

IBM Cúram Social Program Management



# Cúram Income Support Food Assistance Program Guide

*Version 6.05*



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*Version 6.05*

**Note**

Before using this information and the product it supports, read the information in "Notices" on page 51

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# Chapter 1. Introduction

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## 1.1 Purpose

The purpose of this guide is to provide an overview of the Cúram Income Support Cúram Income Support Food Assistance Program. This guide contains details of rules used in assessment for eligibility and entitlement's for Food Assistance.

This guide is intended as a reference manual for business analysts, and does not contain any technical information regarding how the rules are run or how to administer the rules.

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## 1.2 Audience

This guide is intended for anyone interested in learning about the rules used in the Cúram Income Support Food Assistance Program. It is expected that it will be read mainly by business analysts working within a social enterprise organization.

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## 1.3 Prerequisites

Before reading this guide, it would be useful to have a basic knowledge of the product. It is assumed that you are familiar with the basic concepts of Social Enterprise Management.

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## 1.4 Introduction

The Food Assistance program is an assistance program that provides food to low and no income households. Benefits are distributed using cards or coupons which can be used to purchase food for human consumption. These stamps can be used to purchase any prepackaged edible foods regardless of nutritional value.

Cúram Income Support Food Assistance provides eligibility determination for households based on financial and non-financial factors. The information required to determine program eligibility is captured as evidence. This evidence is assessed against a set of business rules to determine whether or not the household is eligible for Food Assistance.

Food Assistance eligibility is determined based on a number of factors:

- Non Financial Rules which include Citizenship, SSN and Residency.

The Non Financial rules are used to determine if a household member satisfies the non financial requirements of the state before proceeding with program eligibility.

- Assistance Unit Determination which include household composition, household determination and head of household.

The Assistance Unit Determination rules are used to determine who should be included, excluded or not included in the assistance unit for Food Stamps coverage.

- Program Rules

The Program Rules determine if a household member satisfies program requirements. If these rules are not satisfied the household member or their household could be determined to be ineligible for food assistance.

- Financial Rules which include income, resources, deductions, expenses and benefit calculations.

The Financial Rules determine the household's total resources and total income less expenses and deductions. The rules compare the household's resource and income total to the limits imposed by the state to see if the household is eligible based on their financials. The rules also determine the benefit amount the household is entitled to.



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## Chapter 2. Non Financial Requirements

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### 2.1 Non Financial Requirements

The rules specify the non financial requirements that a household member must satisfy before they can meet further requirements for Food Assistance. Non financial requirements include the rules for Citizenship, Residency and Social Security Numbers.

#### 2.1.1 Citizenship & Alienage

##### 2.1.1.1 Citizenship

1. Individual must be a United States Citizen OR
2. Individual must be a US Non Citizen National OR
3. An American Indian born in Canada who is at least one-half American Indian as per section 289 of the Immigration and Nationality Act OR
4. Hmong and other Highland Lao tribal peoples who have been lawfully admitted to the United States for permanent residence, and who fought on behalf of the United States during the Vietnam conflict OR
5. An individual who is the spouse of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
6. An individual who is a surviving spouse (who has not remarried) of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
7. An unmarried dependent child or surviving child (under the age of 18) of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
8. An unmarried dependent child or surviving child (under the age of 22) of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict, and the child is a full-time student OR
9. Victims of a severe form of trafficking, in accordance with section 107(b)(1) of the Trafficking Victims Protection Act of 2000, Public Law 106-386 OR
10. Individual must be an Eligible Alien

##### 2.1.1.2 Eligible Alien

- An eligible alien is an individual who is BOTH classified as a:
  - Qualified Alien AND
  - Meets the Qualified Alien Eligibility Criteria to be eligible for Food Assistance.

##### 2.1.1.3 Qualified Alien

1. An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act OR
2. An alien who is granted asylum under section 208 of the Immigration and Nationality Act OR
3. An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act OR
4. An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year OR
5. An alien whose deportation is being withheld under section 243(h) or 241(b) (3) of the Immigration and Nationality Act OR
6. An alien who is granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980 OR

7. An alien granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 OR
8. An alien admitted as an Amerasian immigrant under the provision of Public Law 100-202 OR
9. An alien who has been battered or subjected to extreme cruelty who meets the following conditions:
  - a. The battered alien must be battered by their U.S. Citizen or LPR alien spouse or parent AND
  - b. If a parent is the battered alien, any child who lives with them is also a battered alien OR If a child is the battered alien, the parent who lives with them is also a battered alien as long as the parent did not actively participate in the battery AND
  - c. The alien must not currently be residing in the same household as the individual responsible for the battery or extreme cruelty AND
  - d. There must be a substantial connection between the battery or extreme cruelty suffered by the alien (or the alien's child or parent) and the need for Food Assistance benefits

#### **2.1.1.4 Qualified Alien Eligibility Criteria**

A qualified alien must meet the following conditions to be eligible for Food Assistance:

1. An individual who on August 22, 1996, was lawfully residing in the U.S., and is now under 18 years of age OR
2. Effective October 1, 2003, an individual who is under 18 years of age OR
3. Individual who has resided in the U.S. as a qualified for five years OR
4. An individual who is a lawful permanent resident with 40 qualifying quarters of Social Security coverage OR
5. An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act OR
6. An alien who is granted asylum under section 208 of the Immigration and Nationality Act OR
7. An alien whose deportation is being withheld under section 243(h) or 241(b) (3) of the Immigration and Nationality Act OR
8. An alien granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 OR
9. An alien admitted as an Amerasian immigrant under the provision of Public Law 100-202 OR
10. An individual who on August 22, 1996, was lawfully residing in the U.S., and is now receiving benefits or assistance for blindness or disability OR
11. Effective October 1, 2002, an individual who is receiving benefits or assistance for blindness or disability OR
12. An individual who on August 22, 1996, was lawfully residing in the U.S., and was born on or before August 22, 1931 OR
13. A qualified alien who is a veteran with an honorable discharge from the Armed Forces of the United States OR
14. A qualified alien lawfully residing in the State who is on active duty in the United States military OR
15. A qualified alien who is the spouse of honorably discharged veteran OR
16. A qualified alien who is a surviving spouse (who has not remarried) of an honorably discharged veteran OR
17. A qualified alien who is the spouse of an individual on active duty in the United States military OR
18. A qualified alien who is the spouse of an individual who died in active military, naval or air service provided the spouse has not remarried OR
19. Child of a veteran/deceased veteran of the U.S. military, honorably discharged who have met the minimum active duty service requirements providing the child is under the age of 18 OR
20. Child of a veteran/deceased veteran of the U.S. military, honorably discharged who have met the minimum active duty service requirements providing the child is under the age of 22 and a full-time student OR

21. Child of individual on active duty in the Armed Forces of the U.S. (other than for training) or who died on active duty and the individual is an unmarried dependent who is under the age of 18 OR
22. Child of individual on active duty in the Armed Forces of the U.S. (other than for training) or who died on active duty and the individual is an unmarried dependent who is under the age of 22 and a full-time student

## **2.1.2 Social Security Number**

1. An individual must provide a Social Security Number OR
2. An individual must apply for a Social Security Number if they do not have one and provide the number once it has been assigned

### **2.1.2.1 Newborn Exception**

- For newborns, household's must provide and SSN or proof of application at the next certification or 6 months whichever is later.

## **2.1.3 Residency**

The following are the residency rules:

### **2.1.3.1 State Residence**

- A household shall live in the state in which it files an application for participation

### **2.1.3.2 Concurrent Benefits**

- No individual may participate as a member of more than one household or, in more than one county or state in any one month unless the individual is a resident of a shelter for battered women and children.

### **Concurrent Benefit Exception**

- An individual is a resident of a shelter for battered women and children and is a member of a household containing the person who abused him or her.





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## Chapter 3. Assistance Unit Determination

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### 3.1 Introduction

The Food Assistance program rules determine all the potentially eligible assistance units in the household. The adult household members must designate a head of household for Food Assistance. The case worker records the selected head of household for the household for Food Assistance. The assistance units are then formed around the head of household specified for Food Assistance and includes all individuals based on the mandatory household member rules and exceptions. Additional assistance units are formed when rules determine that separate assistance units may be formed that do not include the head of household specified.

- Household composition rules are used to form the assistance unit and determine the household members that are included in the unit
- Household determination rules determine the household members that are not included or excluded from the assistance unit.
- Head of household determination rules determine the head of household for assistance unit's formed separate to the head of household specified for Food Assistance.
- Expedited Food Assistance rules determine if the household is eligible for expedited Food Assistance.
- Categorically Eligible Food Assistance rules determine if the household is eligible for categorical Food Assistance.

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### 3.2 Household Composition

This rule group determines the mandatory and optional household members in an assistance unit. If a household member is determined mandatory they will be included in the assistance unit. If a household member is determined to be an optional member they may be included in the assistance unit. An assistance unit will be formed with and without the optional household member.

#### 3.2.1 Eligible Household Members

The Food Assistance assistance unit is composed of one of the following individuals or groups of individuals living in the household. Their income and resources are counted and they are included in the household size:

1. An individual living alone OR
2. An individual living with others, but customarily purchases food and prepares meals separately OR
3. A group of individuals who live together and customarily purchase food and meals together for home consumption OR
4. A homeless person or group of homeless people who purchase food OR
5. An individual or group of individuals residing in an exempt Institution

##### 3.2.1.1 Homelessness

An individual is considered to be homeless if they satisfy one of the following conditions:

1. Individual lacks a fixed and regular nighttime address OR
2. Individual has a primary nighttime that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations OR
3. Individual has a primary nighttime address that is an institution that provides a temporary residence for individuals intended to be institutionalized OR
4. Individual has a primary nighttime address that is a temporary accommodation in the residence of another individual for no longer than 90 days OR

5. Individual has a primary nighttime address that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation.

### **3.2.1.2 Institution**

- Individuals who are residents of an institution are ineligible for Food Stamp benefits unless exempt.

### **Exempt Residents of Institutions**

1. Individual who are residents of federally subsidized housing for the elderly OR
2. Individuals who are narcotic addicts or alcoholics and reside at a facility for the purpose of treatment OR
3. The children of individuals who are narcotic or alcoholics and reside at the same treatment facility OR
4. Individuals who are disabled or blind and are residents of group living arrangements OR
5. Residents of Shelters for Battered Women and Children OR
6. Individuals who are residents of public or private non profit shelters for homeless persons

### **3.2.2 Household Member Exceptions**

Mandatory household members of an assistance unit for Food Assistance coverage are determined by the Mandatory Household Member rules. Mandatory Household Member Exception rules can determine other household members as mandatory member's of the assistance unit.

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with others even if they do not so, and must be included in the same assistance unit:

1. Spouses who live together regardless of whether they purchase and prepare meals together OR
2. Children under 18 years of age other than a foster child, who live with and are under parental control of a household member other than his or her parents OR
3. Persons under 22 years of age who are living with their natural, adoptive parent(s) or step-parent(s).

### **3.2.3 Optional Household Members**

Unless specifically required to be a Food Assistance assistance unit member as defined in Household Member Exceptions, the following household members, who live in the home, can optionally be included in the assistance unit for Food Assistance. If they are included their income and resources are counted and they are included in the household size:

1. Boarders OR
2. Foster Care individuals placed in the home of relatives or others by a federal, Stat, or local governmental foster care program can be included in the Food Assistance assistance unit at the household's request OR
3. Live-in Attendants who purchase food and prepare their meals with the household

#### **3.2.3.1 Boarder**

An individual is considered to be a boarder if they satisfy one of the following conditions:

1. An individual or groups of individuals residing with others (excluding residents of a commercial boarding house) and paying reasonable compensation for lodging and meals must be considered boarders OR
2. An individual or groups of individuals residing with others (excluding residents of a commercial boarding house) and paying less than a reasonable amount for board must not be considered a boarder but must be considered, along with a spouse or children living with him or her, as a member of the household providing the board.

## Reasonable Compensation

- For Individuals whose board arrangement is for more than two meals per day, 'reasonable compensation' must be an amount that equals or exceeds the maximum food stamp allotment for the appropriate size of the boarder household OR
- For Individuals whose board arrangement is for two meals or less per day, 'reasonable compensation' must be an amount that equals or exceeds two thirds of the maximum food stamp allotment for the appropriate size of the boarder household.

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## 3.3 Household Composition Special Circumstances

This rule group determines if an individual is elderly and disabled. If an individual is determined to be elderly and disabled and satisfies the Disabled and Elderly Exception, the elderly and disabled individual may form an assistance unit separate to other household members with whom they purchase and prepare food. If the elderly and disabled individual has a spouse they are also included in the assistance unit. The elderly disabled individual and their spouse may choose to receive assistance as part of the assistance unit with whom they purchase and prepare meals, or as part of their own separate assistance unit.

### 3.3.1 Elderly/Disabled Living with Others

1. An individual 60 years of age or older living with others who is unable to purchase and prepare meals because of a permanent disability together with his or her spouse(if living there) AND
2. The Disabled and Elderly Exception is satisfied AND
3. The elderly and disabled individual and spouse can participate as a separate household OR
4. The elderly and disabled individual and spouse can choose to be included along with the other household members with whom they purchase and prepare food OR
5. The Disabled and Elderly Exception is not satisfied AND
6. The elderly and disabled individual and spouse must be included along with the other household members with whom they purchase and prepare food OR

#### 3.3.1.1 Disabled and Elderly Exception

- The gross income of the other household members with whom the individual resides (excluding the income of the elderly disabled individual and his/her spouse) does not exceed 165% of the poverty level

#### 3.3.1.2 Disability

An individual is considered to be disabled if they satisfy any one of the following conditions:

1. Individual receives supplemental security income OR
2. Individual receives disability or blindness payments from social security OR
3. Individual receives federally or State administered supplemental benefits OR
4. Individual receives Federal, State or local public disability retirement pension because of a permanent disability OR
5. Individual receives or is entitled to receive payments from the Veteran's Administration for a 100 percent total disability OR
6. Individual is a veteran and considered by the Veteran's Administration to need regular aid and attendance or permanently housebound OR
7. Individual is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound and incapable of self-support OR
8. Individual is a surviving spouse of a veteran and considered by the VA to be entitled to compensation under title 38 and has a disability considered permanent under section 221(i) of the SSA OR
9. Individual is a surviving child of a veteran and considered by the VA to be entitled to compensation under title 38 and has a disability considered permanent under section 221(i) of the SSA OR

10. Individual is a recipient of interim assistance benefits OR
11. Individual is a recipient of disability related medical assistance under title XIX of the Social Security Act OR
12. Individual is a recipient of disability-based State general assistance benefits.

### **3.3.2 Separate Food Assistance Unit**

Unless specifically required to be a Food Stamp assistance unit member as defined in Household Member Exceptions, the following household members, if otherwise eligible, can receive Food Assistance as a separate Food Assistance assistance unit. Their income and resources are counted and they are included in the household size for the separate Food Assistance assistance unit.

- Live-in Attendants who do not purchase food and prepare their meals with the household OR
- Roomers to whom the household furnishes lodgings for compensation but not meals

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## **3.4 Household Determination**

This rule group determines if there are any non household members, excluded household members or individuals whose income/resources will be later deemed to a household member. None of these individuals will be included in the assistance unit.

### **3.4.1 Non Household Members**

The following household members, who live in the home, are not considered household members in determining the household members eligibility or benefit amount. Their income and resources are not counted and they are not included in the household size:

1. Individuals sharing living quarters with the household but do not purchase food and prepare meals with them OR
2. Live-in Attendants who do not purchase food and prepare meals with the household OR
3. Roomers to whom the household furnishes lodging for compensation but not meals OR
4. Ineligible students OR
5. Boarders who are residents of a commercial boarding house OR
6. Individuals who are residents of an institution that is not exempt OR
7. Individuals who are the spouses of narcotic addicts or alcoholics who reside at the same treatment facility.

#### **3.4.1.1 Student**

- Individual enrolled at least half-time in an institution of higher education is ineligible for Food Assistance unless s/he satisfies a student exemption.

#### **Student Exemptions**

1. Individual aged 17 or younger or aged 50 or older OR
2. Individual is physically or mentally unfit OR
3. Individual receives Cash Assistance under Title IV of the social Security Act OR
4. Individual is responsible for the care of a dependent household member under the age of 6 OR
5. Individual is responsible for the care of a dependent household member aged 6-12 and the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements OR
6. Individual is a single parent enrolled in an institution of higher education on a full-time basis and is responsible for the care of a dependent child who has reached the age of 6 under age 12 OR
7. If no natural, adoptive or stepparent is in the same food stamp household as the dependent child between 6 and 12, another full-time student in the same household may qualify for eligible student status if he or she has parental control over the child and is not living with his or her spouse OR

8. Individual is enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program OR
9. Individual is employed for a minimum of 20 hours per week and is paid for such employment OR
10. Individual is self-employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours OR
11. Individual is participating in a State or federally financed work study program during the regular school year and the work study must be approved for the school term and must be approved at the time of application for Food Assistance OR
12. Individual is participating in an on-the-job training program OR
13. Individual is placed in an institution of higher education through the Workforce Investment Act(WIA), formerly known as Job Training Partnership (JTPA) OR
14. Individual is placed in an institution of higher education through an employment and training program under FS/Cash Assistance E&T under FS Act OR
15. Individual is placed in an institution of higher education through an employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is least equivalent to an acceptable food stamp employment and training program component as specified OR
16. Individual is placed in an institution of higher education through a program under section 236 of the Trade Act.

### **3.4.2 Ineligible Household Members**

The following household members, who live in the home, are not eligible for Food Assistance however their resources are counted in full. A pro rata share of their income is counted. They are not included in the household size:

1. Individual who failed to apply for an Social Security Number OR
2. Individual who does not satisfy the citizenship and alienage rules OR
3. Individual who does not meet the residency requirements OR
4. Individuals sanctioned for failure to cooperate with child support enforcement agencies OR
5. ABAWD individuals who have exceeded the eligibility time limit.

#### **3.4.2.1 Able Bodied Adults Without Dependents**

Able Bodied Adults Without Dependents (ABAWDs) are participants of the Food Assistance program between the ages of 18 and 49 who reside in a household with no children under 18 and who are considered physically and mentally fit for employment.

Legislation requires that, unless an exemption applies, the adult household members who are categorized as ABAWD individuals may only receive Food Assistance benefits for a maximum of 3 countable months in a 36 month period. When calculating the total number of months of Food Assistance received by a household member it is necessary to total the months received in other state(s) with the months received in the current state.

The countable months of assistance received by an ABAWD household member in the current state are determined by the system. The system uses the ABAWD rules to determine when a month of assistance received in the current state should be counted towards the ABAWD time limit. A countable month is one in which an ABAWD individual receives Food Assistance for the full benefit month while not fulfilling an exemption.

Individuals may receive up to 3 additional months of Food Stamp benefits. The 3 month extension is only granted once in a 36 month period. Once the extension has been granted, it will continue even if the individual otherwise becomes ineligible to participate.

**ABAWD:** ABAWD individuals are eligible for Food Assistance Benefit provided they satisfy the following:

1. Individual is aged 18 to 49 AND
2. Individual is residing in a Food Assistance household where there are no children under 18 AND
3. The state ABAWD Time Limit Waiver applies OR
4. Individual satisfies the ABAWD Time Limit.

#### **ABAWD Time Limit Waiver**

The American Recovery and Reinvestment Act (ARRA) introduced a waiver for the ABAWD Time Limit. The three-month time limit for ABAWDs is suspended from April 1, 2009 to September 30, 2010 with the state option to extend the waiver to September 30, 2011.

#### **ABAWD Time Limit**

1. Individual has regained and maintained eligibility OR
2. Individual is exempt from the ABAWD Time Limit OR
3. Individual has not received food stamp benefits for 3 full countable months, consecutive or otherwise, during a 36 month period OR
4. Individual has regained Eligibility OR
5. Individual has not received Food Stamp benefits for additional 3 month period.

#### **Regain and Maintain Eligibility**

1. Individual has Regained Eligibility AND
2. Individual is maintaining eligibility by meeting the ABAWD Time Limit Exemptions.

#### **ABAWD Time Limit Exemptions**

Individual may not receive more than 3 full countable month of Food Assistance benefits in a 36 month period unless s/he satisfies one of the following:

1. Individual meets any of the ABAWD Work Requirements OR
2. Individual is exempt from the ABAWD Work Requirements OR
3. Individual is exempt from the Food Assistance Work Requirements.

#### **ABAWD Work Requirements**

1. Individual has worked 80 or more hours a month OR
2. Individual has participated in and complied with the requirements of a work program for 80 or more hours a month OR
3. Any combination of work and participation in a work program for a total of 80 hours a month; or participated in and complied with a workfare program.

#### **ABAWD Work Requirements Exemptions**

1. Individual is medically certified as physically or mentally unfit for employment OR
2. Individual is pregnant.

#### **Regain Eligibility**

An ABAWD individual can regain Food Stamp benefit eligibility when:

1. Individual has received 3 full countable months of Food Stamp benefits during a 36 month period AND
2. Individual became ineligible due to failure to meet an exemption or comply with the ABAWD work requirement AND

3. ABAWD's can regain eligibility by becoming exempt from the ABAWD work requirement or the Food Assistance Work Requirements OR
4. ABAWD's can regain eligibility by performing one of the activities listed under ABAWD Work Requirement within any 30-consecutive day period.

### **Additional 3 Month Eligibility**

ABAWD individual is entitled to an additional once off 3 month period of Food Assistance benefit during a 36 month period when the:

1. Individual regained eligibility by meeting the ABAWD work requirement AND
2. Individual is no longer fulfilling the ABAWD work requirement.

### **3.4.3 Disqualified Household Members**

Eligibility for Food Assistance requires that an individual is not a member of another household during the same period and the household are not subject to any sanctions. Once a sanction is imposed on an individual, it may have various impacts on a household member or household's eligibility or a reduction of the benefit amount.

The following household members, who live in the home, are not eligible for Food Assistance however their income and resources are counted in full and they are not included in the household size:

**Note:** The following rules apply to both application and reassessment

1. Individual who participated as a member of more than 1 household/project area in any month OR
2. Individual disqualified because they have been found guilty of committing an Intentional Program Violation (IPV) OR
3. Individuals sanctioned for using Food Assistance in the sale of a controlled substance OR
4. Individuals sanctioned for providing fraudulent information OR
5. Individuals sanctioned for trafficking Food Assistance OR
6. Individuals sanctioned for selling firearms OR
7. Individual is sanctioned for non compliance with the food stamp work requirements OR
8. Individual is sanctioned for voluntary quit OR
9. Individuals sanctioned for violating a condition of federal or state probation or parole OR
10. Individual has a sanction for being a fleeing felon OR
11. Individuals sanctioned because of a drug related felony conviction OR
12. Individual has failed or refused to register for work

**Note:** The following rules apply only on application

1. Individual found guilty of using food stamps in the sale of a controlled substance OR
2. Individual found guilty of trafficking food stamps to the value of \$500 or more OR
3. Individual has failed the voluntary quit rules OR
4. Individual has an intentional program violation OR
5. Individual has been convicted of a felony committed after 23rd August 1996 involving illegal drugs OR
6. Individual has been convicted of having made a fraudulent representation or statement OR
7. Individual is a fleeing felon OR
8. Individual is on parole and violating Parole conditions OR
9. Individual has been convicted of selling firearms

### **3.4.3.1 Work Requirements**

- Household member must satisfy the work provisions unless exempt or have a valid non participation reason.

#### **Work Provision Rules on Application and Reassessment**

1. Household member must register for work or be registered by the State agency AND
2. Household member must pass employment offer rules.

#### **Work Provision Rules on Application**

1. Household member is Work-Eligible and is not registered for work, or does not have a non participation reason, member is considered Eligible for FA pending Work Registration, provided they meet all other conditions of FA program eligibility.

#### **Work Registration Exemptions**

The following individuals are not work eligible:

1. Individual is complying with Cash Assistance Work Registration and does not have a Cash Assistance sanction
2. Individual under 16 years of age OR
3. Individual is aged 16 or 17 and not the head of household OR
4. Individual is aged 16 or 17, head of household and in school at least half time OR
5. Individual aged 60 or older OR
6. Disabled persons and persons who are physically and mentally incapable of engaging in gainful employment OR
7. Household member is responsible for the care of an incapacitated person OR
8. Household member is responsible for the care of a dependent child under six OR
9. Individual earning weekly income equivalent to the federal minimum hourly wage multiplied by 30 hours OR
10. Individual employed or self-employed and working at least 30 hours per week OR
11. Individuals residing in certain areas of Alaska who are engaged in subsistence hunting and/or fishing an average of at least 30 hours weekly OR
12. Individuals who are Migrant and seasonal farmworkers OR
13. Individuals who are applying for SSI and Food Assistance OR
14. Individual in receipt of Unemployment Compensation or Unemployment Insurance Benefit OR
15. Drug addicts or alcoholics who regularly participate as residents or non residents in a drug or alcohol treatment and rehab program OR
16. Student enrolled at least half time in any recognised school, training program or institution of higher education.

#### **Work Non Participation Reasons**

Work Non-participation reasons for a household member for failing or refusing to participate in the work requirements:

1. Individuals who are applying for SSI and Food Assistance OR
2. Household Emergency OR
3. There is lack of adequate childcare for children who have reached age 6 years but are less than 12 years of age OR
4. Illness of another household member requiring the presence of the employed household member OR
5. Illness of the employed household member OR



6. Transportation is unavailable OR
7. Individual has Lack of Education and Work Skills OR
8. Individual resides in remote area OR
9. Individual is a victim of domestic violence OR
10. Individual is temporarily disabled

#### **Employment Offer Rules:**

1. Household member has not received an offer of employment OR
2. Household Member must accept a bona fide offer of suitable employment unless good cause exists for employment refusal or employment suitability

#### **Good Cause from Employment Refusal**

Good cause reasons for a household member refusing an offer of Employment:

- Employment does not materialize or results in employment of less than 30 hours a week OR
- Employment results in weekly earnings of less than federal minimum wage multiplied by 30 hours

#### **Good Cause Employment Suitability**

Good cause reasons for a household member refusing an offer of suitable employment:

1. The wage offered is less than the highest of the State Minimum Wage OR Federal Minimum Wage OR 80% of the Federal Minimum Wage if neither Federal or State is applicable OR
2. The employment offered is on a piece rate basis and the hourly yield is likely to be less than the highest of the State Minimum Wage OR Federal Minimum Wage OR 80% of the Federal Minimum Wage if neither the Federal or State is applicable OR
3. Individual is required to join a legitimate labour organization OR
4. Individual is required to resign from or refrain from joining any legitimate labour organization OR
5. The work offered is at a site subject to a strike or lockout at the time of the offer OR
6. The degree of risk to health and safety is unreasonable OR
7. Individual is physically/mentally unfit to perform the employment OR
8. Employment offered within the first 30 days is not in the individuals major field of experience OR
9. Employment is considered unsuitable 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 OR
10. 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 OR
11. The working hours or nature of the employment interferes with the members religious observances, convictions or beliefs.

#### **3.4.3.2 Voluntary Quit**

- Individual must not voluntarily quit a job or reduce work effort unless good cause exists.

#### **Exception**

- A government employee dismissed because of participation in a strike against the government is considered to have voluntarily quit.

#### **Reduced Work Effort Determination**

- Individual who reduces his or her work effort voluntarily without good cause and, after the reduction, is working less than 30 hours per week.

## Good Cause for Voluntary Quit

Good cause for voluntary quit exists when:

1. Individual who quit at least 60 days prior to date of application OR
2. Individual who reduced work effort and is earning weekly income equivalent to the federal minimum hourly wage multiplied by 30 hours OR
3. Individuals who voluntarily quit employment which was less than 30hrs/week or weekly earnings less than FMW times 30 OR
4. Individual satisfies a Work Registration Exemption or Good Cause for failure to Comply with Work Requirements OR
5. Individual gets a job, comparable to the job just quit OR
6. Individual resigns from a job at the demand of an employer OR
7. Individual terminates self employment business OR
8. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs OR
9. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another OR
10. Resignation by persons under 60 which are recognised by the employer as retirement OR
11. Work demands or conditions that render continuous employment unreasonable OR
12. Acceptance of employment by the individual, that requires the individual to leave other employment OR
13. Enrollment of at least half time in any recognized school, training program, institute of higher education or acceptance of employment which require the household to relocate and requires other employed household members to leave their employment OR
14. Changes in employment status resulting from an employer initiated reduction in hours of employment.

## Penalties for Voluntary Quit Sanctions

The following penalties are imposed depending on the level of Voluntary Quit Sanction imposed on an individual:

1. The individual is ineligible for Food Assistance benefits for 1 month if no previous sanction exists for this, for this member.
2. The individual is ineligible for Food Assistance benefits for 3 months if a previous Level 1 Voluntary Quit Sanction exists for this member.
3. The individual is ineligible for Food Assistance benefits for 6 months if a previous Level 2 (or higher) Voluntary Quit Sanction exists for this member.

### 3.4.4 Household Disqualification

The whole household is ineligible under any of the following conditions:

**Note:** The following rules apply to both application and reassessment

1. An individual in the household has failed the striker rules OR
2. An Individual in the household has failed the invalid resource transfer rules.

#### 3.4.4.1 Striker

Households containing striker(s) are ineligible for Food Assistance unless:

1. Individual satisfies an exemption OR
2. Individual satisfies the striker exception

## Striker Exemptions

The following individuals are not considered strikers and are therefore eligible for Food Assistance:

1. Employees unable to work as a result of striking employees OR
2. Employees who are not part of the bargaining unit on strike who do not want to cross the picket line due to fear of personal injury or death OR
3. Employee affected by a lock out OR
4. Employees who go on strike that are exempt from work requirements the day prior to the strike, other than those exempt because they are employed.

## Striker Exception

1. Household was eligible for benefits the day before the strike began

### 3.4.4.2 Invalid Resource Transfer

If a household member performs an invalid resource transfer the entire household is ineligible for assistance for a period of time. Members may not apply for assistance until the period of ineligibility has expired. If they apply prior to the expiry of the period of ineligibility they are determined ineligible.

The following rules determine if a resource transfer is invalid and how the period of ineligibility is calculated.

For resources transferred by any household member in the 3 months prior to application or any time during the certification period:

1. Determine if the resource is countable or excluded.
2. For countable resources, determine if a Invalid Resource Transfer Exception applies.
3. For transfers that are not allowed, determine the uncompensated value for each transfer.
4. Total the uncompensated values for all the resources transferred (that are not allowed).
5. Calculate total household countable resources.
6. Add the total of uncompensated values as determined in step 4 to the total household countable resources as determined in step 5.
7. Compare total resources determined in step 6 to the Resource Limit. A period of ineligibility applies when total resources is greater than the resource limit.

## Invalid Resource Transfer Exceptions

Eligibility for Food Assistance will not be affected by the following transfers:

- Resources which are transferred between members of the same household (including ineligible aliens or disqualified person whose resources are being considered available to the household).
- Resources which are transferred for reasons other than qualifying or attempting to qualify for Food Assistance benefits between members of the same household (including ineligible aliens or disqualified person whose resources are being considered available to the household).

## Calculate Period of Ineligibility

The Period of Ineligibility is calculated as follows:

1. Determine the value of the total resources
2. Subtract these total resources from the resource limit and use this value to determine the number of months of ineligibility from the period of ineligibility chart below

## Period of ineligibility

The following period of ineligibility is imposed if an individual has made an invalid resource transfer:

- The household is ineligible for Food Assistance benefits for (n) number of months.

Table 1. Period of Ineligibility

Resource Transfer Value Exceeding Resource Limit	Number of Months Ineligible
Up to the value of \$249.99	1 Month
Between the Values \$250 and \$999.99	3 Months
Between the Values \$1000 and \$2999.99	6 Months
Between the Values \$3000 and \$4999.99	9 Months
A Value of \$5000 or over	12 Months

### 3.4.5 Deemed Members of Income/Resource Unit

If the household member falls into the following category, there may be deemed members in the income/resource unit:

#### 3.4.5.1 Sponsored Alien

1. The household member is an Alien AND
2. Income and resources of an alien sponsor and the sponsor's spouse, if s/he lives with the sponsor, are deemed to an alien who is included in the assistance unit.

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## 3.5 Head of Household Determination/Multiple Assistance Units

When determining eligibility for Food Assistance, the eligible unit must have a head of household. Program rules determine the assistance units that exist within the household.

The adult household members must designate a head of household for Food Assistance. The case worker records the designated head of household for the household for Food Assistance. The household's designated head of household is assigned to the assistance unit in which s/he is either an eligible member of the assistance unit or an excluded/non household member or an optionally excluded member. This assistance unit is the initial or primary assistance unit.

The system determines other potential assistance units in the household, which can be formed separate to the unit which includes the designated head of household. The system also determines all the valid head of household(s) for those units. These valid head of household's are presented to the user to view as part of eligibility results. If more than one head of household is determined for an assistance unit the user must select the head of household that will be used for the assistance unit from a list.

### 3.5.1 Determination of Valid Head of Households

1. System checks if unit contains eligible parent(s)/adult(s)
2. System checks if there are ineligible/disqualified parent(s)/adult(s)
3. System checks if unit contains children (the oldest child who satisfies household disqualification and work requirement rules)

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## 3.6 Expedited Food Assistance

A household's circumstance may be such that they require immediate Food Assistance assistance, and thus the processing of their first month of assistance for Food Assistance is expedited. Their first month of assistance will be issued within 7 days rather than the normal 30 days. This is referred to as expedited Food Assistance. Households may be entitled to expedited Food Assistance if they are determined to

have very little income, or housing or utility expenses exceeding their income, or the household contains a migrant or seasonal farm worker in between jobs. Expedited Food Assistance rules and processing applies only to the first month of assistance, to remain eligible for Food Assistance for the following months of assistance, the unit must pass all the Food Assistance eligibility rules.

### **3.6.1 Expedited Food Assistance Households**

The following households are eligible for Expedited Food Assistance:

1. Household has countable gross monthly income less than \$150 in the month of application and liquid resources that do not exceed \$100 OR
2. Destitute household with one or more migrant or seasonal farm workers provided liquid resources do not exceed \$100 OR
3. Household whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a Standard Utility Allowance (SUA))

#### **3.6.1.1 Destitute Household**

1. Household received their only income for the month of application prior to the date of application from a terminated source OR
2. Household's only income for the month of application is from a new source and the household anticipates that no more than \$25 from this new source will be received by the 10th calendar day after the date of application OR
3. Income from a Terminated Source and a New Source.

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## **3.7 Categorically Eligible Food Assistance**

Individuals who are in receipt of other benefits or assistance programs are determined to be automatically financially eligible for Food Assistance assistance, and therefore there is no resource or income eligibility determination for these individuals. The household members are also not required to meet the non financial rules which include the residency rules, sponsored alien rules and SSN rules. The household must meet all the other Food Assistance eligibility rules other than those specified.

### **3.7.1 Categorical Eligibility**

Categorically eligible Food Stamp households must meet all eligibility requirements except the following:

1. Resource Limit
2. Gross Income Limit
3. Net Income Limit
4. Residency Rules
5. Sponsored Alien Rules
6. SSN Rules

### **3.7.2 Categorically Eligible Household Definition**

Household is categorically eligible for Food Assistance, unless an exception applies, when all members (eligible and ineligible members) receive any of the following benefits:

1. Cash Assistance OR
2. Diversion Payments OR
3. SSI or State Supplementary Payments OR
4. General Assistance

### **3.7.3 Exceptions to Categorically Eligible Households**

Household who meets the categorical eligibility definition is not considered categorically eligible for Food Assistance when any of the following apply:

1. Entire Household is institutionalized in a non-exempt facility OR
2. Entire Household is disqualified for any reason OR
3. Household member is disqualified for an intentional program violation(IPV) OR
4. Household member is disqualified because of a drug-related felony conviction OR
5. Household is ineligible under the striker rules.

### **3.7.4 Non-Household Members, Ineligible Household Members, Disqualified Household Members**

- Non-household members are not included in a categorically eligible household.
- Ineligible household members are not included in a categorically eligible household except household members who have failed either the SSN rules or the residency as these rules are waived under the categorically eligibility rules.
- Disqualified household members are not included in a categorically eligible household.

### **3.7.5 Benefit Calculation for Categorically Eligible Household**

1. Disregard resources, gross and net income limits for Categorically Eligible Household.
2. Follow normal procedures for determining gross and net income, allotment calculation and benefit level.

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## Chapter 4. Resource Rules

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### 4.1 Resource Rules

Resource rules are used to determine what resources are countable/non countable for the household. Resources are classified as either countable or non-countable and liquid or non-liquid. Only countable resources are included in the resource eligibility determination. A household's countable resources must be less than a specified resource limit.

Liquid resources are resources that can readily be converted to cash, non-liquid resources are all other types of resources.

The Food Assistance Resource rate table provides the information required to determine whether or not resources are countable or non-countable.

1. Countable resources must not exceed \$2000 for the household, except for household's including a member over the age 60 or over or disabled where countable resources must not exceed \$3000.

#### 4.1.1 Countable Liquid Resources

The current market value of liquid resources should be counted unless the resource is specifically excluded.

##### 4.1.1.1 Cash on hand

Count money on hand in the form of currency or coins

##### 4.1.1.2 Checking Account

- The value of the individual's portion, based on ownership, is counted as a resource.

##### 4.1.1.3 Savings Account

- The value of the individual's portion, based on ownership, is counted as a resource.

##### 4.1.1.4 Joint Account Rules for Savings Account, Checking Account or Certificate of Deposit

1. When an individual who has access to the funds in the account, shares a joint account with co-owner(s) count the portion that is owned by the individual if they have not entire access to it.
2. Resources owned jointly by a separate household should be considered countable in their entirety to each household.
3. The resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply.

##### 4.1.1.5 Stocks and Bonds

- Stocks and bonds at their current market value

##### 4.1.1.6 Certificate of Deposit

- The current value of all certificates of deposit should be counted

##### 4.1.1.7 Individual Retirement Account (IRA)

- Count the available funds in an Individual Retirement Account owned by the individual

##### 4.1.1.8 Keogh Account

- Keogh Accounts that do not involve a contractual obligation with an individual who is not a household member.

#### **4.1.1.9 Burial Plan**

- Prepaid burial plan in excess of a cash value of \$1,500 for the individual is counted.

#### **4.1.1.10 Burial Plot**

- If the individual owns more than one burial plot the cash value of the additional burial plots is counted

#### **4.1.1.11 Commingled Funds**

- The portion of the commingled funds that cannot be identified as excluded resources must be counted

#### **4.1.1.12 Mutual Funds**

- Mutual Funds

#### **4.1.1.13 Promissory Notes**

- A promissory note, which is owned by an individual is considered a countable resource

#### **4.1.1.14 Revocable Trusts**

- The entire principal of the revocable trust fund is counted

#### **4.1.1.15 Irrevocable Trusts**

- The portion of the trust from which payments can be made for the benefit of the individual or spouse is a countable resource

#### **4.1.1.16 Bona Fide Loans**

- Loans, other than deferred educational loans, are counted as an asset in the month received. Any amount of the loan remaining after the month it is received, continues to be counted as an asset until the money is spent.

#### **4.1.1.17 Lump Sum Non Recurring**

Money received in the form of a nonrecurring lump-sum payment, including, but not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, SSI, public assistance, railroad benefits, or other payments; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal laws.

1. Insurances settlements for destroyed exempt property.
2. Lump Sum Payments from SSI.
3. Retroactive lump-sum Social Security and SSI payments.
4. Retroactive lump sums for Railroad retirement benefits.
5. Income tax refunds.

### **4.1.2 Countable Non-liquid Resources**

The equity value of non-liquid resources should be counted unless excluded.

#### **4.1.2.1 Building, land and other real property rights, recreational properties and any other property**

- The equity value of any real property must be counted such as buildings, land and other real property rights

#### **4.1.2.2 Personal Property**

- The equity value of any personal property must be counted.

### **4.1.3 Excluded Resources**

The following resources must be excluded:



#### **4.1.3.1 Payment made under the Alaska Native Claims Settlement Act, Public Law 92-203**

- Payments made under the Alaska Native Claims Settlement Act (Public Law 92-203) are excluded as resource.

#### **4.1.3.2 Agent Orange settlement payments**

- Agent Orange settlement payments are excluded from resources

#### **4.1.3.3 Special Payments to Children of Vietnam Veterans**

- Payments made to children who suffer from birth defects and whose mothers are Vietnam veterans (Public Law 106-419) are excluded as a resource.

#### **4.1.3.4 Disaster Relief and Emergency Assistance Amendment of 1988 Payments**

- Payments provided under the Disaster Relief Act of 1974, and amended by Public Law 100-107, the Disaster Relief and Emergency Assistance Amendments of 1988 are excluded as a resource.

#### **4.1.3.5 Japanese- American and Aleutian Restitution payments**

- Japanese-American and Aleutian restitution payments are excluded as a resource.

#### **4.1.3.6 Radiation Exposure Compensation Trust Fund Payments**

- Radiation Exposure Compensation Trust Fund payments are excluded as a resource.

#### **4.1.3.7 Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**

- Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are excluded as a resource.

#### **4.1.3.8 Individual Development Accounts**

- Payments from Individual Development Accounts (IDA) are excluded as a resource.

#### **4.1.3.9 Nazi Persecution Victims Payments**

- Payments to Victims of Nazi Persecution (PL 103-286), Austrian Social Insurance Payments and Netherlands WUV Payments to Victims of Persecution are excluded as a resource.

#### **4.1.3.10 Victim's Compensation Payments**

- Crime Victim's Compensation Payments under PL 1030322 are excluded as a resource.

#### **4.1.3.11 Home Installments Sales Contracts**

- Exclude the value of installment contracts for land or buildings sold at a price consistent with the fair market value of the property.

#### **4.1.3.12 Home Property**

- An individual's home serving as the principal place of residence, including the land on which the home stands and other buildings on that land, if not separated by intervening property owned by others.

#### **4.1.3.13 Irrevocable Trusts**

- If there are no circumstances where payments can be made to or for the benefit of the individual, or the spouse, from either all of the trust, or from some portion of the trust, the value of the trust, or the value of the unavailable portion of the trust, is not countable resource and must be excluded.

#### **4.1.3.14 Indian Trust Property**

- Excluded ownership of beneficial interest in any land or account which is held in trust by the United States, a state or in a tribal account.

#### **4.1.3.15 Security Deposit on Rental Property and Utilities**

- Exclude amount of security that is held as a deposit for property the household is renting or utilities for which they are subscribed.

#### **4.1.3.16 Bona Fide Effort to Sell Property**

- Exclude Real property that the household is making a good faith effort to sell at a reasonable price for so long as the owner's reasonable efforts to sell it are unsuccessful.

#### **4.1.3.17 Property Necessary for Employment**

- Any personal property required by the individual for work by his employer must be excluded.

#### **4.1.3.18 Property Necessary for Employment**

- Any property required by the individual for employment or self employment of a household member must be excluded.

#### **4.1.3.19 Income Producing Property**

- Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis.

#### **4.1.3.20 Inaccessible Pension Funds**

- Do not count non available/non accessible pension funds that belongs to the individual

#### **4.1.3.21 Keogh Account**

- Keogh Accounts that involve a contractual obligation with an individual who is not a household member.

#### **4.1.3.22 Burial Plots**

- One burial plot for each household member.

#### **4.1.3.23 Life Insurance**

- Exclude the cash value of life insurance policies.

#### **4.1.3.24 Burial Plan**

- Exclude prepaid burial plan up to \$1500 per household member.

#### **4.1.3.25 Earned Income Tax Credit (EITC) Payments**

- Earned Income Tax Credit (EITC) payments are excluded for the month of receipt and the following month.
- Any Federal, State or local earned income tax credit received by any household member shall be excluded for 12 months, provided the household was participating in the Food Stamp Program at the time of receipt of the earned income tax credit and provided the household participates continuously during that 12-month period.

#### **4.1.3.26 Low Income Housing Energy Assistance Act**

- Exclude Home Energy Assistance Payments under the Low-Income Home Energy Assistance Act (PL 99-425) as a resource.

#### **4.1.3.27 Energy Assistance other than LIHEAA**

- Federal or state one-time assistance for weatherization or emergency repair or replacement of heating or cooling devices must be excluded.

#### **4.1.3.28 Household Goods & Personal Effects**

- Exclude the contents of a home that are essential to daily living

#### **4.1.3.29 Vehicle**

Exempt all vehicles.

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## Chapter 5. Income Rules

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### 5.1 Income Rules

Income rules are used to determine the unearned, earned and self employment income that are countable/non countable for the household. Income is classified as either countable or non-countable. Only countable income is included in the income eligibility determination. A household's countable income must be less than a specified income limit. The Food Assistance Income rate table provides the information required to determine whether the income is countable or non countable.

1. The household's monthly gross countable income is equal or less than 130% of the Federal Poverty Limit for the household size unless the household is exempt from the Gross Income Limit AND
2. The household's monthly net countable income is equal or less than 100% of the Federal Poverty Limit for the household size unless the household is exempt from the Net Income Limit

#### 5.1.1 Unearned Income

##### 5.1.1.1 Unearned Income Fully Counted

The following unearned income types are fully counted:

##### **Assistance Programs**

All federal, state, or local assistance paid directly to the household is countable unearned income:

1. Cash Assistance payments
2. Supplemental Security Income payments
3. Tribal TANF payments

##### **Annuities**

- Annuities

##### **Pensions**

- Pensions excluding Veteran's Administration Pensions

##### **Retirement Benefits**

- Private Retirement Benefits

##### **Veteran's Administration Pension**

- Veteran's Administration Pension

##### **Veteran's Administration Compensation**

- Veteran's Administration Compensation

##### **Veteran's Administration Compensation Needs Based**

- Veteran's Administration Compensation paid to the parent of a child

##### **Social Security Benefits**

1. All social security benefits are fully counted where an exception does not apply:
  - Social Security Widow(er)
  - Social Security Disabled Widow(er)
  - Social Security Disability

- Social Security Retirement
- Social Security Disability/Child

### **Worker's Compensation**

- Worker's Compensation

### **Unemployment Insurance**

- Unemployment Insurance

### **Strike Benefits**

- Strike Benefits

### **Union Benefits**

- Union Benefits

### **Foster Care Board Payments**

1. Title IV-E Foster Care Board Payments
2. Title IV-B Foster Care Board Payments
3. Title XX Foster Care Board Payments

### **Alimony**

- Alimony

### **Government Sponsored Programs Payments**

- Payments from Government-sponsored programs.

### **Dividends**

- Dividends

### **Interest**

- Interest

### **Royalties**

- Royalties

### **Trust Fund Proceeds**

1. Count any monies which are withdrawn by the individual from trust funds considered to be excludable resources.
2. Count as unearned income dividends or interest which are or could be received by the individual from trust funds considered to be excludable resources.

### **Federal Funded Adoption Subsidy**

- Federal-funded subsidies are counted as unearned income to the adoptive parent(s).

### **Awards/Winnings**

- Count winnings from gambling as unearned income.

### **Railroad Retirement Benefits**

- Railroad Retirement Benefit

### **Black Lung Disease Benefits**

- Black Lung Disease Benefits under the provisions of the Federal Mine Safety and Health Act (FMSHA)

### **Brown Lung Disease Benefits**

- Brown Lung Disease Benefits under the provisions of the Federal Mine Safety and Health Act (FMSHA)

### **5.1.1.2 Unearned Income Exclusions**

The following types of unearned income are not counted:

#### **PA/GA Vendor Payments**

Public Assistance and General Assistance payments made to a third party on behalf of the household are excluded as unearned income under the following provisions:

1. Medical Assistance
2. Child Care Assistance
3. Home Energy Assistance Payments under the Low Income Energy Assistance Act
4. Energy Assistance payments other than LIHEAA
5. Housing Assistance

#### **Bona Fide Loans**

- Bona fide loans.

#### **Reimbursements**

- Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household.

#### **Federal Food Programs**

The following food programs which have federal involvement are not counted:

1. The value of the food under the food stamp program to any household is excluded from income
2. The value of supplemental food assistance under the Child Nutrition Act of 1966
3. The value of any assistance to children under the special food service program for children under the National School Lunch Act
4. Benefits received under Title VII, Nutrition Program for the Elderly

#### **Payments under the Domestic Volunteer Service Act 1973**

- Payments under the Domestic Volunteer Service Act 1973

#### **Older Americans Act of 1965 Benefits**

- Older Americans Act of 1965 Benefits

#### **Department of Housing and Urban Development (HUD) Payments**

1. HUD Community Development Block Grant Funds
2. HUD payments or subsidies
3. Government housing subsidies

#### **Earned Income Tax Credit (EITC) payments**

- Earned Income Tax Credit (EITC) payments

### **Nazi Persecution Victims Payments**

- Payments to Victims of Nazi Persecution (PL 103-286), Austrian Social Insurance Payments and Netherlands WUV Payments to Victims of Persecution.

### **Special Payments to Children of Vietnam Veterans**

- VA Payments to Vietnam Veterans Who Have a Child Born with Spina Bifida PL 104-204.

### **Travel and Training Allowances and Reimbursements**

- Travel and Training Allowances and Reimbursements

### **Victim's Compensation Payments**

- Crime Victim's Compensation Payments under PL 103-322 are excluded as income.

### **Workforce Investment Act of 1998 (WIA) payments**

1. Do not count payments for supportive services under the Workforce Investment Act (WIA) AND
2. Do not count payments for training under the Workforce Investment Act

### **Educational Assistance Payments under Title IV of the Higher Education Act of 1965**

- All student financial assistance under Title IV of the Higher Education Act of 1965 are excluded as income

### **Educational Assistance Payments under the Bureau of Indian Affairs (BIA)**

- All student financial assistance under Bureau of Indian Affairs (BIA) student assistance programs are excluded as income.

### **Educational Loans, Grants or Scholarships**

- For educational assistance to be excluded the educational loan, grant or scholarship must be awarded to a household member enrolled at a recognized institution AND
- Deferred payment loans for educational used for education expenses are excluded from income OR
- Scholarships, educational grants used for education expenses are excluded from income OR
- Veteran Administration educational benefits paid as part of a vocational rehabilitation program, or that represents a withdrawal of a veteran's own contributions.

### **In-Kind Support and Maintenance (ISM)**

- All ISM is excluded for Food Assistance.

### **Individual Development Accounts**

- Payments from Individual Development Accounts (IDA) are excluded as income.

### **5.1.1.3 Income Excluded By Federal Law**

The following income is excluded by Federal Law

#### **Payments made under the Alaska Native Claims Settlement Act, Public Law 92-203**

- Payments made under the Alaska Native Claims Settlement Act, Public Law 92-203 are excluded as income.

#### **Japanese- American and Aleutian Restitution payments**

- Japanese-American and Aleutian restitution payments must be excluded as income.

#### **Agent Orange Settlement Payments**

- Agent Orange Settlement Payments are excluded as income.

**Disaster Relief and Emergency Assistance Amendment of 1988 Payments**

- Disaster Relief and Emergency Assistance Amendment of 1988 Payments are excluded as income.

**Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240**

- Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240 are excluded as income.

**Radiation Exposure Compensation Trust Fund Payments**

- Radiation Exposure Compensation Trust Fund Payments are excluded as income.

**Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**

- Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are excluded as income in the month received

**Payments under the Job Training Partnership Act**

- Allowances, earnings, or payments (including reimbursements) to individuals participating in programs under the Job Training Partnership Act.

**Payments under the Carl D. Perkins Education Act**

- Payments received under the Carl D. Perkins Vocational Educational Act, as amended by the Carl D. Perkins Vocational and Applied Technology Educational Act Amendments of 1990.

**Wartime Relocation Assistance**

- Payments received for Wartime Relocation of Civilians under the Civil Liberties Act of 1988.

**Child Care Payments under Social Security Act**

- Value of any child care payments under the Social Security Act, Public Law 100-485.

**At Risk Childcare Payments**

- Value of any "at risk" block grant child care payments under the Social Security Act, Public Law 101-402.

**Childcare (Child Care Dev. Block Grant Funds)**

- Value of any child care provided or paid for under the Child Care and Development Block Grant Act, Public Law 102-586

**Old Age Assistance Claims Settlement Act Payments**

- Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2000, Public Law 98-500.

**Cranston-Gonzales Nat. Affordable Housing Act**

- Payments received under the Cranston-Gonzales National Affordable Housing Act

**Housing and Community Development Act 1987 Payments**

- Payments received under the Housing and Community Development Act 1987

**Payments under Judgment Award Authorization Act**

- Payments received under the Judgment Award Authorization Act, Public Law 97-458.

## Indian Monies

The following monies paid to Indians are not counted according to Public Law:

1. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes, Public Law 94-114.
2. Income derived from the disposition of funds to the Grand Band of Ottawa Indians, Public Law 94-540.
3. Indian Claims Commission Payments to the Federated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.
4. Payments to the Passamaquoddy Nation or any of their members pursuant to the Maine Indian.
5. Payments of relocation assistance to members of the Navajo and Hopi Tribes, Public Law 93-531.
6. Payments received under the Sac and Fox Indian claims agreement, Public Law 94-189.
7. Payments to the Turtle Mountain Band of Chippewas, Public Law 97-403.
8. Payments to the Blackfeet, Grosventre and Assiniboine tribes and the Papago, Public Law 97-408.
9. Payments to the Assiniboine tribe of the Fort Belknap Indian community and the Assiniboine tribe of the Fort Peck Indian Reservation, Public Law 98-124.
10. Payments to the Red Lake Band of Chippewas, Public Law 98-123.
11. Payments to the Chippewas of Mississippi, Public Law 98-123.

## Charitable Donations

- Cash donations based on need from one or more private non profit charitable organisations, must not exceed \$300 in a Federal fiscal year quarter.

## Boarder Foster Care Payments

- Governmental foster care payments received by households with foster care individuals who are considered to be boarders.

### 5.1.1.4 Unearned Income - Partially Excluded

The following are types of partially excluded unearned income:

#### Rental Income

1. Count Rental Income as unearned income if the individual is not directly engaged in management of property
2. Disregard costs such as:
  - Property taxes or insurance
  - Interest payments on the mortgage or second mortgage
  - Incidental repairs
  - Advertising
  - Landscaping
  - Utilities

#### Irregular Unearned Income

1. Disregard the first \$30 of income received by each household member in any calendar quarter if:
  - The income is not received more than once a calendar quarter from a particular source OR
  - The person cannot reasonably expect to receive the income again
2. If infrequent or irregular income is received from different sources in a calendar quarter exclude \$30 in total



### **5.1.1.5 Lump Sum Exclusions**

Do not count non-recurring lump sum payments. Count these payments as resources in the month received, unless specifically excluded as a resource by other federal laws.

1. Insurance settlements for destroyed exempt property
2. Lump Sum Payments from SSI
3. Retroactive lump-sum Social Security and SSI payments.
4. Retroactive lump-sum for Railroad retirement benefits.
5. Income tax refunds.

## **5.1.2 Earned Income**

### **5.1.2.1 Earned Income - Fully Counted**

The following types of earned income are fully counted:

#### **Wages and salaries**

- Wages and salaries

#### **Training Allowance**

- Training allowances from vocational and rehabilitative programs recognized by Federal, State, or local governments, such as the work incentive program, to the extent they are not a reimbursement.

#### **Wages under the Domestic Volunteer Service Act**

- Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973.

#### **Workforce Investment (WIA) wages**

- Earnings to individuals who are participating in on-the-job training programs under section 204(b)(1)(C) or section 264(c)(1)(A) of the Workforce Investment Act.

#### **Blood/Plasma Sales**

- Money received from the sale of an individual's blood or blood plasma.

#### **Sick Pay Not included in wages**

- Sick Pay which is not included in wages

#### **Vacation Pay not included in wages**

- Vacation Pay which is not included in wages

#### **Tips**

- Tips as reported by the individual

#### **Commission or Bonus**

- Commission or bonus payments are fully counted

### **5.1.2.2 Earned Income - Exclusions**

The following earned income exclusions apply to Food Assistance:

#### **Earned Income Tax Credit (EITC) payments**

- Earned Income Tax Credit (EITC) payments

#### **Reimbursements from an employer**

- Reimbursements from an employer for any bona fide work expense

### **Earned Income of a child**

- Do not count the earnings of a child when:
  - The child is under 18 years of age AND
  - Attending school at least half time AND
  - Lives with a natural, adoptive, or stepparent or under the parental control of a household member other than a parent.

### **In-kind Items Received in lieu of wages**

- Wages may include the value of food, clothing, shelter or other items provided in lieu of cash wages

### **Wages under the Domestic Volunteer Service Act**

- Wages under the Domestic Volunteer Service Act if their value is less than the minimum wage in effect under the Fair Labor Standards Act of 1938 or the minimum wage under the applicable State law.

## **5.1.3 Self Employment Income**

### **5.1.3.1 Self Employed Earners**

#### **Self-Employed Individual**

1. A self-employed individual may be the sole owner of a business OR
2. A general partner in a partnership OR
3. A partner in a Limited Liability Partnership OR
4. A member of a Limited Liability Company being taxed as a partnership OR
5. A shareholder in an S Corp who is actively engaged in the operation of the business

#### **Self-Employed Farmer**

- A self-employed farmer actively earns income from operating a farm for profit either as owner or tenant

### **5.1.3.2 Self-Employment Income - Fully Counted**

The following self employment income types are fully counted:

#### **Child Care Food Program**

- Payments received from the Child Care Food Program for providing meals to children in day care

#### **Capital Gains**

1. Gains received from the sale of farmland or depreciable farm equipment
2. Gains received from livestock held for breeding, sport or dairy purpose
3. Gains received from securities
4. Gains received from real estate
5. Gains received from other investment property

#### **Rental Income**

- Rental income, when the individual is engaged in management of property

#### **Home Produce**

- Home Produce for consumption by household members

#### **Boarder/Roomer Income**

- Income from boarders and roomers is payment received by the household(assistance unit) for lodging and/or meals from other individuals residing in the home who are not members of the individual's Food Assistance household(assistance unit).

- Boarders rent a room or rooms and receive meals as part of the rent
- Roomers (lodgers) rent a room or rooms and receive no meals as part of the rent

### **5.1.3.3 Self Employment Income - Allowable Non Farm Expenses**

The following expenses are allowable deductions from gross self-employment income:

#### **Advertising and promotional fees**

- Amounts paid for advertising and promotional fees

#### **Bad Debts**

- A bad debt may be claimed if the income that the debt represents is definitely known to be worthless.

#### **Car and Truck Expenses**

- Allow the business portion of expenses for:
  - Gasoline
  - Oil
  - Repairs
  - Insurance
  - Tires
  - Parking Fees
  - Rental Fees
  - Garage Rent
  - License Plates
  - Allow a deduction for vehicle registration, prorated for 12 months.

#### **Commissions and Fees**

- Commissions and Fees

#### **Depletion**

- Individuals who have an economic interest in mineral property or standing timber may deduct the cost of using up those natural resources

#### **Depreciation**

- Depreciation

#### **Employee benefit programs**

- Contributions to employee benefit programs that are not a part of a pension or profit sharing plan.

#### **Interest**

- Interest paid to banks or other financial institutions for a mortgage on real property used in the business that is not the client's home or the home of any partner in the business

#### **Legal and Professional services**

- Legal and professional fees that are ordinary and necessary expenses directly related to operating the business.

#### **Office Expenses**

- Expenses paid as operating costs of an office

#### **Pension and profit sharing plans**

- Contributions made to pension, profit-sharing, or annuity plans for employees of the business

**Rent or leases**

- Amounts paid for the use of property rented or leased for the business

**Repairs and Maintenance**

- Amounts paid for repairs and maintenance to property that does not add to the value or increase the life of the property

**Supplies**

- Supplies and materials used in the business.

**Taxes**

- Taxes paid by the business:
  - State and local sales taxes imposed on the individual as the seller of goods or services
  - Taxes on Income Producing Property
  - Real estate and personal property taxes on business assets
  - Licenses and regulatory fees for the trade or business paid each year to state or local governments
  - Social Security and Medicare taxes paid to match required withholding from the employee's wages
  - Federal unemployment taxes
  - Federal Highway use taxes

**Travel, meals, and entertainment**

- Expenses for lodging and transportation connected with overnight travel, if they are directly related to or associated with the active conduct of the trade or business

**Utilities**

1. All payments for utilities, including telephone, are allowable deductions for a business that is NOT run in the client's home or the home of any partner in the business OR
2. If the business is operated in the home of the client or the client's partner, determine the percentage of the home that is used on a regular basis for business purposes and allow the same percentage of the utility costs

**Wages paid to employees**

- Wages paid to employees of the business

**Donations to business organizations**

- Donations to business organizations

**Subscriptions to trade or professional publications**

- Subscriptions to trade or professional publications

**Insurance Premiums**

- Premiums paid for insurance related to the trade or business

**Day Care Provider Business costs**

- If the business is a day care provider, the costs related to purchasing, preparing, and serving meals for children in day care are treated as expenses

**5.1.3.4 Self Employment Income - Allowable Farm Expenses**

The following expenses are allowable deductions from gross self-employment income:

### **Car and Truck Expenses**

- Allow the business portion of expenses for:
  - Gasoline
  - Oil
  - Repairs
  - Insurance
  - Parking Fees
  - Tires
  - Rental Fees
  - Garage Rent
  - License Plates
  - Allow a deduction for vehicle registration, prorated for 12 months.

### **Chemicals**

- Chemicals

### **Conservation Expenses**

1. Deductible soil and water conservation expenses are those that are paid to conserve soil and water or to prevent erosion of land used for farming AND
2. This deduction may not exceed 25% of the gross income from farming

### **Custom Hire (Machine Work)**

- Amounts paid for custom hire or machine work (the machine operator furnished the equipment)

### **Depreciation**

- Depreciation

### **Employee Program Benefits**

- Contributions made to employee benefit programs that are not an incidental part of a pension or profit-sharing plan

### **Feed Purchases**

1. Expenses for feed that was consumed by the livestock in the current year, including prepaid farm supplies AND
2. Deduct the expense for prepaid farm supplies that does not exceed 50% of the other deductible farm expenses in the year of payment

### **Fertilizers and lime**

- Cost of fertilizer, lime, and other materials applied to farmland to enrich neutralize or condition it

### **Freight and Trucking**

- Costs of freight and trucking

### **Gasoline, fuel and oil**

- Cost of gasoline, fuel and oil used for farming

### **Insurance Premiums**

- Premiums paid for farm business insurance

**Interest**

1. Interest paid to banks or other financial institutions for a mortgage on farmland or other obligations incurred in the farm business AND
2. If the proceeds of a loan are used for more than one purpose (for example, personal and business), allocate the interest on that loan to each use AND
3. Only allow the portion of the interest payment that is the farm expense.

**Labor Hired**

- Amounts paid for farm labor

**Pension and Profit-Sharing Plans**

- Contributions made to employee pension, profit-sharing, or annuity plans for employees of the farm.

**Rent or Lease Payments**

- Business portion of the rental cost for rented or leased vehicles, machinery, or equipment.

**Repairs and Maintenance**

- Amounts paid for repairs and maintenance of farm buildings, machinery, and equipment.

**Seeds and Plants Purchased**

- Costs of seeds and plants purchased for further development and cultivation before sale

**Storage and warehousing**

- Costs for storage and warehousing

**Supplies purchased**

- Costs of supplies and materials used in the farming.

**Taxes**

- Taxes paid by the Farm:
  - Real estate and personal property taxes on the farm business assets
  - Social Security and Medicare taxes paid to match what was required to be withheld from farm employees wages
  - Federal unemployment taxes
  - Federal highway use taxes.

**Utilities**

- Amounts paid for gas, electricity, water, etc., for business use on the farm.

**Veterinary, Breeding, and Medicine**

- Veterinary, breeding and medicine costs

**Advertising and Promotional Fees**

- Amounts paid for advertising and promotional fees

**Office Expenses**

- Expenses paid as operating costs of an office

**Qualified clean-fuel vehicle property**

- Cost of qualified clean-fuel vehicle property

**Legal and Professional services**

- Legal and professional fees that are ordinary and necessary expenses directly related to operating the farm

**5.1.3.5 Determining Losses of a Self Employed Farmer**

- Self-employed farmer who receives or expects to receive annual gross income of \$1000 or more from farming may offset any expenses incurred.





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## Chapter 6. Food Assistance Calculations

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### 6.1 Introduction

This chapter summarizes the calculations for Food Assistance.

The resource rules specify a resource limit that the household's total countable resources cannot exceed. Total countable resources include resources deemed to the household. If the household's resources exceed the resource limit, the household is ineligible for benefits.

The income rules specify a gross income limit that the household's gross income cannot exceed. Gross income is countable unearned, earned and self employment income. Total countable income includes income deemed to the household. The income rules also specify a net income limit that the household's net income cannot exceed. Net income is gross income minus allowable deductions/expenses.

The benefit calculation, benefit reduction and initial month proration rules are applied to determine the benefit amount the assistance unit is entitled to.

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### 6.2 Resource Calculations

1. Countable resources must not exceed \$2000 for the household, except for household's including a member over the age 60 or over or disabled where countable resources must not exceed \$3000.

The following are the steps to be undertaken when determining the total countable resources for Food Assistance:

#### 6.2.1 Resource Deeming

The individuals whose resources shall be deemed is determined as part of the household determination rules. The following happens for an individual whose resources shall be deemed:

- If the individual is a sponsor, carry out Sponsor to Alien Deeming

##### 6.2.1.1 Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules for Income Deeming must be applied first when deeming resources

For each sponsor, determine the resources to be deemed to the Alien as follows:

- If the sponsor does not have a spouse living in the home:
  - Calculate countable resources for the sponsor and spouse(if spouse lives with sponsor) AND
  - Subtract \$1500 from the countable resources AND
  - Deem the remainder to the Alien.

Note: Countable and excluded resources are detailed in the Resource Rules chapter.

#### Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

**Sponsorship Deeming Exceptions:** The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban/Haitian entrant OR
5. Indigent Alien Exemption applies for 12 months from the month of determination OR
6. Alien is sponsored by an organisation or group as opposed to an individual OR
7. The sponsored alien becomes a naturalized citizen OR
8. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
9. The alien's sponsor dies OR
10. The sponsored alien leaves the U.S. permanently OR
11. Battered alien spouse, alien parent of a battered child, or child of a battered alien, are exempt from deeming for 12 months and the batterer must not be part of the household OR
12. The alien is a victim of severe forms of trafficking OR

#### **Battered Alien - First 12 Months**

Do not deem income for the first 12 months for Aliens who meet the following criteria:

- The battered alien must be battered by their U.S. citizen or LPR alien spouse or parent AND is a refugee AND
  - Either 1 or 2 below must apply
1. If a parent is the battered alien, any child who lives with them is also a battered alien OR
  2. If a child is the battered alien, the parent who lives with them is also a battered alien as long as the parent did not actively participate in the battery AND
  3. There is a substantial connection between the battery and the need for benefits AND
  4. The individual subject to such battery or cruelty does not live in the same household with the individual responsible for the cruelty AND

#### **Battered Alien - After 12 Months**

After 12 months, the alien shall continue to be exempt from sponsor deeming if:

- The alien demonstrates that the battery or cruelty has been recognized in an order of a judge or administrative law judge AND
- The local department determines that the abuse continues to have a connection to the need for benefits

### **6.2.2 Total Countable Resources**

For every individual in the income/resource unit whose resources are counted, carry out the following steps:

1. Calculate individual's countable resources AND
2. Add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources AND
3. Add individual's countable resources to other household member's countable resources to determine household's total countable resources

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## **6.3 Income Calculations**

1. The household's monthly gross countable income is equal or less than 130% of the Federal Poverty Limit for the household size unless the household is exempt from the Gross Income Limit AND

2. The household's monthly net countable income is equal or less than 100% of the Federal Poverty Limit for the household size unless the household is exempt from the Net Income Limit

The following are the steps to be undertaken when determining the total countable gross and net income for Food Assistance:

### **6.3.1 Gross Income Calculations**

Using the income unit previously determined in the household composition rules for Food Assistance, carry out the following steps for the gross income test

#### **6.3.1.1 Deemable Income**

For every sponsor in the income unit whose income is deemed carry out the following steps:

1. Total the sponsor and sponsor's spouses(if living in the home) countable gross unearned income from all sources AND
2. Total the sponsor and sponsor's spouses(if living in the home) countable gross earned income from all sources including income from self employment AND
3. Carry out Sponsor to Alien Deeming

#### **Sponsor to Alien Deeming**

The sponsor definition and sponsor deeming exception rules should be applied when deeming income - See Resource Chapter

Carry out the following process if no Sponsorship Deeming exceptions apply.

1. For each sponsor, determine the amount of money to be deemed to the alien
2. From the Sponsor's and their live in spouse (if any) countable earned Income:
  - a. Deduct the Earned Income Deduction from the sponsor's and their live in spouse (if any) countable earned income AND
  - b. Add the gross countable unearned income for the sponsor's and their live in spouse (is any) AND
  - c. Subtract an amount equal to the monthly gross Food Assistance income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for Federal income tax purposes AND
  - d. Subtract any additional amounts the sponsor actually pays to persons not living in the home, but who are, or could be, claimed as dependents for federal income tax purposes AND
  - e. The remaining amount, if any, is deemed as unearned income to the alien

#### **6.3.1.2 Pro-rated Income Gathering**

For every ineligible member in the income unit whose income is pro rated, carry out the following steps:

1. Calculate individual's countable gross unearned income from all sources AND
2. Divide the countable unearned income equally among all of the household members including the ineligible members AND
3. Count all but the ineligible member's pro-rata share as unearned income to the remaining household members.
4. Calculate the individual's countable gross earned income from all sources including income from self employment AND
5. Divide the countable earned income equally among all of the household members including the ineligible members AND
6. Count all but the ineligible member's pro-rata share as earned income to the remaining household members.

### 6.3.1.3 Gross Countable Income

For every individual in the income unit whose income is counted, carry out the following steps:

1. Calculate individual's countable gross unearned income from all sources AND
2. Add deemable income, if any, to the individual's unearned income AND
3. Add individual's countable gross unearned income to other household member's countable gross unearned income AND
4. Add the pro-rated unearned income of ineligible household members, if any, to the household's total gross unearned income AND
5. Calculate the individual's countable income from self employment AND
6. Add individual's countable income from self employment to other household members' countable self employment income AND
7. Offset any farming losses against total self employment income AND
8. Calculate the individual's countable gross earned income from all sources AND
9. Add individual's countable gross earned income excluding self employment to other household member's countable gross earned income excluding self employment income AND
10. Add household's self employment income to household's gross earned income to determine the household's total gross earned income AND
11. Add the pro-rated income of ineligible household members, if any, to the household's total gross earned income AND
12. Combine the household's total gross unearned income and the total gross earned income to determine the household's total gross income.

The household's monthly gross countable income is equal or less than 130% of the Federal Poverty Limit for the household size unless the household is exempt from the Gross Income Limit.

### 6.3.2 Net Income Calculations

The household's monthly net countable income is equal or less than 100% of the Federal Poverty Limit for the household size unless the household is exempt from the Net Income Limit.

#### 6.3.2.1 Income Deductions

For every individual in the income unit whose income is counted, deductions may be applied. Apply disregards in the following order for each employed/self employed individual in the household.

1. Subtract the Earned Income Deduction from the household's gross countable monthly earned income to determine the countable net monthly earned income.
2. Apply the following disregards to the remaining total income (i.e. Household's net monthly earned income after earned income deduction has been applied plus the household's total countable unearned income)
  - Offset any remaining farm self-employment losses against the total amount of earned and unearned income after the earned income deduction has been applied.
  - Subtract the Standard Deduction.
  - Subtract the allowable excess Medical Deduction for elderly or disabled household members.
  - Subtract allowable monthly Dependent Care expenses.
  - Subtract Child Support Expenses.
  - Subtract Shelter Expenses.
3. Shelter Expenses  
Deduct the appropriate shelter expenses for the household:
  - Homeless Shelter Deduction OR
  - Excess Shelter Deduction

## Earned Income Deduction

Deduct the 20% earned income deduction from the household's total countable gross earned income.

## General Income Disregards

The following deductions are applied to the remaining total income (household's net earned plus household's total countable unearned income).

- Standard Deduction
  - Allow a standard deduction for the applicable household size(Eligible members only).
- Excess Medical Deduction
  - Medical expense is incurred by household member who is elderly (60 or over) or disabled AND
  - Household member is an Eligible or Disqualified Household Member AND
  - Medical Expense is an allowable expense AND
  - Allow only the part of the expense that is not reimbursed AND
  - Deduct the portion of allowable monthly medical expenses that exceeds \$35 per household.
- Allowable Medical Expenses
  - Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by Stat law or other qualified health professional OR
  - Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who has a household member immediately prior to entering a hospital or nursing home provided by the State OR
  - Prescription drugs when prescribed by a licensed practitioner authorized under State law and other over-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment OR
  - Health and hospitalization insurance policy premiums OR
  - Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients OR
  - Dentures, hearing aids, and prosthetics OR
  - Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills OR
  - Eye glasses prescribed by a physician skilled in eye disease or by an optometrist OR
  - Reasonable cost of transportation and lodging to obtain medical treatment or services OR
  - Maintaining an attendant, homemaker, home health aide, or child care services, housekeeper, necessary due to age, infirmity, or illness. OR
- Dependent Care Deduction

Deduct the monthly amount paid for the care of each child or other dependent in the household up to the maximum defined in the Dependent Care Chart if:

  - Child or other dependent is an eligible member of the assistance unit AND
  - The dependent care provider is not a household member AND
  - Actual cost of child care is not reimbursed AND
  - The care is necessary for employment OR
  - To attend training or pursue education which will help the individual prepare for employment AND
  - Apply pro-rating procedures if household member incurring the expense is an ineligible household member.
- Child Support Deduction

- Deduct legally obligated child support payments paid by a household member to or for a non household member, including payments made to a third party on behalf of the non household member (vendor payments) AND
- Apply pro-rating procedures if household member incurring the expense is an ineligible household member.
- Homeless Shelter Deduction
  - Households in which all members are homeless but are not receiving free shelter are entitled to the standard shelter allowance AND
  - Allow actual shelter expenses, instead of the homeless shelter allowance, if the actual shelter costs would result in a higher deduction under the excess shelter deduction calculation.
- Excess Shelter Deduction
  - The excess shelter deduction is the monthly allowable shelter costs in excess of 50% of the Assistance Unit's income after the earned income, standard, medical, dependent care and child support deductions have been subtracted AND
  - Do not allow more than the Maximum Excess Shelter Deduction Amount unless Elderly and Disabled Exception applies AND
  - Apply pro-rating procedures if household member incurring the expense is an ineligible household member AND
  - Apply Treatment of Shelter Expenses for Non-Household Members if any household member incurring the expense is a non-household member.
  - Elderly Disabled Exception
    - Allow the full amount of the excess shelter expense as a deduction when at least one individual in the assistance unit is age 60 or over and or disabled.
  - Allowable Shelter Expenses
    - Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments OR
    - Property taxes, State and local assessments, an insurance on the structure itself, but not separate costs for insuring furniture or personal belongings OR
    - Costs of repairing a home that was substantially damaged or destroyed due to a natural disaster, such as a fire or flood, as long as the expenses will not be reimbursed OR
    - Allowable Utility Costs OR
- Calculating Utility Costs
 

The following steps are followed to determine Utility Costs included in determining Shelter Deduction:

  - Determine Eligibility for the Standard Utility Allowance (SUA).
  - If eligible for SUA and State mandates the use of SUA's, use SUA.
  - If eligible for SUA and it is not mandatory the use of SUA's, use higher of SUA or actual utility costs.
  - If eligible for SUA and State mandates the use of Standard Utility Allowances uses the Standard Utility Allowance(SUA) otherwise use higher of SUA or actual utility costs.
  - If eligible for SUA, determine actual utility costs.
  - Use higher of SUA or actual utility costs when determining Shelter Deduction.
  - If not eligible for the SUA, determine eligibility for the Limited Utility Allowance(LUA).
  - If eligible for LUA and State mandates the use of SUA's, use LUA.
  - If eligible for LUA and it is not mandatory to use SUA's, use higher of LUA or actual utility costs.
  - If not eligible for LUA, determine eligibility for the Telephone Allowance.
  - If eligible for Telephone Allowance and State mandates the use of SUA's use Telephone Allowance.

- If eligible for Telephone Allowance and it is not mandatory to use SUA's, use higher of Telephone Allowance or actual utility costs.
- If not eligible for Telephone Allowance, no utility expenses are used when determining the Shelter Deduction.
- Standard Utility Allowance (SUA)
 

To be eligible for the Standard Utility Allowances(SUA) the household must:

  - Incur a heating or cooling expense which is billed separate from rent or mortgage payments OR
  - Receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA) OR
  - Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance OR
  - Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs.
- Limited Utility Allowance (LUA)
 

To be eligible for the LUA the household must incur 2 or more of the following non-heating/non-cooling utility expenses:

  - Electricity not used for heating or cooling
  - Cooking fuel
  - Telephone
  - Water
  - Sewage
  - Well and septic tank installation and maintenance
  - Garage or trash collection
- Telephone Allowance
  - If the only utility expense the household has is the telephone, including a mobile phone, the household is eligible for the telephone allowance.
- Allowable Utility Expenses
  - Heating and Cooling Expenses OR
  - Electricity OR
  - Cooking fuel OR
  - Water and sewage OR
  - Well and septic tank installation and maintenance OR
  - Garage or trash collection fees OR
  - All service fees required to provide for one telephone, including but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes OR
  - Fees charged by the utility provider for utility installation, excluding deposits.

### **Pro-Rated Expenses**

- Pro-Rated Child Support Expenses
  - Divide the allowable child support expense, paid by an ineligible household member equally among all the household members including the ineligible household members AND
  - Count all but the ineligible members' pro-rata share as a child support deduction for the remaining household members.
- Pro-Rated Dependent Care Expenses
  - Divide the allowable dependent care paid by an ineligible household member equally among all the household members including the ineligible household members AND

- Count all but the ineligible members' pro-rata share as a dependent care for the remaining household members.
- Pro-Rated Shelter Expenses using actual utility costs or no utility costs
  - Divide the allowable shelter expense paid by an ineligible household member equally among all the household members including the ineligible household members AND
  - Count all but the ineligible members' pro-rata share as a shelter deduction for the remaining embers.
- Pro-Rated Shelter Expenses using SUA, LUA or Telephone Allowance
  - Divide the allowable shelter expense, less the standard utility allowance amount, paid by an ineligible household member equally among all the household members including the ineligible household members AND
  - Count all but the ineligible members' pro-rata share as a shelter deduction for the remaining household members AND
  - Use full amount of SUA, LUA or Telephone allowance as already determined.
- Treatment of Shelter Expenses for Non-Household Members
  - Where the household shares shelter or Utility expenses with a non-household member, only the amount actually paid or billed to the Food Assistance household is deducted as an expense
    - Utility Exception
      - The appropriate utility standard must not be prorated.

### 6.3.2.2 Net Countable Income

- The adjusted income after all deductions have been applied to household's gross income is the household's net income.

The household's monthly net countable income is equal or less than 100% of the Federal Poverty Limit for the household size unless the household is exempt from the Net Income Limit.

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## 6.4 Benefit Calculation

The following are the steps to be undertaken when determining the household's benefit amount for Food Assistance:

1. Determine the maximum Food Assistance allotment for the household size by using the Food Stamp Allotment Chart
2. Multiply the household's net monthly income(as previously determined by the net income test) by 30%
3. Subtract the amount determined from step 2 from the Maximum Net Monthly Allotment determined in step 1.

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## 6.5 Initial Month Proration

The following are the steps to be undertaken when determining the household's benefit amount for Food Assistance for the initial month of eligibility:

1. A household's benefit for the initial month of certification will be based on the day of the month the household applies for benefits
2. Using the exact number of days in a month, household's will receive benefits prorated from the day of application to the end of the month.
3. After arriving at the prorated benefit amount round down to the nearest whole dollar.
4. No benefits are issued for initial month if the prorated allotment is less than \$10.00



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## Chapter 7. Sanction Assessment

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### 7.1 Introduction

The sanctions assessment process runs on reassessment and determines if any eligible members of the unit have failed any of the following program rules.

- Child Support Enforcement
- Voluntary Quit
- Work Registration
- Intentional Program Violation
- Using Food Assistance in the Sale of Controlled Substance
- Drug Related Felony
- Fleeing Felon
- Parole Violation
- Trafficking Food Assistance

Sanctions may be imposed as a result of failure of any these program rules. The sanction assessment determines if individuals may be subject to a sanction and the penalty that should be imposed.

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### 7.2 Sanction Assessment

The sanction assessment process is separate to Food Assistance eligibility determination. The sanction assessment determines if an individual may be subject to a sanction, and the penalty that should be imposed. The sanctions are not created automatically. Caseworkers manually create the sanctions.

The sanction assessment information is highlighted to the caseworker if the individual(s) fails the sanction assessment. If a sanction assessment failure occurs the caseworker must decide what action should be taken. The caseworker may choose to sanction or override the sanction recommendation for the individual(s). The sanction assessment information displays the reason the individual(s) may be subject to a sanction and the appropriate penalty that should be imposed.

Individuals who are sanctioned are generally ineligible for assistance. In some circumstances a sanction imposed on an individual member of a household may make the entire household unit ineligible. In other circumstances a sanction may result in a reduction in benefit for the entire household unit.

The penalty which may be imposed as a result of failure of program requirements depends on a number of factors

- If previous sanctions have been imposed in respect of this requirement failure.
- The level of the sanction that was imposed previously.

Individuals may be subject to a sanction if they fail to comply with the following requirements and do not have good cause.

#### 7.2.1 Using Food Assistance in the Sale of Controlled Substance

- Individual must not have been found guilty of using Food Assistance in the sale of controlled substance.

##### 7.2.1.1 Penalties for Using Food Assistance in the Sale of Controlled Substance Sanctions

The following penalties are imposed depending on the level of Using Food Assistance in the Sale of Controlled Substance Sanction imposed on an individual:

1. The individual is ineligible for Food Assistance benefits for 2 years if the Using Food Assistance in the Sale of Controlled Substance Sanction if no previous sanction exists for this, for this member.
2. The individual is ineligible for Food Assistance benefits permanently if the Using Food Assistance in the Sale of Controlled Substance Sanction if a previous sanction exists for this, for this member.

## **7.2.2 Intentional Program Violation**

- Individual must not be an Intentional Program Violator.

### **7.2.2.1 Penalties for Intentional Program Violation Sanctions**

The following penalties are imposed depending on the level of Intentional Program Violation Sanction imposed on an individual:

1. The individual is ineligible for Food Assistance benefits for 12 months if no previous sanction exists for this, for this member.
2. The individual is ineligible for Food Assistance benefits for 24 months if a previous Level 1 Intentional Program Violation Sanction exists for this member.
3. The individual is ineligible for Food Assistance benefits permanently if a previous Level 2 (or higher) Intentional Program Violation Sanction exists for this member.

## **7.2.3 Work Requirements**

- Household member must satisfy the work provisions unless exempt or have a valid non participation reason. See chapter 3.4.3 for full details of the Work Requirement rules.

### **7.2.3.1 Penalties for Work Non Compliance Sanctions**

The following penalties are imposed depending on the level of Work Non Compliance Sanction imposed on an individual:

1. The individual is ineligible for Food Assistance benefits for 1 month if no previous sanction exists for this, for this member.
2. The individual is ineligible for Food Assistance benefits for 3 months if a previous Level 1 Work Non Compliance Sanction exists for this member.
3. The individual is ineligible for Food Assistance benefits for 6 months if a previous Level 2 (or higher) Work Non Compliance Sanction exists for this member.

## **7.2.4 Voluntary Quit**

- Individual must not voluntary quit a job or reduce work effort unless good cause exists. See chapter 3.4.3 for full details of the Voluntary Quit rules.

### **7.2.4.1 Penalties for Voluntary Quit Sanctions**

The following penalties are imposed depending on the level of Voluntary Quit Sanction imposed on an individual:

1. The individual is ineligible for Food Assistance benefits for 1 month if no previous sanction exists for this, for this member.
2. The individual is ineligible for Food Assistance benefits for 3 months if a previous Level 1 Voluntary Quit Sanction exists for this member.
3. The individual is ineligible for Food Assistance benefits for 6 months if a previous Level 2 (or higher) Voluntary Quit Sanction exists for this member.

## **7.2.5 Child Support Enforcement**

1. Individual must assign all rights to support, including child support and spousal support AND
2. Individual must cooperate with (CSED) to obtain support unless good cause exists

### **7.2.5.1 Good Cause Child Support Enforcement Non Compliance**

1. Cooperation may result in physical or emotional harm to the child or caretaker relative OR
2. Legal proceedings for adoption of the child are pending before a court OR
3. The caretaker relative is currently being assisted by a public or licensed private social agency to resolve the issue for whether to keep the child or relinquish him for adoption OR
4. The child was conceived as a result of incest or rape

### **7.2.5.2 Penalty for Child Support Enforcement Sanction**

The following penalty is imposed if an individual has a current Child Support Enforcement Sanction:

- The individual is ineligible for Food Stamp benefits if they have a Child Support Enforcement Sanction.

### **7.2.6 Drug Related Felony**

- An individual must not have been convicted of a felony committed after 23rd August 1996 involving illegal drugs.

#### **7.2.6.1 Penalty for Drug Related Felony Sanction**

The following penalty is imposed if an individual has a current Drug Related Felony Sanction:

- The individual is ineligible for Food Assistance benefits if they have a Drug Related Felony Sanction.

### **7.2.7 Fleeing Felony**

- An individual must not be a fleeing felon.

#### **7.2.7.1 Penalty for Fleeing Felon Sanction**

The following penalty is imposed if an individual has a current Fleeing Felon Sanction:

- The individual is ineligible for Food Assistance benefits if they have a Fleeing Felon Sanction.

### **7.2.8 Parole Violation**

- An individual must not be on parole and violating parole conditions.

#### **7.2.8.1 Penalty for Parole Violation Sanction**

The following penalty is imposed if an individual has a current Parole Violation Sanction:

- The individual is ineligible for Food Assistance benefits if they have a Parole Violation Sanction.

### **7.2.9 Fraudulent Information**

- An individual must not have been convicted of having made a fraudulent representation or statement.

#### **7.2.9.1 Penalty for Fraudulent Information Sanction**

The following penalty is imposed if an individual has a current Fraudulent Information Sanction:

- The individual is ineligible for Food Assistance benefits if they have a Fraudulent Information Sanction.

### **7.2.10 Sale of Firearms**

- An individual must not have been found guilty of the sale of firearms.

#### **7.2.10.1 Penalty for Trafficking Food Assistance Sanction**

The following penalty is imposed if an individual has a current Sale of Firearms Sanction:

- The individual is ineligible for Food Assistance benefits if they have a Sale of Firearms Sanction.

## **7.2.11 Trafficking Food Assistance**

- An individual must not have been found guilty of trafficking Food Assistance to the value of \$500 or more.

### **7.2.11.1 Penalty for Trafficking Food Assistance Sanction**

The following penalty is imposed if an individual has a current Trafficking Food Assistance Sanction:

- The individual is ineligible for Food Assistance benefits if they have a Trafficking Food Assistance Sanction.

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