

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 16 Delaware Code, Section 512 (16 Del.C. §512)
16 DE Admin. Code 9093

FINAL

ORDER

Food Supplement Program; Electronic Benefit Transfer

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, *Electronic Benefit Transfer*. The Department's proceedings to amend its regulations were initiated pursuant to 29 Delaware Code Section 10114 and its authority as prescribed by 31 Delaware Code Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 Delaware Code Section 10115 in the October 2011 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2011 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, *Electronic Benefit Transfer*.

Statutory Authority

- 7 CFR §271.2, *Definitions*
- 7 CFR §273.18(g)(2), *Benefits from EBT accounts*
- 7 CFR §274.2, *Providing benefits to participants*
- 7 CFR §274.4, *Reconciliation and reporting*
- 7 CFR §274.8(d), *Re-presentation*

Summary of Proposed Changes

The below referenced policy sections are being changed to bring the policy manual up to date regarding the current Electronic Benefit Transfer (EBT) vendor. Other technical changes were made to update language, e.g., food stamps to food benefits. Additional changes made to improve readability; clarify and reformat text; add federal citations; remove the name of the previous EBT vendor and replace it with a generic indicator; replace all instances of food stamps with food benefits; and, remove the duplicative and incomplete definitions section at 9093.1.

The proposed changes affect the following policy sections:

DSSM 9093, *Electronic Benefit Transfer (EBT)*

DSSM 9093.1, *Definitions/Acronyms* **RESERVED**

DSSM 9093.2, *Using EBT for Food Stamp Benefits*

DSSM 9093.3, *Food Stamp Benefit EBT Adjustments*

DSSM 9093.4, *Account Balances*

DSSM 9093.5, *Manual Transactions*

DSSM 9093.6, *Manual Vouchers*

DSSM 9093.7, *EBT and Timely Application Processing*

DSSM 9093.8, *EBT Benefits and Claim Issues*

DSSM 9093.9, *Aging Periods and Expungement Process*

DSSM 9094, *Definitions*

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE AND EXPLANATION OF CHANGE(S)

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations and recommendations summarized below. The Division of Social Services

(DSS) has considered each comment and responds as follows:

First, there are many references to “store” or “stores”. See, e.g., §§9093.2, 9093.3, and 9093.5. In other instances, DSS often refers to “retailer” or “retailers”. See, e.g., §§9093.3 and 9093.6. DSS describes eligible vendors as including a “farmers market” (§§9093.2 and 9093.6); “street or route vendor” (§9093.6); and providers such as soup kitchens, shelters, communal living arrangements, and home delivered meals (definition of “eligible foods” at p. 466). The term “retailer” would be preferable to “store” since it would cover farmers’ markets and street vendors. However, the term would not “capture” soup kitchens, shelters, home delivered meal providers. DSS should consider adopting a uniform term (e.g. “supplier”) with a definition which encompasses the expected provider network.

Agency Response: After careful consideration DSS decides to retain the language as is. Though it is often preferable to use consistent terms throughout, the verbiage used in the selected sections is used appropriately. The use of a term like “supplier” has a very different connotation than retailer or store and might create confusion on the part of the end user.

Second, in §9093.2, first line, substitute “farmers” for “farmers”. Compare reference in §9093.6, second paragraph.

Agency Response: The text is corrected.

Third, in §9093.3, second paragraph, consider substituting “DSS will emphasize” for “Emphasize”. Compare references at end of this section (e.g. “DSS must act...”; “DSS will send a notice...”; “DSS will make a provisional credit...”).

Agency Response: The text is changed as suggested.

Fourth, in §9093.3, second last paragraph, the “notice” provision would benefit from embellishment since it does not indicate how households would be alerted to the 10-day deadline on requesting provisional credit. One option would be to amend the initial sentence as follows:

DSS will send a notice to the household informing it of the account adjustment and appeal rights, including the timetable for requesting a provisional credit.

Alternatively, DSS could insert the following based on the definition of “adequate notice” at p. 463:

DSS will send an adequate notice as defined in §9094 to the household informing it of the account adjustment.

Agency Response: The text is changed to read “DHSS will send an adequate notice as defined in DSSM 9094 to the household informing it of the account adjustment.”

Fifth, in §9093.7, first sentence, consider the following revision: “~~Regulations say we~~ DSS must provide...”

Agency Response: The text is changed to read “DHSS must provide...”

Sixth, in §9093.8, second sentence, substitute “it was” for “they were” since the antecedent (“household”) is singular. Similarly, in §9094, definition of “Notice of Expiration”, substitute “it needs” for “they need”. Compare similar reference in §9093.3, second last paragraph.

Agency Response: The text is changed as suggested.

Seventh, in §9094, definition of “Elderly or disabled member”, the period is missing at the end of Par. “A”.

Agency Response: Correction made.

Eighth, in §9094, definition of “Eligible foods”, Par. C, DSS may wish to consider substituting “benefits” for “coupons”.

Agency Response: The referenced text is changed from “coupons” to “EBT benefits”.

Ninth, the regulation contains pejorative and outdated references. See, e.g. the following: A. reference to “physically or mentally handicapped” in §9094, definition of “Meal Delivery Service”; B. reference to “Disabled member” in §9094, definition of “elderly or disabled member” and definition of “group living arrangement”; and C. inclusion of the following reference in §9094, definition of “homeless” - “a halfway house or similar institution that provides temporary accommodations for individuals intended to be institutionalized”. The Governor signed H.B. 91 in August, 2011 which includes the following admonition:

(b) From the effective date of this section, all new and revised statutes, administrative rules, local laws, ordinances, charters or regulations promulgated or any publications published by the state or any political subdivision that refers to persons with disabilities shall:

(1) Avoid language that:

(A) implies that a person as a whole is disabled, such as the “mentally ill”, “retarded”, or the “learning disabled”, or

(B) equates persons with their conditions, such as “epileptics”, “autistics”, or “quadriplegics”, and

- (2) Replace non-respectful language by referring to persons with disabilities as persons first; for example, persons with disabilities, persons with developmental disabilities, persons with mental illness, persons with autism, or person with cognitive disabilities.

DMMA implemented this law in August by issuing a comprehensive regulation amending many of its regulations to conform to the directive and spirit of H.B. 91. See 15 DE Reg. 202 (August 1, 2011). DSS should likewise consider reviewing this regulation to ensure conformity with H.B. 91.

Agency Response: The phrase “the physically or mentally handicapped” is changed to “persons with physical or mental disabilities”. Other similar references to obsolete terminology is changed to more respectful language.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2011 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) regarding the Food Supplement Program (FSP), specifically, *Electronic Benefit Transfer* is adopted and shall be final effective January 10, 2012.

Rita M. Landgraf, Secretary, DHSS

DSS FINAL ORDER REGULATION #11-58 REVISIONS:

9093 Electronic Benefit Transfer (EBT)

Electronic Benefit Transfer (EBT) is the method by which Delaware ~~[Division of Social Services (DSS) Department of Health and Social Services (DHSS)]~~ issues food stamp benefits to participants. The EBT card is a plastic card called the Delaware Food First Card. The card is used with a Personal Identification Number (PIN) at grocery retailers to purchase food.

~~eFunds Government Systems (eFunds) is Delaware's contractor for EBT. Delaware uses an EBT contractor to manage the EBT cards. Client/case file and benefit information are transmitted through an interface between eFunds the EBT contractor and the Division's data processing systems.~~

EBT did not change the way that eligibility determinations are made for food stamps benefits. EBT affected the way that food benefits are delivered to participants. EBT provides greater privacy and security for those receiving food stamp benefits.

9093.1 Definitions/Acronyms RESERVED

~~**Administrative Terminal:** This is the eFunds system through which DSS staff can obtain EBT card and account information.~~

~~**Authorized Representative:** This is an individual outside the household designated to have access to the household's benefit account. This can also be a household member, like a spouse, who is a secondary card holder.~~

~~**Benefit Status:** This is a code which indicates the current status of the benefit in the Administrative Terminal.~~

~~**Card Number:** The card number is printed on the front of the EBT card. The first six digits are the same for all of Delaware's cards. This is known as the Primary Account Number (PAN).~~

~~**Card Status:** An EBT card may be active or inactive. The card status for a replacement card can indicate stolen, lost, payee changed, name changed, damaged, undelivered, deactivated/cancelled or bad address.~~

~~**Date Available:** Benefits are available at 6:00 a.m. on the date specified in the Administrative Terminal. Regular monthly food supplement benefits are available according to a seven day staggered schedule based on the last name. Benefits start staggering on the fifth calendar day of each month.~~

~~**eFunds Customer Support:** The Customer Support Unit receives phone calls from participants to check balances, report lost or stolen cards, report problems with a retailer, and request new PINs. The CSU number is 1-800-526-9099.~~

~~**Expunged Benefits:** Benefits in client accounts not used for 365 days are expunged (removed) from the account forever.~~

~~**FNS Number:** A unique number assigned to retailers by FNS indicating that the retailer is eligible to accept FSP benefits.~~

~~**Hold Amount:** When an EBT manual voucher transaction is used, the retailer obtains an authorization number from eFunds. eFunds puts a hold on the participant's food benefit account. Once an accept reason is assigned to the voucher, the hold amount is deducted from the participant's benefit balance and this field becomes blank.~~

~~**Manual Entries:** If an EBT card or POS machine is damaged, the card number can be keyed manually to complete the transaction.~~

~~**Manual Voucher:** Retailers use paper vouchers when the eFunds system is not available. Retailers who are not eligible to have POS terminals also use these vouchers. A voucher has a unique number which identifies the voucher. This~~

field is completed only if the transaction displayed in the Administrative Terminal is an off-line voucher.

PAN: The Primary Account Number is the 16-digit number on the EBT card, also called the card number.

PIN (Personal Identification Number): A PIN is a four-digit secret code that must be used when the EBT card is used. No one can use the card but the participant as long as the participant does not give the PIN to anyone.

PIN Info: The Card Maintenance screen in the Administrative Terminal displays whether or not a PIN has been selected and the method. Yes indicates that a PIN has been selected. Fails is the number of times the PIN entered has failed that day. Chg Count is the number of times the PIN has been changed. Method is how the PIN was selected.

Point-of-Sale (POS) Terminal: A POS is the device on which transactions are made by the food stamp participant. The POS machine reads the card and allows the participant to buy food with the food stamp benefits.

Stale Benefits: Benefits not used by a household within 60, 90 or 230 days.

9093.2 Using EBT for Food Stamp Benefits

7 CFR 274.4

The household may use its EBT card in any grocery store, convenience store, farmers' market, etc., anywhere in the United States, authorized by FNS to accept ~~them~~ the card. The benefits may be used the same as cash to purchase any food or food product prepared for human consumption. Households cannot use benefits to purchase alcoholic beverages, tobacco, soap and paper products, and hot foods or hot foods prepared for immediate consumption. Households can use benefits to buy seeds and plants for use in gardens to produce food for personal consumption by the eligible household.

EBT benefits are available 24 hours a day, seven days per week including weekends and holidays. **[DSS DHSS]** issues benefits on a daily and monthly basis. **[DSS DHSS]** issues monthly benefits on the same day each month for each household based on a staggered issuance schedule. eFunds The EBT contractor posts benefits in the household's account by 6 a.m. the day after benefits are approved in DCIS II.

There is no minimum dollar amount per transaction. There is no maximum limit on the number of transactions a household can make. Stores cannot impose transaction fees on food stamp benefit households using their EBT card at grocery stores.

Households can check their food stamp benefit account balances without making a purchase or standing in a checkout line.

Households receive printed receipts at the time of transactions.

When transacting food stamp benefits by EBT, the household cannot receive change. When a household returns food to a grocery store, the store will credit the household's EBT account with the amount of the refund. The household cannot receive a cash refund for returned food.

9093.3 Food Stamp Benefit EBT Adjustments

7 CFR 274.2

eFunds The EBT contractor makes adjustments to EBT accounts to correct system errors. A system error is an error resulting from a malfunction at any point in the redemption process, for example, errors made at the grocery store. Adjustments are initiated by the client or store and may result in a debit or credit to the household.

[Emphasize DHSS will emphasize] to clients that they should review their transaction slips before leaving the store. If there is a mistake, the client should discuss the problem with the store clerk or manager before leaving the store. Problems discovered later must be resolved through the eFunds EBT contractor Customer Service Unit.

Client-Initiated Adjustments

An EBT credit adjustment occurs when eFunds the EBT contractor returns benefits to a household's account after the store deducted the benefits in error.

For example, a household member uses an EBT card to purchase groceries. Due to a system error, the store debited the purchase amount from the household's EBT account twice.

The household has 90 days from the date of the problem transaction to contact eFunds the EBT contractor Customer Service at 1-800-526-9099 and inform the customer service representative that a problem has occurred. The household will need to tell the customer service representative the date, time and location of the transaction and the amount of food stamp benefits that were debited in error.

If the request is a legitimate request, eFunds the EBT contractor will return the funds to the household's EBT account within 10 business days from the date the household filed the report with the eFunds EBT contractor Customer Service Unit. A business day is any calendar day other than a Saturday, a Sunday or a federal holiday.

If the household's request is not legitimate, eFunds the EBT contractor will deny the credit adjustment. The household may request a fair hearing. eFunds The EBT contractor will take no action to credit the household's EBT account unless the hearing decision is in the household's favor.

Retailer-Initiated Adjustments

A retailer-initiated adjustment occurs when the retailer does not receive a credit for an EBT purchase amount when the household made the purchase. The store needs the adjustment to get credit for the purchase made by the household.

For example, a household uses the EBT card to purchase \$200 worth of groceries. The credit to the store's account

does not go through and the \$200 remains in the household's account.

[DSS DHSS] must act upon all adjustments to debit a household's account no later than 10 business days from the date the error occurred, by placing a hold on the adjusted amount in the household's account. If there are insufficient benefits to cover the entire adjustment, ~~**[DSS shall DHSS will]**~~ place a hold on any remaining balance that exists and the whole amount will be debited from the household's account when the next month's benefits become available.

[DSS DHSS] will send a ~~[n adequate]~~ notice ~~[as defined in DSSM 9094]~~ to the household informing ~~them~~ it of the account adjustment. The household has 90 days from the date of the notice to request a fair hearing.

If the household disputes the adjustment and requests a hearing within 10 days of the notice, **[DSS DHSS]** will make a provisional credit to the household's account by releasing the hold on the adjustment balance within 48 hours of the request by the household, pending resolution of the fair hearing. If the household does not request ~~for~~ a hearing within 10 days of the notice, **[DSS DHSS]** will release the hold on the adjustment balance, and credit this amount to the retailer's account.

9093.4 Account Balances

An EBT food ~~stamp~~ benefit account does not close when a food ~~stamp~~ benefit DCIS case closes. The former recipient remains entitled to the account balance. As long as benefits remain in the EBT food ~~stamp~~ benefit account, the former recipient may ~~still~~ have cards issued or reissued and be able to select or change PINs.

9093.5 Manual Transactions

7 CFR 274.8(d)

Sometimes circumstances cause the client or store clerk to enter the transaction manually instead of swiping the EBT card through the POS machine. This happens when the card's magnetic stripe becomes scratched, worn or demagnetized. Until the client can get a new card issued, the client can still use the card at a retailer. The clerk keys the card number in manually to complete the transaction. Only the client should enter his/her PIN. The client should never reveal the PIN to a store clerk when entering a manual transaction.

9093.6 Manual Vouchers

7 CFR 274.8(d)

Retailers use a manual voucher process when the ~~eFunds~~ EBT contractor system or the terminals are not working and cannot accept the EBT card for a food ~~stamp~~ benefit purchase. Retailers do not have to use the manual process, but most will not turn away a sale.

Retailers that do not have POS terminals, for example, farmers' markets, and street or route vendors also use manual vouchers.

The manual voucher is a paper form on which the retailer writes the card number, the cardholder's name, the store FNS number, and the dollar amount of the sale. The client must sign the voucher. The retailer must call in manual vouchers to ~~eFunds~~ the EBT contractor to get an authorization for the amount of the transaction. The retailer calls in to make sure that the money is in the client's account. If the client has enough funds in the account to cover the transaction, the retailer subtracts the whole amount of the transaction from the client's account.

Retailers use manual vouchers when the ~~eFunds~~ EBT contractor system is down. Since the retailer cannot confirm whether the client has an available balance, the client is limited to a \$40.00 purchase.

9093.7 EBT & Timely Application Processing

7 CFR 274.2(b)

~~**[Regulations say we DHSS]**~~ must provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the household filed the application. With EBT, FNS has issued guidelines saying that the opportunity to participate is the date the money is posted to the account **plus** two days when mailing the EBT card. ~~DSS mails EBT cards for hardship cases.~~ **[DSS DHSS]** mails most EBT cards. Clients may pick up a card at the local office after notifying the worker not to have the card mailed. To avoid these timeliness errors, staff will need to take the action to approve a case on or before the 26th day at the latest.

When it is not possible to process the case on or before the 28th day because the client did not turn in the verifications or worker time constraints, document the case record. The error may still count but the explanation will be there.

9093.8 EBT Benefits and Claim Issues

7 CFR 273.18(g)(2)

When ~~eFunds~~ the EBT contractor posts the EBT benefits to the household's account, the household is considered in receipt of those benefits. If the household receives benefits ~~[they were it was]~~ not entitled to, **[DSS DHSS]**/ARMS will establish a claim. **[DSS DHSS]**/ARMS establishes a claim even if the household has not used the benefits in the EBT account. As long as the benefits are in the account, the household has access to those benefits and owes the State the amount of the claim.

ARMS must allow a household to pay its claim using benefits from its EBT benefit account according to DSSM 9095.13.

Benefits not used for 230 days are stale and ARMS can use the stale benefits to credit a household's claim with the consent of the household.

eFunds The EBT contractor will expunge benefits not used for 365 days from the household's account and credit the amount to a household's outstanding claim.

9093.9 Aging Periods and Expungement Process

7 CFR 274.2(h)(2)

Benefits remain available to the household for 365 days from the date of availability.

eFunds The EBT contractor sends reports to **[DSS DHSS]** that show accounts with no activity. eFunds The EBT contractor provides **[DSS DHSS]** with a report for the following periods of time:

- Period 1: 60 days
- Period 2: 90 days
- Period 3: 230 days
- Period 4: 365 days

A household will get a notice at Periods 1, 2 and 3 if the household has not used benefits for 60, 90 or 230 days. Stale benefits are benefits not used by these time periods. The notice will tell the household the following information:

The account has not been used in the past 60, 90 or 230 days;

- To call the eFunds EBT contractor customer service unit to get the balance on the account;
- Stale food benefits not used for 230 days can be applied to any existing claim with the client's permission;
- Food benefits that are not used by day 365 will be removed from the account forever; ~~and~~
- Food benefits removed from the account on day 365 will be applied to any remaining food benefit claim."

On day 230, **[DSS DHSS]** will generate notices to clients with outstanding claims. The notice tells the household that ARMS will apply benefits not used for 230 days to the outstanding claim unless the household contacts ARMS within ~~ten~~ 10 days.

On day 250, households ~~who~~ that do not contact ARMS to stop the repayment will have their stale benefits applied to the outstanding claim. On day 365, the eFunds EBT contractor system will expunge (remove from the account) any remaining stale benefits and send **[DSS DHSS]** a report of those benefits expunged.

DCIS II and ARMS accounting systems will credit any expunged benefits to household accounts with an outstanding claim. ARMS and the Payments Unit will receive a report of benefits posted to household's claims so ARMS can update the benefit recovery screens. ARMS will send the client a credit slip indicating the credit made on ~~their~~ his or her claim and the existing balance.

(Break in Continuity of Sections)

9094 Definitions

[7 CFR 271.2]

The following terms are used in the Food Supplement Program (FSP).

~~**Able-bodied Adults Without Dependent Children (ABAWD)** are individuals without children in their FSP household who must work and/or comply with certain work requirements for 20 hours a week in order to get food benefits.~~

~~**Adequate notice** means a written notice that includes:~~

- ~~A. a statement of the action the agency has taken or intends to take;~~
- ~~B. the reason for the intended action;~~
- ~~C. the household's right to request a fair hearing;~~
- ~~D. the name of the person to contact for additional information;~~
- ~~E. the availability of continued benefits; and~~
- ~~F. the liability of the household for any overissuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household.~~

~~**Administrative Terminal** is the eFunds system through which DSS staff can obtain EBT card and account information.~~

~~**Alien Status Verification Index (ASVI)** is the automated database used by States to verify immigration statuses from the Immigration and Naturalization Service (INS).~~

~~**Allotment** is the total dollar value of food benefits a household receives each month.~~

~~**Application** is the form completed by a household member or authorized representative to apply for food benefits, cash assistance, child care or medical assistance programs.~~

~~**ASSIST** is Delaware's electronic application. The acronym stands for Application for Social Services and Internet Screening Tool.~~

~~**Authorized Representative** is an individual the household authorizes to act on behalf of the household in the application process, in obtaining food benefits, and in using the EBT card. This individual has access to the household's~~

EBT benefit account. This individual can be a nonhousehold member or a household member, like a spouse, who is a secondary cardholder.

Benefit Status: This is a code that indicates the status of the benefit in the Administrative Terminal.

Boarders: Individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals.

Card Number: The card number is on the front of the EBT card. The first six digits are the same for all of Delaware's cards. This number is called the Primary Account Number (PAN).

Card Status: An EBT card may be active or inactive. The card status for a replacement card can indicate stolen, lost, payee changed, name changed, damaged, undelivered, deactivated/cancelled or bad address.

Categorically Eligible Household is any household where all members receive or are authorized to receive TANF/GARCA and/or SSI benefits, or the household income is at or under 200% of the FPL for their household size. The household is considered categorically eligible for food stamps. These households meet the resource test.

Certification period means the period of time in which a household is eligible to receive benefits.

Claim is the amount owed due to an over-issuance of food benefits.

Date Available: Benefits are available at 6:00 a.m. on the date specified in the Administrative Terminal. Regular monthly food benefits are available according to a seven-day staggered schedule based on the case head's last name. Benefits start staggering on the fifth calendar day of each month.

Date of Entry (Date of admission) means the date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

Deeming means using a portion of an ineligible household member's income or resources for the remaining household members.

Destitute Households— Migrant or seasonal farm worker households that have little or no income at the time of application and are in need of immediate food assistance.

Disaster (for Assistance)— A major disaster is any natural catastrophe such as a hurricane or drought, fire, flood, or explosion, which the President declares the severity and magnitude warrants disaster assistance.

Drug addiction or alcoholic treatment and rehabilitation program means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private, nonprofit organization or institution, or a publicly operated community mental health center, licenses by DHSS.

eFunds Customer Support: The Customer Support Unit receives phone calls from participants to check balances, report lost or stolen cards, report problems with a retailer, and request new PINs. The CSU number is 1-800-526-9099.

Elderly or disabled member means a member of a household who:

- A. Is 60 years of age or older;
- B. Receives Supplemental Security Income (SSI) benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;
- C. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;
- D. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66;
- E. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.
- F. Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code;
- G. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code;
- H. Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code;
- I. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38 of the United States Code and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or
- J. Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act.
- K. Is a recipient of interim assistance benefits pending the receipt of Supplemental Security Income, a recipient of disability-related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act.

Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

Electronic Benefit Transfer (EBT) is the method used for issuing and accessing FSP benefits through the use of a card similar to a debit card.

Eligible foods mean:

- A. Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption;
- B. Seeds and plants to grow foods for the personal consumption of eligible households;
- C. Meals prepared and delivered by an authorized meal delivery service to households eligible to use EBT benefits to purchase delivered meals; or meals served by an authorized communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining;
- D. Meals prepared and served by a drug addiction or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them;
- E. Meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined under Elderly or Disabled member;
- F. Meals prepared by and served by a shelter for battered women and children to its eligible residents; and
- G. Meals prepared for and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter) that feeds homeless persons.

Emergency (for Federal Assistance)— An emergency is any occasion when the President determines that Federal assistance is needed to supplant State and local efforts to save lives, protect property, assure public health and safety, or to lessen the threat of a catastrophe.

Expedited Service means food benefits must be available to the household no later than the seventh calendar day following the date an applicant files an application.

Expunged Benefits: Benefits in client accounts not used for 365 days that are removed from the account forever.

Filing Date means the date DSS receives the application form as long as the form contains the applicant's name and address, and the signature of a responsible household member or the household's representative, a signed Request for Assistance, or an application from ASSIST.

FNS means the Food and Nutrition Service of the U.S. Department of Agriculture.

FNS Number: A unique number assigned to retailers by FNS indicating that the retailer is eligible to accept FSP benefits.

Group Living Arrangement means a public or private nonprofit residential setting, certified by the State, which serves no more than sixteen residents. To be eligible for food benefits, a resident of such a group living arrangement must be blind or disabled as defined under Elderly or Disabled member.

Head of Household is the individual who is an adult parent of children of any age selected by the household or the principal wage earner if selected by DSS.

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- A. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- B. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- C. A temporary accommodation for not more than 90 days in the residence of another individual; or
- D. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

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Riverside Rule is a rule that requires states to keep food benefits at the same level when a household's TANF/RCA benefits have been reduced or terminated due to the household's failure to perform an action required under the TANF/RCA program or fraud.

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Sponsor means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien's entry or admission into the United States as a permanent resident.

Spouse refers to either of two individuals: (1) Those defined as married to each other under applicable State law; or (2) Those living together and representing themselves as married to relatives, friends, neighbors, or employers.

Stale Benefits: Benefits not used by a household within 60, 90 or 230 days.

State Income and Eligibility Verification System (IEVS) is a system of information acquisition and exchange for purposes of income and eligibility verification that meets the requirements of section 1137 of the Social Security Act, generally referred to as the IEVS.

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Thrifty Food Plan means the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the USDA Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum food stamp allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan taking into account economies of scale and other adjustments as required by law.

Trafficking means the buying or selling of food benefits for cash or consideration other than eligible food or the

exchange of firearms, ammunition, explosives, or controlled substances.

Under issuance means an amount of benefit that the household was entitled to receive that was less than the benefit the household actually received.

Verification is the use of third party information or documentation to establish the accuracy of statements on the application.

Work for Your Welfare is a work experience program in which participants work to earn their benefits.

7 CFR 271.2

“Able-bodied Adults Without Dependent Children (ABAWD)” - Individuals without children in their FSP household who must work and/or comply with certain work requirements for 20 hours a week in order to get food benefits.

“Adequate notice” - A written notice that includes:

- A. A statement of the action the agency has taken or intends to take.
- B. The reason for the intended action.
- C. The household's right to request a fair hearing.
- D. The name of the person to contact for additional information.
- E. The availability of continued benefits.
- F. The liability of the household for any over issuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household.

“Administrative Terminal” - The EBT contractor system through which **[DSS DHSS]** staff can obtain EBT card and account information.

“Alien Status Verification Index (ASVI)” - The automated database used by States to verify immigration statuses from the Immigration and Naturalization Service (INS).

“Allotment” - The total dollar value of food benefits a household receives each month.

“Application” - The form completed by a household member or authorized representative to apply for food benefits, cash assistance, child care or medical assistance programs.

“ASSIST” - Delaware's electronic application. The acronym stands for Application for Social Services and Internet Screening Tool.

“Authorized Representative” - An individual the household authorizes to act on behalf of the household in the application process, in obtaining food benefits, and in using the EBT card. This individual has access to the household's EBT benefit account. This individual can be a non-household member or a household member, like a spouse, who is a secondary cardholder.

“Benefit Status” - A code that indicates the status of the benefit in the Administrative Terminal.

“Boarders” - Individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals.

“Card Number” - The card number is on the front of the EBT card. The first six digits are the same for all of Delaware's cards. This number is called the Primary Account Number (PAN).

“Card Status” - An EBT card may be active or inactive. The card status for a replacement card can indicate stolen, lost, payee changed, name changed, damaged, undelivered, deactivated/cancelled or bad address.

“Categorically Eligible Household” - Any household where all members receive or are authorized to receive TANF/GARCA and/or SSI benefits, or the household income is at or under 200% of the FPL for their household size. The household is considered categorically eligible for food benefits. These households meet the resource test.

“Certification period” - The period of time in which a household is eligible to receive benefits.

“Claim” - The amount owed due to an over-issuance of food benefits.

“Date Available” - Benefits are available at 6:00 a.m. on the date specified in the Administrative Terminal. Regular monthly food benefits are available according to a seven day staggered schedule based on the case head's last name. Benefits start staggering on the fifth calendar day of each month.

“Date of Admission” - The date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

“Date of Entry” - The date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

“Deeming” - Using a portion of an ineligible household member's income or resources for the remaining household members.

“Destitute Households” - Migrant or seasonal farm worker households that have little or no income at the time of application and are in need of immediate food assistance.

“Disaster (for Assistance)” - A major disaster is any natural catastrophe such as a hurricane or drought, fire, flood, or explosion, which the President declares the severity and magnitude warrants disaster assistance.

“Drug addiction or alcoholic treatment and rehabilitation program” means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private, nonprofit organization or institution, or a publicly operated community mental health center, licensed by DHSS.

“EBT Contractor Customer Support” - The Customer Support Unit receives phone calls from participants to check balances, report lost or stolen cards, report problems with a retailer, and request new PINs. The CSU number is 1-800-526-9099.

“Elderly [member] or [disabled] member with a disability” - A member of a household who:

- A. Is 60 years of age or older[.]
- B. Receives Supplemental Security Income (SSI) benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act.
- C. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.
- D. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66.
- E. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.
- F. Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code.
- G. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code.
- H. Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code.
- I. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38 of the United States Code and has a disability considered permanent under section 221(i) of the Social Security Act. “Entitled” as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them.
- J. Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act.
- K. Is a recipient of interim assistance benefits pending the receipt of Supplemental Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

“Electronic Benefit Transfer (EBT)” - The method used for issuing and accessing FSP benefits through the use of a card similar to a debit card.

“Eligible foods” mean:

- A. Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption.
- B. Seeds and plants to grow foods for the personal consumption of eligible households.
- C. Meals prepared and delivered by an authorized meal delivery service to households eligible to use EBT benefits to purchase delivered meals; or meals served by an authorized communal dining facility for the elderly, for SSI households or both, to households eligible to use **[coupons EBT benefits]** for communal dining.
- D. Meals prepared and served by a drug addiction or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them.
- E. Meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined under Elderly **[member]** or **[Disabled member with a disability]**.
- F. Meals prepared by and served by a shelter for battered women and children to its eligible residents.

G. Meals prepared for and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter) that feeds homeless persons.

“Emergency (for Federal Assistance)” - An emergency is any occasion when the President determines that Federal assistance is needed to supplant State and local efforts to save lives, protect property, assure public health and safety, or to lessen the threat of a catastrophe.

“Expedited Service” - Food benefits must be available to the household no later than the seventh calendar day following the date an applicant files an application.

“Expunged Benefits” Benefits in client accounts not used for 365 days that are removed from the account forever.

“Filing Date” - The date [DSS DHSS] receives the application form as long as the form contains the applicant's name and address, and the signature of a responsible household member or the household's representative, a signed Request for Assistance, or an application from ASSIST.

“FNS” - The Food and Nutrition Service of the U.S. Department of Agriculture.

“FNS Number” - A unique number assigned to retailers by FNS indicating that the retailer is eligible to accept FSP benefits.

“Group Living Arrangement” - A public or private nonprofit residential setting, certified by the State, which serves no more than sixteen residents. To be eligible for food benefits, a resident of such a group living arrangement must be blind or disabled as defined under Elderly [member] or [Disabled member with a disability].

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15 DE Reg. 1030 (01/01/12) (Final)