

TITLE VII
FOOD STAMP PROGRAM

CHAPTER 65
ADMINISTRATION

[Prior to 7/1/83, Social Services[770] Ch 65]
[Prior to 2/11/87, Human Services[498]]

DIVISION I

441—65.1(234) Definitions.

“Administrative area” means the county or cluster of counties administered by a departmental area office which includes the counties with a satellite office when an income maintenance worker is present, the local office(s) and the area office.

“Constant unearned income” means nonexempt unearned income which is expected to be received regularly and is not expected to change, in source or amount, more often than annually. Time-limited benefits, such as job insurance benefits, are not considered to be constant unearned income.

“Initial month” means (1) the first month for which an allotment is issued to a household, (2) the first month for which an allotment is issued to a household following any period in which the household was not participating in the food stamp program after the expiration of a certification period or after the termination of the certification of a household, during a certification period, when the household ceased to be eligible after notice and an opportunity for a hearing, and (3) in the case of a migrant or seasonal farmworker household, the first month for which allotment is issued to a household that applies following any period of more than 30 days in which the household was not participating in the food stamp program after previous participation in the program.

“Intentional failure to comply” in the family investment program and in accordance with administrative requirements at rule 65.3(234) is defined as fraud as established by a court.

“Notice of expiration” means either a message printed on an application for continued program participation, Review/Recertification Eligibility Document (RRED), Form 470-2881, which is automatically issued to the household, or a hand-issued Form FP-2310-0, Notice of Expiration.

“Parent” means natural, legal, or stepmother or stepfather.

“Recent work history” means that in either of the two calendar months before the budget month the person received income of over \$75 from employment unless the person is a child whose earnings are exempt.

“Report month” for retrospective budgeting means the calendar month following the budget month.

“Sibling” means biological, legal, step-, half-, or adoptive brother or sister.

“Suspension” means a month in which a benefit issuance is not made due to retrospective net income which exceeds program limits, when eligibility for benefit issuance is expected to exist for the following month.

“Temporary” for the purposes of 7 CFR 271.2 means 90 days when a person claims to be homeless when living temporarily in the home of another. After the first 90 days of living in the home of another, a person will no longer be considered to be homeless.

“X-PERT” means an automated knowledge-based computer system which determines eligibility for the food stamp program and other assistance programs.

441—65.2(234) Application. Persons in need of food stamps may file an application at an office in the administrative area in which they reside. An application is filed the day an appropriate food stamp office receives an application for food stamps on Form 470-3112 or 470-3122 (Spanish), Application for Assistance, Part 1; Form FP-2101-0 or FP-2101-1 (Spanish), Application for Food Stamps; or Form PA-2207-0 or Form PA-2230-0 (Spanish), Public Assistance Application containing the applicant's name and address which is signed by either a responsible member of the household or the household's authorized representative. For cases not selected for the X-PERT system, the application is complete when a completed Form FP-2101-0 or FP-2101-1, Application for Food Stamps, is submitted, when the application is for a month the household is not certified for food stamps or the application is for a household whose previous participation was in another administrative area, except when any person in the household is applying for aid through the family investment program or related medical programs, the refugee resettlement assistance programs, or the child medical assistance program. These persons shall complete Form PA-2207-0 or Form PA-2230-0 (Spanish), Public Assistance Application, no later than at the time of the required interview.

For cases selected for X-PERT, the application is complete when a completed Form 470-3112 or Form 470-3122 (Spanish), Application for Assistance, Part 1, is submitted; an interview has been held; the household is provided the Summary of Facts, Form 470-3114, for review; and an adult food stamp household member has signed the Summary Signature Page, Form 470-3113 or Form 470-3123 (Spanish) when the application is for a month the household is not certified for food stamps or the application is for a household whose previous participation was in another administrative area.

Households receiving food stamps without a change of administrative area may apply for continued participation by submitting Form 470-2881, Review/Recertification Eligibility Document.

65.2(1) Failure to appear for interview. When a household files an initial application for food stamps, the department shall schedule an interview. The applicant shall be responsible for rescheduling this appointment if the applicant does not keep it. If the applicant fails to appear for the scheduled interview and does not contact the department to reschedule the interview by the thirtieth day after the date the application is filed, the department shall deny the application.

65.2(2) Failure to provide verification. When a household files an initial application and the department requests additional verification, the applicant shall have ten days to provide the requested verification. If the applicant fails to provide the verification within ten days, the department may deny the application immediately. If the applicant provides the department with the requested verification prior to the thirtieth day from the date of application, the department shall reopen the case and provide benefits from the date of application. If the household provides the verification in the second 30 days after the date of the application, the department shall reopen the case and provide benefits from the date the verification was provided.

441—65.3(234) Administration of program. The food stamp program shall be administered in accordance with the Food Stamp Act of 1977 and in accordance with federal regulation, Title 7, Parts 270 through 282 as amended to December 4, 1991.

A copy of the federal law and regulations may be obtained at no more than the actual cost of reproduction by contacting the Division of Economic Assistance, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114, (515)281-3133.

This rule is intended to implement Iowa Code section 234.12.

441—65.4(234) Issuance. All food stamp coupons are issued by direct mail except for expedited food stamp benefits, exchange for improperly manufactured or mutilated coupons, and exchange of old series coupons for new series coupons. Expedited food stamp coupons shall be issued over the counter by local or area offices. Persons residing in counties in which a local or area office is not located shall have their expedited food stamp coupons mailed unless the interview is conducted in person at a local or area office in the administrative area in which they reside and benefits are picked up on the day of the interview. Exchanged coupons are issued over the counter by local or area offices. Food stamp recipients may choose to receive and use their benefits by electronic benefit transfer (EBT) instead of food stamp coupons in counties where this option is available. Where the option of EBT issuance is available and the household chooses this option, expedited food stamp benefits may be issued by EBT if expedited time frames can be met. Food stamp benefits for ongoing certifications are mailed or are otherwise made available to the household on a staggered basis during the first 15 days of each month.

65.4(1) When persons reside in counties in which a local or area office is located and have coupons replaced as a result of a mail loss for one month, the coupons shall be mailed to the local or area office in the county in which the persons reside for six months. When persons reside in counties in which a local or area office is not located and have coupons replaced as a result of a mail loss for two months in a six-month period, the coupons shall be mailed to the local or area office to which that county's satellite office is directly assigned for six months except when the mail loss occurs because of the department's failure to mail to the address specified by the household. When a change of mailing address is reported, the old address becomes the wrong address as of the date of the report.

65.4(2) When a household reports a shortage in its mail issuance, the household shall present the coupon books received to an office in the administrative area in which the household resides for examination.

65.4(3) When a household presents \$200 or more of old series coupons to be exchanged for new series coupons, the household shall sign a statement that the coupons were validly purchased by the household, telling the approximate dates of purchase, and giving the reasons for the accumulation and the delay in presenting them for exchange.

65.4(4) When a household meets the residency requirements of the food stamp program within the state of Iowa and is eligible for direct mailing, the household may have the coupon allotment sent to any mailing address within the state or to a community or mailing address which does not exceed ten miles beyond the legal boundaries of the state.

65.4(5) Notwithstanding anything to the contrary in these rules or regulations, households applying for initial months' benefits after the fifteenth day of the month and eligible for expedited services who are determined eligible for the initial month and the next subsequent month shall receive their prorated initial month expedited allotment and their first full month's allotment at the same time.

441—65.5(234) Hotline. Rescinded IAB 10/30/91, effective 1/1/92.

441—65.6(234) Delays in certification.

65.6(1) When by the thirtieth day after the date of application the agency cannot take any further action on the application due to the fault of the household, the agency shall give the household an additional 30 days to take the required action. The agency shall send the household a notice of pending status on the thirtieth day.

65.6(2) When there is a delay beyond 60 days from the date of application and the agency is at fault and the application is complete enough to determine eligibility, the application shall be processed. For subsequent months of certification, the agency may require a new application form to be completed when household circumstance indicates changes have occurred or will occur.

65.6(3) When there is a delay beyond 60 days from the date of application and the agency is at fault and the application is not complete enough to determine eligibility, the application shall be denied. The household shall be notified to file a new application and that it may be entitled to retroactive benefits.

441—65.7(234) Expedited service. Notwithstanding anything to the contrary in these rules or regulations, the following shall apply to households applying for expedited service:

65.7(1) *Period of certification.* When a household has been certified under expedited service provisions and verification of eligibility factors has been postponed, the household shall be certified only for the month of application.

65.7(2) *Homelessness.* Homelessness shall not be a criteria for eligibility for expedited service.

441—65.8(234) Deductions.

65.8(1) *Standard allowance for households with heating or air-conditioning expenses.* The standard allowance for utilities which include heating or air-conditioning costs is a single utility standard. This standard is \$202 effective August 1, 1991. Beginning October 1, 1992, this allowance shall change annually effective each October 1 using the percent increase reported in the Consumer Price Index Monthly Periodical for January for fuels and other utilities for the average percent increases for the prior year for all urban consumers United States city average. Any numeral after the second digit following the decimal point will be dropped in this calculation. Any decimal amount of .49 or under will be rounded down. Any decimal of .50 or more will be rounded up to the nearest dollar. The cent amount will be included when calculating the next year's increase.

65.8(2) *Heating expense.* Heating expense is the cost of fuel for the primary heating service normally used by the household.

65.8(3) *Telephone standard.* When a household is receiving telephone service for which it is required to pay and the household is not entitled or chooses not to receive a single standard allowance, a standard allowance shall be allowed. This standard shall be \$18 effective August 1, 1991. Beginning October 1, 1992, this allowance shall change annually effective each October 1 using the percent increase reported in the Consumer Price Index Monthly Periodical for January for telephone service for the average percent increases for the prior year for all urban consumers United States city average. Any numeral after the second digit following the decimal point will be dropped in this calculation. Any decimal amount of .49 or under will be rounded down. Any decimal of .50 or more will be rounded up to the nearest dollar. The cent amount will be included when calculating the next year's increase.

65.8(4) *Energy assistance payments.* For purposes of prorating the low income energy assistance payments to determine if households have incurred out-of-pocket expenses for utilities, the heating period shall consist of the months from October through March.

65.8(5) *Standard allowance for households without heating or air-conditioning expenses.* This standard allowance is for households with some utility expenses. These utility expenses cannot include heating or air-conditioning expenses and cannot be solely for telephone. This standard is \$103 effective August 1, 1991. Beginning October 1, 1992, this allowance shall change annually effective each October 1 using the percent increase reported in the Consumer Price Index Monthly Periodical for January for electric service for the average percent increases for the prior year for all urban consumers United States city average. Any numeral after the second digit following the decimal point will be dropped in this calculation. Any decimal amount of .49 or under will be rounded down. Any decimal of .50 or more will be rounded up to the nearest dollar. The cent amount will be included when calculating the next year's increase.

65.8(6) Excluded payments. A utility expense which is reimbursed or paid by an excluded payment, including HUD or FmHA utility reimbursements, shall not be deductible.

65.8(7) Excess medical expense deduction. Notwithstanding anything to the contrary in these rules or regulations, at certification, households having a member eligible for the excess medical expense deduction shall be allowed to provide a reasonable estimate of the member's medical expenses anticipated to occur during the household's certification period. The estimate may be based on available information about the member's medical condition, public or private medical insurance coverage, and current verified medical expenses. Households giving an estimate shall not be required to report or verify changes in medical expenses that were anticipated to occur during the certification period.

65.8(8) Child support payment deduction. Households shall be allowed a deduction for the amount of child support and child medical support payments made by a household member if the payments are legally obligated and paid to a person outside of the food stamp household. Households, including monthly reporting households, shall only be required to report and verify child support payments at certification and recertification and whenever the amount that is paid monthly changes by \$50 or more. When a household has a medical insurance policy that provides coverage for persons in addition to the children outside of the food stamp household for which the household member is legally obligated to provide the coverage, the cost of the policy shall be prorated among the number of persons covered and the pro rata cost attributed to the children for whom the member is legally obligated to provide coverage shall be allowed as a deduction.

65.8(9) Standard deduction. Notwithstanding anything to the contrary in these rules or regulations, the standard deduction shall be \$134 for calculation of food stamp benefits issued for December 1995 through September 30, 1996.

65.8(10) Switching between actual utility expenses and the standard utility allowances. Households shall be allowed to switch between the standard utility allowance and using actual utility expenses only at recertification.

65.8(11) Excess shelter cap. Notwithstanding anything to the contrary in these rules or regulations, the excess shelter cap shall be \$250 effective January 1, 1997, to September 30, 1998. The excess shelter cap shall be \$275 effective October 1, 1998, to September 30, 2000. The excess shelter cap shall be \$300 effective October 1, 2000, and ongoing.

This rule is intended to implement Iowa Code section 234.12.

441—65.9(234) Treatment centers and group living arrangements. Alcoholic or drug treatment or rehabilitation centers and group living arrangements shall complete Form 470-2724, Monthly Facility Food Stamp Report for Drug or Alcohol Treatment Centers or Group Living Arrangements, on a monthly basis and return the form to an office in the administrative area in which the center is located.

Notwithstanding anything to the contrary in these rules or regulations, disabled persons as defined in 7 CFR 271.2, as amended to December 4, 1991, residing in certain group living arrangements are eligible to receive and use food stamps to purchase their prepared meals.

These group living arrangements are public or private nonprofit residential settings that serve no more than 16 residents that are certified by the appropriate agency or agencies of the state under regulations issued under Section 1616(e) of the Social Security Act or under standards determined by the secretary to be comparable to standards implemented by appropriate state agencies under Section 1616(e) of the Social Security Act.

441—65.10(234) Reporting changes. Households may report changes on the Change Report Form, FP-2232-0. Households are supplied with this form at the time of initial certification, at the time of recertification whenever the household needs a new form, whenever a form is returned by the household, and upon request by the household.

Households who are exempt from filing a monthly report because of earnings of \$75 or less per month are required to report to an office in the administrative area in which they reside whenever their earnings exceed \$75 per month. This report is to be made no later than ten days after the last day of the month in which the earned income increased to more than \$75.

441—65.11(234) Discrimination complaint. Individuals who feel that they have been subject to discrimination may file a written complaint with the Affirmative Action Office, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319.

441—65.12(234) Appeals. Fair hearings and appeals are provided according to the department's rules, 441—Chapter 7.

441—65.13(234) Joint processing.

65.13(1) SSI/food stamps. The department will handle joint processing of supplemental security income and food stamp applications by having the social security administration complete and forward food stamp applications.

65.13(2) Public assistance/food stamps. In joint processing of public assistance and food stamps, the certification periods for public assistance households will be assigned to expire at the end of the month in which the public assistance redetermination is due to be processed.

441—65.14(234) Rescinded, effective 10/1/83.

441—65.15(234) Proration of benefits. Benefits shall be prorated using a 30-day month.

This rule is intended to implement Iowa Code section 234.12.

441—65.16(234) Complaint system. Clients wishing to file a formal written complaint concerning the food stamp program may submit Form FP-2238-0, or FP-2238-1, Food Stamp Complaint, to the office of field support. Department staff shall encourage clients to use the form.

441—65.17(234) Involvement in a strike. An individual is not involved in a strike at the individual's place of employment when the individual is not picketing and does not intend to picket during the course of the dispute, does not draw strike pay, and provides a signed statement that the individual is willing and ready to return to work but does not want to cross the picket line solely because of the risk of personal injury or death or trauma from harassment. The regional administrator shall determine whether such a risk to the individual's physical or emotional well-being exists.

441—65.18(234) Rescinded, effective 8/1/86.

441—65.19(234) Monthly reporting/retrospective budgeting.

65.19(1) *Budgeting cycle.* Retrospective budgeting will base benefit calculation on the budget month which is the second calendar month preceding the issuance month.

65.19(2) *Reporting responsibilities of monthly reporting households.*

a. The Public Assistance Eligibility Report, Form PA-2140-0, will be supplied to the recipient, by the department, as needed or requested. The department shall provide a postage-paid envelope for return of Form PA-2140-0, the Public Assistance Eligibility Report.

b. Households shall return the completed form to an office in the administrative area in which they reside by the fifth calendar day of the month which precedes the issuance month, when the form was issued in the department's regular end-of-month mailing. Households shall return the completed form to an office in the administrative area in which they reside by the seventh day after the date of the issuance of the form when the form was not issued in the department's regular end-of-month mailing.

c. Failure to return a completed form shall result in cancellation of assistance. A completed form is a form with all items answered, accompanied by verification as required in 65.19(14), and signed and dated by a responsible household member on or after the last day of the budget month. When the PA-2140-0 is used and a person in the household is also required to report monthly for another public assistance program, the form shall also be signed by all individuals required to sign for that program to be considered complete.

65.19(3) *Determination of eligibility.* Eligibility will be determined on the basis of the household's prospective income and circumstances.

65.19(4) *Public assistance income.* The aid to dependent children and refugee cash assistance grant(s) authorized for the issuance month will be considered in determination of the household's eligibility and benefit level. Adjustive or corrective public assistance payments shall be counted retrospectively.

65.19(5) *Suspension.* Suspension is not limited to households with a periodic increase in recurring income. Suspension may not occur for two consecutive months.

65.19(6) *Households required to submit monthly reports.* The following households must return monthly reports, unless exempted by federal regulation:

a. Households required to submit aid to dependent children monthly reports.

b. Households with one or more members who have a recent work history.

c. Households with one or more members receiving countable unearned income which is not constant except when one or more of the following apply:

(1) The income is from job insurance benefits.

(2) The income is from educational income such as grants, scholarships, educational loans, fellowships or veterans' educational benefits.

(3) The income is from interest.

(4) The income is from occasional general assistance payments.

d. Households with one or more members receiving countable earned income except when one or more of the following apply:

(1) The earned income of each person is \$75 or less per month.

(2) The earned income is annualized self-employment income.

(3) The only source of earned income of a person receiving Supplemental Security Income (SSI) or Social Security Disability is from a sheltered workshop program.

65.19(7) *Entering or leaving monthly reporting or a budgeting method due to a change in status.* Notwithstanding anything to the contrary in these rules or regulations, a monthly report will be required for the budget month after the month the household reported a status change. Retrospective budgeting will begin in the month after the household reported the status change.

The department shall notify households who become exempt from monthly reporting within ten days of the date the department becomes aware of the change. This notification shall inform the household that they no longer have to file future monthly reports and will tell them when the change in budgeting, if any, will occur. Prospective budgeting will begin the first issuance month the client does not submit a monthly report.

The department shall change the budgeting method of households who must report changes in ten days no later than the next month following the ten-day period for the worker to act and timely notice requirements.

65.19(8) *Prospective beginning months.* All eligible households will have benefits calculated prospectively for the two beginning months. When a household has applied for assistance from the family investment program or related medical programs, the child medical assistance program or the refugee resettlement-cash assistance program, and for food stamp benefits using a Form 470-3112, Application for Assistance, Part 1, or a Form PA-2207-0 or PA-2230-0 (Spanish), Public Assistance Application, a third food stamps' beginning month will be allowed when the public assistance program's first "initial month" is the same calendar month as the second food stamps' beginning month, and the third beginning month permits a simultaneous transition to retrospective budgeting.

65.19(9) *Disregarded income for the first months of retrospective budgeting.* Income considered prospectively for new household members or in the beginning months and not expected to continue shall not be considered again.

65.19(10) *Action on reported changes.* The agency will act on all reported changes for households required to submit monthly reports.

65.19(11) *Actual or converted income.* Calculation of benefits for households required to submit monthly reports will consider the actual income received or anticipated to be received in the budget month unless the income is annualized or prorated. Calculation of benefits for households not required to monthly report will use the actual or converted amount of income received on a weekly or biweekly basis for that benefit month.

65.19(12) *Mailing of notices.* All individual household notices of benefit amounts will be mailed separately from food stamps.

65.19(13) *Reinstatement.* Reinstatement of the household canceled for failure to submit a complete monthly report will occur only when the otherwise eligible household submits a complete report by the end of the report month or by the extended filing date, whichever is later.

65.19(14) *Verification of income.* Notwithstanding anything to the contrary in these rules or regulations, a monthly report will be considered incomplete when it is not accompanied by verification of:

- a. Gross nonexempt earned income, including when this earned income starts or stops.
- b. Unearned income or prorated income or annualized income when this income starts, stops, or changes in amount. Verification of interest income, with a monthly report, is not required.

65.19(15) *Return of verification.* The agency will return all items of verification, submitted in the monthly reporting process, to the household.

65.19(16) *Notice regarding reinstatement.* The household which has received a Notice of Cancellation, Form 4107-0, shall be notified in writing of its status every time the department receives a monthly report form prior to the end of the "report month," or the extended filing period, whichever is later.

65.19(17) *Additional information and verification.* The household which has submitted a complete monthly report shall submit, or cooperate in obtaining, additional information and verification needed to determine eligibility or benefits within five working days of the agency's written request.

65.19(18) *Household membership.* Except for applications received during a period of time when the household was not certified to receive food stamps, household membership shall be determined as it was or is anticipated to be on the first day of the issuance month. Changes in household membership occurring on or after the first day of the month which are reported during the month in which the change occurs, will not be considered until the following month. Except for qualified residents of a shelter for battered women and children, individuals shall not be added to the household prior to their being removed from another household where they were receiving food stamps.

65.19(19) *Certification periods.* Households in which all members are receiving family investment program (FIP) cash assistance, a family medical assistance program (FMAP), or FMAP-related medical assistance will be assigned certification periods of 6 to 12 months. However, a certification period of less than 6 months may be assigned at application or recertification to match the food stamp recertification date and the public assistance review date.

Households in which one or more members are not receiving FIP cash assistance, or FMAP or FMAP-related medical assistance, and which are not required to file a monthly report will be assigned certification periods of one to six months based on the predictability of the household's circumstances except when the adult members are all 60 years of age or older with very stable income such as social security, supplemental security income, pensions or disability payments. These households shall be certified for up to 12 months.

65.19(20) *Households subject to retrospective budgeting.* Notwithstanding anything to the contrary in these rules or regulations, all households are subject to retrospective budgeting except:

- a. Migrant or seasonal farm worker households.
- b. Households whose adult members are all elderly or disabled with no earned income.
- c. Households in beginning months as outlined in subrule 65.19(8).
- d. Households in which all members are homeless individuals.
- e. Households residing on a reservation.

65.19(21) *Self-employment income for less than a year.* Notwithstanding anything to the contrary in these rules or regulations, self-employment income received over a period of less than a year shall be prorated over that period and used to calculate benefits only retrospectively. This income will be used prospectively to determine eligibility.

441—65.20(234) Notice of expiration issuance.

65.20(1) Issuance of the automated Notice of Expiration will occur with the mailing of Form 470-2881, Review/Recertification Eligibility Document, or a hand-issued Form FP 2310-0, Notice of Expiration.

65.20(2) Issuance of the Notice of Expiration, Form FP-2310-0, will occur at the time of certification if the household is certified for one month, or for two months, and will not receive the Automated Notice of Expiration.

441—65.21(234) Claims.

65.21(1) Time period. Inadvertent household error and agency error claims shall be calculated back to the month the error originally occurred to a maximum of three years prior to month of discovery of the overissuance.

65.21(2) Suspension status. Rescinded IAB 7/1/98, effective 8/5/98.

65.21(3) Application of restoration of lost benefits. If the household is entitled to any benefits which it did not receive due to delay or error by the department, these benefits shall first be applied to any claims (including a suspended claim) with any remaining benefits being issued to the household.

65.21(4) Demand letters. Households which have food stamp claims shall return the repayment agreement no later than 20 days after the date the demand letter is mailed. For agency error and inadvertent household error, households which do not return the repayment agreement by the due date or do not timely request an appeal, allotment reduction shall occur with the first allotment issued after the expiration of the Notice of Adverse Action time period. For intentional program violation, households which do not return the repayment agreement by the due date, allotment reduction shall occur with the next month's allotment.

65.21(5) Calculating the amount of an overissuance. The earned income deduction shall not be allowed when a claim is calculated to determine an overissuance caused by the failure of a household to timely report earned income.

65.21(6) Collection of claims. All claims for overissued food stamps can be collected by allotment reduction. Individuals not participating in the food stamp program who are 180 days delinquent in repaying their overissuance will be subject to collection action through the treasury offset program (TOP) which includes, but is not limited to, federal salary offset and federal tax refund offset as outlined in rule 441—11.5(234).

441—65.22(234) Verification.**65.22(1) Required verification.**

a. Income. Households shall be required to verify income at time of application, recertification and when income is reported or when income changes with the following exceptions:

1. Households are not required to verify the public assistance grant.
2. Households are not required to verify job insurance benefits when the information is available to the department from the department of employment services.
3. Households are only required to verify interest income at the time of application and recertification.

b. Dependent care costs. Households shall be required to verify dependent care costs at the time of application and recertification, when reported in the monthly reporting system, and whenever a change is reported (when a household is not in the monthly reporting system).

c. Medical expenses. Households shall be required to verify medical expenses at the time of application and recertification and whenever a change is reported.

d. Shelter costs. Households shall be required to verify shelter costs (other than utility expenses) at the time of application and recertification and whenever the household reports moving or a change in its shelter costs.

e. Utilities. Actual utilities (for households required or choosing to use actual utility expenses) shall be verified at time of application and recertification, when reported in the monthly reporting system and whenever a change is reported by the household.

Households choosing a utility standard shall verify responsibility for the utility expense that makes them eligible for that standard when not previously verified, whenever the household has moved or a change in responsibility for utility expenses is reported.

f. Telephone expense. In order to receive the standard telephone deduction, households using actual utility deductions shall be required to verify that it is their responsibility to pay for the basic telephone service fee at application and recertification, whenever the household has moved or a change in responsibility for the telephone expense is reported.

g. Child support payment deduction. Households shall be required to verify legally obligated child support and child medical support payments made to a person outside of the food stamp household only at certification and recertification and whenever the household reports a change.

65.22(2) Failure to verify. When the household does not verify an expense as required, no deduction for that expense will be allowed.

65.22(3) Special verification procedures. Persons whose applications meet the initial criteria for error-prone cases may be subject to special verification procedures, including a second face-to-face interview and additional documentation requirements in accordance with department of inspections and appeals' rules 481—Chapter 72.

Clients are required to cooperate with the food stamp investigation section of the department of inspections and appeals in establishing food stamp eligibility factors including attending requested interviews. Refusal to cooperate will result in denial or cancellation of the household's food stamp benefits. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until cooperation occurs.

441—65.23(234) Weekly or biweekly income and prospective budgeting. Households receiving benefits determined by prospective budgeting shall have the actual or converted amount of income that is received on a weekly or biweekly basis considered for that benefit month.

441—65.24(234) Inclusion of foster children in household. Foster children living with foster parents will not be considered to be members of the food stamp household unless the household elects to include the foster children in the food stamp household. Foster care payments received for foster children not included in the household will be excluded from the income of the household receiving the payment.

441—65.25(234) Effective date of change. A food stamp change caused by, or related to, a public assistance grant change, will have the same effective date as the public assistance change.

441—65.26(234) Child support rebate (pass-through) from the department. Rescinded IAB 7/1/98, effective 7/1/98.

441—65.27(234) Voluntary quit, reduction in hours of work, and failure to participate in workfare. Participating individuals are subject to the same disqualification period as provided under rule 441—65.28(234) when the individuals voluntarily quit employment, voluntarily reduce hours of work to less than 30 hours per week, or fail to comply with a food stamp program workfare program, beginning with the month following the adverse notice period.

If the individual is the head of the household, the disqualification period as provided in rule 441—65.128(234) shall apply to the entire household. If the head of household who caused the disqualification leaves the household, the remaining members may reapply to reestablish eligibility.

441—65.28(234) Work requirements.

65.28(1) *Persons required to register.* Each household member who is not exempt by subrule 65.28(2) shall be registered for employment at the time of application, and once every 12 months after initial registration, as a condition of eligibility. Registration is accomplished when the applicant signs a food stamp application form that contains a statement that all members in the household who are required to register for work are willing to register for work. This signature registers all members of that food stamp household that are required to register.

65.28(2) *Exemptions from work registration.* The following persons are exempt from the work registration requirement:

- a. A person younger than 16 years of age or a person 60 years of age or older. A person aged 16 or 17 who is not a head of a household or who is attending school, or is enrolled in an employment training program on at least a half-time basis is exempt.
- b. A person physically or mentally unfit for employment.
- c. A household member subject to and complying with any work requirement under Title IV of the Social Security Act including mandatory PROMISE JOBS referral.
- d. A parent or other household member who is responsible for the care of a dependent child under age six or an incapacitated person.
- e. A person receiving unemployment compensation.
- f. A regular participant in a drug addiction or alcohol treatment and rehabilitation program which is certified by the Iowa department of public health, division of substance abuse.
- g. A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.
- h. A student enrolled at least half-time in any recognized school, recognized training program, or an institution of higher education (provided that students have met the requirements of federal regulation, Title 7, Part 273.5, as amended to December 31, 1986).

65.28(3) *Losing exempt status.* Persons who lose exempt status due to any change in circumstances that is subject to the reporting requirements shall register for employment when the change is reported. Persons who lose exempt status due to a change in circumstances that is not subject to the reporting requirements for that household shall register for employment no later than at the household's next recertification.

65.28(4) *Registration process.* Upon reaching a determination that an applicant or a member of the applicant's household is required to register, the pertinent work requirements, the rights and responsibilities of work-registered household members, and the consequences of failure to comply shall be explained to the applicant. A written statement of the above shall be provided to each registrant in the household. The written statement shall also be provided at recertification and when a previously exempt member or a new household member becomes subject to work registration.

Registration for all nonexempt household members required to work register is accomplished when the applicant or recipient signs an application, recertification, or reporting form containing an affirmative response to the question, "Do all members who are required to work register and participate in job search agree to do so?" or similarly worded statement.

65.28(5) *Deregistration.* Work registrants who obtain employment or otherwise become exempt from the work requirement subsequent to registration or who are no longer certified for participation are no longer considered registered.

65.28(6) *Work registrant requirements.* Work registrants shall:

- a. Participate in an assigned employment and training program.
- b. Respond to a request from the department or its designee for supplemental information regarding employment status or availability for work.
- c. Report to an employer to whom referred by the department or its designee if the potential employment meets the suitability requirements described in subrule 65.28(15).
- d. Accept a bona fide offer of suitable employment at a wage not less than the federal minimum wage.

65.28(7) *Employment and training programs.* Persons required to register for work and not exempted by subrule 65.28(9) from placement in a component shall be subject to employment and training requirements. If all nonexempt mandatory registrants cannot be served because minimum federal participation standards have been met, registrants will be randomly selected for referral up to the minimum standard. Requirements may vary among participants.

The department or its designee shall serve as the provider of employment and training services for nonexempt food stamp registrants.

The department or its designee can require participants to engage in vocational testing activities when deemed necessary.

Participants shall report for all scheduled employment interviews and accept bona fide offers of suitable employment as defined in subrule 65.28(15).

Participants who, for any reason, are absent from any scheduled employment and training appointment shall be required to reschedule a like appointment. Absence includes missing more than 30 minutes of a scheduled appointment.

65.28(8) *Employment and training components.* Employment and training components include individual job search, job club, educational services (GED/ABE/ESL) and Job Training Partnership Act (JTPA) activities.

The job club, educational services and DES/IJS components shall operate in the following 63 counties: Adair, Adams, Appanoose, Audubon, Black Hawk, Boone, Buchanan, Carroll, Calhoun, Cerro Gordo, Clarke, Clay, Clinton, Crawford, Dallas, Davis, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Floyd, Fremont, Greene, Hamilton, Hancock, Harrison, Henry, Humboldt, Jasper, Jefferson, Johnson, Keokuk, Lee, Linn, Louisa, Mahaska, Marion, Marshall, Mills, Mitchell, Monroe, Montgomery, Muscatine, Page, Polk, Palo Alto, Pottawattamie, Ringgold, Sac, Scott, Story, Tama, Union, Van Buren, Wapello, Warren, Wayne, Webster, Winnebago, Woodbury, Worth, and Wright. The DES/IJS component shall also operate in the following 11 counties: Allamakee, Buena Vista, Cass, Fayette, Howard, O'Brien, Osceola, Poweshiek, Shelby, Sioux, and Winneshiek. These counties were chosen based upon available food stamp population and the most effective use of limited department of employment services staff and a limited federal grant to serve the food stamp population.

In the 63 counties operating job club and educational services components, nonexempt mandatory registrants shall participate in job club operated by the department of employment services (subject to limitations imposed in paragraph "b"). Registrants referred to job club may choose to complete their education through the educational services (GED/ABE/ESL) programs if, through individual assessment, the department of employment services determines that the registrant would become more employable by completing the educational services program. Participants in the job club component who do not become employed may choose to either enroll in the JTPA program or to be assigned to an individual job search operated by the department of employment services (DES/IJS). Those participants choosing JTPA who are not enrolled in the JTPA program shall be assigned to DES/IJS.

In the 11 counties not operating a job club component but operating the DES/IJS component, non-exempt mandatory registrants may volunteer to complete their education through the educational services (GED/ABE/ESL) programs if, through individual assessment, the department of employment services determines that the registrant would become more employable by completing the educational services program; or to be assigned to job club operated by the department of employment services (subject to the limitations in paragraph "b"); or to enroll in the JTPA program. The voluntary participants will be referred to the nearest department of employment services office offering these services. Nonexempt, mandatory registrants who do not enter and complete a voluntary component, who choose JTPA but are not enrolled in the JTPA program, or who complete one voluntary component and do not enter another voluntary component, or who do not become employed will be assigned to DES/IJS.

No employment and training components will operate in the following 25 counties: Benton, Bremer, Butler, Cedar, Cherokee, Chickasaw, Clayton, Decatur, Franklin, Grundy, Guthrie, Hardin, Ida, Iowa, Jackson, Jones, Kossuth, Lucas, Lyon, Madison, Monona, Plymouth, Pocahontas, Taylor, and Washington.

In these 25 counties where no employment and training components are operating, nonexempt (for reasons other than geographic exemption) mandatory registrants may volunteer to complete their education through the educational services (GED/ABE/ESL) programs if, through individual assessment, the department of employment services determines that the registrants would become more employable by completing the educational services program; or to be assigned to job club operated by the department of employment services (subject to the limitations in paragraph "b"); or to enroll in the JTPA program. The voluntary participants will be referred to the nearest department of employment services office offering these services.

Any mandatory participant may enroll in the JTPA component and, if enrolled, be considered as participating in a food stamp employment and training program. Otherwise, program participation is limited to two components per federal fiscal year (October-September). The educational services component shall be considered as two components for participation purposes.

a. Rescinded IAB 12/13/89, effective 2/1/90.

b. Job club. Participants who are assigned to job club shall receive one week of job-seeking skills training and shall then participate in a structured employment search activity for a period not to exceed three weeks. Participants shall be assigned a maximum of four hours per day in scheduled job club activities. Participants shall contact a minimum of 25 employers per day by telephone to schedule employment interviews unless fewer contacts are required by staff. Daily attendance during the one week of job-seeking skills training is required. Staff may require a participant who, for any reason, is absent during this week to repeat the entire week of training. Additional allowances shall not be paid to these individuals.

Staff may require job club participants to make up absences which occur during the three-week job search period. Additional allowances shall not be paid to these persons.

Job club participants who, during participation, obtain part-time employment of less than 60 hours per month shall be required to continue job club unless the scheduled job club hours conflict with the scheduled hours of employment. Staff shall require these persons to participate in job club during those hours where no conflict with work hours exists.

Registrants are required to complete a current employment services registration, Application Card, Form 62-2019, including Form I-9, Employment Eligibility Verification Form, when referred to the department of employment services.

Participants in job club shall receive information about the program. At a minimum, the orientation shall include an explanation of services provided, an explanation of participation requirements, an explanation of what services participants can expect to receive, and an explanation of each participant's rights and responsibilities. At the conclusion of the presentation, each participant shall be required to read and sign Your Rights and Responsibilities, Form 62-2053, acknowledging that a complete explanation of the program and what constitutes noncompliance and the sanctions for noncompliance have been provided.

c. Educational services (GED/ABE/ESL). Persons referred to the job club component may elect to be referred to the educational services program. Educational services offered include the General Educational Development (GED), Adult Basic Education (ABE), or English as a Second Language (ESL). The department of employment services shall individually assess persons requesting referral to this program. If it is determined that obtaining educational services would directly enhance the person's likelihood of obtaining employment, the person will be referred to this program (subject to available funds). Participation in the educational services program for eight consecutive weeks would be considered equivalent to participation in two 4-week employment and training components. Persons who fail to begin or continue the educational program during the two 4-week components will be assigned to the job club component.

d. Job training partnership act (JTPA). Persons electing to participate in and selected for participation in the JTPA program shall be considered participating in an employment and training component.

e. Individual job search operated by the department of employment services (DES/IJS). Participants in DES/IJS shall receive information about the program. At a minimum, the orientation shall include an explanation of services provided, an explanation of participation requirements, and an explanation of each participant's rights and responsibilities. At the conclusion of the presentation each participant shall be required to read and sign Your Rights and Responsibilities, Form 62-2053, acknowledging that a complete explanation of the program and what constitutes noncompliance and the sanctions for noncompliance have been provided.

Each participant shall be given a job search assignment. The participant shall be required to contact up to 24 employers, face-to-face, for the purpose of submitting employment applications and arranging for employment interviews. To qualify as a job contact, the participants must present themselves to prospective employers as available for work. Also, the prospective employer must ordinarily employ persons in areas of work for which the applicant is reasonably qualified based on the participant's skills, prior work experience and level of education. The participant cannot contact the same employer more than once during the component unless the initial contact indicated that vacancies in suitable positions may soon exist. Each participant shall be required to submit written documentation of employer contacts made using Job Service Work Search Record, Form 60-0259. This documentation shall be provided in person to employment services staff at a scheduled meeting which shall occur at the conclusion of the 4-week participation period. Each participant shall be given written notice of the time, date, and location of this meeting, at the beginning of the period.

65.28(9) Exemptions from employment and training programs. The department may exempt certain individuals and categories of individuals from employment and training participation. Exempt status of individuals shall be reviewed at recertification to determine if the exemption is still valid. Exempt classifications include:

a. Pregnant women in the second or third trimester of pregnancy. Department staff are authorized to require medical documentation.

b. Strikers and persons who are unemployed because of lockout.

c. Persons who are laid off or temporarily unemployed and expect to be recalled within the next 90 days (job attached).

d. Rescinded IAB 12/13/89, effective 2/1/90.

e. Persons with no mailing address available other than general delivery.

f. Victims of spouse abuse receiving employment-related services from a shelter for battered women or other spousal abuse organization.

g. Persons who have accepted a job that will exempt them and that will begin within 60 days. The person shall provide verification that a legitimate job offer and acceptance has been made.

h. Persons participating in the Self-Employment Investment Demonstration (SEID) project (as defined in 441—Chapter 48). Exempt status begins when the person begins participation in SEID training and assessment.

i. Rescinded IAB 12/13/89, effective 2/1/90.

j. Mandatory food stamp work registrants who are employed 60 or more hours per month.

k. Persons whose daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility, or the distance to the component site prohibits walking and neither public nor private transportation is available to transport the person.

l. Persons who are assigned to a job or training component, but who do not commence the component and are determined to have good cause as defined in subrule 65.28(17), may be considered exempted if the reason for good cause will last for 60 days or longer. When the reason for the exemption is no longer applicable, the person may be placed in a component.

65.28(10) *Time spent in an employment and training program.* A participant may be placed in two different components from October 1 through September 30.

The total hours of participation for any household member individually in any month together with any hours worked for compensation (in cash or in kind) shall not exceed 120.

65.28(11) *Participation allowance and dependent care reimbursements.*

a. Participants in employment and training programs shall be provided an allowance for costs of transportation or other costs (other than dependent care costs) reasonably necessary and directly related to participation in the components of \$25 for each four-week component in which the participant is placed.

EXCEPTION: Participation in JTPA (65.28(8), paragraph “d”) does not entitle the person to a participation allowance. The allowance shall be authorized on the first day of each component in which the person participates. The allowance shall be authorized only once per component in each federal fiscal year. Participation in educational services (65.28(8), paragraph “c”) is considered participation in two consecutive four-week components.

b. A reimbursement for the actual costs of dependent care expenses that the department’s designee determines to be necessary for the participation of a person in the components not to exceed \$200 for each child under two years of age and \$175 for each other dependent per four-week component will be paid directly to the provider of the care. The reimbursement will only be made to a person not included in the food stamp household. The amount of the reimbursement cannot exceed the going rate in the community as determined for PROMISE JOBS. For participants in the DES/IJS component, during the regular school term, reimbursement will be made only to the extent that the contacts required in this component cannot be made while dependent children who attend school are in school. Individuals shall be deferred from participation in a component if the dependent care expenses exceed the dependent care reimbursement. Deferral shall continue until a suitable component is available or circumstances change and monthly dependent care expenses no longer exceed the reimbursement amount.

EXCEPTION: The caretaker relative of a dependent in a family receiving FIP shall not be eligible for the dependent care reimbursement. Participation in JTPA (65.28(8), paragraph "d") does not entitle the person to a dependent care reimbursement. The reimbursement shall be authorized after the last day of each component in which the person participates upon presentation of proof of the expense incurred and hours of care for each dependent. The reimbursement shall be authorized only once per component in each federal fiscal year. Participation in educational services (65.28(8), paragraph "c") is considered participation in two consecutive four-week components.

65.28(12) Failure to comply.

a. When a person has refused or failed without good cause to comply with the work registration or employment and training requirements in this rule, that person shall be ineligible to participate in the food stamp program as follows:

(1) First violation: The later of (1) the date the individual complies with the requirement; or (2) two months.

(2) Second violation: The later of (1) the date the individual complies with the requirement; or (2) three months.

(3) Third and subsequent violations: The later of (1) the date the individual complies with the requirement; or (2) six months.

b. If the head of household fails to comply, the entire household is ineligible for the same period of time as applies to the individual who caused the violation. This rule does not apply to persons electing to participate in the employment and training components of educational services and JTPA (65.28(8), paragraphs "c" and "d").

(1) Ineligibility for the household shall continue until the member who caused the violation complies with the requirement as specified in subrule 65.28(14), either leaves the household, or becomes exempt from work registration as provided in subrule 65.28(2) exclusive of paragraphs "c" and "e."

(2) If any household member who failed to comply joins another household as the head of the household, that entire new household is ineligible for the remainder of the disqualification period. If the member who failed to comply joins another household where the member is not the head of the household, the person shall be ineligible for the remainder of the disqualification period. A household determined to be ineligible due to failure to comply may reestablish eligibility if a new and eligible person joins the household as its head of household.

(3) The disqualification period shall begin with the first month following the expiration of the adverse notice period, unless a fair hearing is requested.

(4) Participants who are on probation in accordance with rules of this chapter and who incur any subsequent offense shall be disqualified. Participants shall be notified of probation status in writing. Probation shall last for the duration of the component.

c. In addition to other work requirements in this chapter, sanctionable issues specific to employment and training components are as follows:

(1) Participants who are absent without good cause shall be placed on probation. A second absence without good cause shall result in disqualification.

(2) Participants who are absent without good cause at the time they are scheduled to present their job search documentation shall be disqualified.

(3) Participants who fail to make the required number of employer contacts without good cause shall be disqualified. Participants who fail to complete the required number of job contacts with good cause shall be excused from completion of the job search requirements for that component.

(4) Participants who exhibit disruptive behavior shall be placed on probation; a second offense shall result in disqualification. Disruptive behavior means the participant hinders the performance of other participants or staff, refuses to follow instructions, or uses abusive language.

(5) Participants will be allowed an additional two weeks to make up employer contacts which have been disallowed by employment services. Qualifying job contacts are defined in subrule 65.28(8) "e." Failure to make up employer contacts will result in disqualification. Employment services will disallow employer contacts when it has been determined that the participant failed to make a face-to-face contact or the requirements of the job applied for far exceed the applicant's level of experience, education, or abilities.

(6) Participants who make physical threats to other participants or staff shall be disqualified.

65.28(13) *Noncompliance with comparable requirements.* When the household contains a member who was exempt from work registration because the member was registered for work for job insurance benefits (JIB or UIB) and the member fails to comply with a JIB requirement comparable to a food stamp work registration or employment and training requirement, the household shall be treated as though the member failed to comply with the corresponding food stamp requirements. Disqualification procedures in subrule 65.28(12) shall be followed.

65.28(14) *Ending disqualification.* Following the end of the disqualification periods for non-compliance and as provided in rules 441—65.27(234) and 441—65.28(234), participation may resume. A disqualified household must apply again and be determined eligible. A disqualified individual in a currently participating eligible household shall be added to the household effective the month following the end of the disqualification period. Eligibility may be reestablished during a disqualification period. The household shall (if otherwise eligible) be permitted to resume participation by application if a disqualified household, or at the beginning of the next month if a disqualified member in a currently eligible household. In order to reestablish eligibility during a disqualification period, the member who caused the disqualification shall either become exempt from the work requirement as provided in subrule 65.28(2) exclusive of paragraphs "c" and "e," or no longer be a member of the household, or comply as follows:

a. If the member failed or refused to register for work with the department, the member complies by registering.

b. If the member failed or refused to respond to a request from the department or its designee requiring supplemental information regarding employment status or availability for work, the member must comply with the request.

c. If the member failed or refused to report to an employer to whom referred, the member must report to that employer if work is still available or report to another employer to whom referred.

d. If the member failed or refused to accept a bona fide offer of suitable employment to which referred, the member must accept the employment if still available to the participant, or secure other employment which yields earnings per week equivalent to the refused job, or secure any other employment of at least 30 hours per week or secure employment of less than 30 hours per week but with weekly earnings equal to the federal minimum wage multiplied by 30 hours.

e. If the member failed or refused to attend a scheduled employment and training interview, the member must arrange and attend a scheduled interview.

f. If the member failed or refused to participate in instruction, training or testing activities, the member must participate in the activities.

g. If the member failed or refused to complete assigned job search requirements, the member must complete the job search requirements.

h. If the member failed to comply with workfare, the individual must comply with the program requirements.

65.28(15) *Suitable employment.* Employment shall be considered unsuitable if:

a. The wage offered is less than the highest of the applicable federal minimum wage, the applicable state minimum wage, or 80 percent of the federal minimum wage if neither the federal nor state minimum wage is applicable.

b. The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified in paragraph “a” above.

c. The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining a legitimate labor organization.

d. The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (29 U.S.C. 78A) (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).

e. The household member involved can demonstrate or the department otherwise becomes aware that:

(1) The degree of risk to health and safety is unreasonable.

(2) The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.

(3) The employment offered within the first 30 days of registration is not in the member’s major field of experience.

(4) The distance from the member’s home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment shall not be considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Employment shall also not be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the job site.

(5) The working hours or nature of the employment interferes with the member’s religious observances, convictions, or beliefs.

65.28(16) *Applicants for supplemental security income (SSI) and food stamps.* Household members who are jointly applying for SSI and for food stamps shall have the requirements for work registration waived until:

a. They are determined eligible for SSI and thereby become exempt from work registration, or

b. They are determined ineligible for SSI whereupon a determination of work registration status will be made.

65.28(17) *Determining good cause.* The department or its designee shall determine whether good cause exists for failure to comply with the work registration, employment and training, and voluntary quit requirements in 441—Chapter 65. In determining whether good cause exists, the facts and circumstances shall be considered, including information submitted by the household member involved and the employer.

Good cause shall include circumstances beyond the member’s control, such as, but not limited to, illness of the registrant or of another household member requiring the presence of the registrant, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age 6 but are under age 12.

65.28(18) *Work requirement for able-bodied nonexempt adults without dependents.* An individual is exempt from this requirement if the individual is under 18 or over 50 years of age; medically certified as physically or mentally unfit for employment; a parent or other member of a household with responsibility for a dependent child; pregnant; or otherwise exempt from work requirements under the Food Stamp Act.

a. No able-bodied nonexempt individual aged 18 to 50 shall be eligible to participate in the food stamp program if, during the preceding 36-month period but not prior to December 1996, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise) during which the individual did not:

- (1) Work 20 hours or more per week (averaged monthly), or
- (2) Participate in and comply with the requirements of a program for 20 hours or more per week, as determined by the department, or
- (3) Participate in and comply with the requirements of a food stamp workfare program or a comparable program established by the state or political subdivision of the state, or
- (4) Receive benefits per paragraph “b” of this subrule.

b. An individual may regain eligibility if during a 30-day period the individual:

- (1) Worked 80 or more hours; or
- (2) Participated in a work program for 80 or more hours; or
- (3) Participated in a food stamp workfare program or a comparable program established by the state or political subdivision of the state.

c. An individual who loses employment after regaining eligibility under paragraph “b” of this subrule, and no longer meets the requirements of paragraph “a,” subparagraphs (1), (2), and (3), shall remain eligible for a consecutive three-month period, beginning on the date the individual notifies the department that the individual no longer meets the requirements of paragraph “a” of this subrule.

441—65.29(234) Income.

65.29(1) *Uneven proration of self-employment income.* Once a household with self-employment income is determined eligible based on its monthly net self-employment income, the household has the following options for computation of the benefit level:

a. Using the same net monthly self-employment income which was used to determine eligibility, or

b. Unevenly prorating the household’s annual self-employment income over the period for which the household’s self-employment income was averaged to more closely approximate the time when the income is actually received. If this option is chosen, the self-employment income assigned in any month together with other income and deductions at the time of certification cannot result in the household’s exceeding the maximum monthly net income eligibility standards for the household’s size.

65.29(2) *Job insurance benefits.* When the department of human services uses information provided by the department of employment services to verify job insurance benefits, the benefits shall be considered received the second day after the date that the check was mailed by job service. When the second day falls on a Sunday or federal legal holiday, the time shall be extended to the next mail delivery day. When the client notifies the agency that the amount of job insurance benefits used is incorrect, the client shall be allowed to verify the discrepancy. A benefit adjustment shall be made when indicated. The client must report the discrepancy prior to the benefit month or within ten days of the date on the Notice of Decision, PA-3102-0, applicable to the benefit month, whichever is later, in order to receive corrected benefits.

65.29(3) *Exclusion of income from 1990 census employment.* Any compensation received from the United States Department of Commerce resulting from employment in the 1990 Decennial Census shall be excluded from income.

65.29(4) *Interest income for retrospectively budgeted cases.* Prorate interest income by dividing the amount anticipated during the certification period by the number of months in the certification period.

65.29(5) *Social security plans for achieving self-support (PASS).* Notwithstanding anything to the contrary in these rules or regulations, exclude income amounts necessary for fulfillment of a plan for achieving self-support (PASS) under Title XVI of the Social Security Act.

65.29(6) *Student income.* Notwithstanding anything to the contrary in these rules or regulations, exclude educational income based on amounts earmarked by the institution, school, program, or other grantor as made available for the specific costs of tuition, mandatory fees, books, supplies, transportation and miscellaneous personal expenses (other than living expenses). If the institution, school, program, or other grantor does not earmark amounts made available for the allowable costs involved, students shall receive an exclusion from educational income for educational assistance verified by the student as used for the allowable costs involved. Students can also verify the allowable costs involved when amounts earmarked are less than amounts that would be excluded by a strict earmarking policy. For the purpose of this rule, mandatory fees include the rental or purchase of equipment, materials and supplies related to the course of study involved.

65.29(7) *Elementary and high school student income.* Notwithstanding anything to the contrary in these rules or regulations, the earnings of elementary or high school students who are members of the household and are 17 years of age or younger shall be excluded.

65.29(8) *Vendor payments.* General assistance vendor payments provided for energy or utility-cost assistance shall also be excluded.

65.29(9) *HUD or FmHA utility reimbursement.* HUD or FMHA utility reimbursement payments shall be excluded from income.

65.29(10) *Welfare reform and regular household honorarium income.* All moneys paid to a food stamp household in connection with the welfare reform demonstration longitudinal study or focus groups shall be exempted.

441—65.30(234) Resources.

65.30(1) *Jointly held resources.* When property is jointly held it shall be assumed that each person owns an equal share unless the intent of the persons holding the property can be otherwise established.

65.30(2) *Exclusion from resource limits.* The value of vehicles necessary to carry fuel for heating or water for home use when the transported fuel or water is the primary source of fuel or water for the household shall be excluded.

65.30(3) *Resources of SSI and FIP household members.* Notwithstanding anything to the contrary in these rules or regulations, all resources of SSI or FIP recipients are excluded. For food stamp purposes, those members' resources, if identified, cannot be included when a household's total resources are calculated.

65.30(4) *Earned income tax credits.* Notwithstanding anything to the contrary in these rules or regulations, earned income tax credits (EITC) shall be excluded from consideration as a resource for 12 months from the date of receipt if the person receiving the EITC was participating in the food stamp program at the time the credits were received, and participated continuously during the 12-month period.

65.30(5) Vehicles not otherwise excluded. Notwithstanding anything to the contrary in these rules or regulations, all licensed vehicles not excluded as a resource shall individually be evaluated for fair market value and that portion of the value which exceeds \$4,650 shall be attributed in full toward the household's resource level, regardless of any encumbrances on the vehicles.

441—65.31(234) Homeless meal providers. When an office of the department is notified that an establishment or shelter in its administrative area has applied to be able to accept food stamps for homeless persons, staff shall obtain a written statement from the establishment or shelter. The statement must contain information on how often meals are served by the establishment or shelter, the approximate number of meals served per month, and a statement that the establishment or shelter does serve meals to homeless persons. This information must be dated and signed by a person in charge of the administration of the establishment or shelter and give the person's title or function with the establishment.

The establishment or shelter shall cooperate with agency staff in the determination of whether or not meals are served to the homeless.

441—65.32(234) Basis for food stamp allotments. Notwithstanding anything to the contrary in these rules or regulations, the annual adjustment to the maximum allotment shall be based on 100 percent of the Thrifty Food Plan. Allotments shall not fall below the federal fiscal year 1996 level.

441—65.33(234) Maximum monthly dependent care deduction. Notwithstanding anything to the contrary in these rules or regulations, the maximum monthly dependent care deduction households shall be granted is \$200 for each child under two years of age and \$175 for each other dependent.

441—65.34(234) Exclusion of advance earned income tax credit payments from income. Rescinded IAB 10/30/91, effective 1/1/92.

441—65.35(234) Migrant and seasonal farm worker households. Rescinded IAB 10/30/91, effective 1/1/92.

441—65.36(234) Electronic benefit transfer (EBT) of food stamp benefits.

65.36(1) Liability for unauthorized use of food stamp EBT benefits. The department shall not replace EBT benefits that are lost or stolen after being credited to that household's food stamp account unless the loss occurs after the time the household reports the loss, theft, or compromise of their EBT card or PIN to the department or the electronic funds transfer (EFT) network. The food stamp household is liable for unauthorized use of its EBT card that occurs prior to the time the household reports the loss.

65.36(2) EBT state guarantee. In the event that the EBT point of sale (POS) system is inoperable, and the household has incurred an expense using a manual voucher against its food stamp account for eligible food items exceeding the balance in their food stamp account, the state shall pay the retailer the balance in that account. In addition, if the balance of the household's food stamp account is less than \$40, the state will pay the retailer the difference between \$40 and the balance in the account, up to the amount of the purchase, so that the total payment from food stamp benefits and state guarantee does not exceed \$40. Payment will not be made for more than one manual voucher transaction for a cardholder at the same retail establishment in one day.

65.36(3) *Repayment of EBT state guarantee.* All adult household members are jointly and severally liable for any payment made by the department to a retailer on behalf of the household to cover eligible food purchases in excess of the amount in the household's food stamp EBT account. Collection will follow procedures utilized for inadvertent household error claims.

65.36(4) *Reversal.* A transaction for an authorized food purchase erroneously taken from a family investment program (FIP) EBT account instead of the food stamp EBT account, discovered after a correction can be made by the retailer, may be reversed upon the household's request under the conditions that:

a. The request for reversal must be made by the household to an office in an administrative area in which the household resides within ten days of the purchase.

b. The EBT Account Adjustment Request, Form 470-2574, must be completed and signed by the household within ten days of the request.

c. The household must present the original cash register receipt no later than the date Form 470-2574, EBT Account Adjustment Request, is completed.

d. The purchase must be verified by central office through the EBT system.

e. Only the cost of verifiable eligible food stamp purchases will be reversed from the FIP EBT account and taken from the food stamp EBT account.

65.36(5) *Revocation of food stamp EBT card.* The department reserves the right to revoke a household's option to participate in EBT for abuse or misuse of the card.

65.36(6) *Stamp-out.* When a household's EBT participation is terminated, the remaining balance in their EBT account shall be issued, upon the household's request, in the form of a coupon allotment issued by direct mail. Any portion of the remaining balance that cannot be converted to food stamp coupon denominations (under \$1) will remain in the household's EBT account.

65.36(7) *Forms used in the food stamp EBT program.*

a. EBT Card and PIN Agreement, Form 470-2573. The EBT Card and PIN Agreement, Form 470-2573, serves as acknowledgment of the card and PIN issuance process and EBT responsibilities.

b. POS Voucher, Form 470-2827. The POS Voucher, Form 470-2827, is used to authorize a debit of the household's EBT account when the point of sale (POS) system is inoperable.

c. EBT Account Adjustment Request, Form 470-2574. The EBT Account Adjustment Request, Form 470-2574, is used to authorize adjustments to a household's EBT account.

441—65.37(234) Student eligibility.

65.37(1) Persons between the ages of 18 through 49, physically and mentally fit, and enrolled at least half-time in an institution of higher education are eligible students if they meet any of the following conditions:

a. Receive FIP benefits.

b. Participate in the FIP/PROMISE JOBS program.

c. Participate in a state or federally financed work study program.

d. Work at least 20 hours a week.

e. Are responsible for the care of a dependent household member under the age of 6.

f. Are responsible for the care of a dependent household member over the age of 5 but under the age of 12 and do not have adequate child care to enable them to attend school and work a minimum of 20 hours.

g. Are assigned or placed in an institution of higher education through any of the following:

- (1) A program under JTPA.
- (2) A program under Section 236 of the Trade Act of 1974.
- (3) An employment and training program under the Food Stamp Act.
- (4) An employment and training program operated by a state or local government.

65.37(2) A single parent enrolled full-time in an institution of higher education and responsible for the care of a dependent household member under the age of 12 is an eligible student. Single parent means a parent living with a child and not living with that child's other legal or natural parent, or not living with a spouse.

441—65.38(234) Income deductions. Notwithstanding anything to the contrary in these rules or regulations, student households cannot receive an income deduction for dependent care expenses that were excluded from educational income.

441—65.39(234) Categorical eligibility. Notwithstanding anything to the contrary in these rules or regulations, recipients of state or local general assistance (GA) programs are subject to categorical eligibility provisions of the food stamp program provided that the state or local program has income limits at least as stringent as the food stamp gross income test and gives assistance other than one-time emergency payments that cannot be given for more than one continuous month.

441—65.40(234) Head of the household. Notwithstanding anything to the contrary in these rules or regulations, when a household has the option to select the head of the household, the household may select an adult parent of children if all adult household members making application agree. The household will make this selection at each certification and may not change this during the certification period unless the household composition changes.

441—65.41(234) Actions on changes increasing benefits. Action on changes resulting in an increase in benefits will take place after the verification is received.

441—65.42(234) Work transition period. Households receiving the work transition period June 30, 1997, under subrule 65.129(7) in effect at that date shall continue to receive the work transition period welfare reform policy until their work transition period expires.

441—65.43(234) Household composition. Notwithstanding anything to the contrary in these rules or regulations, household means (1) a person who lives alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others, or (2) a group of persons who live together and customarily purchase food and prepare meals together for home consumption, or (3) spouses who live together, parents and their children 21 years of age or younger who live together, and children (excluding foster children) under 18 years of age who live with and are under the parental control of a person other than their parent together with the person exercising parental control. The persons in (3) shall be treated as a group of persons who customarily purchase and prepare meals together for home consumption even if they do not do so. Notwithstanding the preceding sentences, a person who lives with others, who is 60 years of age or older, and who is unable to purchase food and prepare meals because the person suffers, as certified by a licensed physician, from a disability which would be considered a permanent disability under Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or from a severe, permanent, and disabling physical or mental infirmity which is not symptomatic of a disease shall be considered, together with any of the others who is the spouse of the person, an individual household, without regard to the purchase of food and preparation of meals, if the income of the others, excluding the spouse, does not exceed 165 percent of the federal poverty line. In no event shall any person or group of persons constitute a household if they reside in an institution or boarding house, or else live with others and pay compensation to the others for meals. For the purposes of this rule, residents of federally subsidized housing for the elderly; disabled or blind individuals including recipients of benefits under Title I, II, X, XIV, or XVI of the Social Security Act, who are residents in a public or private nonprofit group living arrangement that serves no more than 16 residents and is certified by the appropriate state agency or agencies under regulations issued under Section 1616(e) of the Social Security Act or under standards determined by the Secretary of Agriculture to be comparable to standards implemented by appropriate state agencies under Section 1616(e); temporary residents of public or private nonprofit shelters for battered women and children; residents of public or private nonprofit shelters for persons who do not reside in permanent dwellings or have no fixed mailing addresses, who are otherwise eligible for coupons; and narcotics addicts or alcoholics, and their children who live under the supervision of a private nonprofit institution, or a publicly operated community mental health center, for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions and shall be considered individual households.

441—65.44(234) Reinstatement. The department shall reinstate assistance without a new application when the element that caused termination of a case no longer exists and eligibility can be reestablished prior to the effective date of cancellation.

441—65.45(234) Conversion to the X-PERT system. For conversion to the X-PERT system at a time other than review, the recipient may be required to provide additional information. To obtain this information, a recipient or authorized representative may be required to appear for a face-to-face interview. Failure to appear for this interview when so requested, or failure to provide requested information, shall result in cancellation.

441—65.46(234) Disqualifications. Notwithstanding anything to the contrary in these rules, food stamp program violation disqualifications for persons who are not participating in the food stamp program shall be imposed in the same manner as food stamp program violation disqualifications are imposed for persons who are participating in the food stamp program.

65.46(1) *First and second violations.* Notwithstanding anything to the contrary in these rules or regulations, the disqualification penalty for a first intentional program violation shall be one year except for those first violations involving a controlled substance. The disqualification penalty for a second intentional violation and any first violation involving a controlled substance shall be two years.

65.46(2) *Conviction on trafficking food stamp benefits.* The penalty for any individual convicted of trafficking food stamp benefits of \$500 or more shall be permanent disqualification.

65.46(3) *Receiving or attempting to receive multiple benefits.* An individual found to have made a fraudulent statement or representation with respect to identity or residency in order to receive multiple benefits shall be ineligible to participate in the food stamp program for a period of ten years.

65.46(4) *Fleeing felons and probation or parole violators.* Fleeing felons and probation or parole violators shall be ineligible for participation in the food stamp program.

441—65.47(234) Eligibility of noncitizens. Notwithstanding anything to the contrary in these rules or regulations, noncitizens are not eligible for food stamp benefits except for the following categories of aliens, providing that they meet all other eligibility factors.

65.47(1) *Seven-year eligibility.* Eligibility is limited to the first seven years after the date the alien obtains one of the following designated alien statuses:

- a. Refugees admitted under Section 207 of the Immigration and Nationality Act (INA).
- b. Asylees admitted under Section 208 of the INA.
- c. Aliens whose deportation has been withheld under Section 243(h) or 241(b)(3) of the INA.
- d. Cuban and Haitian entrants under Section 501(e) of the Refugee Education Assistance Act of 1980.
- e. Amerasian immigrants under Section 584 of the Foreign Operations, Export Financing and Related Program Appropriations Act.

65.47(2) *Unlimited eligibility.* Eligibility is not time-limited for the following aliens:

- a. Aliens lawfully residing in the United States who are veterans of the United States Armed Forces who were honorably discharged for reasons other than alienage, their spouses, and dependent children.
- b. Aliens lawfully residing in the United States who are active duty personnel of the United States Armed Forces, their spouses, and dependent children.
- c. Aliens lawfully admitted for permanent residence under the Immigration and Nationality Act who have worked 40 qualifying quarters of coverage under Title II of the Social Security Act or can be credited with 40 qualifying quarters. Qualifying quarters worked by a parent during the time that an alien was under 18 years of age shall be counted in determining qualifying quarters for aliens 18 years of age and over. Quarters worked by a spouse during the marriage if the persons are still married to each other, or if the spouse is deceased shall be counted in determining a person's qualifying quarters. Quarters worked after December 31, 1996, in which the alien received any federal means-tested public assistance shall not be considered to be a qualifying quarter.
- d. Aliens lawfully residing in the United States who were members of a Hmong or Highland Lao tribe when the tribe assisted the U.S. armed forces during the Vietnam War (August 5, 1964, through May 7, 1975), their spouses, unmarried dependent children, and the unremarried widows or widowers of those who are deceased.
- e. Native Americans born in Canada who have treaty rights to cross the U.S. borders into Canada and Mexico.

f. Legal immigrants who were lawfully residing in the U.S. on August 22, 1996, who:

- (1) Were 65 years of age or older on August 22, 1996, or
- (2) Are under 18 years of age, or
- (3) Are receiving payments or assistance for blindness or disability, as defined in the Food Stamp Act (Section 3(r)), regardless of when they became disabled.

65.47(3) *Transition period for noncitizens.* Rescinded IAB 11/4/98, effective 11/1/98.

441—65.48(234) Sponsored aliens. Notwithstanding anything to the contrary in these rules or regulations, the income and resources of a sponsor who executed an affidavit of support pursuant to Section 213 of the Immigration and Nationality Act (as implemented by the Personal Responsibility and Work Reconciliation Act of 1996) on behalf of the alien and the income and resources of the sponsor's spouse shall be counted in their entirety when determining eligibility and benefit level for a sponsored alien who entered the United States on or after August 22, 1996.

441—65.49(234) Providing information to law enforcement officials. Notwithstanding anything to the contrary in these rules or regulations, the address, social security number, and (if available) photograph of a food stamp recipient shall be made available to any federal, state, or local law enforcement officer when the officer furnishes the recipient's name and notifies the agency that the individual is fleeing to avoid prosecution, custody, or confinement for a felony, or that the recipient is violating a condition of parole or probation, or has information necessary for the officer to conduct an official duty related to a felony or parole or probation violation.

441—65.50(234) No increase in food stamp benefits. When a household's means-tested federal, state, or local public assistance cash benefits are reduced because of a failure to perform an action required by the public assistance program, the household's food stamp benefit allotment shall be reduced by 10 percent for the duration of the other program's penalty.

441—65.51 to 65.100 Reserved.

DIVISION II

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