

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Health Care Access and Accountability
1 W. Wilson St.
Madison WI 53703

To: FoodShare Wisconsin Handbook Users

From: Rick Albertoni, Bureau Director
Bureau of Enrollment Policy and Systems

Re: **FS Handbook Release 10-03**

Release Date: 07/08/10
Effective Date: 07/08/10

EFFECTIVE DATE

The following policy additions or changes are effective 07/08/10, unless otherwise noted. **Bold text denotes new text. Text with a strike through it in the old policy section denotes deleted text.**

POLICY CLARIFICATIONS

1 General Program Requirements > 1.1 Introduction > 1.1.4 Eligibility Overview

Effective 07/01/10

Old Text:

~~The 200% FPL gross income test applies to all *BB* categorical households including *EBD* as a condition of eligibility. Most FoodShare groups are considered categorically eligible if their gross income is at or below 200% FPL and the language describing "JobNet" Services is issued to the group on a CARES generated notice of decision.~~

~~If the group is still eligible subtract the standard deduction, an earned income deduction (20% of the gross earned income), and a deduction for monthly medical expenses for elderly and disabled members.~~

New Text:

The 200% FPL gross income test applies to all BB categorical households (**except for households with a EBD member**) as a condition of eligibility. Most FoodShare groups are considered categorically eligible if their gross income is at or below 200% FPL and the language describing "JobNet" Services is issued to the group on a CARES generated notice of decision.

Households that include an elderly, blind or disabled member with gross income that exceeds 200% of the FPL must be tested for FS using the regular SNAP rules. Under the regular SNAP rules, these households have no gross income limit, but must have net income that does not exceed 100% FPL and countable assets that do not exceed \$3000.

1 General Program Requirements > 1.2 Verification > 1.2.4 Financial Verification > 1.2.4.4 Asset Verification

Effective 07/01/10

Old Text:

~~Assets are not included as part of the FS eligibility determination and are not required to be verified since all FS applicants and recipients are authorized to receive a TANF-funded service. The amount of available liquid assets must be reported at the point of initial application to determine eligibility for priority service and expedited issuance (2.1.4) however the reported assets are not required to be verified.~~

New Text:

Assets are not **considered** in the FS eligibility determination for **BB categorical** FS applicants and recipients **since they** are authorized to receive a TANF-funded service. Although the amount of available liquid assets must be reported at the point of initial application to determine eligibility for priority service and expedited issuance (2.1.4), the reported assets are not required to be verified.

EBD households that have gross income that exceeds 200% and are therefore not categorically eligible are subject to the \$3000 asset limit and must verify assets. See 4.4.1 Assets.

1 General Program Requirements > 1.2 Verification > 1.2.6 Suggested Verification Sources > 1.2.6.2 Verify Only If Questionable

The “Dependent Care and Shelter/Utility Expense” sections were moved from “1.2.6.3 Verify For A Household To Receive A Deduction (Not Required For Eligibility)” to “1.2.6.2 Verify Only If Questionable.”

2 Applications and Reviews > 2.1 Applications > 2.1.3 Interviews > 2.1.3.4 Signature

New Text:
The FoodShare applicant must sign the completed CARES generated Application Summary or FoodShare Wisconsin Application (F 16019B) **or 6 month report form** indicating that all the information provided is true and complete and that they understand their rights and responsibilities.

It is not necessary for applicant signatures to be witnessed by an agency representative for a FS application to be considered complete.

Any responsible adult FS AG member or a households’ authorized representative may sign the FS application, review **or 6 month report form**.

3 Nonfinancial Requirements > 3.12.1 Citizenship and Immigration Status > 3.12.1.11 Iraqis And Afghans With Special Immigrant Status

Effective 12/19/09

Old Text:
~~Some Afghan and Iraqi aliens have been granted special immigrant status. Individuals and family members granted this special status are eligible for resettlement assistance, entitlement programs and other benefits the same as refugees admitted under section 207 of the INA. These groups have been admitted to the U.S. in Lawful Permanent Resident status; however for a limited time upon arrival they are treated as if they are in Refugee status for public benefits purposes.~~
~~Though treated like refugees, the individuals in this special immigrant status category are only able to access benefits for a limited time:~~
~~-~~
~~• Afghan special immigrants are eligible for FoodShare benefits for up to eight months from the date they enter the country or the date of adjustment to special immigrant status, whichever is later.~~
~~• Iraqi special immigrants are eligible for FoodShare benefits for up to eight months from the date they enter the country or the date of adjustment to special immigrant status, whichever is later.~~
~~-~~
~~At the end of the eighth month period, the immigration status for these populations becomes Lawful Permanent Resident (LPR). According to federal law, LPRs are subject to the five year bar on receiving public benefits. See [3.12.1.1 Qualified Alien or Immigration Status](#).~~
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~~Spouses and unmarried children under age 21, who accompany or follow to join the principal special immigrant applicant are eligible for the same benefits as the principal applicant.~~
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~~Any Iraqi or Afghan immigrant granted the special status, who applied after 12/26/2007 and was denied FoodShare benefits due to citizenship or immigration status, may request FoodShare benefits back to the original application filing date.~~

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Individuals granted special immigrant status on or before July 31, 2008 will not benefit from this provision as the eight months already expired prior to the law's effective date of March 11, 2009. These individuals will have only received up to six months of SNAP benefits and cannot receive an additional two months.

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End of Temporary Benefit Period

These individuals may be eligible for continuing benefits through the State Option FoodShare Program after the six or eight months. However, benefits will not automatically continue, these individuals will need to submit a new application in order to continue receiving benefits.

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Counting Refugee Related Income

Refugee payments received as a nonrecurring lump sum are considered to be an asset and are not counted for FS. A recurring payment, received in two or more monthly installments, is considered as income and should be counted for FS.

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CWW Processing

There have been no CWW system changes made to accommodate the shorter certification period for these special groups. Once the status has been verified by SAVE, enter the 04 LAWFULLY PRESENT UNDER SECTION 207 code for the alien registration status and the individual's date of U.S. entry on the Alien/Refugee Information Page in CWW and certify the requested benefit as would be done for immigrants in 04 refugee status.

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After the case is open in CWW, follow the procedures below for each benefit type.

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Wisconsin's FoodShare program uses state only funds to provide FS benefits to qualifying aliens. However, FS policy requires a new application to get State Option FS at the end of the initial six or eight month period, so workers will need to change the FS AGOR review due date to reflect this special shortened certification period. CWW will then generate the review notice at the appropriate time so that these recipients know to re-apply.

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If the Afghan or Iraqi special immigrants do not re-apply, FS will close. If they do re-apply at the end of the six or eight month period, the alien registration status code needs to be changed **from:** 04 LAWFULLY PRESENT UNDER SECTION 207 **to:** 01 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.

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If the case is determined eligible for State Option FS, the new certification period should be twelve months like any other FS assistance group.

New Text:

Beginning December 19, 2009, Special Immigrants from Iraq or Afghanistan (Class of Admission Codes SI-1, 2, 3, 6, 7 and 8) are to be treated like they are refugees when determining their eligibility for FoodShare, Medicaid or BC+ for as long as they have this Special Immigration status. This policy applies to these immigrants regardless of when they received this status.

Class of Admission code	Description	CARES Alien Registration Status Code
SI1	Nationals of Iraq or Afghanistan serving as interpreters with the U.S. Armed Forces	Code 04
SI2	Spouses of an SI1	Code 04
SI3	Children of an SI1	Code 04
SI6	Nationals of Iraq or Afghanistan serving as interpreters with the U.S. Armed Forces	Code 04
SI7	Spouses of an SI6	Code 04
SI8	Children of an SI6	Code 04

3 Nonfinancial Requirements > 3.14.1 IPV Disqualification > 3.14.1.1 Period of Ineligibility

Old Text:

The following sanction periods are for IPV's committed after 12/01/96. Anyone determined to have committed an IPV is ineligible for:

1. One year for the first intentional program violation.
2. Two years for:
 - a. the second intentional program violation or,
 - b. the first IPV for which an individual is convicted in a federal, state or local court to have used or received benefits in a transaction involving the sale of drugs.
3. Permanently for:
 - a. a third intentional program violation, or,
 - b. a first IPV resulting from the conviction of the individual by a federal, state or local court for having used or received benefits in a transaction involving the sale of firearms, ammunition, or explosives, or
 - ~~c. a second IPV resulting from a conviction in a federal, state or local court involving trafficking benefits for an aggregate amount of \$500 or more.~~

New Text:

The following sanction periods are for IPV's committed after 12/01/96. Anyone determined to have committed an IPV is ineligible for:

1. One year for the first intentional program violation.
2. Two years for:
 - a. the second intentional program violation or,
 - d. the first IPV for which an individual is convicted in a federal, state or local court to have used or received benefits in a transaction involving the sale of drugs.
3. Permanently for:
 - a. a third intentional program violation, or
 - b. a first IPV resulting from the conviction of the individual by a federal, state or local court for having used or received benefits in a transaction involving the sale of firearms, ammunition, or explosives, or
 - c. a first IPV resulting from a conviction of an individual in a federal, state or local court involving trafficking benefits for an aggregate amount of \$500 or more.**
 - d. a second IPV for which an individual is convicted in a federal, state or local court to have used or received benefits in a transaction involving the sale of drugs.**

4 Financial Requirements > 4.2 Categorical Eligibility > 4.2.1 Categorical Eligibility > 4.2.1.5 EBD Households

This new subsection was added. The policy is effective 07/01/10.

4.2.1.5 EBD Households

Households that include an elderly, blind or disabled member with gross

income over 200% of the FPL must be tested for FS using the regular SNAP rules. Under the regular SNAP rules, these households have no gross income limit, but must have net income that does not exceed 100% FPL and countable assets that do not exceed \$3000.

Case process

If the household passes both the asset and the net income tests, the income must be adjusted in the CARES system for the FS calculation to allow the household to pass the 200 % gross test and issue the correct benefit. Use the F-16033 to determine to the adjusted income amount. Suppress the CARES generated notices and send a manual positive notice along with a copy of the worksheet. See Ops Memo 10-51 for CWW entries.

4 Financial Requirements > 4.3 Income > 4.3.3 Farming and Other Self Employment Income> 4.3.3.5 Averaging Income> 4.3.3.5.3 Worksheets

The text was changed to match what was written in Ops Memo 10-20. It is Effective 05/03/10.

New Text:

Disallowed Expenses

Some specific expenses that are not allowed in the calculation of Self Employment Income for FoodShare are:

1. Depreciation
2. Net loss carryover from previous periods (**long term capital loss**)
3. Federal, State, and local income taxes
4. Charitable donations
5. Work-related personal expenses, such as transportation to and from work
6. Employer work-related personal expenses such as pensions, employee benefit and retirement programs and/or profit sharing expenses (Business expenses for employees' pensions, benefits, retirement programs, and profit sharing expenses are allowable, but the work-related personal expenses of the employer are not).
7. Amortization and **depletion**
8. **Guaranteed payments to partners**

4 Financial Requirements > 4.3 Income > 4.3.3 Farming and Other Self Employment Income> 4.3.3.6 Anticipating Earnings> 4.3.3.6.1 Shelter Expense

New Text:

If shelter expenses are questionable, you may use IRS form 8829 "Expenses for Business Use of Your Home."

4 Financial Requirements > 4.4 Assets > 4.4.1 Assets

Effective July 1, 2010, asset policy for EBD households with gross income that exceeds 200% FPL has changed. The asset policy that was removed in release 05-01 has been added back for affected EBD households. For Non-EBD Households, and EBD households whose gross income does not exceed 200% FPL, continue to disregard assets.

New Text:

Assets are not included as part of the FS eligibility determination and are not required to be verified since all FS applicants and recipients are authorized to receive a TANF-funded service. All FS applicants and recipients are categorically eligible for FS (4.2.1). The amount of available liquid assets must be reported at the point of initial application to determine eligibility for priority service and expedited issuance.

However, Effective July 1, 2010, households that include an Elderly, Blind, and Disabled (EBD) member are tested against the 200% FPL gross income limit as

a condition of eligibility for Broad Based categorical eligibility. If this household with an EBD member is over 200% FPL we must apply regular FoodShare rules to determine if they meet the net income (100% FPL) and asset test.

The remainder of this section applies only to Households with an EBD member that has gross income that exceeds 200% FPL.

**6 Ongoing Case
Management > 6.4 Fair
Hearings > 6.4.1 Fair
Hearings**

Old Text:

A fair hearing must be requested within 90 days of the notice of decision if the food unit is contesting a specific agency action that impacted their FS benefits.

New Text:

If the food unit disagrees with an agency action or the amount of FoodShare benefits, they may request a fair hearing. See the Income Maintenance Manual Ch. 1.2 Fair Hearings.

- A fair hearing must be requested within 90 days **from the first day** that a specific agency action impacted their FoodShare benefits. **See example 1 below.**
- A fair hearing may be requested at any time within a certification period if a food unit disagrees with their current amount of FS benefits.

Example 1: On July 10 a worker makes a CARES entry to reduce FS benefits effective August 1. The customer has 90 days from August 1 to file a hearing request.

Note: CARES notices are programmed correctly to signify this date.