **914.3 Intentional Program Violation (IPV) Hearings Process**

Administrative Disqualification Hearings and Pre-hearing resolutions are set forth in DWSS's Administrative Manual, section 3103.

On the hearing date, the employee who initiated the IPV action (See manual section B-913) must be available to witness if necessary; however I&R will represent the DWSS and present the case to the hearing officer. See manual section B-1000 for procedures related to individuals contesting an action for other than IPV.

### **914.4 Intentional Program Violation (IPV) Disqualification Outcomes**

Issues sent to the hearing office are resolved on a case-by-case basis. Only **written decisions** issued by the hearing officer, state or federal courts are enforceable. The formal written decision order may:

- Deny or approve the request for a hearing; or
- Deny or approve the request for a disqualification based on a hearing; or
- Approve, with modification of the penalties.

"Reconsideration of the Hearing Decision" is in manual section 3102.15 of DWSS's Administrative Manual.

Accused individuals who disagree with the decision of the hearing officer may appeal their case to district court within ninety (90) days of the date of the hearing officer's decision.

## **915 IMPOSING INTENTIONAL PROGRAM VIOLATION (IPV) DISQUALIFICATION PENALTIES/REPAYMENT OBLIGATIONS**

Disqualification penalties are imposed differently for open and closed cases.

For open cases, disqualification penalties are imposed against the next benefit issuance which the case manager can administratively address after receipt of a signed and approved waiver or an administrative hearing officer's decision or criminal court JOC and I&R notification to impose penalties. Penalties will continue for the ordered period of time or in accordance with the disqualification periods specified in B-910.2. Worker inability to affect benefits because of computer programming restrictions does not negate the case manager's ability to impose the full disqualification period.

For closed cases, the penalties will be imposed immediately following receipt of a signed and approved waiver or a hearing officer's disqualification order or criminal court JOC and I&R notification to impose penalties. Individuals remain ineligible for program participation for the entire disqualification period.

If case managers experience difficulty in coding the disqualification penalty, they are encouraged to seek the assistance of the Help Desk, I&R Unit supervisor, or the I&R program specialist.

- If the case manager fails to apply penalties within specified time frames, only the remaining months of the disqualification may be imposed, (unless permanently ineligible for participation).

**Note:** Timely action is required when the case manager has the clear and present authority to impose penalties.

- ***If the disqualification is associated with the incorrect payment of benefits, the case manager must also initiate action to have the claim re-classified as an IPV. This action will facilitate an increased benefit reduction percentage and greater Division retention of recoveries.***

### **915.1 Count of Disqualified Months Toward Time Limits**

When an accused individual has been found to have committed an IPV, disqualified months will count against both the state and federal time limits.

The disqualified member must still continue to meet NEON requirements, unless exempt.

### **915.2 Budgeting Ongoing Eligibility for Disqualified Members**

To determine the need and amount of TANF and SNAP benefits, consider all income and resources of an accused individual required to be in the assistance unit/household, whether or not they are subject to disqualification penalties. Their income and resources are considered available to the assistance unit/household.

### **915.3 Repayment Obligation of Household Members**

All TANF household members and adult SNAP household members, disqualified or not, remain responsible for claim repayment both during and after the disqualification period, until recoupment is complete.

**Example:** If the legal parent on a TANF case is disqualified, the repayment will be taken from any ongoing benefit containing members who participated during the period of time of the program violation.

## **920 IPV DISQUALIFICATION INFORMATION SYSTEMS**

### **920.1 Nevada's Central Repository for Program Disqualification Information**

All Nevada hearing decisions, criminal court JOC and signed and approved disqualification waivers are transmitted to the Central Office I&R Unit for maintenance and storage. This information is available for use by all DWSS staff. Its primary purpose is to provide documentary evidence of why a disqualification penalty was imposed and substantiate previous disqualification occurrences.

Before completion or submittal of Form 6021-AF, "Administrative Disqualification/Penalty Waiver," case managers must contact the Central Office I&R Unit to obtain information about prior occurrences. See manual section B-912.

### **920.2 National Electronic Disqualified Recipient Subsystem (DRS)**

- The Hearing Unit forwards all TANF disqualification records to Central Office.
- **National SNAP Disqualification Information Access:** The Food and Nutrition Service (FNS) operates a National Electronic Disqualification Recipient System (EDRS) which maintains data for accused individuals found to have committed a SNAP violation within participating states.
- **Reporting Disqualifications:** When an accused individual is disqualified from program participation through a criminal court order, administrative disqualification hearing or voluntary waiver, the disqualification will be reported by I&R in the Central Office to the FNS via the EDRS.

**930 SANCTIONS****931 Definition**

Effective December 15, 2003, a sanction is a penalty imposed which terminates a household's TANF cash benefits when the household has failed to comply with work requirements (i.e., attend orientation, participation with assessments, training and work activities) or the terms of the Personal Responsibility Plan (PRP). The head of household is responsible for ensuring the compliance of all other household members. Prior to December 15, 2003, the sanction penalty was gradual, with both the monetary amounts and time periods increasing with the next higher sanction level.

As a good faith gesture, ongoing TANF households under a benefit reduction due to a sanction implemented prior to December 15, 2003 will have their TANF benefits restored for January 2004 at a non-sanction level. The head of household will be issued a 30-day conciliation notice and subject to the new sanction policy.

A sanction occurs when an accused individual fails to cooperate with work requirements. The accused individual is ineligible to receive SNAP during the sanction period, but the remaining household members do not lose eligibility.

**932 Non-Cooperation with Employment and Support Services**

Effective 10/01/2008, non-cooperation with the household's established Personal Responsibility Plan (PRP) will result in a three (3) month sit-out against all members of the household for TANF.

Refer to manual sections A-827.2 – Action for Non-Compliance and A-827.3 – Household Response After a Notice of Non-Compliance.

If the household or any member of the household reapplies during the three-month period, their request for TANF assistance will be denied.

If a NEON mandatory individual in a sit-out joins another TANF household, the household s/he joins will be ineligible (considering adverse action) until the sit-out period ends.

If a non-NEON mandatory individual who was a member of a household with a sit-out joins another TANF household, the child is considered an ineligible member until the sit-out ends. Once the sit-out period ends, the child(ren) must be added to the existing TANF case as an eligible member.

If an accused individual fails to cooperate with SNAP work requirements, a sanction will be imposed against the accused individual's SNAP benefits, as appropriate.

- **First violation** - ineligible for one month **and** until compliance.
- **Second violation** - ineligible for three months **and** until compliance.
- **Third and subsequent violations** - ineligible for six months **and** until compliance.

The computer system will monitor the first, second and subsequent occurrences and prevent eligibility until the period ends.

**933 Personal Responsibility Plan (PRP)**

If the household fails to cooperate with any of the provisions of the PRP, a sanction will be imposed against the household's TANF benefit. These terms may include, but are not limited to, participation in NEON, job retention assistance, vocational testing/training, education, domestic violence referrals, drug/alcohol testing and treatment, mental health treatment, counseling, parenting classes, mentoring programs, immunizations.

**Exception:** Although the PRP includes a provision for ensuring school attendance for children ages 7 to 11 under the Immunization/School attendance section, failure to cooperate with this statement is a non-sanctionable offense.

For NEON **mandatory** participants who fail to comply with work requirements or the terms of their PRP, refer to manual section A-800

A sanction is NOT imposed:

- when the head of household is not an eligible member of the assistance unit (NNCT, SSI or ineligible non-citizen);
- against a NEON exempt household; or
- against a household maintaining employment at the participation standard level.

**940 INELIGIBILITY FOR FAILURE TO MEET PROGRAM REQUIREMENTS****941 INELIGIBLE CATEGORIES/PERIODS****941.1 Fleeing Felons**

Applicants or recipients are not eligible to participate in the TANF or SNAP for any period of time during which:

- A. they are wanted by law enforcement for any action associated with a crime which is classified as a felony; or
- B. wanted by law enforcement for questioning about a crime which is classified as a felony.

Case managers will use information disclosed on the application/redetermination/recertification or other program report forms, or verified by law enforcement to identify individuals affected by this ineligible category.

**Note:** Although the agency must take action on known information which could affect a household's SNAP benefits, it may delay taking such action if law enforcement officials request a delay of action because it could interfere with their investigation or apprehension of the fleeing felon. Refer any such requests directly to the I&R supervisor or I&R specialist for review and approval of the request. I&R will advise the case manager of any decision to delay a disqualification. The case manager must future action the case file for a 30-day follow up. An eligibility action to disqualify the individual may be taken upon notification from I & R the delay request has been lifted.

#### **941.1.1 Ineligible Period for Fleeing Felons**

Individuals are not eligible to receive TANF or SNAP benefits during any period of time they are classified as fleeing felons. Once the accused individual has been determined ineligible under this category, the accused individual must provide verification they are no longer wanted by law enforcement before eligibility may be restored.

#### **941.2 Parole or Probation Violators**

Applicants or recipients are not eligible to participate in the TANF or SNAP program for any period of time during which they are violating a condition of their parole or probation when associated with a felony crime.

Case managers will use information disclosed on the application or verified by the Division of Parole & Probation to determine ineligibility.

#### **941.2.1 Ineligible Period for Parole or Probation Violators**

Individuals are not eligible to receive TANF or SNAP benefits during the time they are in violation of parole or probation conditions. Once ineligibility is determined, the applicant or recipient must provide written verification from the Division of Parole & Probation they are currently meeting all conditions of their parole or probation before they may regain eligibility.

### 941.3 Felony Drug-Related Convictions

#### 941.3.1 Ineligible Period for Individuals Convicted of Felony Drug-Related Offenses

Individuals, regardless of age, who are convicted of felony drug related offenses on or after August 22, 1996 are permanently disqualified for TANF and SNAP benefits. This includes possession, use or distribution of a controlled substance. Individuals *charged* prior to August 22, 1996 and *convicted* after that date are considered eligible.

**Note: To be convicted of a felony, a person must have been tried as an adult in an adult criminal court.**

Individuals participating in an alternative sentencing program have not been convicted; the actual conviction may be pending the next court date. These individuals would maintain eligibility until they are actually convicted.

An individual may be determined to be eligible after the conviction if the individual provides verification they are currently participating in or has successfully completed a Division approved program for the treatment of the abuse of controlled substances since the last conviction **and**:

- a) Demonstrates to the satisfaction of the Division that he/she has not processed, used or distributed controlled substance since he/she began the program; **or**
- b) Is pregnant and a physician has certified in writing that the health and safety of the mother and the unborn child are dependent upon the receipt of benefits.

An individual will be verified as not having possessed, used or distributed a controlled substance since their treatment program began if:

- The individual has no further arrest record; or
- The individual provides a statement from their Parole Officer (if they are currently serving a probation period).

#### 941.3.2 Division Approved Programs/Providers

Division approved programs include programs/providers approved by the Nevada Substance Abuse Prevention and Treatment Agency (SAPTA) and the national Substance Abuse & Mental Health Services Administration (SAMSA). Programs completed while the individual was incarcerated or court ordered as a component of their parole or probation also meet the definition of a Division approved program.



### **Verification**

A statement from:

- a SAPTA or SAMSA approved treatment provider is acceptable verification of participation or successful completion of a substance treatment program. A current list of Nevada SAPTA approved providers can be found online at <http://mhds.state.nv.us>. From the Home Page select Substance Abuse Prevention and Treatment Agency, select Programs then select Treatment Programs to access the most current list of approved treatment providers OR
- For out-of-state SAMSA program/providers verification contact the SNAP Program Specialist in Central Office; OR
- the parole officer in or out of state verifying participation in or completion of a substance abuse program; OR
- federal/state officials, social workers, medical/health providers in or out of state of completion of a substance abuse program that is court ordered and/or a condition of parole/probation; OR
- a combination of sources verifying participation in or completion of a substance abuse program.

**Note:** The client's statement cannot be accepted to verify participation in or the completion of an agency approved program. Actual documentation must be obtained from the household, or collateral contact information documented in the case record, to determine the program completed and the completion date or to verify current participation.

The inability of an individual to provide proof of a completed program or the inability of the individual to enroll in a program, either due to cost or lack of need, does not create eligibility. These individuals will remain ineligible until proof is provided or enrollment occurs.

### **941.4 Misrepresentation of Identity or Residence**

Accused individuals who are found to have committed an IPV either through an administrative disqualification hearing, a criminal court JOC or have signed a disqualification consent agreement, are ineligible for program benefits for:

- 120 months for accused individual who misrepresent their place of residence or identity in an attempt to receive benefits simultaneously from one or more entities.

**Note:** The act of fraud is complete when the fraudulent statement is made. Therefore, the accused individual does not have to actually receive multiple benefits to be disqualified.

#### **Example:**

Residence – The accused individual is receiving SNAP benefits in California, moves to Nevada without requesting their benefits be terminated in California and fails to disclose they received SNAP benefits in California.

Identity – The accused individual applies for benefits under one identity and SSN, and submits another application for benefits under another identity and SSN.

**941.4.1 Ineligible Period for Misrepresentation of Identity or Residence**

Accused individuals convicted of misrepresentation of:

- Accused individuals found through a signed and approved Administrative Disqualification/Penalty Waiver, administrative hearing or federal or state court of having made a fraudulent statement or representation with respect to their identity or place of residence to receive TANF from one or more entities simultaneously, are ineligible for 120 months.
- Accused individuals found through a signed and approved Administrative Disqualification/Penalty Waiver, an administrative hearing or federal or state court of having made a fraudulent statement or representation, with respect to their identity or place of residence to receive multiple SNAP benefits simultaneously, are ineligible for 120 months.

**941.5 Accused Individual Convicted of SNAP Trafficking**

Accused individuals convicted of knowingly using, transferring, acquiring, altering or possessing coupons, authorization cards or access devices in any manner contrary to the Food Stamp Act/regulations involving \$500 or more are ineligible to participate in SNAP.

**941.5.1 Ineligible Period for Accused Individual Convicted of SNAP Trafficking**

Ineligible for two years:

- First finding of trading a controlled substance for benefits.

Ineligible permanently:

- Second finding of trading a controlled substance for benefits or;
- First finding of trading firearms, ammunition, or explosives for benefits; or
- First finding or trafficking SNAP benefits having a value of \$500 or more.

**941.6 Minor Parent Without Approved Living Arrangements**

Unmarried minor parents (under age 18) who do not live with a parent, guardian, other adult relative or in an approved adult supervised setting are not eligible to participate in the TANF program unless exempt for good cause.

**941.6.1 Ineligible Period for Minor Parents Without Approved Living Arrangements**

Minor parents who are not in approved living arrangements are ineligible to receive TANF benefits.

**941.7 Absence of Minor Child for Significant Period**

A minor child who is expected to be absent from the household for 45 or more consecutive days and does not meet an exception (see manual section A-1137) is ineligible to participate in the TANF program.

A parent/caretaker relative **who fails to report** such absence by the end of the five-day period it becomes clear the child will be absent for longer than the specified allowable time period is ineligible to participate in the TANF program.

**941.7.1 Ineligible Period for Absence of Minor Child for Significant Period**

Minor children absent longer than the specified period are ineligible to receive TANF benefits.

The disqualification for a parent/caretaker who fails to report such absence by the end of the five-day period will be determined through the IPV process.

**Note:** Remove the ineligible child(ren) as soon as administratively possible. If the only eligible child has left the home or was never in the home, the case must be terminated. The IPV process will still be followed.

Unreported changes are pursued for IPV and/or a claim.

## **941.8 Non-Cooperation with Social Security Number Requirements**

Each household/assistance unit member or persons requesting assistance for themselves must provide a Social Security number or apply for a Social Security Number at a Social Security office. A person seeking benefits on behalf of children in their care must provide the children's Social Security numbers or meet enumeration requirements to receive assistance. If an individual fails to comply, or voluntarily chooses not to provide an enumeration:

Terminate or deny assistance.

If a household member has refused or failed without good cause to provide or apply for an SSN, then that **individual** shall be ineligible to participate in SNAP.

Always evaluate the circumstances for "good cause" or "religious beliefs" as reasons for not providing or pursuing enumeration (see manual section A-1300).

**Note:** Illegal non-citizens are not required to obtain or provide a Social Security number, as the Social Security Administration may not issue one to these individuals. Newborns are exempt from Social Security enumeration requirements under OBRA eligibility provisions for medical assistance only (MAPS-545). Refer to manual section A-1300 for newborn enumeration rules for SNAP and TANF.

### **941.8.1 Ineligible Period for Non-Cooperation with Social Security Number Requirements**

- If the individual refuses to comply with Social Security requirements, terminate or deny TANF.

**Note:** If the individual is pursuing but unable to obtain the information necessary to obtain an SSN for an assistance unit member, only the person who does not meet the SSN requirements is ineligible. This is **not** considered a non-cooperation issue. See manual section A-1300.

Only the individual for whom the household has refused or failed without good cause to provide or apply for an SSN shall be ineligible in the SNAP household. These individuals are considered excluded household members. The exclusion continues until proof of an SSN or good cause has been provided.

**Note:** Households/household members who have sent for the needed verifications but have not yet received them are considered to be cooperating. These households/individual members may receive SNAP for two or more months. See manual section A-1300.

### **941.9 Minor Parent Failing to Meet Educational Requirement**

A minor parent is ineligible to participate in the TANF program unless enrolled in and attending full time an elementary or secondary school, vocational or technical school equivalent to a secondary school, or an approved alternative education program (includes GED programs).

#### **941.9.1 Ineligible Period for Minor Parent Failing to Meet Educational Requirement**

Minor parents who fail to meet the educational requirement are ineligible to receive TANF benefits.

### **950 RESERVED**

960

## BUDGETING STEPS INCLUDING DISQUALIFICATIONS CLAIMS

## TANF Budgeting Steps

**First Step** - Maximum grant is established based on number of eligible members in the household (see TANF Needs Standard Chart in Part C-141);

**Second Step** - Subtract earned income (after all applicable work expenses and/or disregards and/or child care expenses have been deducted);

**Third Step** - Total all net earned income with countable unearned income and subtract this amount from the payment need standard based on the number of TANF household members eligible to be included for assistance. The result of this step is the **net grant**.

## FINAL NET GRANT

**Fourth Step** - Subtract any claim from the net grant.

## Claims

Claim deductions are calculated by adding together:

1. Gross earned income (include income which is otherwise disregarded in calculating the grant);
2. Unearned income; and
3. Net grant amount.  
Multiply the total by 10% (20% if claim). (See manual section F-160) The end result is the claim amount to be deducted from the net grant amount.

## SNAP Budgeting Steps

Once household members' income and expense data is entered into the computer, the system will calculate the correct allotment based on household size, income and any **applicable** shelter expenses, utility allowance, phone or medical expenses. **Note:** Off line manual budgets are done for claims. SNAP budgeting is done by the computer except for **manual claims** which require recomputing the allotment for each month in question.

**Steps:** Apply the gross income test in both the eligibility and allotment determination, unless policy specifies otherwise.

Compare countable gross income to the maximum gross monthly income allowable by household size, except for 1) households containing an elderly or disabled member; and 2) categorically eligible cases. If the household does not pass the gross income test, deny/terminate benefits.

1. Add all gross earned income.
2. Multiply by 80% for net earned. **Do not allow the 20% for claims resulting from non-reporting of earnings.**
3. Add all unearned income to net earnings.
4. Subtract the standard deduction, allowable dependent care and verified court ordered child support payments. The result is the adjusted income. **If elderly/disabled**, also subtract medical expenses less the \$35 deductible to reach the adjusted income.

960 BUDGETING STEPS (Con't.)

**Fifth Step** – For an IPV disqualification, subtract “needs” (pro rata share) for each disqualified member.

**Note:** Disqualification penalties may be assessed against more than one person in a grant.

If all persons on a case are disqualified, the case will not close automatically. The worker must close the case.

5. Subtract allowable shelter expense:
  - Total monthly shelter expenses
  - Multiply adjusted income by 50%
  - Subtract remainder of adjusted income from shelter expense.
6. Subtract the lesser of actual expenses or fixed max expense from the adjusted income for net income. **If elderly/disabled**, subtract the actual excess shelter expense from adjusted income for net income.
7. To determine allotment value:
  - Use Allotment Tables in Part C-220
  - or
  - Multiply net income by .3 (30%) and subtract unrounded product (2 decimal places) from the maximum allotment for the household size.

Claims (also see manual section F-160):

Claims deductions are determined by multiplying the monthly allotment:

- a. by 10% for agency and client claims; **OR**
- b. by 20% for IPV and Fraud claims.



**960 BUDGETING STEPS (Con't.)**

**TANF BUDGETING EXAMPLES With Claims/Sanction**

Family of 3 - Gross grant = \$383 - Earned income = \$200/mo. There is no unearned income.

**Example:** 1. Intake Case:

Compare total household earned/unearned income to the 130% of Poverty. If eligible, deduct \$90/20% work expense, child care expenses and add unearned income (if applicable).

Compare this *net income* to the 100% Need Standard for the month of application. If the net income is less than the 100% Need Standard, the appropriate earned income disregard will be effective the first grant month. Subtract any unearned income from the payment allowance amount to determine the amount of the cash grant.

**First Through Third Month With Earnings & 100% Earned Income Disregard Applied**

\$383 maximum grant  
 - \$ 0 earned income - 100% disregard  
 \$383 net grant amount

**Fourth Through Sixth Month With Earnings and 85% Earned Income Disregard Applied**

<u>Without Child Care</u>	<u>With Child Care</u>
<p>\$383 maximum grant                      - \$ 30 earned income – 85% disregard                      \$353 net grant amount</p>	<p>\$200 gross earned income                      - \$170 85% disregard                      - \$ 30 child care                      \$ 0 net earned income</p> <p>\$383 maximum grant                      - \$ 0 net earned income                      \$383 net grant amount</p>

**960 BUDGETING STEPS (Con't.)**

**Seventh through Ninth Month With Earnings and 75% Earned Income Disregard Applied**

<u>Without Child Care</u>	<u>With Child Care</u>
\$383 maximum grant – <u>\$ 50</u> earned income – 75% disregard \$333 net grant amount	\$200 gross earned income – \$150 75% disregard – <u>\$ 30</u> child care \$ 20 net earned income  \$383 maximum grant – <u>\$ 20</u> net earned income \$363 net grant amount

**Tenth through Twelfth Month With Earnings and 65% Earned Income Disregard Applied**

<u>Without Child Care</u>	<u>With Child Care</u>
\$383 maximum grant – <u>\$ 70</u> earned income – 65% disregard \$313 net grant amount	\$200 gross earned income – \$130 75% disregard – <u>\$ 30</u> child care \$ 40 net earned income  \$383 maximum grant – <u>\$ 40</u> net earned income \$343 net grant amount

**Example: 2. Ongoing Cases:**

If a member of an ongoing case with no earnings begins receiving earned income, they are eligible to receive the earned income disregards (if not previously exhausted) without applying the income tests, using timely reporting criteria.

If a new member with income is added to a household with disregards in place, apply the earned income disregard to the new member's earnings the month they come into the home. Do not compare their income to either the 130% of Poverty or 100% Need Standard.

Use the examples listed above for determination of the final payment based on the corresponding disregard level.

**960 BUDGETING STEPS (Con't.)**

**Example: 3. Ongoing Case With 3 Persons - Claim**

\$383 maximum grant  
-\$ 0 earned income - counted due to 100% disregard  
(\$200/mo. earnings)  
-\$ 0 no unearned income to add  
\$383 net grant

- Manual Claim (CL) Computation - Round Down at each step (10% or 20% if IPV overpayment)

Step 1. \$383 net grant x 10% (\$38.30) = \$38  
Step 2. \$200 gross income x 10% = \$20  
Step 3. Claim Deduction = \$58

Step 4. \$383 net grant  
-\$ 58 subtract CL deduction  
\$325 grant amount after CL

**Example: 4. Ongoing Case with 3 Persons -- Disqualification**

Calculate the IPV disqualification amount.

\$383 net grant  
\$127 pro rata share ( $\$383/3$ ) = \$127 is disqualification amount

If this same household had two IPV disqualified individuals, the pro rata share would be 2/3 of the net grant (\$255).

**970 RESERVED**

**980 RESERVED**

**990 OTHER****991 Additional Information**

Use Form 4834 to inform the investigator of any new information that would affect the claim for a case under investigation for Intentional Program Violation.

**992 Misuse of Benefits**

The USDA is notified of:

- violations by retail grocery stores on the redemption of SNAP. (**Examples:** allowing unauthorized purchases and accepting benefits for previous purchases.)
- misuse of SNAP by authorized representatives of drug or alcohol treatment centers and group living arrangements certified by the USDA as a retailer.
- Investigations & Recovery staff will notify the Office of the Inspector General of:
  - suspected misuse of benefits by program participants; and
  - SNAP security violations by postal employees or issuance personnel.

**995 Forms Used for Intentional Program Violations (IPVs)**

- Form 2649, Administrative Disqualification Hearing Summary
- Form 6021, Request for Administrative Disqualification Hearing
- Form 2030, Report Claim Determination/Disposition
- Form 6029, Request for Administrative Disqualification Adjudication/Hearing

**996 Forms Used for Other Disqualifications/Sanctions - Reserved**