

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

FINAL

ORDER

FOOD STAMP PROGRAM

9082 Reduction in Public Assistance Benefits

9092 Simplified Food Stamp Program

Nature of the Proceedings:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend policies in the Division of Social Services Manual (DSSM) as it relates to the Food Stamp Program. 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 March 2007 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 31, 2007 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

Summary of Proposed Changes

Statutory Authority

- 7 CFR §§273.11(k), *Comparable Disqualifications* and 273.25, *Simplified Food Stamp Program*

Summary of Proposed Changes

DSSM 9082, *Reduction of Public Assistance Benefits* and DSSM 9092, *Simplified Food Stamp Program*: DSS is making these changes to support the new TANF rules regarding Employment & Training (E & T) hours of participation and not increasing food stamps when a TANF family is sanctioned for not completing the required hours.

Summary of Comments Received With Agency Response and Explanation of Changes

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. DSS has considered each comment and responds as follows:

First, Section 9092 is confusing. The standard at the top of page 14000 are prescriptive and literally require households to work a certain number (30-55) of hours. This is followed by a formula which can result in fewer required work hours. See Par. 5 (lesser of the above 30-55 hours and number of hours determined by formula). It would be preferable to reconcile these seemingly inconsistent provisions.

Agency Response: Under 9092, the hours of participation are 30 – 55 hours a week based on the family's circumstances. If the TANF grant and Food Stamp allotment divided by the state minimum wage does not equal the required number of hours of participation, the family will have to participate in other activities to reach the maximum hours of work experience participation as written in #3.

Second, in the "Summary" section on page 1401, first bullet, the new standard actually expands the exemption from work for a single parent with an infant (i.e. from under 13 weeks to under 12 months). The 12-month standard appears to be the TANF norm. See 16 DE Admin Code 3006.1. Moreover, there does not appear

to be an explicit cut-off based on infant age in the Food Stamp Program. See 16 DE Admin Code 10003.1. Therefore, the "bullet" inaccurately recites that it "lowers the age at which a child exempts a single custodial parent from work requirements".

Agency Response: The "Summary" has been amended to show that the new rule increases the age from 13 weeks to under 12 months at which a child exempts a single custodial parent from work requirements.

Third, in Section 9092, since Par. 2 refers to "state" minimum wage, Par. 1 should be amended by inserting either "state" or "federal" prior to "minimum wage". Otherwise, it is unclear which minimum wage is used in the calculation.

Agency Response: "State" has been inserted prior to "minimum wage".

Fourth, although not earmarked for amendment, DSS may wish to delete the inappropriate "or" in Section 9082, first sentence, between "GA)" and "have".

Agency Response: The original document deleted the "or" however, it was overlooked by the publisher. The word "or" now appears in bracketed bold type to call the publisher's attention to the deletion.

Findings of Fact:

The Department finds that the proposed changes as set forth in the March 2007 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) as it relates to the Food Stamp Program regarding the reduction of public assistance benefits and the simplified food stamp program is adopted shall be final effective May 10, 2007.

Vincent P. Meconi, Secretary, DHSS, 4/16/07

DSS FINAL ORDER REGULATION #07- 24 REVISIONS:

9082 Reduction of Public Assistance Benefits [273.11(j)]

Do not increase food stamp benefits when a household's benefits received under another means-tested Federal, State or local welfare or public assistance program (such as but not limited to TANF, RCA or GA) ~~or~~ have been decreased (reduced, suspended or terminated) due to failure to perform an action required under the assistance program or for fraud. Under no circumstances can the food stamp benefits be allowed to increase.

Actions not considered a failure to perform for this rule include:

- Reaching a time limit for time-limited benefits;
- Having a child that is not eligible because of family cap;
- Failing to reapply or complete the application process for continued assistance under another program;
- Failing to perform an action that the individual is unable to perform; or
- Failing to comply with a purely procedural requirement.

A procedural requirement which would not cause a sanction is a step that an individual must take to continue to receive benefits in the assistance program such as providing verification of circumstances.

A substantive requirement, which would cause a sanction, is a behavioral requirement in the assistance program designed to improve the well-being of the recipient family, such as participating in job search activities.

The following conditions apply:

1. The rule applies to individuals who fail to perform a required action while receiving assistance.
2. The rule does not apply to individuals who fail to perform a required action at the time the individual initially applies for assistance.
3. The rule applies to individuals who fail to perform a required action during an application for

continued benefits as long as there is no break in participation.

4. The individual must be certified for food stamps at the time of the failure to perform a required action for this rule to apply.

5. Assistance benefits shall be considered reduced if they are decreased, suspended, or terminated.

6. If the means-tested assistance program fails to verify an individual's failure to perform a required action, this rule will not apply and DSS will not be held responsible as long as DSS made a good faith effort to get the information.

7. DSS, not the individual, is responsible for obtaining information about sanctions from other programs and changes in those sanctions.

8. The rule applies for the duration of the reduction in the assistance and cannot continue beyond the sanction of the assistance program.

9. ~~When a TANF case closes, the food stamp sanction will be removed because the family is no longer eligible for assistance~~ When a TANF case closes, the food stamp sanction will remain in place for one year or until the individual no longer is considered a mandatory Employment and Training participant.

10. DSS must restore lost benefits if it is later discovered that the reduction in the public assistance was not appropriate.

9083 Homeless Food Stamp Households

[273.11(h)]

Permit homeless food stamp households to use their food stamp benefits to purchase prepared meals from homeless meal providers authorized by FNS.

9084 Pre-Release Applicants

Permit a household which consists of a resident or residents of a public institution which applies for SSI under SSA's Pre release Program for the Institutionalized to apply for food stamp benefits jointly with their application for SSI prior to their release from the institution. Certify such households in accordance with DSSM 9015, DSSM 9039, DSSM 9041, and DSSM 9028.

9085 Reporting Changes

[273.12]

Certified food stamp households are required to report the following changes in circumstances:

Simplified Reporting Requirements

The following reporting requirements are for all households except those households where all members are elderly or disabled and without earned income:

Households are required to only report income changes when the monthly income exceeds 130 percent of the poverty income guideline for the household size that existed at the time of the certification or recertification.

When a household's monthly income exceeds the 130 percent of the poverty income guideline, the household is required to report that change within ten days after the end of the month that the household determines the income is over the 130 percent amount.

Households will not have to report any changes in the household composition, residence and resulting changes in shelter costs, acquisition of non-excluded licensed vehicles, when liquid resources exceed \$2000.00 and changes in the legal child support obligation.

Additional reporting requirement for ABAWD individuals:

Adults living in a home without any minor children, who are getting food stamps because they are working over 20 hours a week, must report when they start working less than 20 hours a week.

Change Reporting Requirements for households not eligible for the simplified reporting requirements above:

Change reporting households must report the following changes in circumstances by the 10th day of the month following the month of the change:

Changes in the amount of gross unearned income of more than \$50, except changes in the public

assistance grants. Changes reported in person or by telephone are to be acted upon in the same manner as those reported on the change report form;

A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment causes a change in income.

All changes in household size, such as the addition or loss of a household member;

Changes in residence and the resulting changes in shelter costs;

The acquisition of a licensed vehicle not fully excludable under DSSM 9051 (for non-categorically eligible households);

When cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of \$2,000 (for non-categorically eligible households);

Changes in the legal obligation to pay child support; and

Changes in work hours that bring an ABAWD individual below 20 hours per week, averaged monthly.

An applying household must report all changes related to its food stamp eligibility and benefits at the certification interview. Changes, as provided in this Section, which occur after the interview but before the date of the notice of eligibility, must be reported by the household within ten (10) days of the date of the notice.

Only the reporting requirements in this Section and no other reporting requirements can be imposed by the Division.

10 DE Reg. 560 (09/01/06)

9085.1 Report Form

[273.12(b)]

Provide each household applying for benefits or being recertified for benefits with Form 130 with which to report changes listed above within 10 days. Provide a postpaid return envelope.

Send a new form to the household whenever a change is reported via a form.

9085.2 DSS Responsibilities: Action on Changes

[273.12(c)]

Take prompt action on all changes to determine if the changes affect the household's eligibility or allotment. Even if there is no change in the allotment, document reported changes in the case file, provide another change report form to the household, and notify the household of the effect of the change, if any, on its benefits. Document the date of receipt of the report form or the date a change is reported by phone or in person. If a household reports a change in income which is expected to continue for at least one month beyond the month in which the change is reported, act on the change according to DSSM 9085.3 and 9085.4. If DSS fails to take action on a change within the time limits specified in DSSM 9085.3, restore the lost benefits.

PA households have the same reporting requirements as any other food stamp household and shall use the change report form. PA households who report changes to their workers for PA purposes will be considered to have reported the change for food stamp purposes as well.

9085.3 Processing Changes Which Increase Benefits

[273.12(c)(1)]

For changes which result in an increase in a household's benefits, make the change effective no later than the first allotment issued ten (10) days after the date the change is reported to the Division.

For changes which produce an increase in benefits as the result of the addition of a new household member who is not a member of another certified household or as the result of a decrease of \$50 or more in the household's gross monthly income, make the change effective not later than the first allotment issued ten (10) days after the date the change is reported. These changes must take effect no later than the month following in which the change is reported.

For example, a \$30 decrease in income reported on the 15th day of May would increase the household's June allotment. If the same decrease were reported on May 28, and the household's normal issuance cycle was on June 1, the household's allotment would have to be increased by July.

If the change is reported after the 20th of a month and it is too late for the Division to adjust the following

monthly allotment, issue a supplement by the 10th day of the following month or, if possible, in the household's normal issuance cycle in that month. For example, a household reporting a \$100 decrease in income at any time during the month of May would have its June allotment increased. If the household reported the change after the 20th of May and it is too late to adjust the benefit normally issued on June 1, issue a supplement for the amount of the increase by June 10.

Verify changes which result in an increase in a household's benefit in accordance with the verification requirements in DSSM 9038, prior to taking action on these changes except in the case of newborn infants. When a household reports the birth of a newborn, add the newborn to the household when the baby comes home according to DSSM 2006. Allow the household ten (10) days from the date the change is reported to provide verification required by DSSM 9038. If the household provides verification within this period, take action on the changes within the timeframes specified above. The timeframes will run from the date the change was reported, not from the date of verification. If, however, the household fails to provide the required verification within ten (10) days after the change is reported but does provide the verification at a later date, then the timeframes specified in the first and second paragraphs of this section for taking action on changes will run from the date the verification is provided rather than from the date the change is reported.

In cases where DSS has determined that a household has refused to cooperate as defined in DSSM 9029, the household's eligibility will be terminated following the notice of adverse action.

9085.4 Decreases in Benefits

[273.12(c)(2)]

If the household's benefit level decreases or the household becomes ineligible as a result of the change, issue a notice of adverse action (see DSSM 9006) within ten (10) days of the date the change was reported unless one of the exemptions to the notice of adverse action in DSSM 9006.3 applies. When a notice of adverse action is used, make the decrease in the benefit level effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested.

When a notice of adverse action is not used due to one of the exemptions in DSSM 9006.3, make the decrease effective no later than the month following the change. Verification which is required by DSSM 9032 must be obtained prior to recertification.

Unclear Information

When information about changes in a household's circumstances are unclear and DSS cannot determine the effect on the household's benefit, DSS must clarify and verify the changes as follows:

DSS must issue a written request for contact (RFC) which clearly advises the household of the verification it must provide or the actions it must take to clarify its circumstances.

Allow the household at least ten (10) days to respond and to clarify its circumstances either by telephone or by correspondence, as directed by DSS.

If the household fails to respond to the RFC, or does respond but refuses to provide sufficient information to clarify its circumstances, DSS will terminate the case and issue a notice of adverse action explaining the reason for the action. Inform the household that a new application must be filed if the household wishes to continue to receive benefits.

When the household responds to the RFC and provides sufficient information, process the changes according to DSSM 9085.3 and DSSM 9085.4.

9085.6 Failure to Report

[273.12(d)]

If a household fails to report a change as required under DSSM 9085 and, as a result, receives benefits to which it is not entitled, file a claim against the household in accordance with DSSM 7000. If the discovery is made within the certification period, the household is entitled to a notice of adverse action in advance if the household's benefits are reduced. A household is not to be held liable for a claim because of a change in household circumstances which it is not required to report. Do not terminate individuals for failure to report a change unless

the individual is disqualified in accordance with the disqualification procedures specified in DSSM 2023.

9086 Mass Changes

[273.12(e)]

Certain changes are initiated by the State or Federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to income eligibility standards and the shelter/dependent care deduction; adjustments to the maximum food stamp allotment and standard deduction; annual and seasonal adjustments to utility standards, periodic cost of living adjustments to RSDI, SSI, and other Federal benefits; periodic adjustments to TANF, RCA or GA payments; and other changes in the eligibility and benefit criteria based on legislative or regulatory changes.

9086.1 Federal Adjustments to Eligibility Standards, Allotments, Deductions and State Adjustments to Utility Standards

DSS will implement these changes for all households at a specific point in time. Adjustments to Federal standards shall be implemented prospectively regardless of the household's budgeting system. Annual and seasonal adjustments in State utility standards shall also be implemented prospectively for all households.

Although notices of adverse action are not required for such changes [see DSSM 9006.3(1)], individual notices may be sent and the various changes will be publicized through the news media, at issuance offices and at other sites.

Households whose certification periods overlap a seasonal variation in the utility standard will be advised at the time of initial certification of when the adjustment will occur and what the variation in the benefit level will be, if known.

9086.2 Mass Changes in Public Assistance

If the Division makes mass changes to public assistance grants and has at least 30 days advance knowledge of the amount of the public assistance adjustment, food stamp benefits will be recomputed to be effective in the same month as the public assistance (TANF, RCA or GA) change, or, if the Division does not have at least 30 days advance knowledge, the food stamp change will be effective not later than the month following the month in which the public assistance change was made.

9086.3 Mass Changes in Federal Benefits

Monthly reporting households must report the change on the appropriate monthly report, but are not required to report these types of changes outside the monthly report. Handle the information provided on the report in accordance with normal procedures. Households not subject to monthly reporting are not responsible for reporting these changes.

9087 Notices for Mass Changes

[273.12(e)(4)]

When DSS effects a mass change, all households whose benefits are reduced or terminated (unless the action is the result of an adjustment to a Federal benefit) must be notified.

The household must be notified by the date it is scheduled to receive the changed allotment. However, the notice should be given as much before the household's scheduled issuance date as reasonably possible, but not earlier than the time required for advance notice of adverse action.

At a minimum, DSS must inform the household of:

The general nature of the change;

Examples of the changes effect on the household's allotment;

The month in which the change will take effect;

The household's right to a fair hearing;

The household's right to continue benefits and under what circumstances benefits will continue pending a

fair hearing;

The liability the household will incur for any overissued benefits if the fair hearing decision is adverse.

9088 Continuation of Benefits

[273.12(e)(6)]

A household requesting a fair hearing due to a mass change is entitled to continued benefits at its previous level only if it meets three criteria:

- 1) The household does not specifically waive its right to a continuation of benefits;
- 2) The household requests a fair hearing in accordance with DSSM 9006; and
- 3) The household's fair hearing is based upon improper computation of food stamp eligibility or benefits or upon misapplication or misinterpretation of Federal law or regulation.

9089 TANF, RCA and/or GA Food Stamp Households

[273.12(f)]

TANF, RCA and/or GA households have the same reporting requirements as any other food stamp households. Whenever an TANF, RCA and/or GA household reports a change, adjustments must be made in the household's eligibility status or allotment for the months determined appropriate given the household's budgeting cycle.

Notify households whenever their benefits are altered as a result of changes in the TANF, RCA and/or GA benefits. If the TANF, RCA and/or GA benefits are terminated but the household is still eligible for food stamp benefits, advise household members of food stamp work registration requirements, if applicable, as their Food Stamp Employment and Training registration exemption no longer applies.

Whenever a change results in the reduction or termination of a household's TANF, RCA and/or GA benefits within its food stamp certification period, and DSS has sufficient information to determine how the change affects the household's food stamp eligibility and benefit level, take the following actions:

If a change in household circumstances requires both reduction or termination in the TANF, RCA and/or GA payment and a reduction or termination in food stamp benefits, issue a single notice of adverse action for both the TANF, RCA and/or GA and food stamp actions. If the household requests a fair hearing within the period provided by the notice of adverse action, continue the household's food stamp benefit on the basis authorized immediately prior to sending the notice. If the fair hearing is requested for both programs' benefits, conduct the hearing according to TANF, RCA and/or GA procedures and timeliness standards. The household must reapply for food stamp benefits if the food stamp certification period expires before the fair hearing process is completed. If the household does not appeal, make the change effective in accordance with the procedures in DSSM 9085.2.

If the household's food stamp benefits will be increased as a result of a reduction or termination of TANF, RCA and/or GA benefits, the household's food stamp benefits must continue at the previous basis. If the household does not appeal, make the change effective in accordance with the procedures specified in DSSM 9085.2, except calculate the time limits for action from the date the TANF, RCA and/or GA notice of adverse action period expires.

Whenever a change results in the termination of a household's TANF, RCA and/or GA benefits within its food stamp certification period, and DSS does not have sufficient information to determine how the change affects the household's food stamp eligibility and benefit level (such as when an absent parent returns to a household, rendering the household categorically ineligible for TANF, RCA and/or GA, and DSS has no information on the income of the new household member), take the following action:

- 1) Where a TANF, RCA and/or GA notice of adverse action has been sent, wait until the household's notice of adverse action period expires or until the household requests a fair hearing, whichever occurs first. If the household requests a fair hearing and its TANF, RCA and/or GA benefits are continued pending the appeal, the household's food stamp benefits will be continued at the same basis.

- 2) If an TANF, RCA and/or GA notice of adverse action is not required, or the household decides not to request a fair hearing and continuation of its TANF, RCA and/or GA benefits, send the household Form 105 requesting the verification needed to determine the household's continued food stamp eligibility. Give the household at least ten (10) days to provide the necessary verifications. Take the necessary action to adjust or terminate the food stamps based on the rules regarding processing reported changes per DSSM 9085.

9090 Procedures for Reducing, Suspending or Canceling Food Stamp Benefits [271.7]; [273.10(e)(2)(vi)]

Under the Food Stamp Act of 1977, the Secretary of Agriculture may not spend more money for food stamp allotments than is appropriated by Congress. If the Secretary of Agriculture determines that there is not enough money available to provide full benefits to all certified households, USDA is required to reduce the value of the benefits issued to those households. This section establishes the procedures to be used if such an action is necessary. Such action may be a suspension or cancellation of allotments for one or more months, a reduction in allotment levels for one or more months, or a combination of these three actions. At such time as a decision is made to implement reduction, suspension, or cancellation procedures, FNS will notify DSS of the date of action and all relevant details.

9090.1 Notification of Eligible Households

Reductions, suspensions, and cancellations of allotments will be regarded as Federal adjustments to allotments. As such, DSS will notify households of reductions, suspensions, and cancellations of allotments in accordance with the notice provisions of DSSM 9086, except that DSS will not provide notices of adverse action to households affected by reductions, suspensions, or cancellations of allotments.

9090.2 Restoration of Benefits

Households whose allotments are reduced or cancelled as a result of the enactment of these procedures are not entitled to the restoration of the lost benefits at a future date. However, if there is a surplus of funds as a result of the reduction or cancellation, FNS will direct DSS to provide affected households with restored benefits unless it is determined that the amount of surplus funds is too small to make this practicable.

9090.3 Effect of Reductions, Suspensions and Cancellations on the Certification of Eligible Households

Except as provided in DSSM 9090.4, determinations of the eligibility of applicant households will not be affected by reductions, suspensions, or cancellations of allotments. DSS will accept and process applications and determine eligibility during a month(s) in which a reduction, suspension, or cancellation is in effect. If an applicant is found to be eligible for benefits and a reduction is in effect, the amount of benefits will be calculated by reducing the maximum food stamp allotment amount by the appropriate percentage for the applicant's household size and then deducting 30 percent of the household's net food stamp income from the reduced maximum food stamp allotment amount. If the applicant is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits will be issued to the applicant until issuance is again authorized by FNS.

9090.4 Expedited Service

Households eligible to receive expedited processing who apply for program benefits during months in which reductions or suspensions are in effect, will have their cases processed in accordance with the expedited processing provisions of DSSM 9041. However, if a suspension is still in effect at the time the issuance is to be made, the issuance will be suspended until the suspension is ended. In the case of a cancellation, the deadline for completing the processing for expedited service will be five days or the end of the month of application, whichever date is later. All other rules pertaining to expedited service contained in DSSM 9041 will be applicable to these cases.

The reduction, suspension, or cancellation of allotments in a given month will have no effect on the certification periods assigned to households. Those participating households whose certification periods expire during a month in which allotments have been reduced, suspended, or cancelled will be recertified according to the provisions of DSSM 9091. Households found eligible to participate during a month in which allotments have been reduced, suspended, or cancelled will have certification periods assigned in accordance with the provisions of DSSM 9061.

9090.5 Fair Hearings

Any household that has its allotment reduced, suspended, or cancelled as a result of an order issued by FNS in accordance with these rules may request a fair hearing if it disagrees with the action, subject to the following conditions:

1) DSS will not be required to hold fair hearings unless the request for a fair hearing is based on a household's belief that its benefit level was computed incorrectly under these rules or that the rules were misapplied or misinterpreted.

2) DSS will be allowed to deny fair hearings to those households who are merely disputing the fact that a reduction, suspension, or cancellation was ordered.

Since the reduction, suspension, or cancellation would be necessary to avoid an expenditure of funds beyond those appropriated by Congress, households do not have a right to continuation of benefits pending the fair hearing. A household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the amount by which DSS was directed to reduce benefits.

9091 Recertification

[273.14]

No household may participate beyond the expiration of the assigned certification period without a determination of eligibility for a new period. Households must apply for recertification and comply with the interview and verification requirements per DSSM 9030 and DSSM 9038.

The joint processing requirements in DSSM 9042 for TANF, RCA and / or General Assistance households continue to apply to applications for recertifications.

9091.1 Notice of Expiration

All households must be provided with a notice of expiration at the end of its certification prior to the start of the last month of its certification period.

When a household is certified for one month or when the certification action is not completed until the second month of a two-month certification, provide a notice of expiration at the time of certification. All other households must be provided a notice of expiration at least one day before the last month, but no earlier than the next to the last month of the certification period.

The form for notifying a household of the expiration of its certification must contain the following information:

A) The date the current certification period ends.

B) The date by which the household must file an application for certification to receive uninterrupted benefits.

Households certified for one month or certified in the second month of a two-month certification period shall be provided a notice of expiration at the time of certification. All other households must be provided a notice of expiration before the first day of the last month of the certification period.

The notice of expiration (Form 310) contains the following information:

A. The date the current certification period ends.

B. The date by which the household must file an application for recertification to receive uninterrupted benefits.

C. The consequences of failure to comply with the notice of expiration,

D. The household's right to request an application and have DSS accept an application as long as it is signed and contains a legible name and address.

E. The household's right to file the application by mail or through an authorized representative.

F. The address of the office where the application must be filed.

G. The household's right to request a fair hearing.

H. The fact that any household consisting only of SSI applicants or recipients is entitled to apply for food stamp recertification at an office of the Social Security Administration.

I. Notice that the household must appear for any interview scheduled on or after the date the application is timely filed in order to receive uninterrupted benefits.

J. Notice that the household is responsible for rescheduling any missed interview and for providing

required verification information.

9091.2 Application Form

All households must complete an application form in order for DSS to obtain all information needed to determine eligibility and benefits for a new certification period. A household's signature and date is required at all recertifications regardless of the type of application used. The type of application used can be updating the online version, completing a long version hardcopy, completing the short review form, or updating an initial long version hardcopy application. The recertification process can only be used for households which apply before the end of their current certification period except for the provisions under DSSM 9091.8.

9091.3 Interview

A face-to-face recertification interview will be held with a member of each applying household or its authorized representative at least once every 12 months for households certified for 12 months or less. Face-to-face interviews can be waived per DSSM 9030. DSS will conduct a telephone interview or a home visit for households for whom the office interview is waived.

Schedule the Interview on or after the date the application was filed if the interview has not been previously scheduled, or the household has failed to appear for any interviews scheduled prior to this time and has requested another interview. Schedule the interview so that the household has at least ten (10) days after the interview in which to provide verification before the certification period expires. If a household misses a scheduled interview, send the household a notice of missed interview. If the household misses its scheduled interview and requests another interview, schedule a second interview.

9091.4 Verification

Information provided by the household shall be verified according to DSSM 9038. Inform households of what required verification must be provided and of the date by which the verifications must be returned. The household must be allowed at least ten (10) calendar days to provide required verification. Households whose eligibility is not determined by the end of the current certification period due to the time period allowed for returning verifications shall receive their benefits for the full month, if eligible, within five (5) working days after the household submits the missing verification and benefits cannot be prorated.

9091.5 Timely Application for Recertification

A household submitting a timely application for recertification and meeting all other processing steps in a timely manner has a right to receive uninterrupted benefits.

Households reporting required changes in circumstances that are certified for one month or certified in the second month of a two-month certification period shall have 15 days from the date the notice of expiration is received to file a timely application for recertification.

Other households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

For households consisting only of SSI applicants or recipients who apply for food stamp recertification at SSA offices according to DSSM 9043, an application shall be considered filed for normal processing purposes when the signed application is received by the SSA office.

Households which timely reapply do not lose their right to uninterrupted benefits for failure to submit any requested verification prior to the date the household submits a timely application for recertification.

9091.6 Timely Processing

Provide uninterrupted benefits to any household determined eligible after the household has:

1. Timely filed an application,
2. Attended an interview, unless waived per DSSM 9030, and
3. Submitted all necessary verification within the ten (10) day timeframe.

Notify households that were certified for one month or certified for two months in the second month of the certification period and have met all required application procedures of their eligibility or ineligibility. Provide eligible

households an opportunity to receive benefits no later than 30 calendar days after the date the household received its last allotment.

Other households that have met all application requirements shall be notified of their eligibility or ineligibility by the end of their current certification period. Provide households determined eligible an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period.

Any household not determined eligible in sufficient time to provide for issuance in that timeframe due to the time period allowed for submitting any missing verification must receive an opportunity to participate, if eligible, within five (5) working days after the household supplies the missing verification.

9091.7 Delayed Processing Caused by DSS

If an eligible household files an application before the end of the certification period but DSS does not complete the recertification process within the 30 days after the date of the application, continue to process that case and provide a full month's allotment for the first month of the new certification period.

9091.8 Delayed Processing Caused by the Household

If the household files an application by the end of the certification period, but fails to take a required action, deny the application at the end of 30 days. The household has 30 days after the end of the certification period to complete the process and have its application treated as an application for recertification.

If the household takes the required action before the end of the certification period, reopen the case and provide a full month's benefits for the initial month of the new certification period.

If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, reopen the case and provide benefits retroactive to the date the household takes the required action.

If the household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification. Prorate benefits from the date of the application. If a household's application for recertification is delayed beyond the first of the month of a new certification period due to agency error, prorate the benefits from the date of the new application and then restore benefits back to the date the household's certification period should have started if not for the agency error.

9091.9 Expedited Service for Recertification

Do not apply expedited service provisions of DSSM 9041 to households which apply for recertification before the end of its current certification period.

9092 Simplified Food Stamp Program - ~~Workfare~~ Work For Your Welfare

DSS was approved by Food and Nutrition Service, under the United States Department of Agriculture, to operate a Simplified Food Stamp Program (SFSP). The SFSP permits a state to substitute certain TANF and RCA rules and procedures for food stamp rules. Delaware's SFSP component is the ~~Workfare~~ Work For Your Welfare (~~Workfare~~) program rules.

Households in which all members, or one or more members, receive TANF or RCA may participate in the SFSP. Non-Public Assistance (NPA) households will not participate in the SFSP.

The SFSP will follow all the regular food stamp rules for determining eligibility and certifying households. Under the SFSP, the changes in the food stamps rules that will affect ~~Workfare~~ Work for Your Welfare TANF or RCA households who receive food stamps are:

- replacing food stamp ~~Workfare~~ penalties with the TANF or RCA ~~Workfare~~ Work for Your Welfare program requirements and penalties, and
- replacing food stamp work exemptions with TANF or RCA exemptions.

The ~~two~~ three TANF or RCA work exemptions are:

- a) A single, custodial parent caring for a child under ~~13 weeks~~ 12 months of age; or

- b) An individual determined unemployable by a health care professional—or
- c) A parent caring for a disabled family member in the home who does not attend school full time.

The SFSP allows Delaware to require ~~individuals~~ single, custodial parents who are receiving TANF or RCA and caring for children age ~~43 weeks~~ 12 months and older to participate in ~~Workfare~~ Work for Your Welfare. The SFSP also allows Delaware to use the food stamp allotment along with the TANF or RCA grant to determine the number of hours of ~~Workfare~~ Work for Your Welfare participation.

DELAWARE'S WORKFARE WORK FOR YOUR WELFARE PROGRAM **WORK FOR YOUR WELFARE (WORKFARE) PROGRAM**

Work for Your Welfare (~~Workfare~~) is defined as a work experience program in which participants work to earn their benefits. Those in ~~Workfare~~ Work for Your Welfare must participate for a predetermined number of hours each week and ~~complete 10 hours of job search activities per week.~~

Required Hours of ~~Workfare~~ Participation:

One-parent households will be required to work the maximum participation hours of 30 hours per week.

Two-parent households will be required to work the maximum participation hours of 35 hours per week. If the household receives subsidized childcare assistance, the maximum participation hours increase to 55 hours per week.

Determine the ~~Workfare~~-required hours of work experience participation:

1. The pre-sanctioned TANF grant is divided by the current [**state**] minimum wage, and the result is rounded down.

- ~~The result is subtracted from the appropriate required monthly maximum participate hours (for example, 25 hours per week would be $25 \times 4.33 = 108$).~~
- ~~The remainder is multiplied by the current minimum to determine the portion of the food stamp allotment, which can be used when imposing a Workfare reduction.~~

2. The food stamp allotment is divided by the current state minimum wage, and the result is rounded down.

3. The two results (#1 and #2), added together, are the maximum monthly number of hours for which the family/household is required to participate in work experience. The family/household may have to participate in other activities to the maximum hours of participation.

4. The monthly number of hours (#3) is divided by 4.33 to get a weekly number of hours, rounded down.

5. Compare the weekly number of hours (#4) to the maximum required for a one or two-parent household. Use the lesser number for the weekly number of hours.

6. The weekly number of hours (#5) is divided by 5 to get the daily participation requirement, rounded down. (This step is needed to give the Contractor and Client an idea of how to schedule the work on a daily basis to assure that the Client is able to meet the required Workfare work experience hours of participation.)

7. Consult the yearly table for the number of days the participant is required to do Workfare. Multiply that number by the daily participation rate (#6) to determine the monthly required participation rate.

Workfare Reduction Work For Your Welfare

For every hour that a participant fails to work, the TANF check will first be reduced by the current minimum wage. If the TANF grant reduces to zero, any remaining Workfare reduction amount will be used to reduce the food stamp allotment up to the portion used to meet the required hours of participation.

If the participant does not meet the required number of work experience hours, the penalty will be the closure of the entire TANF case for a minimum of one month and a mandatory four consecutive weeks of participation.

Determination of the Workfare reduction amount:

Subtract the actual hours of participation for a month from the required hours for the same month.

Any amount greater than zero is multiplied by the current minimum wage, resulting in the Workfare reduction amount.

Subtract the exact Workfare reduction amount (#2) from the TANF grant amount and round down.

Subtract any 1/3 E& T/school attendance sanctions from amount in #3 before subtracting any \$68 or \$50 sanctions.

If the subtraction of the Workfare reduction amount reduces the TANF benefit to zero and there is a

remaining Workfare reduction amount, this amount will be subtracted from the food stamp allotment. Only the portion of the food stamp allotment used to determine the participation hours can be subtracted from the food stamp allotment. (If there is a \$100 Workfare reduction amount left over after the grant reduced to zero, but only \$75 of the allotment was used to determine the hours of participation, only \$75 can be subtracted from the allotment.)

Job Search Activities/Failure to Complete

Individuals in Workfare must complete 10 hours of job search activities each week. The failure to complete job search activities will result in a progressive 1/3 grant reduction sanction. For food stamps, if the individual who fails to complete job search activities is caring for a child under the age of six, no sanction will be applied to the household. The pre-sanctioned grant amount will be used in the food stamp calculation to prevent an increase in the food stamps. (Riverside Rule.)

If the individual who fails to complete job search activities is not caring for a child under six years of age, DSS will apply the appropriate food stamp sanction.

The appropriate food stamp sanctions are:

- If the individual who failed to complete job search activities is the head of household, the whole food stamp household is sanctioned for the appropriate 1 month, 3 months, or six months period, or until compliance whichever is later.
- If the individual is not the head of household, the individual is removed from the food stamp case for the appropriate 1 month, 3 months, or six months period, or until compliance whichever is later.

SUMMARY OF THE SIMPLIFIED FOOD STAMP PROGRAM:

- The simplified food stamp program [~~lowers~~ **increases**] the age at which a child exempts a single custodial parent from work requirements in Workfare to under 13 weeks Work for Your Welfare to under 12 months.
- If the participant does not meet the required number of work experience hours, the penalty will be the closure of the entire TANF case for a minimum of one month and a mandatory four consecutive weeks of participation.
- When a TANF case closes, the food stamp sanction will remain in place for one year or until the individual no longer is considered a mandatory Employment and Training participant.

Household will work a pre-determined number of hours in order to receive their TANF benefit.

Hours not worked will result in a reduction in the potential benefits they could have received.

Failure to complete job search activities will result in a food stamp sanction for those households where the youngest child is 6 years of age or older.

Food stamps are calculated using the pre-sanctioned grant amount before applying any Workfare reduction amount or appropriate sanction. (Riverside rule)

Workfare reductions are applied before reductions for any sanctions.

When the TANF grant reduces to zero and a Workfare reduction amount remains, the remainder, or a portion of the remainder, is subtracted from the food stamp allotment. Only the portion of the food stamp allotment that was needed to meet the required hours of participation can be subtracted.

10 DE Reg. 1704 (05/01/07) (Final)