

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: Shawn Smith, Bureau Director
Bureau of Enrollment Policy and Systems

Re: **FoodShare Handbook Release 15-02**

Release Date: 04/30/2015
Effective Date: 04/30/2015

EFFECTIVE DATE

The following policy additions or changes are **effective 04/30/2015**, unless otherwise noted. **Grey highlighted text denotes new text. Text with a strike through it in the old policy section denotes deleted text.**

POLICY UPDATES

1.1.2 FoodShare Benefits

FNS Memo 12/18/14

FoodShare benefits are used to purchase food at grocery stores that participate in FoodShare Wisconsin.

FoodShare benefits are deposited in a participant's account using an Electronic Benefits Transfer (EBT) system and are spent using a debit card called the Wisconsin QUEST Card. The Wisconsin QUEST card allows access to FoodShare benefits through point-of-sale or swipe card terminals at food stores. These transactions look like any other debit card transaction and are free to the cardholder.

FoodShare benefits can be used to buy foods such as:

- Breads and cereals;
- Fruits and vegetables;
- Meats, fish, and poultry;
- Dairy products; and
- Seeds and plants that produce food for the household to eat.

FoodShare benefits cannot be used to buy items such as:

- Nonfood items (such as pet foods, soaps, paper products, ~~and~~ household supplies),
- Grooming items, toothpaste, and cosmetics;
- Beer, wine, liquor, cigarettes, or tobacco;
- Food that will be eaten in the store; or
- Hot foods.

If a container deposit fee is required when purchasing an eligible food item, this additional fee cannot be paid by using FoodShare benefits. The container deposit fee must be paid in cash or through another form of payment.

If the member has additional questions about specific food items, see the Food and Nutrition Service's list of eligible food items.

If the member eats at a group meal site for the elderly or has meals delivered to his/her home, he/she can use FoodShare benefits to pay for these meals if the facility or meal provider is authorized to accept the QUEST card.

FoodShare benefits can be used for group meals if the facility is authorized to accept the QUEST card and the member is staying in a drug and alcohol treatment center, a shelter for battered women persons, a shelter for the homeless or a group home for the disabled and the facility is authorized to accept the QUEST card.

7 CFR 273.2(c)(5)
7 CFR 273.2(h)(2)(i)(A)
OM 14-48

1.2.1.2 Request for Verification

Requests for verification MUST be made in writing. Verbal requests are not acceptable and will not stand up in a fair hearing. Workers are required to give the customer notice regarding required verification, when it is due to the agency, and the consequences of not verifying timely.

Do not deny the FS group for failure to provide the required verification until the:

1. 10th day after requesting the verification, or
2. 30th day of the application or review processing period, whichever is later.

If the 10th or 30th day falls on a weekend or postal holiday:

- For negative actions - the action should be taken the next business day.
- For approvals or positive actions- the approval must be processed no later than the due date. Waiting until the next business day or later to process verification for an eligible household is untimely and therefore not allowable.

Note: After denial of an application for failing to provide verification within 30 days, if the household provides all requested verification to the local agency during the period on or after the 31st day but no later than the 60th day from the filing date, allow FS to open without requiring a new application or interview. See 2.1.2.1 for more information on time frames for processing late verifications.

Allow FS to reopen at SMRF or recertification when closed for lack of verification (or other reasons) if the reason for case closure is fully resolved during the calendar month following case closure. as long as The SMRF is must be returned no later than the last day of the 7th month of the certification period and the ex review interview was completed timely.

Allow FS to reopen when closed for lack of verification after a change is reported or discovered, as long as the requested verification is provided in the calendar month following case closure.

In these situations benefits are prorated from the day the HH household completes all the required actions needed to determine eligibility.

1.2.6.1 Required Verification to Determine Eligibility

Monthly Gross Income	<p>Earned Income:</p> <ul style="list-style-type: none"> • Dated check stubs for the previous 30 days with the employee's name or ID number • Earnings report or statement from employer • IEVS report or computer match from another state - to be used only if no other form of verification exists. IEVS matches are not verification of the income an employee has earned. IEVS is an indicator that income was earned from that employer sometime during the 3 months of the work quarter identified. Do not use IEVS in calculations for overpayments. For change reporting requirements see 6.1.1.2. For change reporting requirements for EBD Food Units with no earnings, see 6.1.1.1.
----------------------	---

2.1.2.1 Application Processing 30 Day Time Frame

7 CFR 273.2(c); 7 CFR 273.2(g); 7 CFR 273.2(h)(2)(i)(A)
OM 14-48

The application process must be completed 30 days from the initial filing date, unless the applicant is eligible for expedited services (2.1.4). Day 1 of the application processing period is the day after the filing date. The time frame for processing an application is the filing date +30 days.

If the 30th day falls on a weekend or postal holiday :

- For denials - the action to deny should be taken the next business day.
- For approvals - the approval must be processed no later than the 30th day. Waiting until the next business day or later to process an application for an eligible household is untimely and therefore not allowable.

Applicants are required to cooperate with the completion of this process. Local agencies are required to assist the applicant in the completion of the application process if the applicant requests such assistance.

Late Verifications

At application, when a FS household fails to submit required verification by the 30th day following the filing date, the application should be denied. The household has an additional 30 days from the date of a timely denial, or 60 days from the filing date, to submit the required verification and open FS without requiring a new application or interview (i.e. required verifications are received during the period on or after the 31st day but no later than the 60th day from the filing date). Benefits should be prorated from the date all required verifications were submitted. The initial month of application should be denied.

Example: Jane applies on January 5, and her application is considered a regular 30 day application. Her verification checklist is mailed on January 6 with a due date of February 5. Jane fails to submit the required verifications by February 5. Her case is denied for lack of verification on the 30th day. The notice will inform Jane that she will have until March 9 (60 days from the filing date including extension for weekends) to submit the required verification without needing to reapply. If verifications are not submitted by this date, Jane will need to reapply and complete a new interview in order to have her eligibility determined.

Note: If verifications are submitted any time after February 5 but by March 9, issue prorated benefits from the date all verifications were submitted.

2.1.4.4 Postponing the Interview for Expedited Benefits

See 1.2.1.2 for details on verification ~~due date processing~~ time frames.

Households that meet criteria for expedited benefit through a CWW priority service screening eligibility determination may be allowed to postpone their interview under certain circumstances.

~~Postponement of~~ The interview may be postponed prior to benefit issuance only applies when the following conditions are met:

1. There is sufficient information to determine household composition and income; **and**
2. A household meets the criteria for expedited benefits as determined by CWW priority service screening; **and**
3. There are no individuals in the requesting household who have exhausted three months of time-limited FS benefits and have no known or apparent non-ABAWD status or exemption; **and**
4. The agency has made 2 attempts, but was unable to contact the household to complete the interview; **or**
5. The agency determines that the interview cannot be scheduled in time to complete the expedited issuance process timely because the household did not provide a phone number and the agency is ~~not~~ unable to obtain a phone

- number using other sources such as a phone book or previous case; **and**
6. The identity of the applicant can be verified.

Postponement of the interview only applies to the above households. Postponing the interview for expedited benefits may be applied only at the time of application and not at time of renewal. Postponing the application interview for expedited benefits does not exempt the household from the interview requirement or from completing the and verification requirements for ongoing FS benefits. The agency may treat the interview like other required verification and postpone it the interview during the month of application. Once expedited benefits have been issued, however, a decision determination must be made for ongoing benefits must be completed within the original 30 days from the original filing date.

When an application is received for an individual who has no known or no apparent non-ABAWD status or exemption, and the worker has verified that the individual has received three time-limited FS benefit months within a current 36 month clock, the FS interview must be completed prior to issuing expedited FS or denying the application; the interview cannot be postponed. If the worker is unable to verify that the applicant has exhausted their three time-limited FS benefits on their current 36 month clock, and/or the applicant has reported a non-ABAWD status or an exemption from the work requirement, then expedited FS may be issued and the interview may be postponed, as long as all other expedited criteria are met.

2.2.1.2 Shortening a Certification Period

7 CFR 273.10(f)(4) Waiver approval

Local agencies may not end a certification period earlier than the assigned termination date, unless the agency receives information that the food unit has become ineligible or the food unit does not cooperate in clarifying its circumstances. Loss of W2 or a change in employment is not sufficient in and of itself to meet the criteria necessary for shortening certification periods.

A certification period may be shortened only in the circumstances described below:

- There is a new request for health care or Child Care,
OR
- A health care or Child Care recertification is due prior to the FoodShare renewal,
AND
- The household has stated they want to complete a FoodShare renewal at the same time they are applying for or recertifying health care or Child Care.

3.2.1.5.4 Shelters for Battered Women & Children

3.2.1.5.4 Shelters for Battered Women Persons & Children

A shelter for battered women persons and children is a public or private nonprofit residential facility serving battered women persons and their children.

Shelters for battered women persons and their children may act as the authorized representative for FS applicants and recipients. Document the basis that the facility is eligible to participate. Any shelter for battered women persons and their children authorized by FNS to redeem FoodShare benefits at wholesale stores is eligible.

A shelter resident may be a member of an eligible food group before entering the shelter. Although in most cases an individual may not be a member of 2 food groups in the same month, a resident of a shelter for battered women persons and their children may be eligible for dual benefits as a separate food group while living at the shelter. This occurs when the earlier food unit contains the person who allegedly abused the resident.

3.4.1 Dual Membership & Duplicate Benefits

7 CFR 273.3(a)
FNS Memo 12/18/14

3.17.1.4 Determining ABAWD Status

A person cannot be a member of more than 1 food unit and 1 FS group in the same month except residents of shelters for battered women persons and their children. FS members are determined to be Able-Bodied Adults without Dependents (ABAWDs) when they meet all of the following:

- ~~18 to 49 years in age*;~~
- ~~Able to work;~~
- ~~Not residing in a household with a child under age 18 (regardless of the individual's relationship to the child, whether the child is included in the individual's FS assistance group, or the child's FS eligibility status); and~~
- ~~Not pregnant.~~

*Age 18: ABAWD status applies the month following the month the FS recipient or applicant turns age 18.

Age 50: ABAWD status is lost the first day of the month an ABAWD turns age 50.

NON-ABAWD: A FoodShare applicant or member is determined a non-ABAWD if he or she meets any one of the following criteria, as determined by the IM agency:

- Under age 18* or age 50** and older;
- Unable to work;
- Residing in a FoodShare household with a child under age 18***; or
- Pregnant.

*Age 18: ABAWD status applies the month following the month the FS recipient or applicant turns age 18.

**Age 50: ABAWD status is lost the first day of the month an ABAWD turns age 50.

*** Individuals who reside with and are included in the same food unit as a child under age 18 are non-ABAWDs, even if that child is ineligible for FoodShare. See FSHB 3.3.1.1 for food unit requirements).

Non-ABAWDs are not subject to time-limited FS benefits (TLBs).

Note: Individuals who are coded as out of the home, including children placed in foster care and out of home tax dependents and co-filers, do not make an individual a non-ABAWD.

An ABAWD is not subject to TLBs if at least one of the following exemptions is met:

- ~~1. Is determined unfit for employment, which includes someone who is:

 - a. Receiving temporary or permanent disability benefits from the government or a private source;
 - b. Mentally or physically unable to work, as determined by the IM agency;
 - c. Verified as unable to work by a statement from a health care professional or social worker;~~
- ~~2. Is responsible for the care of a child under age 6 or caring for an incapacitated person, either of which live outside the home;~~
- ~~3. Is receiving Unemployment Compensation (UC), or has applied for UC and is complying with UC work requirements;~~
- ~~4. Is regularly participating in an alcohol or other drug addiction (AODA) treatment or rehabilitation program;~~
- ~~5. Is a student of higher education and is otherwise eligible for FS (3.15.1);~~
- ~~6. Is a full-time high school student age 18 or over;~~
- ~~7. Is receiving Transitional FS benefits; or~~
- ~~8. Is meeting the ABAWD work requirement.~~

EXEMPT ABAWD: A FS member is determined an exempt ABAWD if he or she is an ABAWD who meets at least one of the following criteria, as determined by the IM agency:

- Determined unfit for employment, which includes someone who is:
 - Receiving temporary or permanent disability benefits from the

3.17.1.5 ABAWD Exemptions from Time-Limited FoodShare Benefits

- government or a private source;
- Mentally or physically unable to work, as determined by the IM agency;
- Verified as unable to work by a statement from a health care professional or a social worker.
- Receiving Unemployment Compensation (UC) or has applied for UC and is complying with UC work requirements;
- Regularly participating in an alcohol or other drug addiction (AODA) treatment or rehabilitation program;
- A student of higher education who is otherwise eligible for FoodShare (see FSHB 3.15.1);
- A high school student 18 years of age or older, attending high school at least half-time;
- Primary caregiver of a dependent child under age 6 or an incapacitated person;
- Receiving transitional FS benefits; or
- Meeting the ABAWD work requirement outside of FSET through work and/or other allowable work program participation.

Exempt ABAWDs are not subject to TLBs during months in which they have a verified exemption. Correct determination of ABAWD exemptions impacts whether or not members are subject to time-limited FS benefits (TLBs). ABAWDs may cycle on and off FS benefits and may gain or lose exemptions for a variety of reasons.

Individuals that have a pending exemption are referred to the FSET program as non-exempt ABAWDs. Once an exemption is verified, a referral update should be sent in order to notify the FSET agency of the status change.

Note: For cases in which more than one individual shares caregiving responsibilities for a child under age 6 or an incapacitated person, the agency should work with the household to determine which individual has primary responsibility for care of the child or incapacitated person.

NON-EXEMPT ABAWD: A FS member is a non-exempt ABAWD if he or she is an ABAWD but is not currently meeting the ABAWD work requirement and does not have an exemption from the work requirement, as determined by the IM agency. Non-exempt ABAWDs are subject to TLBs and need to meet the ABAWD work requirement to maintain ongoing eligibility for FS. One of the ways these individuals can meet the work requirement is through FSET participation.

All non-exempt ABAWDs receive a referral to the FSET program. Non-exempt ABAWDs are not required to participate in FSET as a condition of FS eligibility. However they may lose eligibility for FS due to failing to meet the work requirement after exhausting three months of TLBs in a 36-month period.

3.17.1.17 Countable Months from Another State

For ABAWDs who are subject to time-limited benefits, have a current 36-month clock in Wisconsin, and have moved back to Wisconsin from another state, the IM agency must verify the number of countable months the individual received in the other state. Countable months include Time-Limited Benefit (TLB) months and Additional Months that were received in another state during the individual's current Wisconsin FS clock period. Any TLB and Additional Months received from another state in months before the start of the individual's Wisconsin FS clock are not countable months.

4.4.1.4 Disregarded Assets

Shelters for Battered Women Residents Persons

When determining eligibility for a food unit living in a shelter for battered persons, disregard assets a food unit living in a shelter for battered women and children that are jointly owned with someone in its former food unit if agreement of the joint owner still living in the former food unit is needed to access the asset.

4.6.7.6 Shelter Deduction for Homeless Food Units

Homeless food units may be eligible for a shelter deduction using shelter expenses if they incur monthly expenses for shelter and a standard utility allowance (4.6.7.3) if they reasonably anticipate receiving an energy assistance payment are responsible

for utility expenses separate from shelter expenses or have received a LIHEAP payment in the previous 12 months.

Determine eligibility for shelter residents using only their income ~~and assets~~. Include only expenses they are responsible for. Count room payments to the shelter in the food unit's shelter expenses.

FNS Memo 12/18/14

6.1.3.3 Changes That Cause an Increase in Benefits, Including Person Adds

Note: A person cannot be a member of more than one (1) food unit and one (1) FS group in the same month except residents of shelters for battered ~~women~~ persons and their children (3.4.1). Prior to adding a person from one FS case to another, remove the person from the previous FS case.

6.4.1.1 FSET Program Fair Hearings

The IM agency must notify the FSET agency when an FSET participant has requested a fair hearing. The IM agency must work with the FSET agency to gather appropriate information in preparation for the fair hearing. Both the IM agency and FSET agency are required to attend the FSET fair hearing and provide requested documentation in advance of the hearing. Effective coordination and communication between the FSET agency and the IM agency is important to facilitate this process.