

WISCONSIN DEPARTMENT OF HEALTH SERVICES  
Division of Medicaid Services  
P-16001 (04/2025)

# **FoodShare Handbook**

## **Release 25-01**

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## 1.1.1 General Program Introduction

7 CFR 272.4(a)

FoodShare Wisconsin helps low-income individuals and families buy the food they need for good health.

The U.S. Department of Agriculture Food and Nutrition Service (FNS) is responsible for setting the basic program rules for the Supplemental Nutrition Assistance Program (SNAP) so that the program is operated similarly throughout the country. The Wisconsin Department of Health Services (DHS) administers the state's SNAP program, called FoodShare. Government income maintenance (IM) workers at county/tribal human or social service agencies (local IM agencies) determine eligibility for FoodShare benefits and are responsible for issuing benefits. These workers are considered merit workers, and only merit workers may make eligibility determinations for FoodShare.

## 1.1.2 FoodShare Benefits

FNS Memo 12/18/14,  
Online waiver approval 2020

FoodShare benefits are used to purchase food at authorized FoodShare retailers, including grocery stores, farmers markets, direct-marketing farmers, and [select online retailers](#) that participate in FoodShare. Benefits may be used anywhere in the United States, regardless of the origin of issuance.

<b>Example 1</b>	Joan lives in Green Bay, Wisconsin. Joan calls her agency and asks if she can purchase food while visiting a friend in Mississippi. The answer is "Yes." She can purchase food anywhere SNAP-EBT is accepted nationwide.
------------------	--

<b>Example 2</b>	Jack reported he moved from Wisconsin to California. Jack's FoodShare case was closed. However, Jack still has FoodShare benefits in his EBT account. Jack is allowed to spend his remaining FoodShare benefits while living in California, even if he starts to receive SNAP benefits in California.
------------------	---

### 1.1.2.1 Electronic Benefit Transfer (EBT)

FoodShare benefits are deposited in a member's account using an [Electronic Benefit Transfer \(EBT\)](#) system and are spent using a debit card called the Wisconsin QUEST card.

For additional information about EBT, see [Process Help Section 80.1 EBT Introduction](#).

### 1.1.2.2 Allowable Purchases

FoodShare benefits can be used to buy foods such as:

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

FoodShare benefits **cannot** be used to buy items such as:

- Nonfood items (pet foods, paper products, soaps, household supplies, grooming items, toothpaste, cosmetics, etc.)
- Beer, wine, liquor, cigarettes, or tobacco
- Vitamins and medicines
- Hot foods (for example, food that is purchased and cooked at the store)

---

**Note** *Hot foods are only excluded if they are hot at the time they are sold. Occasionally, grocery stores will chill hot foods; these items are eligible for purchase with FoodShare benefits.*

Some products have a deposit fee that must be paid at the time of purchase that is then refunded when the container is returned (for example, milk that comes in a glass container). If a container deposit fee is required when purchasing an eligible food item in Wisconsin, this additional fee cannot be paid by using FoodShare benefits. The container deposit fee must be paid in cash or through another form of payment.

### 1.1.2 FoodShare Benefits

<b>Example 3</b>	Jack purchases a glass container of milk in Wisconsin. There is a container fee charge on this particular bottle. Because Wisconsin does not have a container deposit law, the cost of the milk could be paid for using FoodShare benefits, but Jack must pay for the deposit fee using another method of payment.
------------------	--

<b>Example 4</b>	Jack lives near the Wisconsin Michigan border and sometimes does his grocery shopping in Michigan. Jack purchases a case of soda in Michigan that requires a container deposit fee. Michigan has a law that requires a container deposit fee be paid with the purchase of certain beverages. Jack can use FoodShare benefits to pay the deposit fee, since it is required per Michigan law.
------------------	---

If the member has questions about specific food items, refer the member to the Food and Nutrition Service's [list of eligible food items](#).

### 1.1.2.3 Group Meals

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If the member eats at a group meal site for the elderly or has meals delivered to the member's home, FoodShare benefits can pay for these meals if the facility or meal provider is an authorized FoodShare retailer.

FoodShare benefits can be used for meals within a group setting if the facility is authorized to accept SNAP-EBT card, such as Wisconsin QUEST cards, and the member is staying in a drug and alcohol treatment center, a shelter for victims of domestic violence, a shelter for the homeless or a group home for people with disabilities.

### 1.1.3 Who Is Eligible

## 1.1.3 Who is Eligible

Individuals or families who use FoodShare Wisconsin include people of all ages who are employed but have low incomes, are living on small or fixed incomes, have lost their jobs, or have disabilities and cannot work.

An individual or family does not need to be eligible for, or apply for, W-2 to qualify for FoodShare benefits.

U.S. citizens and certain citizens of other countries who live in the United States legally and permanently may qualify for FoodShare benefits.

People affected by natural disasters may be eligible for FoodShare benefits. If a natural disaster (for example, flood, tornado, etc.) occurs, special procedures and a simplified application process are used to issue FoodShare benefits quickly to victims of the disaster (see [SECTION 5.3.1 DISASTER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM \(DSNAP\) FOR VICTIMS OF NATURAL DISASTERS](#)).

FoodShare Wisconsin can issue replacement benefits for food purchased with FoodShare benefits that were destroyed in a household misfortune or natural disaster (see [SECTION 7.1.1.5 REPLACEMENT ISSUANCE FOR DESTROYED FOOD](#)).

People receiving their nutrition completely through Total Parenteral Nutrition (TPN) may be eligible for FoodShare benefits even if the TPN is covered by Medicaid or another medical program.

## 1.1.4 Eligibility Overview

### **Non-Financial Eligibility**

The application process begins with a person contacting a local agency to request FoodShare benefits. The local agency must determine whether the applicant is a Wisconsin resident. The local agency must determine whether the applicant is a boarder, foster person, or resident of an institution. Some applicants are not eligible for FoodShare because their food needs are already met. Additional non-financial eligibility criteria may apply.

### **Individual Eligibility**

To be eligible for FoodShare, a person must be a U.S. citizen or qualifying immigrant. A Social Security number (SSN) is required, or the person must apply for an SSN, for each person who is requesting FoodShare benefits. A food unit member cannot belong to more than one FoodShare assistance group with a few exceptions.

### **Food Unit**

The food unit can include anyone who purchases and prepares food with the primary person. There are some exceptions regarding who must be included in the food unit based on relationship rules.

### **FoodShare Assistance Group**

The FoodShare assistance group includes everyone who will receive and can use FoodShare benefits.

### **Work Programs**

Some members aged 16 to 59 must register for work to be FoodShare eligible. Some exceptions exist, including full-time students and parents caring for young children. Some members aged 18 to 54 must meet a separate FoodShare work requirement in order to maintain eligibility.

### **Unearned Income**

Unearned income, including any unearned income that is deemed from an ineligible member, may be counted. Some types of unearned income include child support, unemployment compensation, Social Security, and W-2 payments.

### **Earned Income**

The food unit's gross earned income may be counted. Some types of earned income include wages, tips, and self-employment income.

### **Room and Board Income**

Income the food unit receives from a boarder may be counted.

### **Gross Monthly Income Computation**

#### 1.1.4 Eligibility Overview

The 200% federal poverty level (FPL) gross monthly income test applies to all broad-based categorically eligible food units as a condition of eligibility, with one exception. Elderly, blind, or disabled (EBD) food units have no gross monthly income test.

Most food units are considered broad-based categorically eligible if their gross monthly income is at or below 200% FPL and the language describing "Job Center" services is issued to the food unit on a CARES-generated notice of decision.

---

**Note** *The FoodShare worksheet and the CWW budget page refer to "assistance group size" for the gross income test.*

---

### Regular SNAP Rules

Food units that include an EBD member with gross monthly income that exceeds 200% of the FPL must be tested for FoodShare using the regular SNAP rules. Under these rules, the assistance group (AG) has no gross monthly income test but must have a net monthly income that does not exceed 100% of the FPL and countable assets that do not exceed the EBD asset limit. ([SEE SECTION 8.1.1.3 ASSET LIMITS](#))

Non-EBD food units, and their AGs being tested under regular SNAP rules, must have income under the gross monthly income limit of 130% of the FPL. They must also pass the net income test of 100% of the FPL and their countable assets cannot exceed the non-EBD asset limit. ([SEE SECTION 8.1.1.3 ASSET LIMITS](#))

### Dependent Care

If a food unit member pays for child care or care for an adult food unit member, they may receive a deduction for each dependent. The care must be necessary for the food unit member to look for work, go to work, or attend school.

### Shelter and Utilities

Food units that have a shelter or utility obligation may receive a shelter and utility deduction. The actual receipt and application of this deduction will depend on other eligibility and budgeting factors.

The cost of rent, mortgage, taxes, or other shelter costs can be claimed as part of the shelter deduction. Homeless persons can also claim shelter costs. The cost of utilities such as gas, electric, water and telephone can be claimed for the utility deduction. The receipt of Wisconsin Heating Energy Assistance Program/Low Income Home Energy Assistance Program (WHEAP/LIHEAP) benefits in the current month or past 12 months can count towards a utility deduction.

### Income Test

Food units that are not categorically eligible must pass the 100% FPL net income test based on FoodShare assistance group size. Broad-based categorically eligible food units do not have to pass this test; however, if net income exceeds the FoodShare net income limit, FoodShare assistance groups of three or more people might not receive FoodShare benefits. If the group's net income equals or is less than the limit, the group may be eligible for benefits.

---

**Note** *Assistance group size is listed on the CWW budget page for the net income test.*

---

#### 1.1.4 Eligibility Overview

### **Allotment**

The allotment is the monthly amount of FoodShare benefits an eligible FoodShare assistance group receives. The allotment is calculated by looking at FoodShare assistance group size and total adjusted net income. Prorate the initial allotment if the FoodShare assistance group applies after the first of the month.

### **Renewal Date**

The local agency must review a food unit's eligibility within certain time frames. Most food units are certified for 12 months. Food units that include a migrant or seasonal farm worker, and food units who are homeless, are certified for six months.

Food units that include only EBD persons with no reported earnings (these food units may also include children under 18 regardless of their disability status) may be certified for 36 months (see [SECTION 2.2.1.2 36-MONTH CERTIFICATION PERIOD](#)).

All food units are subject to reduced reporting policy.

### **Benefit Amounts**

FoodShare benefit amounts are based on the number of persons who are eligible and monthly net income after deductions. The lower the net income, the more FoodShare benefits a FoodShare assistance group may receive. Only families with very little or no monthly net income will receive the maximum amount of FoodShare benefits.

## 1.2.1 Verification Introduction

7 CFR 273.2(f)

Verification is the use of documentary evidence or a collateral contact with a third party to confirm the accuracy of statements or information. With limited exceptions, the local agency must allow FoodShare applicants and members at least 20 days to provide required verification.

The verification receipt date is the day verification is delivered to the appropriate agency or the next business day if verification is delivered after the agency's regularly scheduled business hours. Agencies must stamp the receipt date on each piece of verification provided.

### 1.2.1.1 General Verification Rules

7 CFR 271.2

The general verification rules are as follows:

1. Only verify those items required to determine eligibility and benefits for the programs for which you are testing eligibility.
2. Don't verify an item that is not required to be verified and is not documented in case comments as questionable.
3. Avoid over-verification (requiring excessive pieces of evidence for any one item or requesting verification that is not needed to determine eligibility). Don't require additional verification once the accuracy of a written or verbal statement has been established.
4. Don't verify information already verified unless you believe the information is fraudulent or differs from more recent information. If you suspect fraud exists, determine if you should make a referral for fraud or for front-end verification (see Process Help, [Section 31.3.4 FEV/Fraud Referral vs. Claim Referral](#)).
5. Don't exclusively require one particular type of verification when various types are adequate and available.
6. Verification need not be presented in person. Verification may be submitted by mail, fax, electronically or in person.
7. Verification need not be submitted by the primary person.
8. IM worker must not ask for verification based on race, religion, ethnic background, or national origin. Verification requests cannot target groups such as migrant farm workers or American Indians for more intensive verification.

When verification is requested and not returned by the due date, each item that the applicant or member failed to verify must be updated to indicate it was not verified. This will ensure the notice of decision lists each item that was not verified. This is required for the notice to meet the federal definition of an adequate notice.

### 1.2.1.2 Request for Verification

7 CFR 273.2(c)(5); 7 CFR 273.2(h)(2)(i)(A)

OM 14-48

Requests for verification **must** be made in writing. Verbal requests are not acceptable and will not stand up in a fair hearing. IM workers are required to give the applicant or member a notice that identifies the required verification, the date the verification is due to the agency, and the consequences of not

### 1.2.1 Verification Introduction

verifying timely.

Do not deny the FoodShare application when the required verification is not provided until the latest of the following dates:

- 20th day after requesting the verification
- 30 days from the filing date

<b>Example 1</b>	Ed submits an application with a filing date of January 2. However, the interview was not completed until January 26 and verification of income was requested the same day. Ed has until February 15 to provide verification. Do not deny the application until February 15.
------------------	--

If the 20th or 30th day falls on a weekend or postal holiday:

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

---

<b>Note</b>	<ul style="list-style-type: none"><li>• <i>After the denial of an application for failing to provide verification within 30 days, if the food unit provides all requested verification to the local agency during the period on or after the 31st day but no later than the 60th day from the filing date, allow FoodShare to open without requiring a new application or interview (see <a href="#">SECTION 2.1.2.1 APPLICATION PROCESSING 30-DAY TIME FRAME</a>).</i></li><li>• <i>After a renewal termination for failing to provide verification, the food unit may provide verification in the month following closure without needing to submit a new application (see <a href="#">SECTION 2.2.1.4 RENEWAL PROCESSING TIME FRAME</a>).</i></li></ul>
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Allow FoodShare to reopen at Six Month Report Form (SMRF) or renewal when closed for lack of verification (or other reasons) if the reason for case closure is fully resolved during the calendar month following case closure. The SMRF must be returned no later than the last day of the seventh month of the certification period and the renewal interview completed no later than the last day of the renewal month.

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

In the above situations, benefits are prorated for the FoodShare assistance group from the day the food unit completes all the required actions needed to determine eligibility.

### 1.2.1.3 Responsibility for Verification

7 CFR 273.2(f)(5)

The applicant or member has primary responsibility for providing required verification, unless specified, and for resolving any discrepancies or questionable information. The local agency must assist the applicant or member in obtaining this verification, provided that the applicant or member hasn't refused to cooperate with the application process.

IM workers have responsibility for verifying information such as:

- Out-of-state SNAP participation
- Fleeing felon or probation and parole violator status

### 1.2.1 Verification Introduction

- Out-of-state intentional program violations (IPVs)
- Social Security Income and Medicare
- Immigration status
- WHEAP (State database verified upon receipt)
- Out-of-state time-limited benefit months (TLBs)

If all attempts to verify the information have been unsuccessful because the person or organization providing the information has failed to cooperate with the applicant or member and agency (for example, by charging a fee or refusing to complete a verification form), and all other sources of verification are unavailable, determine an amount to be used for certification purposes based on the best available information. Clearly document attempts to obtain verification and the reasoning for the estimate that is used. Best available information may include an oral or written statement. In the instance of out-of-state TLBs, best available information may include a lack of response by the other state within the standard processing timeframe.

## 1.2.2 Sources for Verification

7 CFR 273.2(f)(4)

Local agencies must use documentary evidence as the primary source of verification for all information except Wisconsin residence and household composition (see [SECTION 1.2.3.5 WISCONSIN RESIDENCY VERIFICATION](#) and [SECTION 1.2.3.7 HOUSEHOLD COMPOSITION VERIFICATION](#)).

Although documentary evidence must be the primary source of verification, acceptable verification must not be limited to any single type of document and may be obtained from the applicant, member, or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the IM worker may require collateral contacts or home visits. See [SECTION 1.2.6 SUGGESTED VERIFICATION SOURCES](#) for the Suggested Verification Sources Chart for more details.

### 1.2.2.1 Documentary Evidence

7 CFR 273.2(f)(4)(i)

Documentary evidence consists of written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills.

Applicants may provide documentary evidence to verify information in person, through the mail, by fax or another electronic device, or through an authorized representative. Applicants must not be required to present verification in person at the local agency. The local agency must accept any reasonable documentary evidence provided and must be primarily concerned with how adequately the verification proves the statements in the application.

### 1.2.2.2 Collateral Contacts

7 CFR 273.2(f)(4)(ii)

Collateral contacts consist of oral confirmations of circumstances by persons other than food unit members. A collateral contact may be made either in person or over the telephone.

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**Note** *Authorized representatives completing an application or renewal cannot serve as collateral contacts.*

Generally, the local agency must rely on the applicant or member to provide the name of any collateral contact. The applicant or member may request assistance in designating a collateral contact. The local agency is not required to use the collateral contact designated by the applicant or member if the collateral contact cannot be expected to provide accurate third-party verification.

When the collateral contact designated by the applicant or member is unacceptable, the local agency must designate another collateral contact, ask the applicant or member to designate another collateral contact, provide an alternative form of verification, or substitute a home visit. The local agency is responsible for obtaining verification from designated collateral contacts.

When talking with collateral contacts, local agency staff should disclose only the information that is absolutely necessary to get the sought-after information. IM workers should avoid:

- Disclosing that an individual has applied for or is receiving FoodShare.

## 1.2.2 Sources For Verification

- Disclosing any information supplied by the applicant or member.
- Suggesting that the applicant or member is suspected of any wrongdoing.

Clearly document the collateral contact information. Include the following details:

- Name of collateral contact
- Title of Individual
- Organization the individual is affiliated with
- Address
- Phone number
- Significance to household
- Date(s) of contact(s) and when pertinent information was obtained
- The information obtained and used for verification

### 1.2.2.2.1 Third-Party Cooperation

Wisconsin Stats. §49.22(2m) authorizes DHS, DCF, county, and tribal agencies to request third-party cooperation from any person in Wisconsin in the verification of data. Cooperation from the third party is required within seven days of the request. No compensation to the third party is required, and the lack of compensation is not a valid reason for the third party to refuse to cooperate.

### 1.2.2.3 Home Visits

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7 CFR 273.2(f)(4)(iii)

Home visits may be used as verification only when documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level. Home visits must be scheduled in advance with the applicant or member. Home visits are to be used on a case-by-case basis where documentation is insufficient. An error-prone profile does not constitute a lack of verification warranting a home visit.

### 1.2.2.4 Discrepancies in Verification

---

7 CFR 273.2(f)(4)(iv)

When unverified information is received by the local agency from an external source, the applicant or member must be given a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. If the unverified information is received through an Income Eligibility Verification System (IEVS) data exchange regarding unreported sources of income or assets, the local agency may contact the source directly for verification.

When verification is received or if the applicant or member fails to provide requested verification, the local agency must issue a notice notifying the applicant or member of the action that has been taken and provide the applicant or member with an opportunity to request a fair hearing prior to an adverse action.

Document clearly in case comments the reason for verification requests due to questionable information or discrepancies.

---

**Note** *For system-generated discrepancies, the worker must take action to resolve the discrepancy (see Process Help, [Section 44.4 Discrepancy Processing](#)).*

---

### 1.2.2.5 Request for Contact

---

7 CFR 273.12(c)(3)

The agency may receive unclear information about changes in an applicant's or food unit member's circumstances from which the agency cannot readily determine the effect of the change on the food unit's FoodShare case. If there is not enough information reported to request specific verification, issue a request for contact (Loss of Contact) notice to the applicant or member.

When FoodShare Quality Control is attempting to complete the federally required case review and has been unable to contact the household, the worker may be asked to send a request for contact. This request is to be sent as an attempt to get the member to comply with the Quality Control review.

The agency may also receive information from CWW that the case meets an automated Error Prone Profile (EPP) that the IM worker needs to resolve. In this case, a request for contact notice may also be appropriate.

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**Note** *IM workers should add a case comment stating the reason for loss of contact.*

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### 1.2.2.6 Case Documentation

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7 CFR 273.2(f)(6)

Case files must include documentation to support eligibility, ineligibility, and benefit level determinations. Documentation must be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

## 1.2.3 Non-Financial Verification

### 1.2.3.1 Identity Verification

---

7 CFR 273.2(f)(1)(vii)

At the time of application, verify the identity of the primary person (if not already verified). If an authorized representative applies on behalf of the food unit, then verify the identities of both the authorized representative and the primary person.

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*A complete [Appoint, Change, or Remove Authorized Representative form \(F-10126\)](#) must be on file for an **Note** authorized representative designation to be valid. The completed Authorized Representative form meets the ID verification requirement, so no additional verification is required.*

---

Identity is the only verification required to process expedited benefits.

Identity may be verified when the SSA data exchange returns a verified SSN code, through readily available documentary evidence, or through a collateral contact (see [SECTION 1.2.6 SUGGESTED VERIFICATION SOURCES](#) and [SECTION 1.2.2.2 COLLATERAL CONTACTS](#)). Any documents that reasonably establish the primary person's and/or authorized representative's identity must be accepted. No requirement for a specific type of document, such as a birth certificate or photo ID, may be imposed.

Primary persons who are undocumented immigrants are not required to verify their identity.

---

**Note** *If the primary person's identity was verified for another program of assistance, do not re-verify the applicant's identity. Identity is to be verified only once.*

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### 1.2.3.2 Social Security Numbers Verification

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7 CFR 273.2(f)(1)(v)

Social Security numbers (SSN), or proof that application has been made for an SSN, must be provided for all household members applying for FoodShare, including newborns. Do not deny benefits pending issuance of an SSN if you have documented an SSN application was made. Failure to provide an SSN or proof of application for an SSN will result in denial of FoodShare benefits for that individual.

IM workers receive an alert when an SSN entered in CARES does not match the SSN verified by the Social Security System (WTPY). In these cases, verify if possible with a third party source and contact the Social Security Administration.

If the agency determines that a food unit member or applicant has refused to provide or apply for an SSN, that individual is ineligible to participate in FoodShare Wisconsin.

Exception for newborns: see [SECTION 3.13.1.3 SSN APPLICATION FOR NEWBORNS](#).

### 1.2.3.3 Immigrant Eligibility Verification

---

7 CFR 273.2(f)(1)(ii)

Verify the immigration status of all non-citizen FoodShare applicants (see [SECTION 3.12.1 CITIZENSHIP AND IMMIGRATION STATUS](#)). If a non-citizen does not want the IM agency to contact USCIS to verify their

### 1.2.3 Non-Financial Verification

immigration status, the IM agency must give the applicant the option of withdrawing the application or participating without that member. An undocumented immigrant is ineligible until acceptable documentation is provided unless the local agency has submitted a request for verification and is awaiting a response from USCIS, SSA (verification of work quarters), or another federal agency.

Verify citizenship only when the statement about an individual's citizenship is questionable. A claim of citizenship is questionable when:

1. The claim is inconsistent with statements made by the applicant,
2. The claim is inconsistent with information on the application or previous applications,
3. The claim is inconsistent with information received from another source, or
4. The person does not have an SSN.

Do not discriminate on the basis of religion, race, ethnic background, political beliefs, or national origin when deciding if a claim is questionable. Do not target groups such as migrant farm workers or American Indians for verification. A surname, accent, or appearance that seems foreign is not enough reason to question citizenship.

In addition, if an immigrant is applying for benefits on behalf of another person you may, under federal law, only verify the status of the person who will be receiving the benefits.

### 1.2.3.4 Disability Verification

---

7 CFR 273.2(f)(1)(viii)

Verify the disability status of all food unit members applying for FoodShare who are claiming to be disabled (see [SECTION 3.8.1 ELDERLY, BLIND, OR DISABLED \(EBD\) INDIVIDUALS](#)).

### 1.2.3.5 Wisconsin Residency Verification

---

7 CFR 273.2(f)(1)(vi)

Address, Wisconsin residency, and household composition are separate and distinct eligibility factors with different verification requirements (see [SECTION 3.2.1 RESIDENCE](#)).

Verification of the primary person's Wisconsin residency is required at application and, if questionable, at renewal for FoodShare eligibility, with an exception for homeless individuals and migrant workers.

Wisconsin "residency" refers to residing or living in Wisconsin but is not limited to any specific type of housing, place of residence, living arrangement, or address.

- State residency is a condition of eligibility that can be verified through a number of acceptable documents from the applicant, a collateral contact, or another source, and must not be limited to a single type of document.
- If the address on the application is not a fixed Wisconsin address, such as an address provided for mail only, and there is no additional information presented at the time of the interview to verify that the applicant resides in Wisconsin, the IM worker should attempt to obtain verification of state residency, unless the individual is exempt from the residency verification requirement.

### 1.2.3 Non-Financial Verification

- Applicants or households already receiving other programs of assistance, such as BadgerCare Plus, have already been determined to be living in Wisconsin. No further action is required to determine if the applicant is a state resident.

---

**Note** *Persons on vacation in Wisconsin are not residents of Wisconsin.*

---

<b>Example 1</b>	Mary is applying for FoodShare. She refuses to provide any information regarding where she is living. Mary claims she is not homeless, not a migrant worker, and she is not participating in the Safe at Home program. Mary only provides a PO Box for her mail. No other information on Mary's application establishes her Wisconsin residency. Mary's application should be pended and a request for verification sent.
------------------	---

<b>Example 2</b>	Trent is currently open for health care. On November 13, Trent completes a program add for FoodShare. When the worker starts to process the new FoodShare request, all the information collected from the health care application is in the case. Wisconsin residency is verified and not questionable due to receiving health care. Receiving another program of assistance is a valid verification source for Wisconsin residency.
------------------	--

<b>Example 3</b>	Joe was homeless at the time of his application. When Joe is completing his renewal (month six), he reports he is no longer homeless and provides his Wisconsin-based address. There is no need to request verification of Wisconsin residency since he states he is living in Wisconsin and there is no indicator this would be questionable.
------------------	--

<b>Example 4</b>	Bethanie's household consists of herself and her two children. The children are currently open for health care. When Bethanie completes a program add for FoodShare, her Wisconsin residency is not questionable (it is verified) because it is not questionable her children live with her, and they are already receiving health care.
------------------	--

### Exception

Residency verification isn't required for:

- Applicants newly arrived in Wisconsin in the past 30 days.
- Homeless persons (see [SECTION 3.2.1.3 HOMELESSNESS](#)).
- FoodShare members temporarily absent from the food unit (see [SECTION 3.2.1.2 TEMPORARY ABSENCE](#)).
- Migrant worker applicants (see [SECTION 2.1.4.3 ELIGIBILITY FOR MIGRANT WORKERS](#)).

---

*Applicants that have arrived in Wisconsin recently, within the last 30+ days, may not have documentation to*  
**Note** *verify residency. The IM worker should use their discretion and assist with obtaining verification, along with using the best available information when appropriate to verify residency.*

---

### Questionable at renewal

An IM worker may become aware of information that makes Wisconsin residency questionable at the time of renewal. For example, a new hire match is received showing the current employer is out of state

### 1.2.3 Non-Financial Verification

and the member address listed with the employer is out of state. Clarify the information received through the data exchange with the member and pend for verification if necessary.

<b>Example 5</b>	Susan reports a change of address and new employment at her renewal. Her new employer is located in Illinois, but the address on her pay stub matches the address she provided. State residency is not questionable.
------------------	--

### 1.2.3.6 Address Verification

---

**Verification of address is not required for FoodShare eligibility.**

Address refers to the actual place where the household is living or receiving mail. Verification of address is not required.

- An address is required to be provided at the time of application unless a household is homeless, a migrant, or newly arrived in Wisconsin.
- A household does not have to live in a permanent dwelling.
- A household may use a general mailing address.

An address must be provided in order to set a FoodShare filing date.

An applicant can give a general mailing address and the application filing date will be set if the application also includes the applicant's name, and signature. If an address is not given on the application, the application is not valid and cannot be used to set the filing date unless the applicant is homeless, migrant, or has recently moved to Wisconsin and does not yet have a fixed mailing address. If the applicant is homeless or migrant, the application must include a name, date, and signature to set the filing date.

### 1.2.3.7 Household Composition Verification

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Household composition affects eligibility. If the household composition is determined questionable, verification is required.

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**Note** *FoodShare applicants and members are required to report changes in household composition at application, renewal, and upon submission of a six-month report form (SMRF), or when a change in household composition would result in additional income that would cause the food unit's total income to exceed 130% of the FPL for their reported food unit size (see [SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS \(SIMPLIFIED\)](#)). A report of a change in address does not necessarily make household composition questionable.*

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#### **CARES Processing: Household Composition**

If information is presented at application that causes household composition to be questionable the IM worker must:

- Enter a "Q?" in the Household Composition Verification field on the General Case Information page to pend FoodShare.
- Initiate a Front End Verification if appropriate.

If the IM worker becomes aware of information that causes household composition to be questionable for an ongoing case, they must:

### 1.2.3 Non-Financial Verification

- Enter a "Q?" in the Household Composition Verification field on the General Case Information page to pend FoodShare and add text to the verification checklist to explain to the member the information that needs to be clarified.
- Make the appropriate updates to the case when the information is provided by the member.
- Change the Household Composition Verification field to "QV" if there is no response from the member by the verification due date.

#### 1.2.3.8 Student Eligibility Exemptions

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Exemptions to the student eligibility policy are verified by using an enrollment letter, financial aid papers, letter from the school, or any other applicable document. IM workers should not require a specific type of verification.

#### 1.2.3.9 SSA Death Match

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When an SSA data exchange indicates that an eligible applicant or member has died, and the IM agency has not received any other information to confirm the death, the applicant or member, or a person with knowledge of the applicant or member's circumstances, must be allowed 10 days to respond to a Date of Death (DOD) letter prior to benefits being impacted. This is to prevent benefits from being terminated or reduced solely based on a DOD data exchange.

- For ongoing cases, the once eligible member for whom a death match was received will still be considered to be alive. Benefits for the member or others on the case will not be changed or pended for the date of death during this time. Other verifications, such as earned income, should be requested as necessary. Benefit changes due to changes in eligibility will still need to be processed.
- For an application, person add, or renewal, the worker must wait at least 10 days for a response before confirming eligibility.

This 10-day period is known as the refutation period. The refutation period may only be shortened when either of the following events occur:

- A person with knowledge of the member's circumstance confirms the DOD.
- The DOD is disputed.

Once the DOD status is verified or successfully disputed, the discrepancy or match can be resolved.

#### 1.2.3.10 Huber Law

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Applicants and members who are incarcerated but allowed to leave jail under the Huber Law can become or remain eligible for FoodShare if the reason for the release is to return home to care for their minor children (see [SECTION 3.2.1.2.2 INCARCERATION AND HUBER LAW PRISONERS](#)).

To qualify for the Huber Law exemption, verification that the applicant or member is returning home to care for minor children is required. Verification may include court documents, jail documents, or other written or verbal verification provided by court or jail staff (see [SECTION 1.2.6.1 REQUIRED VERIFICATION TO DETERMINE ELIGIBILITY](#)).

If the verification shows that the person is allowed to leave jail under the Huber Law for a different reason, they are not eligible for the Huber Law exemption.

## 1.2.3 Non-Financial Verification

### 1.2.3.11 Vital Records Death Match

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When a definitive match is received from the Wisconsin DHS Vital Records data exchange, the date of death is considered verified on receipt of the match.

## 1.2.4 Financial Verification

### 1.2.4.1 Gross Countable Income Verification

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7 CFR 273.2(f)(1)(i)

Gross countable income, regardless of the amount, must be verified for all food unit members prior to certification. Verify income for all food unit members through documentary evidence or collateral contact.

Documentary evidence is written confirmation of a food unit member's circumstances; examples include wage statements or check stubs, rent receipts, utility bills, and employment verification forms. Although documentary evidence should be the primary source of verification, acceptable verification cannot be limited to only this type of source and may be obtained through the member or other sources. Other sources may include collateral contacts (see [SECTION 1.2.2.2 COLLATERAL CONTACTS](#)) which are oral confirmations of a member's circumstances by a person outside of the food unit.

If all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the applicant or member and agency (for example, by charging a fee or refusing to complete a verification form), and all other sources of verification are unavailable, determine an amount to be used for certification purposes based on the best available information. Clearly document the attempts to obtain verification and the reasoning for the estimate that is used.

### 1.2.4.2 Earned Income Verification

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Pay stubs showing income received during the last 30 days should be used as an indicator of the income that is and will be available to the food unit during the certification period, unless that income does not accurately reflect changes that have occurred or are anticipated to occur.

IM workers can may use statements from employers to verify prospective income.

IM workers may also use the Employment Verification of Earnings (EVF-E) form ([F-10146](#)) to verify prospective income. However, this form is not mandatory for FoodShare. An EVF-E is considered a valid source of earned income verification only if the form is returned as complete and contains the employer's signature.

If income widely fluctuates over time and a 30-day period alone cannot provide an accurate indication of anticipated income, the agency and the applicant or member may use a longer period of past time. To average this type of income, use the anticipated income and include the anticipated fluctuations. Make every attempt to accurately verify prospective income and clearly document the reasoning for the prospective income estimate.

<b>Example 1</b>	Joan's IM worker receives an employment verification form completed by the employer that includes all necessary information to make a reasonable estimate of prospective income and the information is not questionable. The IM worker must not require Joan to submit check stubs or any other additional verification.
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## 1.2.4 Financial Verification

<b>Example 2</b>	Joan submits all check stubs received in the most recent 30 days. The check stubs include enough information to make a reasonable estimate of prospective income, and the information is not questionable. The IM worker must not require Joan to submit an employment verification form completed by the employer or any other additional verification.
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If all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the applicant or member and agency (for example, by charging a fee or refusing to complete a verification form), and all other sources of verification are unavailable, workers should use best available information to determine an estimated income amount for certification purposes. Clearly document the attempts to obtain verification and the reasoning for the estimate that is used. Best available information may include but is not limited to:

1. A mix of paycheck stubs, from the same employer, from different time periods.
2. W2 or tax records can be used with income annualized.
3. An oral or written statement from the applicant or member.

Workers should instruct the applicant or member to keep all wage statements and check stubs for future verification purposes.

Operations Memo 08-09

### Verifying Employment or Income Changes

If a member reports employment gained during their certification period, verify their income to determine eligibility and benefit amount (see [SECTION 1.2.4.1 GROSS COUNTABLE INCOME VERIFICATION](#), [SECTION 1.2.4.2 EARNED INCOME VERIFICATION](#), and [SECTION 1.2.4.3 SELF-EMPLOYMENT INCOME VERIFICATION](#)).

If a member reports ended employment at application, renewal, or during their certification period, only require verification when necessary to determine eligibility and benefits. If employment or income ended in a month before the month of eligibility determination, do not require verification unless the information provided is questionable (that is, other information indicates the applicant is currently employed).

<b>Example 3</b>	Natalie applies for FoodShare in February and reports that they are not currently working. Their previous case information shows that they were working at Kathy's Yarn Shop in July. During the FoodShare interview, Natalie reports that their last employment ended in October and their last check was in November. Unless there is a reason to deem their statement questionable, do not require verification that employment ended.
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<b>Example 4</b>	Josh applied for FoodShare in December and reports that he is currently working. In March, Josh informs his IM worker that he ended his employment, and his last check will be received in March. The IM worker finds no reason to question the member's statement. Verification is not required. The employment is end dated and eligibility is redetermined for the next possible benefit month.
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<b>Example 5</b>	Camden submits her application on February 12. She reports her employment ended on January 30, but she will not receive her last paycheck until February 15. Her last paycheck is needed to determine
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#### 1.2.4 Financial Verification

	eligibility and benefits for the application month of February. Verification is required for employment ending and the amount of income received in February.
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#### 1.2.4.3 Self-Employment Income Verification

Self-employment income is earned directly from one's own business, not as an employee with specified salary or wages. Self-employment income is verified with Self-Employment Income Reporting Forms (SEIRFs) ([F-00107](#) and [F-00219](#), for farm businesses), IRS tax forms, or both.

#### 1.2.4.4 Asset Verification

7 CFR 273.2(f)(2) and 7 CFR 273.2(f)(3)

There is no asset test for FoodShare applicants and members tested under broad-based categorical eligibility or categorical eligibility rules. Their assets are not counted in the eligibility determination since they are authorized to receive Temporary Assistance for Needy Families (TANF)-funded services. FoodShare applicants and members tested under these rules must not be asked to provide information about or verify their assets.

**EXCEPTION:** A substantial lottery or gambling winning (see [SECTION 6.1.1.1 SUBSTANTIAL LOTTERY OR GAMBLING WINNING](#)) is considered an asset. Any member who reports a questionable substantial lottery or gambling winning must provide verification.

Applicants must report the amount of available liquid assets at the point of initial application to determine eligibility for priority service and expedited issuance. The reported assets are not required to be verified ([SEE SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION](#)).

Under regular SNAP rules FoodShare applicants and members are tested for assets. Elderly, Blind, or Disabled (EBD) food units with gross monthly income that exceeds 200% of the Federal Poverty Limit (FPL) are subject to the asset limit. Non-EBD food units may be tested under regular SNAP rules if certain criteria are met (see [SECTION 4.2.2 REGULAR SNAP RULES](#)). These food units are subject to the non-EBD asset limit. Food units tested under regular SNAP rules must verify their assets ([SEE SECTION 4.4.1 ASSETS](#)).

#### 1.2.4.5 Expense Verification

7 CFR 273.2(f)(3)

Workers must verify expenses that are required to be verified, expenses that are deemed questionable at application, or when a change in expenses is reported. At application, reported change, or renewal, workers must ensure that there is up-to-date documentation in the case record to support current CWW entries.

#### 1.2.4.6 Dependent Care Expense Verification

7 CFR 273.9(d)(4)

Dependent care expenses required for food unit members to keep or obtain employment, receive training or education preparatory for employment, or comply with employment and training requirements should be deducted from income. Convert expenses to monthly amounts.

Dependent care expenses do not require verification for use in the FoodShare benefit calculation,

#### 1.2.4 Financial Verification

unless the applicant or member's statement is deemed questionable. Examples of applicant or member statements that may be considered questionable include:

- Claimed dependent care expenses that exceed monthly income.
- A reported amount that seems unreasonably high compared to market rates.
- An applicant or member, receiving a child care subsidy, reports the full amount rather than their share of the cost.

<b>Example 6</b>	Vinny is a 10-year-old child who attends Prestigious Prep Childcare four days a week during the summer while his parents are working. His parents indicate that this care costs \$1,000 per week. The cost of care seems unreasonably high compared to the cost of other care in the area. The IM worker should request verification of this dependent care expense.
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**Reminder:** Only deduct dependent care expenses that the food unit is responsible to pay for. When a member receives benefits through Wisconsin Shares, the child care subsidy program, the subsidy amount paid by the State is not an allowable dependent care expense.

#### 1.2.4.7 Shelter and Utility Expense Verification

Shelter and utility expenses do not require verification for FoodShare benefit calculation unless the applicant or member's statement is deemed questionable. Examples of applicant or member statements that may be considered questionable include:

- Claimed shelter or utility expenses that exceed monthly income.
- An applicant or member who receives a housing subsidy but reported the market rent amount.
- A reported amount that seems unreasonably high compared to market rates.

#### 1.2.4.8 Medical Expense Verification

7 CFR 273.2(f)(1)(iv)

##### Verification at Application

Medical expenses totaling over \$35 claimed by an EBD person must be verified at application for the expense to be used in the FoodShare benefit calculation.

7 CFR 273.2(f)(8)(ii) and 273.12(c)

##### Verification during the Certification Period

Verify changes in medical expenses reported by the food unit during the certification period if they are from a new source, the total amount of previously verified medical expenses has changed by more than \$25, or the information is questionable.

Do not act on changes reported by a source other than the food unit, which require contacting the food unit for verification. Act on changes that do not require any additional verification or contact with the food unit.

<b>Example 7</b>	Edith, a disabled FoodShare member, provided proof of her \$200 monthly prescription costs from her pharmacy at application. In the third month of her 36-month FoodShare certification period, she reports that she was hospitalized last month and now has a \$1,300 obligation for a hospital bill.
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## 1.2.4 Financial Verification

	Because it is the best benefit to Edith, the bill will be averaged over 9 months, the remainder of the first 12 months of her FoodShare certification. To receive the deduction for this new medical expense, verification is required. If verification is not provided, only the \$200 deduction is allowed.
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<b>Example 8</b>	Mario, an elderly FoodShare member, reported and provided proof of his \$90 monthly prescription costs at his most recent FoodShare renewal in December. In March, he reports that his prescription costs have increased to \$114 per month. The additional amount is budgeted and does not require verification of the increased medical expense because the total medical expenses did not change by more than \$25.
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<b>Example 9</b>	<p>Violet, a disabled FoodShare member, is eligible for home and community-based waivers as a Group B participant. At application, Violet reports and provides proof of a recurring monthly medical expense for FoodShare. In the fifth month of her certification period, the Aging and Disability Resource Center (ADRC) submits a medical/remedial cost for her Group B Waiver cost share calculation to the IM agency.</p> <p>For FoodShare purposes, this change is not considered verified upon receipt and verification is requested before action is taken.</p> <p>If the care manager had provided verification of the medical/remedial expense, the verification could be used as a FoodShare expense at the time the change was reported. The new FoodShare expense amount is allowed as a medical expense and is used in the benefit calculation.</p> <p>If Violet reported the medical/remedial expense, the expense would be added to the case and a request verification sent.</p>
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7 CFR 273.2(f)(8)(i)(A)

### Verification at Renewal

Previously unreported medical expenses, changes in total recurring medical expenses by more than \$25, and questionable information must be verified at renewal.

<b>Example 10</b>	<p>Sally reports and provides proof of a \$150 recurring monthly prescription medical expense at her FoodShare application. At her renewal, she states that this monthly expense continues but that it has increased by \$10. Her case is updated with the expense and does not require verification.</p> <p>If Sally had reported at renewal that she also had a new recurring medical expense of \$90 for monthly chiropractic visits, verification of this new expense would be required.</p>
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Examples of applicant or member statements that may be considered questionable include:

- An applicant or member who has private health insurance or is covered by Medicaid or BadgerCare Plus and is claiming unusually high out-of-pocket expenses for a time period when they had coverage.
- Claimed monthly medical expenses that exceed monthly income.

If questionable, verification must be requested, which may include date of service, billing date, amount owed, and date amount is due.

#### 1.2.4 Financial Verification

Medical expenses are budgeted prospectively, so do not require eligible EBD food unit members to verify recurring medical expenses monthly. Rely on estimates of recurring medical expenses during the certification period. Include changes that can be anticipated based on available information. Consider the food unit member's medical condition, public or private medical insurance coverage, and the current verified medical expenses incurred by the food unit member.

When converting medical expenses to monthly amounts, use the same calculation methods used for budgeting prospective income.

#### 1.2.4.9 Child Support Payments Verification

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7 CFR 273.2(f)(1)(xii)

The legal obligation and actual payments made by a food unit member claiming to pay child support to non-food unit members must be verified.

## 1.2.5 Questionable Items

7 CFR 273.2(f)(2) and  
USDA SNAP Policy Guidance, November 13, 2008

Income Maintenance (IM) agencies may request verification of other factors if information provided at application, renewal, or reported change is questionable, unclear, or incomplete, and would have an effect on FoodShare eligibility or benefit level.

Some examples of circumstances that may require further verification are:

- Household composition
- Claim of separate food unit
- School enrollment
- Household expenses that exceed income
- Substantial Lottery or Gambling Winning
- Pay stub name that differs from employed applicant or member's name
- Proof the medical expense is for an allowable service or purchase
- Resolving any identified EPPs (see Process Help, [Section 70.1 Error Prone profile \(EPP\)](#)).

If an IM agency receives conflicting information, verification must be requested to clarify the circumstances. For example, if food unit expenses exceed income, obtain a written statement from the applicant or member on how they are paying expenses, or verify with the landlord how rent is being paid.

There may be instances where the applicant or member has reported earnings as required by program rules and produced a pay stub to verify those earnings. Although the name on the pay stub differs from the applicant or member's name, the purpose of the documentation is not to verify identity. The applicant or member can attest to the accuracy of those earnings and provide a reasonable explanation for the discrepancy with the name contained on the pay stub. IM workers should document this explanation in case comments. The local agency could reasonably consider such documentary evidence to verify the reported income (see [SECTION 1.2.1.3 RESPONSIBILITY FOR VERIFICATION](#)).

## 1.2.6 Suggested Verification Sources

Below is a list of suggested verification sources; however, this list does not include every possible verification option. Accept any documents that reasonably meet the verification requirement. Do not require a specific source of verification.

### 1.2.6.1 Required Verification to Determine Eligibility

7 CRF 273.2(f)

Verification Item	Suggested Verification Sources
<b>Immigration Status</b>	<ul style="list-style-type: none"> <li>• SAVE</li> <li>• INS or USCIS Alien Registration Card (Permanent Residence Card, Green Card, Form I-551)</li> <li>• Naturalization certificate</li> <li>• SSA query to verify work quarters</li> <li>• Military services papers</li> <li>• Military Affidavit (<a href="#">F-02431</a>)</li> <li>• Other Immigration letters and certification of status documents (trafficking victims, battered immigrant)</li> </ul>
<b>Wisconsin Residency</b>	<ul style="list-style-type: none"> <li>• Current rent receipt that must show address</li> <li>• Current mortgage receipt</li> <li>• Current lease agreement</li> <li>• Landlord inquiry</li> <li>• Current utility bill with address and responsible person’s name</li> <li>• Check stub with current address</li> <li>• Driver’s license</li> <li>• Home visit</li> <li>• Subsidized housing authority approval</li> <li>• Post office statement or collateral contact</li> <li>• Library card</li> <li>• Voter registration</li> <li>• Piece of mail received at claimed residence</li> <li>• Real estate tax statement or receipt</li> <li>• Weatherization program approval or denial</li> <li>• Renter or homeowner’s insurance documents</li> <li>• School registration record</li> <li>• Letter from employer offering job</li> <li>• Telephone book</li> <li>• Motor vehicle registration</li> <li>• List of residents from a treatment center official, group home, etc.</li> <li>• Written statement</li> <li>• Legal or government issued document with name and address</li> <li>• Bank Statement with name and address</li> </ul>

### 1.2.6 Suggested Verification Sources

	<ul style="list-style-type: none"> <li>• Mobile phone bill with name and address</li> <li>• DMV Data Exchange</li> <li>• Data Exchange for individuals receiving State SSI benefits</li> <li>• Verified through another program</li> <li>• Collateral contact</li> </ul>
<p><b>Gross Monthly Income</b></p>	<p>Earned Income:</p> <ul style="list-style-type: none"> <li>• Dated check stubs from the previous 30 days with the employee's name or ID number</li> <li>• Earnings report or statement from employer</li> <li>• IEVS report or computer match from another state - to be used only if no other form of verification exists. IEVS matches are not verification of the income an employee has earned. IEVS is an indicator that income was earned from that employer sometime during the three months of the work quarter identified. For change reporting requirements, see <a href="#">SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS (SIMPLIFIED REPORTING)</a>.</li> </ul> <p>Unearned Income:</p> <ul style="list-style-type: none"> <li>• Department of Workforce Development unemployment query</li> <li>• Pension statement</li> <li>• SSA's WTPY report</li> <li>• Current award letter</li> <li>• Current SSA or SSI check</li> <li>• Collateral contact with the employer, SSA, insurance company</li> <li>• IEVS report or computer match from another state - to be used only if no other form of verification exists. IEVS matches are not verification of the unearned income. IEVS is an indicator that unearned income was received sometime during the three months of the quarter identified.</li> </ul> <p>For self-employment or farm income and expenses:</p> <ul style="list-style-type: none"> <li>• Income tax return from the previous tax year</li> <li>• Self-Employment Income Report Form(s) (SEIRF)</li> <li>• Bookkeeping records</li> </ul>
<p><b>Primary Person's ID*</b></p>	<ul style="list-style-type: none"> <li>• Birth record query</li> <li>• Birth certificate</li> <li>• IEVS match</li> <li>• SSA (SOLQ/SOLQ-I matches)</li> <li>• Baptismal certificate</li> <li>• Military service papers</li> <li>• Immigration or naturalization papers</li> <li>• Consular ID - Consular identification (CID) cards are issued by some governments to their citizens who are living in foreign</li> </ul>

### 1.2.6 Suggested Verification Sources

	<p>countries. A consular ID is an allowable identity verification type valid for FoodShare and should be coded as PH – Photo ID</p> <ul style="list-style-type: none"> <li>• Hospital birth record</li> <li>• Adoption record</li> <li>• Passport or US citizen ID card</li> <li>• Family bible</li> <li>• Paycheck</li> <li>• Wage stubs</li> <li>• Driver’s license or Government ID</li> <li>• Completed SS-5</li> <li>• Confirmation or church membership papers</li> <li>• Voter registration card</li> <li>• Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers)</li> <li>• Employee ID card</li> <li>• Life insurance policy</li> <li>• School records (ID, report cards, diploma)</li> <li>• State/federal or Indian census records</li> <li>• Medical records (vaccination certificate, doctor’s or clinic’s records, bills)</li> <li>• Other social service program ID (when another program of assistance has already verified ID, ID for FoodShare requirements is complete)</li> <li>• Labor union or fraternal organization records</li> <li>• Court order of name change, marriage certificate, or divorce certificate</li> <li>• If verified for another program of assistance, no additional verification required</li> </ul>
<p><b>Disability/Blindness</b></p>	<ul style="list-style-type: none"> <li>• Statement or collateral contact from VA disability benefits</li> <li>• Statement, check, or collateral contact from Social Security Administration</li> <li>• Statement or collateral contact that proves a person receives a Railroad Retirement disability annuity and also qualifies for Medicaid</li> <li>• Statement or collateral contact</li> <li>• Statement that a person receives Interim Assistance benefits pending the receipt of SSI and SSDI</li> <li>• Statement or collateral contact that proves that an individual receives general assistance and meets the SSA guidelines for a disability</li> <li>• Data exchange with SSA/SSI</li> </ul>
<p><b>ABAWD Hours Worked</b></p>	<ul style="list-style-type: none"> <li>• Employer form/paystub/tax document/EVF-E (<a href="#">F-10146</a>)</li> <li>• Written statement from the employer, work program, or volunteer site</li> </ul>

### 1.2.6 Suggested Verification Sources

	<ul style="list-style-type: none"> <li>• Employer, work program, or volunteer site collateral contact</li> <li>• Signed statement outlining in-kind work agreement</li> </ul>
<b>ABAWD Countable Months in Another State</b>	<ul style="list-style-type: none"> <li>• Any form of communication from the agency administering SNAP in the other state (for example, phone call, email, written form)</li> </ul>
<b>Huber Status</b>	<ul style="list-style-type: none"> <li>• Agency Form</li> <li>• Court Order</li> <li>• City or County Records</li> <li>• Lawyer Statement or Record</li> <li>• Other Acceptable Written or Verbal Statement from jail staff</li> </ul>

\*Information may only be verified once; additional request for verification is prohibited.

### Asset Verification for Regular SNAP Rules

Verification Item	Suggested Verification Sources
<b>Checking or Saving Account</b>	<ul style="list-style-type: none"> <li>• Bank statements</li> <li>• Letter from the bank on official letterhead showing account balance</li> </ul>
<b>Stocks or Bonds</b>	<ul style="list-style-type: none"> <li>• Brokerage or financial statements showing the value of holdings</li> <li>• Stock or bond certificate</li> </ul>
<b>Savings Certificate</b>	<ul style="list-style-type: none"> <li>• Statement from the financial institution that hold the savings certificate</li> <li>• Copy of a physical certificate</li> </ul>
<b>Lump Sum Payments</b>	<ul style="list-style-type: none"> <li>• Bank statement with the deposit amount</li> <li>• Copy of document showing the amount and type of deposit</li> </ul>

### 1.2.6.2 Verify Only If Questionable

Verification Item	Suggested Verification Sources
<u><a href="#">Dependent Care*</a></u>	<ul style="list-style-type: none"> <li>• Written statement from provider</li> <li>• Cancelled check</li> <li>• Collateral contact with provider</li> <li>• Paid receipt or bill</li> <li>• Collateral contact with child care worker (Wisconsin Shares)</li> <li>• Receipts or bills for costs associated with care such as additional fees, field trips, camps, supplies, transportation</li> </ul>
<u><a href="#">Shelter / Utility Expense*</a></u>	<ul style="list-style-type: none"> <li>• Mortgage payment records</li> <li>• Rent receipt</li> </ul>

### 1.2.6 Suggested Verification Sources

	<ul style="list-style-type: none"> <li>• Statement from landlord</li> <li>• Lease</li> <li>• HUD subsidized housing approval</li> <li>• Property tax statement</li> <li>• Real estate agreement</li> <li>• Canceled check for rent or utility payment</li> <li>• Statement from person(s) with whom the food unit shares shelter costs</li> <li>• Utility bill</li> <li>• Utility budget amounts</li> <li>• Statement from utility company</li> <li>• Landlord inquiry</li> <li>• Deferred payment agreement</li> <li>• Firewood receipt</li> <li>• Telephone bill</li> <li>• Documented collateral contact with landlord or utility company</li> <li>• Statement or receipt from landlord for utilities paid by landlord</li> <li>• Homeowner's insurance policy or billing statement</li> <li>• Statements from collateral contact</li> <li>• WHEAP/LIHEAP or other energy assistance</li> </ul>
<p><b>SSN**</b></p>	<ul style="list-style-type: none"> <li>• Social Security Card</li> <li>• Form 1610 (I-D)</li> <li>• Form SS-5 – Application for a Social Security Card</li> <li>• Form 2583</li> <li>• Tax documentation (W-2, tax return form, refund check)</li> <li>• SSA documents such as award/denial letter or SSA/SSI benefit check</li> <li>• SOLQ-I search</li> </ul>
<p><b>ABAWD/FoodShare Work Requirement Exemptions</b></p>	<ul style="list-style-type: none"> <li>• Agency form, such as the Medical Exemption from Work Requirement for ABAWDs form (<a href="#">F-01598</a>)</li> <li>• Statement from health care provider, social worker, homeless shelter, or AODA service provider</li> <li>• Data exchanges</li> <li>• Department of Veteran Affairs service department correspondence or contact including documents relating to release, discharge, or transfer; identification card indicating service veteran status</li> <li>• Information made known to the agency including in-person agency verification of a visibly obvious ABAWD status or exemption, such as pregnancy or inability to work due to a temporary or permanent health condition</li> </ul>

### 1.2.6 Suggested Verification Sources

	<ul style="list-style-type: none"> <li>• IM worker determination that a person is unfit for employment (without requiring a statement or additional verification)</li> <li>• Information known to the agency</li> <li>• Collateral contact</li> <li>• Other acceptable written statement</li> </ul>
<b>Age</b>	<ul style="list-style-type: none"> <li>• Birth certificate</li> <li>• IEVS match</li> <li>• Baptismal certificate</li> <li>• Military service papers</li> <li>• Immigration or naturalization papers</li> <li>• Hospital birth record</li> <li>• Adoption record</li> <li>• Passport or U.S. citizen ID card</li> <li>• Driver's license</li> <li>• Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support or divorce papers)</li> <li>• Life insurance policy</li> <li>• School records (ID, report cards, diploma)</li> <li>• State/federal or Indian census records</li> <li>• Wisconsin birth query</li> </ul>
<b>Relationship</b>	<ul style="list-style-type: none"> <li>• Birth record query</li> <li>• Birth certificate</li> <li>• Baptismal certificate</li> <li>• Military service papers</li> <li>• Immigration or naturalization papers</li> <li>• Hospital birth record</li> <li>• Adoption record</li> <li>• Family Bible</li> <li>• Confirmation or church membership papers</li> <li>• Family records (birthday books, genealogy, newspaper birth announcement, marriage license, support, or divorce papers)</li> <li>• Life insurance policy</li> </ul>
<b>Household Composition</b>	<ul style="list-style-type: none"> <li>• Written or oral statement from a third party</li> <li>• FoodShare Buy and Make Food Separately (<a href="#">F-02491</a>) signed by applicant indicating food is purchased and prepared separately from other household members</li> </ul>
<b>School Enrollment Status</b>	<ul style="list-style-type: none"> <li>• Report card</li> <li>• Collateral contact with school authorities</li> <li>• Current school schedule</li> <li>• Enrollment letters</li> </ul>

### 1.2.6 Suggested Verification Sources

	<ul style="list-style-type: none"> <li>• Financial aid papers</li> <li>• Literature from the school (brochure or online program information)</li> <li>• Collateral contact with Job Center of Wisconsin, FSET, or an employment agency</li> </ul>
<b>Substantial Lottery or Gambling Winning</b>	<ul style="list-style-type: none"> <li>• Member statement</li> <li>• Wisconsin Lottery Winner Claim Form</li> <li>• W-2G Certain Gambling Winnings Form</li> <li>• Letter from lottery commission or gaming entity</li> <li>• Another State's Lottery Claim Form</li> <li>• Any documentation that identifies the source of the payment, winner(s) name, address, date of the winning, and gross amount before taxes</li> </ul>

\* Lack of verification will not affect eligibility, but the deduction will not be allowed.

\*\*Information may only be verified once; additional request for verification is prohibited.

### Household Misfortune Replacement Benefits

<b>Lost or destroyed food</b>	<ul style="list-style-type: none"> <li>• Power outage map</li> <li>• Statement from utility company</li> <li>• Statement from insurance company</li> <li>• Report from fire department</li> <li>• Disconnection notice</li> <li>• Receipt from purchase of replacement freezer or refrigerator</li> <li>• Landlord statement</li> <li>• Non-household member collateral statement</li> <li>• Statement from community organization</li> </ul>
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### 1.2.6.3 Verify for a Household to Receive a Deduction (not required for eligibility)

<b>Verification Item</b>	<b>Suggested Verification Sources</b>
<b>Child support paid out</b>	<ul style="list-style-type: none"> <li>• KIDS/CARES Interface</li> <li>• Court documentation</li> </ul>
<b>Legal Obligation to pay child support</b>	<ul style="list-style-type: none"> <li>• KIDS /CARES Interface</li> <li>• Court documentation</li> </ul>
<b>Medical Expenses</b>	<ul style="list-style-type: none"> <li>• Billing statement</li> <li>• Itemized receipts</li> <li>• Medicare card showing Part B coverage</li> <li>• Health insurance policy showing premium, coinsurance, co-payment, or deductible.</li> </ul>

### 1.2.6 Suggested Verification Sources

	<ul style="list-style-type: none"><li>• Medicine or pill bottle with price on label</li><li>• Statement from pharmacy</li><li>• Repayment agreement with provider</li><li>• Written statement or collateral contact from doctor verifying over-the-counter drug was prescribed</li><li>• Bill for services of a visiting nurse, homemaker, or home health aide</li><li>• Lodging or transportation receipts, or both, for obtaining medical treatment or services</li><li>• Bill or receipts for animal food, training, or veterinarian services for a specially trained service animal</li><li>• Bill or receipt for purchase or rental of prescribed equipment or medical supplies, or both</li><li>• IM case record for a Medicaid deductible</li></ul>
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## 2.1.1 Initial Certifications (Applications)

7 CFR 273.2(c)

Local agencies must encourage persons to file an application and set a filing date for FoodShare on the same day they express an interest in FoodShare or concerns about food insecurity. Applications can be submitted with only a name, address, and signature. The application signature can be written, electronic, or telephonic.

Submitting a signed application (online, phone, or paper) sets a filing date for benefits. Setting a filing date requires only the applicant's name, address, and signature. A filing date is the date that FoodShare benefits can start. The filing date is set the same day, or the next business day if received after the regularly scheduled business hours, the application is received.

Additionally, the filing date can be set by a late FoodShare ACCESS renewal – a renewal received by the agency in the month following renewal due month. A signed Pre-printed Renewal Form (PPRF) received in the month following renewal due month also sets a filing date.

If an applicant chooses not to set a filing date the same day that they contact the agency, the FoodShare Application ([F-16019](#)) must be provided if requested.

To be considered valid, the signature must be completed by an adult household member, an authorized representative, emancipated minor, or by a minor that does not have someone exercising parental authority over them. If an application is signed by a minor and parental authority is later established, a new signature would be required and the date which the new signature is collected would set the filing date. Legal guardians, powers of attorney, or conservators may be able to apply on behalf of the applicant (see [SECTION 2.1.3.3 USE OF AN AUTHORIZED REPRESENTATIVE](#)).

The agency must not require more than one application or application signature, regardless of the method of application.

Local agencies must not discourage individuals from applying for FoodShare, including if their application or benefits for another program have been denied or terminated. In those situations, the local agency must encourage the individuals to continue with the FoodShare application process.

### 2.1.1.1 Application Methods

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Wisconsin offers FoodShare applications in several formats: telephone, paper ([F-16019](#)) and an online application through [ACCESS](#) webpage.

Paper applications can be submitted in-person, through the mail, or via fax.

#### 2.1.1.1.1 Telephonic Signatures

7 CFR 273.2(c)(7)(viii)

An applicant may sign a FoodShare Application by providing a telephonic signature. A telephonic signature is the same as a written or electronic signature and sets the applicant's filing date.

Applicants must attest that the information they provided is complete and accurate when providing their telephonic signature.

### 2.1.1 Initial Certifications (Applications)

Genesys must be used to record a telephonic signature. A copy of the case summary showing that a telephonic signature was collected is stored in the electronic case file.

Only one signature is needed for an application request. A case summary must be sent to the applicant following the interview but does not require an additional signature.

#### 2.1.1.1.2 Faxed Application Registrations

7 CFR 273.2(c)(1)

IM agencies should accept faxed application registrations to initiate the application process and set the filing date. No benefits should be issued, nor should any final determination of an applicant's eligibility be made until an interview is completed. Faxed application registrations received on weekends, holidays, or after hours should be considered received on the first working day following receipt of the application registration.

#### 2.1.1.1.3 Application Registrations at the Wrong Agency Consortia

7 CFR 273.2(c)(2)(ii)

As of June 15, 2009, FoodShare applicants are no longer required to apply for assistance in the county in which they reside. The filing date for FoodShare will be set wherever an application is submitted, regardless of whether the applicant submits the application in the county in which they reside. In January of 2012, IM program administration was taken over by Milwaukee Enrollment Services (MILES), tribal agencies, and 10 consortia groups made up of local county agencies. Each consortium has a call/change center that is responsible for processing and updating cases for all agencies within the consortium.

When an ACCESS application or Request for Assistance (RFA) is submitted to the wrong consortia, the consortia that received the application or RFA should transfer it to the correct consortia inbox the same day that it is submitted to allow the consortia time to review for potential expedited service. The filing date will not be reset when the application or RFA is transferred.

Mailed or faxed applications received by the wrong consortia should be entered into CARES and then transferred to the correct consortia for processing.

#### 2.1.1.2 Application Process

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A new FoodShare Application is required when a person or household makes a request for FoodShare benefits and:

- They have not received FoodShare benefits in Wisconsin in the current or past month, or
- They have received FoodShare benefits, but benefits have been terminated beyond the calendar month following the month of closure.

The application process includes filing and completing an application form (paper, online, telephone), completing a FoodShare interview, and verifying certain information. The agency may not certify a FoodShare assistance group for benefits without a signed application on file.

The FoodShare application process includes multiple steps, including:

1. Submit an application (setting a filing date) in one of the following ways:

### 2.1.1 Initial Certifications (Applications)

- a. Submit a paper FoodShare Application with the minimum required information (name, address, and signature) using the FoodShare Application.
  - b. Complete an [ACCESS](#) application online with an electronic signature.
  - c. Complete a FoodShare Application over the phone using a telephonic signature (see [SECTION 2.1.1.1.1 TELEPHONIC SIGNATURES](#)).
2. Screen for Priority Services (see [SECTION 2.1.4.1 ELIGIBILITY FOR PRIORITY SERVICE AND EXPEDITED ISSUANCE AT APPLICATION](#)).
  3. Complete an interview either in person or by phone (see [SECTION 2.1.3.5 TELEPHONE INTERVIEWS](#)).
  4. Verify required information (see [SECTION 1.2.1 VERIFICATION INTRODUCTION](#)).
  5. Review all information and then make an eligibility determination (see [SECTION 2.1.7 CONFIRMING THE FOODSHARE ELIGIBILITY DETERMINATION IN CARES](#)).

Assistance completing the application process (for example, providing an interpreter, meeting disability needs, etc.) must be offered and provided at no cost to the applicant.

FoodShare assistance groups eligible for zero FoodShare benefits in their initial benefit month and a FoodShare allotment greater than zero in the second month will begin their certification period in the application month.

<b>Example 1</b>	A 12-month renewal was due by February 28. The member did not complete an interview in the renewal month. It is now April 3, and the member is calling to complete the interview and renewal. In this scenario, the member would need to reapply for FoodShare. This case would require a new signature (see <a href="#">SECTION 2.1.1.1.1 TELEPHONIC SIGNATURE</a> ), evaluation for expedited services (see <a href="#">SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION</a> ) along with completing the full application process.
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### 2.1.1.3 Reserved

### 2.1.1.4 Reserved

### 2.1.1.5 SSA Participation in FoodShare Applications

7 CFR 273.2(k)

Social Security Administration (SSA) must offer the opportunity to apply for FoodShare to all households where all members are applying for Social Security Insurance (SSI) benefits.

## 2.1.2 Application Processing Time Frame

### 2.1.2.1 Application Processing 30 Day Time Frame

7 CFR 273.2(c); 7 CFR 273.2(g); 7 CFR 273.2(h)(2)(i)(A)

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The application process must be completed 30 days from the initial filing date, unless the applicant is eligible for expedited services (see [SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION](#)). Day one of the application processing period is the day after the filing date. The time frame for processing an application is the filing date plus 30 days.

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

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

**Note**

*If the application is being processed after adverse action, eligibility will be determined for the application month and the next two months. If the food unit is ineligible for the application month and the second month, eligibility for the third month will also fail and the applicant would have to reapply even if there are changes in the third month that may make the food unit eligible for that month.*

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

When the application process has not been completed by the end of the 30th day, a notice of pending will be sent explaining the necessary steps to resolve the delay. If there is outstanding verification, the notice of pending will list those outstanding items.

### Required Actions Completed After Timely Denial But Within 60 Days of Filing Date

When an applicant fails to complete all required actions (including completing an interview and submitting all required verification) by the 30th day following the filing date, or 20 days from the date verifications were requested, whichever is later, the application must be denied.

The applicant has an additional 30 days from the date of a timely denial (denied on day 30), or 60 days from the filing date, to complete the required action (i.e., complete the interview or submit the required verification) without requiring a new application.

If all required actions are completed during the period on or after the 31st day but no later than the 60th day from the filing date, and the applicant is found eligible, benefits must be prorated from the date all required actions were completed. The initial month of application must be denied.

<b>Example 1</b>	Jane applies and completes her interview on January 5, and her application is considered a regular 30-day application. Her verification checklist is mailed on January 6 with a due date of February 5. Jane fails to submit the required verifications by February 5. Her case is denied for lack of verification on the 30th day. The notice will inform Jane that she will have until March 9 (60 days from the filing date including extensions for weekends) to submit the required verification without needing to reapply.
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### 2.1.2 Application Processing Time Frame

	<p>If verifications are not submitted by this date, Jane will need to reapply and complete a new interview in order to have her eligibility determined.</p> <p>If verifications are submitted any time after February 5 but on or before March 9, benefits are prorated from the date all verifications were submitted.</p>
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See [1.2.1.2 REQUEST FOR VERIFICATION](#) for details on verification time frames.

All actions must be completed by day 60 or the application will be denied. If the interview is completed after day 30 with a result of pending verification, all pending verification must be returned 60 days following the filing date, or a new application is required.

<p><b>Example 2</b></p>	<p>George submitted an application but failed to complete his interview by day 30. The agency denies his application. George goes into the agency on day 55 of his 60-day application period and completes his interview. George reports employment which is then pended for verification. George will only have until day 60 to verify this employment or he will be required to reapply.</p>
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### 2.1.2.2 Late Expedited Determinations

7 CFR 273.2(i)(3)(iv)

A late determination of expedited benefits can happen when an application is submitted as a non-Priority Service application but is then found to be eligible for Expedited Issuance benefits at any time during the eligibility determination process. Once the agency is aware that the applicant is eligible for expedited benefits, benefits must be made available to the FoodShare assistance group within seven calendar days from the date of discovery, or by the 30th day following the filing date, whichever is sooner. The application is no longer considered a 30-day application, but an expedited application, and must be processed as such.

<p><b>Example 3</b></p>	<p>Jerome submits a FoodShare application on April 7. Based on the information on the application, Jerome does not meet the criteria for Priority Service/Expedited Issuance. Jerome completes the FoodShare interview on April 18. During the interview Jerome reports that he is no longer employed, and his last check was received April 12 and was for \$100. Jerome's rent is \$500, and his heating expense is paid separately from his rent.</p> <p>Because of the updated information discovered in the interview, Jerome's application is now considered eligible for Expedited Issuance. Benefits must be confirmed by April 25 (within 7 days of the discovery of eligibility for Expedited Issuance) to be considered timely.</p> <p>If FoodShare Benefits are not confirmed on Jerome's case until April 29, it would be considered a late determination of expedited benefits.</p>
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## 2.1.3 Interviews

### 2.1.3.1 Scheduling the Interview

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7 CFR 273.2(e)(3)

Agencies must make every attempt to schedule interviews to ensure that an initial FoodShare eligibility determination can be completed within the 30-day processing time frame. Priority Service interviews must be completed (see [SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION](#)).

FoodShare applicants have the right to complete a face-to-face or phone interview (see [SECTION 2.1.3.5 TELEPHONE INTERVIEWS](#)). If an applicant requests a face-to-face interview, the interview is typically held at the local office but may be held at a mutually acceptable location such as the applicant's residence.

If a home-based certification interview is scheduled with the applicant or member, a hardship must exist (including but not limited to) and must be case commented:

- Illness
- Transportation difficulties
- Care of a household member
- Hardships due to residency in a rural area
- Prolonged severe weather
- Work or training hours that prevents the household from participating in an in-office interview

Agencies are required to schedule and provide written notice of an interview for an initial FoodShare application. Notice of the interview must be in writing and mailed to the applicant unless the notice cannot be received by the applicant prior to the date of the interview. Verbal notification of the interview is only allowable if an interview letter cannot be received prior to the interview and only if the agency provides this information directly to a responsible adult household member. If verbal notice is provided the agency must document in case comments that a verbal notice was provided, the name of the person who received the verbal notice, the date and time of the interview, and whether the interview will be conducted by telephone or face-to-face.

If the applicant is physically present when the appointment is scheduled, the agency must provide the applicant a printout of the written notice.

The IM worker must make two attempts to contact the applicant or an adult member of the food unit at the time of the scheduled interview. If the first attempt to contact the food unit is unsuccessful, make a second attempt 15 minutes after the first call. If the second attempt is unsuccessful, the IM worker must document in case comments that they were unable to contact the food unit at the appointment time, that the follow-up call was made, and the length of time between calls. Send the Notice of Missed Interview (NOMI), directing the food unit to contact the agency to reschedule.

NOMI requirements must be met if the applicant or member misses the interview.

The agency must notify each applicant or member who misses the application or renewal interview that they missed the scheduled interview and that the applicant or member is responsible for rescheduling a missed interview. The use of Client Scheduling in CWW will ensure that the NOMI is generated by CWW and sent to the applicant or member (see Process Help, [Section 1.8.9.7 Automated NOMI for FoodShare](#)). If Client Scheduling is not used, a NOMI must be manually issued by the local agency. A

### 2.1.3 Interviews

copy of the agency notice must be scanned to the electronic case file. Agencies may not deny an application prior to the 30th day after the application filing date if the applicant fails to appear for the first interview.

For applicants who miss a scheduled appointment and contact the agency to reschedule within the 30-day application processing period (see [SECTION 2.1.2 APPLICATION PROCESSING TIME FRAME](#)), the agency must schedule another interview.

An application must not be denied prior to the 30th day, unless the interview has been completed, even if other information has been reported on the application that would make the FoodShare assistance group ineligible.

### **On-Demand Interviews**

Wisconsin received federal approval for a waiver that allows IM consortia to implement an on-demand, or unscheduled, interview model. Under the on-demand interview model, FoodShare applicants and renewing members may call their IM agency to complete a FoodShare interview during the agency-designated FoodShare on-demand hours.

A consortium must apply this model across all agencies within the consortium. An on-demand interview must be offered at both application and renewal. A consortium implementing the on-demand interview model must continue to offer and provide scheduled face-to-face or telephone interviews upon request.

All FoodShare applications must be screened for priority service and expedited issuance. A consortium must meet the following application and renewal processing standards:

- Priority service applications: IM workers must make at least two attempts to contact an applicant to complete the interview on the same business day the application is received or by the end of the next business day. IM workers must continue to meet all priority service processing standards.
- Standard 30-day applications: IM workers must make at least two attempts to contact an applicant to complete the interview on the same business day the application is received or by the end of the second business day following the day it was received.
- Renewals: On-demand interviews must be offered for all renewals when received. IM workers must make at least two attempts to contact a member to complete the interview on the same business day the renewal is received or by the end of the fifth business day following the day it was received.

A worker should make two contact attempts, at least 15 minutes apart, to complete the interview. If the worker is unable to connect with the applicant or member during these attempts, pend for interview.

### **Exception**

Sometimes two contact attempts are not possible such as when there is a disconnected phone, or if the applicant is unavailable and specifically tells the worker not to call them back if they connect on the first attempt. See below for alternative processing.

When an applicant or member is contacted during the first attempt:

- If the first contact is made and the worker connects with the applicant and the applicant cannot complete the interview at that time, schedule the interview at an agreed upon date

### 2.1.3 Interviews

and time and send the scheduled interview notice. No other contact attempt is required as this contact meets the On-Demand requirement.

- If the first contact is made and the worker connects with the applicant, but the applicant cannot complete the interview at that time, and an interview cannot be scheduled at an agreed upon date and time (because they do not want to schedule an appointment at that time or because they state they will call back at another time), the worker should pend for an interview. This meets the On-Demand requirement, and no additional contact attempt is needed.

### Notice of Interview for On-Demand Interviews

If an IM worker is unable to complete the interview at the time they contact a household as described above, the IM worker must send a Notice of Interview. For on-demand interviews, the Notice of Interview language will be generated on the verification checklist (VCL). The household has nine calendar days from the VCL mailing date to call and complete the FoodShare interview. The Notice of Interview provides instructions to complete the interview. If the last day of the on-demand interview time frame falls on a weekend or CARES holiday, the due date will be the next business day. The on-demand interview timeframe of “10 days to call to complete” will not be adjustable in CWW. Verification due dates for other types pending after the interview will continue to be based on policy requirements and IM worker action.

#### 2.1.3.1.1 Notice of Missed Interview (NOMI) Requirements

##### **Application:**

##### *Not expedited*

The agency must send a separate NOMI letter to each applicant who does not meet the criteria for expedited issuance and misses the scheduled interview appointment. The NOMI letter must inform the applicant that they missed the scheduled appointment and are responsible for rescheduling the interview. If the applicant contacts the agency within the 30-day application processing period, the agency must schedule a second interview. The application may not be denied due to an incomplete interview prior to the 30th day after the application filing date.

##### *Expedited*

A NOMI must be sent when the household misses the interview that was scheduled, and a second interview cannot be scheduled within the seven-day expedited processing period due to household delay.

##### *On-demand interview*

If an applicant does not complete a required FoodShare interview by the last day of the on-demand interview time frame specified on the VCL, a NOMI will automatically be generated from CWW. The NOMI will include the date by which the interview must be completed and will indicate that the household will not get FoodShare benefits if the interview is not completed.

If an interview is scheduled using Client Scheduling, the NOMI will be automatically generated when a scheduled interview appointment is missed.

### 2.1.3 Interviews

#### **Renewal:**

Language contained in the CARES generated Renewal Notice and closure notice meets NOMI requirements, therefore an additional NOMI letter does not have to be sent if the member misses the scheduled interview appointment.

#### *On-demand interview*

If a member does not complete a required FoodShare interview or verification requirements before adverse action of the renewal month, a Notice of Termination with NOMI language will automatically be generated from CWW. The notice will include the date when the member's FoodShare benefits will end due to not completing a required interview and will indicate that the member should call the agency to complete the interview.

### 2.1.3.2 Completing the Interview

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7 CFR 273.2(e)(1); 7 CFR 273.2 (b)(4)(iv)

The interview needs to be completed by a responsible adult applicant, member of the food unit, or an authorized representative. If the applicant is an individual under age 18, the youth must be the primary person, emancipated or homeless and not under the care and control of another adult in order to complete the interview.

During an interview, the agency must not simply review the information that appears on the application but must explore and resolve with the applicant all unclear information. The interviewer must also advise applicants of their rights and responsibilities during the interview.

Although CWW provides a means for an individual to apply for several programs of assistance, FoodShare eligibility must be based solely on the requirements and regulations governing the FoodShare program. Applications for FoodShare may not be denied solely on the basis that an application to participate in another program has been denied. Similarly, ongoing FoodShare benefits may not be terminated solely because benefits from another program have been terminated. During an interview, the interviewer must advise applicants for joint W-2/FoodShare that W-2 requirements do not apply to FoodShare and households that lose or decline W-2 benefits may still qualify for FoodShare.

The agency must ask the applicant, member, or authorized representative to identify all household members and their relationship to each other, and if they share food.

Providing Social Security numbers (SSNs) (see [SECTION 3.13.1 SOCIAL SECURITY NUMBER \(SSN\) REQUIREMENTS](#)) for each household member is voluntary. However, failure to provide an SSN will result in the denial of FoodShare benefits to each applicant or member failing to provide an SSN. Although SSN and immigrant status information is not required for household members not applying for benefits, the agency must determine if the non-applicant household member has income or assets that affect the applying applicants' eligibility. If so, that information must be provided and verified in order to determine FoodShare eligibility for the applicant(s).

The agency must ask applicants and members to provide ethnicity and race information for all food unit members. Applicants and members are not required to provide a response for ethnicity or race in order to complete an application or receive a decision about their program eligibility or benefits; individuals may provide information on ethnicity, race, both, or neither.

### 2.1.3 Interviews

Agencies must inform individuals that responses may be used to help improve the State of Wisconsin's public assistance programs and ensure the program will not discriminate based on ethnicity or race. This may include reporting ethnicity and race data to federal agencies or sharing ethnicity and race information with managed care organizations to support monitoring of health disparities.

#### 2.1.3.2.1 Required Interview Topics

All FoodShare interviews must include a discussion of the following items in addition to standard financial and non-financial eligibility criteria:

- Use of SSNs (see [SECTION 3.13.1 SOCIAL SECURITY NUMBER \(SSN\) REQUIREMENTS](#))
  - A SSN is required for each individual requesting benefits unless they meet a religious exemption.
  - SSNs are used for data matching. Data matches are used to check that you can get and keep getting benefits.
- FoodShare rights and responsibilities (see [Your Rights and Responsibilities for FoodShare \(F-10150B\)](#)).
- Appropriate application processing standard time frames for non-expedited (see [SECTION 2.1.2 APPLICATION PROCESSING TIME FRAME](#)) and expedited benefits (see [SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION](#)).
- Applicable change and simplified reporting requirements (see [SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS \(SIMPLIFIED\)](#)) at the time of the interview.
  - How changes can be reported.
  - What changes must be reported.
  - When changes must be reported.
- Six-month reporting (see [SECTION 6.1.2 SIX MONTH REPORTING REQUIREMENT](#)) or renewal (see [SECTION 2.2.1 CERTIFICATION PERIODS \(RENEWALS\)](#)).
  - How to obtain assistance in completing the Six-Month Report Form (SMRF).
  - When the Six-Month Report Form (SMRF) will be sent.
  - When the report form is due.
  - Consequence for failing to file a report.
  - Changes that must be reported on the Six-Month Report Form (SMRF):
    - Address, and shelter and utility costs associated with a new residential address
    - Household composition
    - Income
    - Substantial Lottery or Gambling Winnings
    - Court-ordered child support payments for a non-household member
- QUEST card information
- Explanation of FoodShare Basic Work Rules (see [SECTION 3.16.1 FOODSHARE BASIC WORK RULES](#)) and FoodShare Work Requirements (see [SECTION 3.17.1 FOODSHARE WORK REQUIREMENTS FOR ABAWDS](#)), if the food unit includes an applicant or member subject to a work requirement.
  - IM workers must identify which applicant(s) or member(s) are subject to FoodShare basic work rules and FoodShare work requirements and provide the following information:
    - An explanation of each work rule and applicable work requirement.
    - Information on exemptions from each applicable work rule and work requirement.

### 2.1.3 Interviews

- An explanation of the process to request an exemption, including contact information to request an exemption.
  - FoodShare rights and responsibilities.
  - What is required to maintain eligibility under each work rule and applicable work requirement.
  - Consequences for failure to comply with each work rule and applicable work requirement.
  - An explanation of the process for requesting good cause, including examples of good cause circumstances and contact information to initiate a good cause request.
  - Information on the FoodShare Employment and Training Program (FSET) and benefits of FSET participation if the food unit includes an individual subject to the FoodShare Work Requirements.
  - Information on the status of the time limit of the FoodShare Work Requirement if the household lives in an area or on tribal lands where the time limit of the FoodShare Work Requirement is suspended.
- The appropriate sections of the "[FoodShare Basic Work Rules and FoodShare Work Requirements Script for IM Workers](#)" must be read to meet the above requirements.
  - Discuss the FSET program and offer voluntary referrals to FSET to eligible FoodShare members.
  - At the end of the call, the "[Reporting Requirements Call Script](#)" must be read.

### 2.1.3.3 Signature

7 CFR 273.2 (b)(1)(iii)

A signature is required to indicate that all the information provided is true and complete and that the food unit understands their rights and responsibilities. Only one signature is needed for a FoodShare application or request. The applicant, authorized representative, or an adult member of the food unit can provide a signature in written, verbal, or electronic format via:

- An electronic signature\*.
- On the completed CWW generated Application Summary.
- On the FoodShare Wisconsin Application ([F-16019](#)).
- A telephonic signature.

\*An electronic signature can be accepted from any electronic signature software or other electronic source. Examples include DocuSign, eSign, ACCESS, etc.

For a signature to be valid from an individual under age 18, the youth must be the primary person, emancipated or homeless, and not under the care and control of another adult.

A signature is required when a six-month report form (SMRF) is submitted.

It is not necessary for an applicant's signature to be witnessed by an agency representative for a FoodShare application or renewal to be considered complete. However, the signature of a witness is required when the application is signed with a mark. The witness may be another adult or an IM worker. A copy of the FoodShare applicant or member's case summary showing that a telephonic signature was collected will be stored in the electronic case file.

### 2.1.3 Interviews

Any adult food unit member or a food unit's authorized representative may sign the FoodShare application, renewal, or six-month report form.

<b>Example 1</b>	Eve applies and sets the filing date for FoodShare. Jule, Eve's roommate, who is also an adult, completes the intake interview and signs the case summary signature page. The FoodShare application is valid because Jule is a responsible FoodShare assistance group member.
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#### Exception

An individual declared incompetent by a local, state, or federal court can't sign an application. Their representative or guardian will need to complete and sign the application. An applicant who has a designated guardian (guardian of the estate, guardian of the person and the estate, or guardian in general) can't complete and sign the application. Only the guardian can complete and sign the application or appoint another representative.

### 2.1.3.4 Telephone Interviews

7CFR273.2(e)(2)(i - ii)

Applicants or members who request a face-to-face interview must be granted one.

IM agencies should be conducting most interviews by telephone unless an applicant or member requests a face-to-face interview.

Telephone interviews do not exempt the applicant or member from verification requirements (see [SECTION 1.2.1 VERIFICATION INTRODUCTION](#)).

### 2.1.3.5 Completing Telephone Interviews

A filing date must be set for all new FoodShare requests (see [SECTION 2.1.1.4 SETTING THE FILING DATE](#)).

At the start of the telephone interview, explain that if a written or electronic signature is not on file, a signature will need to be collected in order to set the filing date for an application or to establish a request for continued benefits in the case of a renewal. If the member is not willing to provide a telephonic signature, a written signature will be accepted but the worker needs to inform the member this may cause a loss and delay of benefits until the signature is received by the agency. Document the agreement and understanding in case comments (see [SECTION 2.2.1 CERTIFICATION PERIODS \(RENEWALS\)](#)).

A signature is needed before the agency can certify the food unit for benefits. The date the signature is received for an application sets the filing date. A signature is needed to recertify a food unit for continuation of benefits at the time of renewal.

See [SECTION 2.1.3.2 COMPLETING THE INTERVIEW](#) for required interview topics.

### 2.1.3.6 Post Interview Process

If verification is needed after an interview, mail out a verification checklist and send it to the applicant or member with instructions to provide the listed documents to the local agency within 20 calendar days or by the end of the application or renewal processing period, whichever is later. The agency must always provide the applicant with a copy of the case summary after the interview is complete.

### 2.1.3 Interviews

If the food unit claims deductible expenses during the interview, the food unit must verify certain claimed deductions or the deduction will not be allowed (see [SECTION 1.2.4.5 EXPENSE VERIFICATION](#)). If verification of the deductions is not provided, do not allow the deduction and do not close the case.

### **Applications**

At the end of the telephone interview, the agency must record the telephonic signature if they do not already have a written, telephonic, or electronic signature, and then generate a copy of the case summary to be mailed to the applicant. The applicant must review the case summary and notify the agency within 10 calendar days if corrections are needed.

If a telephonic signature is not provided at the time of application, inform the applicant during the interview they must sign the case summary and return it or an application document to set the filing date for FoodShare. The application is not complete, and a filing date is not set until a signature is on file. The application should pend for the signature.

### **Renewals**

At the end of a renewal interview, collect a telephonic signature if a written, telephonic, or electronic signature has not already been collected. If the member refuses to provide a telephonic signature, instruct the member that you will be mailing the printed case summary to them for their signature. In this situation, the case summary needs to be signed and returned to the agency within 10 calendar days or by the end of the renewal processing period, whichever is later. The renewal is not complete until the signed case summary signature page is returned to the agency.

If the signed case summary is not returned within the 10-day period or by the end of the renewal processing period, whichever is later, the case needs to be closed for failure to return the FoodShare renewal signature.

## 2.1.4 Expedited Service at Application

7 CFR 273.2(i)

Priority services are designed to ensure that expedited benefits are issued to eligible FoodShare assistance groups by the seventh day after the date of the application. The applicant must be allowed to complete the interview quickly and benefits must be issued timely. The two phases of expedited services are described below.

- **Priority Service:** Screens all applications for potential eligibility for expedited issuance and faster service from the agency (see [SECTION 2.1.4.1 ELIGIBILITY FOR EXPEDITED SERVICE AT APPLICATION](#)).
- **Expedited Issuance:** Benefits must be issued by the seventh day after the application is filed. Benefits will be available on the member's QUEST card the same day the application is confirmed in CWW.
- Members approved for expedited benefits must be offered the opportunity to come into an agency to receive a Temporary QUEST Card if they do not have an active QUEST card on file and available to them. This offer must be made by the worker on the same day the member is approved for expedited issuance, or on the next business day after the member is approved for expedited issuance (see [SECTION 7.2.1.2 TEMPORARY QUEST CARD](#)).

All food units that apply after the 15th of the month and who are eligible for expedited issuance must receive the prorated initial allotment and next month's allotment by the seventh day after the application filing date.

Agencies must provide expedited benefits to applicants who qualify for them after they are screened through the priority service process.

When contact is made by phone, every effort should be made to complete the FoodShare interview on the same day whenever possible. If an interview cannot be completed that day, an interview appointment must be offered to be scheduled within the seven-day time frame. If an applicant cannot make the scheduled appointment, the applicant will lose their right to expedited benefits.

### 2.1.4.1 Eligibility for Priority Service and Expedited Issuance at Application

7 CFR 273.2(i), 273.10(e)(3)

A person or food unit may be eligible for priority services and expedited issuance if:

1. Their total monthly gross income (actual income received in that calendar month) and available assets are less than the monthly allowable Standard Utility Allowance (SUA) (see [SECTION 8.1.3 DEDUCTIONS](#)) and monthly shelter expenses; or
2. Their gross monthly income is less than \$150 and they have \$100 or less in available liquid assets; or
3. Their food unit includes a migrant seasonal farm worker, who is also defined as "destitute" by meeting all of the following criteria:
  - a. Liquid assets are less than \$100,
  - b. They don't expect to receive more than \$25 from a new source ten days after the date of application, and
  - c. Income prior to the day of application was from a terminated source, defined as:

#### 2.1.4 Expedited Service At Application

- i. Income received on a monthly or more frequent basis, shall be considered as coming from a terminated source if it will not be received again during the balance of the month of application or during the following month, or
- ii. If income is normally received less often than monthly (for example, quarterly), it is considered terminated if the source has been terminated and no future payments are made.

##### Treatment of Income for Destitute Migrants:

1. Budget income from a terminated source which was received by the food unit between the first of the month of application and the application date, as income available for the food unit's needs in the month of application.
2. Disregard any income from a new source expected during the month of application if income of more than \$25 from the new source will not be received by the 10th day after the date of application [7 CFR 273.10(e)(3)(ii)].
3. After the application month, budget income from a new source for the months it will be received.

The home of a migrant worker in their state of residency is an exempt asset.

There is no eligibility for expedited services at renewal (see [SECTION 2.2.1 CERTIFICATION PERIODS \(RENEWALS\)](#)).

#### 2.1.4.2 Verification Requirements for Expedited Services

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7 CFR 273.2(i)(4)

A food unit eligible for expedited benefit issuance is only required to provide verification of identity of the primary applicant and the authorized representative if applicable, before the expedited benefits can be issued. Any documents, that reasonably establish the applicant's identity, must be accepted, and no requirement for a specific type of document, such as a birth certificate or photo ID, may be imposed. Collateral contact is also acceptable. If any other required verification is readily available, it must be used in the initial eligibility determination. Other outstanding required verification items must be requested, however do not delay the issuance of expedited benefits pending the receipt of other requested verification.

CARES will deny ongoing months with a failure code reason related to expedited verification requirements. If requested verification is not received, the FoodShare assistance group will remain closed due to failure to provide requested expedited verifications (codes 152, 153, or 154). In many instances a verification checklist is not sent, resulting in negative QC errors. To avoid possible errors, confirm all FoodShare benefit months, including the second or third month "fail". Run eligibility a second time to place the case in pending status and to send a system generated verification request. Change the verification due date on the checklist to the 30th day of the application. Suppress any incorrect notices.

There is no limit to the number of times a FoodShare assistance group can be certified under expedited procedures as long as the FoodShare assistance group:

1. Submitted all the required verifications within the last 30-day application processing period following an expedited issuance, or
2. Was certified under normal processing standards since the last expedited certification.

## 2.1.4 Expedited Service At Application

### 2.1.4.3 Eligibility for Migrant Workers

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According to Wis. Stat. § 103.90(5)(a), "A 'migrant worker' is any person who temporarily leaves a principal place of residence outside of this state and comes to this state for not more than 10 months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state."

Migrants are eligible for priority service if:

1. Gross income is less than \$150, and
2. Available assets are \$100 or less, or
3. They meet the definition of "destitute" by meeting all three of the following criteria:
  - a. Assets are \$100 or less, and
  - b. The only income received by the food unit prior to the application filing date was from a terminated source, and
  - c. The food unit does not expect to receive more than \$25 from a new source within 10 calendar days from the date of application.

Treatment of Income for Destitute Migrants:

1. Budget income from a terminated source which was received by the food unit between the first of the month of application and the application date, as income available for the food unit's needs in the month of application.
2. Disregard any income from a new source expected during the month of application. This income may not be more than \$25 or must be received at least 10 days after the date of application.
3. After the application month, budget income from a new source for the months it will be received.

The home of a migrant worker in their state of residency is an exempt asset.

### 2.1.4.4 Postponing the Interview for Expedited Issuance

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Effective June 1, 2020, the FoodShare interview may no longer be postponed. The interview must be completed prior to initial benefit issuance for all applications.

## 2.1.5 Multiple Application Submission and Changes Reported During the Application Period

When more than one application is submitted by a household during the same application filing period, the earliest received application establishes the filing date. However, the information from the latest received application must be used in determining eligibility since it is the most up-to-date information reported by the household.

<b>Example 1</b>	Charlie applies for FoodShare on June 15. Charlie moves from Superior to Green Bay on June 20. Charlie applies for FoodShare again on June 21 (Charlie didn't know a new application was not needed). The filing date for Charlie's FoodShare request is June 15. Some information from the June 15 application might be valid, but information from Charlie's more recent June 21 application must be used in Charlie's eligibility determination and for contact details.
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If the duplicate application is received prior to the interview, clarifying questions must be asked during the interview to determine the best information to use in the eligibility determination.

If the duplicate application is received after completion of the interview, additional clarification or verification of the newly reported information may be required prior to making an eligibility determination for the application.

Once the correct information is recorded into the case and the proper filing date is set, the duplicate application(s) must be withdrawn. Actions taken when there are multiple applications, including enough information to understand how the applications were processed, must be case commented.

Changes that are reported during the application period (prior to certification) must be acted on as part of the application.

If information is reported during the 30-day application processing period that would cause a FoodShare application to be denied for both the initial month and month two, and the application is denied, a new application is required. In situations that result in denial of benefits for the initial month and certification for month two, a new application would not be required.

## 2.1.6 Withdrawing the Application

7 CFR 273.2(c)(6)

The food unit may voluntarily withdraw the application at any time prior to the determination of eligibility. The IM agency must document in case comments the reason for the withdrawal, if any was stated by the food unit, and that contact was made with the food unit to confirm the withdrawal. The food unit must be advised of the right to reapply at any time subsequent to the withdrawal.

## 2.1.7 Confirming the FoodShare Eligibility Determination in CARES

Before confirming FoodShare eligibility, IM workers must ensure the correct eligibility determination has been made. A check of individual eligibility details of the non-financial results and the budget details are essential. Some items to consider are:

1. Are verifications complete?
2. Are correct household members included in the food unit/FoodShare assistance group?
3. Is the assistance group established correctly as EBD no earnings or Regular FoodShare for reporting rules?
4. Is correct income used?
5. Are correct expenses and deductions allowed?
6. Have the correct individuals been identified as work registrants?
7. Have the correct individuals been identified as ABAWDs?
8. Has the interview been completed? The application cannot be denied before the end of the 30-day processing period unless the interview is complete.
9. If benefits are denied, is the denial reason correct?

If so, confirm the FoodShare eligibility, document case comments in CWW, and process a referral to the FSET program, if applicable (see [SECTION 3.16.1 WORK REQUIREMENTS](#)).

## 2.2.1 Certification Periods (Renewals)

7 CFR 273.14(a); 7 CFR 273.10(f)

The certification period for FoodShare eligibility for most food units is 12 months. Food units where all members are homeless and food units that include a migrant or seasonal farm worker have a six-month certification period. Food units where all adult members are EBD and have no earned income may have a 36-month certification period.

The food unit must answer questions about their current household information in the last month of the certification period to be recertified and continue receiving FoodShare benefits. This is called a renewal. The food unit may need to verify some of the current household information they provide. At renewal, most food units must complete an interview (see [SECTION 2.1.3 INTERVIEWS](#)).

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**Note** *When a food unit moves into a Transitional FoodShare (TFS) certification period, their regular certification period will end early. The TFS certification period will begin the following month and will end five months later (see [SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS \(TFS\)](#)). The food unit must complete a renewal in the last month of the certification period to continue to receive regular FoodShare benefits.*

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FoodShare assistance groups with zero FoodShare benefits in their initial benefit month (pro-rated benefits) and a FoodShare allotment greater than zero in the second month, will be certified for six, 12, or 36 months (depending on their household composition) beginning with the application month. If FoodShare eligibility is denied in the month of application for any other reason, and eligibility begins the following month, the six, 12, or 36-month certification period begins in the month following the application month. If the benefit calculation is zero for the first two months, the case will be denied.

<b>Example 1</b>	Barry applied for FoodShare in August after he lost his job. In the FoodShare benefit determination for August and September, Barry received zero for August due to pro-rated benefits and \$98 in September. His certification period starts in August.
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<b>Example 2</b>	Barry's VQT sanction ends August 8. He reapplies and re-requests FoodShare on August 25. He is ineligible in August and eligible for \$141 in September. Barry's 12-month certification period begins September 1.
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<b>Example 3</b>	Barry applied for FoodShare November 29 after his unemployment compensation ended. Barry reports during the application that he is homeless. Barry received his full unemployment benefit in his final month, so he is not eligible for FoodShare in November because his income was over the gross income limit, but he is eligible in December. Barry's six-month certification period begins December 1.
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### 2.2.1.1 Six Month Reviews

The certification period of the following food units is six months:

1. Food units that include a migrant or seasonal farm worker, or
2. Food units where all members are homeless (not including certain EBD no earnings food units).

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**Note** *Once a six-month certification period has been established the renewal may remain due in month six even if the homeless food unit secures housing or the migrant worker leaves the food unit prior to the renewal month, depending on when the change is reported (see [SECTION 6.1.3.7 CHANGE IMPACT MATRIX](#)).*

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## 2.2.1 Certification Periods (Renewals)

### 2.2.1.2 36-Month Certification Period

Certain EBD food units with no earned income can receive 36-month certification periods. These food units will not need to complete SMRFs and may not need to complete an interview at renewal.

Food units must meet the following criteria to receive a 36-month certification period:

- All adult members must be EBD and have no counted earned income.
- Must include at least one adult member.
- Children under the age of 18 may be present in the household even if a child has earned income. Once a child who is not disabled turns 18, the household will no longer meet the eligibility criteria to have a 36-month certification period.
- No member can be a migrant farm worker.

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**Note** *If the food unit meets the criteria to receive a 6-month certification period (see [SECTION 2.2.1.1 SIX MONTH REVIEWS](#)), they will not receive a 36 month certification period.*

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Food units that can receive a 36-month certification period should receive expedited service, if eligible (see [SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION](#)).

All food units with 36-month certification periods are simplified reporters (see [SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS \(SIMPLIFIED\)](#)).

All food units that meet the criteria to have a 36-month certification period are sent annual outreach letters at months 11 and 23. This letter includes a case summary detailing current FoodShare information on their case. The food unit has no required action to take at that time, besides existing simplified reporting requirements. Updating current case information can ensure the assistance group is receiving the correct benefit amounts to which they are entitled.

<b>Example 1</b>	Ethel has a 36-month certification period. In the 11th month of her certification period, she receives her annual outreach letter, including a summary of the current information on her case. Ethel reviews her case summary and notices she is not receiving a deduction for a new, ongoing prescription medication she started two months ago. Ethel has no required changes to report at this time. Even though it is not required, Ethel calls her agency to report her new medical expense. She provides verification of the expense. She provides verification of the expense. Her monthly FoodShare benefit increases due to the new medical expense deduction.
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Food units with 36-month certification periods cannot shorten their certification period. The renewal for a 36-month certification period will not continuously align with another program's renewal or application. No other program has 36-month certification periods.

If a food unit with a 36-month certification period becomes eligible for Transitional FoodShare (TFS), their certification period will be shortened in accordance with TFS policy (see [SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS](#)).

#### **Interview**

The first time a food unit receives a 36-month certification period at their initial application, they are required to complete an interview. At renewal, these food units may not be required to complete an interview. If there is pending verification or questionable information on the case at renewal, or if the food unit no longer meets the eligibility criteria to have a 36-month certification period, an interview is required. Food units will receive a letter with instructions on how to complete their required interview. If the required interview is not completed, the case will lose their FoodShare eligibility.

### 2.2.1 Certification Periods (Renewals)

Food units can always request a renewal interview even if it is not required. The food unit is responsible for contacting their agency to complete an optional interview. No food unit will be determined ineligible for failing to complete an optional interview. An optional interview must be completed within the renewal month.

Never deny an application or renewal without first attempting to schedule an interview.

#### **Losing 36-Month Certification Period Eligibility**

If a food unit stops meeting the eligibility criteria to have a 36-month certification period, their certification period will not be shortened. If the food unit is still eligible to receive FoodShare benefits, they will retain the remaining months in their 36-month certification period and their renewal date will not change. However, these food unit will need to complete SMRFs every six months until their next renewal and complete an interview at their next renewal.

A food unit could stop meeting the 36-month certification period eligibility criteria but maintain eligibility for FoodShare benefits in the following ways:

- A non-EBD adult food unit member is added to the case or becomes eligible for FoodShare on the case,
- An adult food unit member loses their disability determination,
- An adult member of the food unit reports receiving counted earned income, or
- A migrant farm worker is added to the food unit.

<b>Example 2</b>	Ci and his 17-year-old son Alang apply for FoodShare together. Ci is disabled and does not have any earned income. Alang is not disabled and has a part time job. Even though Alang has earned income, the food unit receives a 36-month certification period because Alang is not an adult. Eight months into their certification period, Alang turns 18. The food unit no longer meets the 36-month certification period eligibility criteria because Alang is now a non-disabled adult with earned income. The food unit will be required to complete SMRFs at months 12, 18, 24, and 30 and will be required to complete an interview at their next renewal. If the food unit circumstances have not changed at their next renewal, the food unit will receive a 12-month certification period.
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When a food unit loses their eligibility criteria to have a 36-month certification period, they will be notified of the requirement to complete SMRFs and their next SMRFs due date, if applicable. These food units will not receive Annual Outreach letters since they are required to complete SMRFs. If the food unit stops meeting the eligibility criteria past month 30 in their certification period, they will not be required to complete SMRFs because their next required eligibility action is the renewal.

Once a food unit loses their 36-month certification period eligibility criteria, they are required to complete SMRFs and complete an interview at renewal even if they regain 36-month certification period eligibility criteria.

<b>Example 3</b>	Jan, Darrel, and Theresa have a 36-month certification period. Jan and Darrel are elderly, Theresa has a disability, and no one in the food unit has earned income. Sixteen months into their certification period, Darrel reports his granddaughter Nataleigh moved in. Nataleigh is 19. Since she does not have a disability and is not elderly, the food unit no longer meets 36-month certification period eligibility criteria. The food unit is required to complete SMRFs at months 18, 24, and 30 and complete an interview at renewal. Seven months after losing eligibility criteria, month 23, Darrel reports Nataleigh moved out. While the food unit meets the 36-month certification period eligibility criteria at this time, they are still required to complete SMRFs at months 24 and 30 and complete an interview at renewal. If
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### 2.2.1 Certification Periods (Renewals)

	the food unit still meets the eligibility criteria at their next renewal, they will receive a 36-month certification period.
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Food units that stop meeting the 36-month certification period eligibility criteria and are ineligible for FoodShare will stop receiving FoodShare benefits.

#### Conversion

Existing FoodShare food units that meet the eligibility criteria at project implementation will have their certification periods extended between two and 24 months. These food units will receive a one-time conversion letter. The letter will tell them of the change to their certification period, their new renewal date, reporting requirements, and responsibilities. No food unit will receive a certification period longer than 36 months or shorter than 12 months. At their next renewal, if the food unit still meets eligibility criteria, they will receive a 36-month certification period. Post implementation, all applicants that meet eligibility criteria will receive a 36-month certification period.

### 2.2.1.3 Shortening a Certification Period

*7 CFR 273.10(f)(4) Waiver approval*

Agencies may not end a certification period earlier than the assigned termination date, unless the agency receives information that the food unit has become ineligible, or the food unit does not cooperate in clarifying its circumstances. Loss of W-2 or a change in employment is not sufficient in and of itself to meet the criteria necessary for shortening certification periods.

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

- There is a new request for health care or child care (Wisconsin Shares), or
- A health care or child care renewal is due prior to the FoodShare renewal, and
- The food unit has stated they want to complete a FoodShare renewal at the same time they are applying for or recertifying health care or child care.

### 2.2.1.4 Completing a Renewal

*7 CFR 273.14(b)*

There are several steps to completing a renewal for FoodShare cases:

1. Notification must be sent to the food unit informing them that the certification period is ending and an interview (see [SECTION 2.1.3 INTERVIEWS](#)) must be conducted for most cases if benefits are to continue.
2. If an interview must be conducted, the food unit will receive a letter.
3. The food unit must be notified of verifications they need to provide to determine continued eligibility for the program. Certain information gathered at the interview must be verified (see [SECTION 1.2.1 VERIFICATION INTRODUCTION](#)).
4. A new electronic, telephonic, or written signature must be collected.
5. Benefit eligibility must be confirmed in CWW (see [SECTION 2.1.7 CONFIRMING THE FOODSHARE ELIGIBILITY DETERMINATION IN CARES](#)) in order for the review or renewal to be considered complete.

## 2.2.1 Certification Periods (Renewals)

### 2.2.1.5 Renewal Processing Time Frame

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The 30-day processing time frame for a renewal is not the same as it is for applications. The 30-day renewal processing time frame refers to the renewal month. In other words, a renewal must be processed and confirmed by the last day of the renewal month, with two exceptions:

- The IM agency is unable to complete a required interview by the last day of the renewal month and delays the interview once.
- There is an agency-caused delay (for example, allowing 20 days for verification).

When there is an agency-caused delay, it must be documented in CWW the reason for the late renewal and set the FoodShare program request date for the first of the month so that benefits are not prorated.

The FoodShare case will close effective the last day of the renewal month at adverse action of the renewal month if renewal is not completed, including confirmation. The agency and the FoodShare food unit have until the end of the renewal month to complete the renewal.

FoodShare that closes at renewal may reopen without requiring a new application under specific conditions. Allow FoodShare to reopen at renewal if the action needed to resolve ineligibility is completed in the month following the end of the current certification period, as long as the interview was timely.

An interview must be completed within the renewal month of the current certification period to be considered timely. If the food unit fails to complete a timely interview, FoodShare will close effective the last day of the renewal month at adverse action and a new FoodShare application is required.

- If FoodShare closes for lack of verification after a timely renewal and the food unit takes the required action within the calendar month following the certification period, the agency shall reopen FoodShare and prorate benefits from the date the food unit took the required action. The new certification period will begin the month after the month the renewal was due.
  - The food unit must be allowed 20 days to provide verifications. If the verification due date is in the month following the renewal month, IM workers should identify whether the closed FoodShare case may be reopened or a new application is needed (see Process Help, [Section 3.13.4 Break in Service at Renewal](#)).
- If FoodShare closes for lack of signature after a timely renewal and the signature is returned within the calendar month following the certification period, the agency shall reopen FoodShare and prorate benefits from the date the signature page is received. The new certification period will begin the month after the month the renewal was due.
- If FoodShare closes due to agency delay in completing a required interview or the food unit contacts the agency within the renewal month and is not available to complete the interview until after the renewal month, benefits shall be restored back to the first of the month to ensure ongoing benefits, as long as verification is returned by the due date.

<b>Example 4</b>	Holly completes a timely FoodShare renewal, including the interview, on July 9 but does not have verification of her wages from Marigold's. Verification of her earned income is requested. Holly fails to provide verification and her case closes effective July 31. On August 5, Holly provides verification of her wages. She regains eligibility as of August 5 and is issued prorated benefits from August 5 through August 31. Holly's FoodShare new certification period remains unchanged.
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### 2.2.1 Certification Periods (Renewals)

	If Holly had responded timely to the request for verification and submitted her verification in July, but the verifications were not processed until August, benefits would have been issued back to August 1 due to agency delay.
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<b>Example 5</b>	Tom's FoodShare renewal is due by June 30. He completes his required interview on June 27 and has verification due July 17. Tom provides the requested verification on July 15. Although Tom's case closed effective June 30 due to lack of completed renew/verification, his FoodShare case is reopened with a certification period beginning July 1 because he completed the interview in the renewal month and provided the requested verification by the due date. Benefits are not prorated, and he is not required to submit a new application.
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<b>Example 6</b>	Ruby calls her IM worker on August 21 to schedule an in-person FoodShare renewal due by August 31, but the only appointment available is not until September 4. Ruby completes her renewal on September 4 but does not have verification of her wages from Sunny's Craft House. Verification of earned income is requested with a verification due date of September 24. Ruby submits the necessary verification on September 20. Because Ruby submitted her verification timely (within 20 days) and because the agency was unable to complete the interview in August, Kim issues benefits to Ruby back to September 1. Had Ruby submitted the necessary verification after September 24, but before September 30, benefits would be prorated back to the date verification was submitted.
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<b>Example 7</b>	Tricia's FoodShare assistance group has a FoodShare certification period ending June 30. Tricia completed a telephone interview on June 17 and the case pends for a signature. The signature page is not returned and FoodShare close June 30. Tricia returns the signature page on July 14. FoodShare reopens without requiring a new FoodShare application. Benefits are prorated from July 14, with a new certification period from July 14 to June 30.
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### 2.2.1.6 Eligibility Reviews for Other Programs and Their Impact on the FoodShare Certification Period

*7 CFR 273.10(f)(4) Waiver approval*

Renewals completed for other assistance programs do not automatically count as a renewal for FoodShare and will not change the FoodShare certification period. A FoodShare certification period may be changed to align with that of another program only if the member has stated their consent to complete a FoodShare renewal in order to align its FoodShare certification period with the certification period of another program. Consent can be given in ACCESS when completing an ACCESS renewal or verbally when completing a telephone or paper renewal. A 36-month certification period will never align with another programs' certification period.

## 2.3.1 Break in Service

A break in service means that the FoodShare food unit has closed for at least one day. Failure to provide timely verification is a common cause for FoodShare closure.

The FoodShare food unit closes effective the last day of the month following adverse action if a requested action is not taken. To reinstate eligibility without a new application, the reason for closure must be fully resolved during the calendar month following the closure. The date the closure is fully resolved is the date used to re-establish eligibility and issue prorated benefits.

<b>Example 1</b>	Verification of income was due November 26. FoodShare closed for lack of verification on December 31. Verification is submitted on January 7. FoodShare benefits are prorated from January 7, the date all required verifications were received. A new application is not needed.
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If the reason for closure is not fully resolved the month following the month of closure, a new application must be completed.

<b>Example 2</b>	Verification of income was due November 26. FoodShare closed for lack of verification on December 31. Verification is submitted on February 7. A new application is required.
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Allow FoodShare to reopen at renewal if the requested action is completed in the month following the end of the current certification period, as long as the interview was completed before the end of the renewal month.

A required interview must be completed within the renewal month of the current certification period to be considered timely. If the food unit fails to complete a timely required interview, FoodShare will close effective the last day of the renewal month, and a notice of closure will be sent at adverse action of the renewal month. A new FoodShare application is required in the month following the renewal due month.

- If FoodShare closes for lack of verification or other reasons after a timely required renewal interview and the food unit takes the required action within the calendar month following the certification period, the agency shall reopen FoodShare and prorate benefits from the date the food unit took the required action. The certification period will begin with the month after the renewal was due.
- If FoodShare closes due to agency delay in scheduling the interview or the food unit is not available to complete the interview offered by the agency until the month following the renewal month, benefits shall be restored and a supplemental benefit will need to be issued back to the first of the month to ensure ongoing benefits, as long as verification is timely.
- If the food unit contains a member who is a migrant and received FoodShare in the previous calendar month, benefits will not be prorated from the day the food unit provides necessary information but will be restored back to the beginning of the month (see [SECTION 7.1.1.2 INITIAL ALLOTMENT FOR MIGRANT AND SEASONAL FARM WORKERS](#)). Benefits should not be issued as expedited when applying a break in service.

<b>Example 3</b>	Sam requests an appointment to renew his FoodShare benefits on September 25. His benefits end on September 30. The first available appointment is October 3. Sam completes the interview on October 3. The information related to the reason for the late certification, and other supporting information, is documented in the case comments. Benefits begin the first of the month.
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### 3.1.1 General Nonfinancial Eligibility

## 3.1.1 General Nonfinancial Eligibility

Non-financial eligibility for FoodShare is determined by gathering certain information about food unit members. Some of these non-financial factors impact FoodShare eligibility for an entire FoodShare assistance group. Other factors only impact FoodShare eligibility for an individual applicant.

## 3.2.1 Residence

7 CFR 273.3

Applicants for FoodShare benefits must live in or be temporarily absent from Wisconsin.

Guidelines for determining residency (see [SECTION 1.2.3.5 WISCONSIN RESIDENCY VERIFICATION](#)):

1. Residency is the act of living in the state or other geographical area. A residence is a home or physical dwelling (temporary or permanent) where an individual is living (homeless individuals may not have a place of residence).
2. Living in Wisconsin makes the individual a “resident.” A person who is in Wisconsin solely for vacation purposes is not a Wisconsin resident.
3. Do not require someone to live in Wisconsin for any minimum length of time.

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*Applicants already receiving other programs of assistance, such as BadgerCare, have already been*  
**Note** *determined to be living in Wisconsin. No further action is required to determine the applicant is living in Wisconsin.*

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### 3.2.1.1 Joint or Shared Physical Custody of Children

7 CFR 273.1(b)(1)(iii)

Children may only be included in one assistance group. Children are placed in the assistance group of the parent or caregiver that applied for benefits first.

If a child lives in a household without a caregiver or parent exercising parental authority, they may establish their own household for the purpose of applying for and receiving benefits.

Children may split their time in multiple different residences. There is no requirement for the amount of time children must reside with a caregiver or parent to be included in the assistance group.

<b>Example 1</b>	Steve applied for FoodShare for both him and his son, Mark. Steve reports that Mark lives with him three days per week and spends 4 days per week with Mark’s mother. Mark is included in Steve’s assistance group.
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<b>Example 2</b>	Betty’s parents have split custody. During the summer Betty alternates weeks, spending time with each parent. In June, Betty’s dad applies for FoodShare for himself and Betty. Betty is already receiving FoodShare on her mom’s case. Betty will continue to receive FoodShare on her mom’s case.
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**Note** *A person can be in more than one food unit but may only receive benefits in one FoodShare assistance group at a time. A person cannot be a member of more than one FoodShare assistance group in the same month (see [SECTION 3.3.1 FOOD UNIT/ASSISTANCE GROUP/RELATIONSHIPS](#) and [SECTION 3.4.1 DUAL MEMBERSHIP AND DUPLICATE BENEFITS](#)).*

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#### Primary Caregiver or Parent

In most cases, children are included in the assistance group of the person who filed first. If this is not satisfactory, the parents or guardians must mutually decide which assistance group includes the children. This mutual agreement must be documented in the case file.

### 3.2.1 Residence

If there is a dispute regarding assistance group placement, then a primary caregiver or parent is determined by the IM worker. The children are then included within the primary caregiver or parent’s assistance group.

A court order establishing a primary caregiver or parent should be followed. A court order may reference the person exercising parental control, the person with primary placement, or similar language.

When determining who the primary caregiver or parent is, compare activities and responsibilities against the list below. Eligibility workers are not required to address each question. They can be used to determine which parent or caregiver is exercising more parental control. This can be helpful in determining the primary caregiver or parent and FoodShare assistance group for the children.

1. Which household provides the children with more than 50% of their meals?
2. Who assists the child with homework and school-related tasks?
3. Who pays for tuition costs for their education?
4. If the child is enrolled in day care, who arranges for and pays these costs?
5. Who is responsible for the child’s transportation needs?
6. Which parent is listed as the primary contact for emergencies at the child's school or day care provider?
7. Who primarily handles the child’s medical and dental care?
8. Who arranges for entertainment or other activities for the child?
9. Are more of the child's belongings (for example, toys, clothing) kept at one parent's home than the other parent's home?

<b>Example 3</b>	<p>Mary and Aaron have shared custody of their child, Ryan. Aaron applied for and started receiving FoodShare benefits for himself and for Ryan. Three months later, Mary applies for FoodShare benefits for herself and Ryan. Mary confirms that both she and Aaron share custody of Ryan. However, Mary disagrees with Ryan being excluded from her FoodShare assistance group and included in Aaron’s FoodShare assistance group. Aaron and Mary cannot agree on a mutual arrangement.</p> <p>The worker must make a primary caregiver or parent determination. The worker reviews the details of the case and asks more questions of Aaron and Mary. This includes information about where Ryan goes to school and other responsibilities.</p> <p>Ryan spends days with Aaron and nights with Mary. However, Mary maintains a home for Ryan, he attends school in Mary's district, and Mary provides for most of Ryan’s needs.</p> <p>The worker determines that Mary is the primary caregiver or parent of Ryan. Ryan will receive FoodShare benefits as a part of Mary’s assistance group and leave Aaron’s assistance group.</p>
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#### Nesting

“Nesting” or “bird's nest” custody is a joint custody arrangement where the children remain in the family home and the parents or caregivers take turns moving in and out of the family home. In other words, the parents are “visiting” the children instead of the children visiting the parents. The parents share financial responsibility for the home and the children. As long as the nesting agreement is in place and being followed, both parents and children will remain as one food unit and assistance group.

### 3.2.1 Residence

<b>Example 4</b>	Trudy and John have a nesting agreement in place. Trudy is staying the family home with the children Monday, Tuesday, and every other Wednesday, Saturday, and Sunday. John is staying in the family home with the children Thursday, Friday, and every other Wednesday, Saturday, and Sunday. The household bills such as mortgage, utilities, and child care expenses are shared between Trudy and John. As long as this agreement is in place and being followed, Trudy, John, and their children are all considered one food unit and assistance group.
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#### 3.2.1.2 Temporary Absence

A FoodShare member is temporarily absent when they are out of the home for an extended period, with the intent of returning home. Multiple FoodShare members or an entire FoodShare household could be temporarily absent. There is no limit to the amount of time a member can be temporarily absent.

A member or household can stay in Wisconsin, out of state, or out of the country during their temporary absence. A member may be temporarily absent for various reasons. Examples of a temporary absence include, but are not limited to, illness or hospitalization, employment, caring for someone outside of one's home, child visitation schedules, and extended vacations.

To be considered temporarily absent, a person must have already been part of the food unit and receiving benefits before reporting the absence. A member or household's temporary absence status must be re-evaluated at renewal.

<b>Example 5</b>	Daniel applies for FoodShare on behalf of his roommate Grace and himself. Daniel says that Grace is currently receiving in-patient substance abuse treatment outside of Wisconsin and will return to the household sometime in the next few months. Grace is not considered temporarily absent since she was not a part of the household at the time of the application. She is not included in the assistance group. When Grace returns from treatment, she may be included in the assistance group if she passes all the non-financial and financial eligibility requirements.
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**Note** *Do not require verification of Wisconsin residency for individuals or households claiming to be temporarily absent.*

A person is no longer considered temporarily absent, and ineligible for FoodShare in Wisconsin, when any of the following occur:

- The household notifies the IM agency that the temporarily absent person(s) is no longer a Wisconsin resident.
- Another state determines a person is a resident for SNAP eligibility.
- The household notifies the IM agency that the temporarily absent person(s) do not intend to return to the home, even if they will continue residing in Wisconsin.

#### Additional Considerations

- **Residential Drug and Alcohol Treatment Programs:** When a member participates in a residential drug and alcohol treatment, the member is considered temporarily absent for the duration of their treatment (see [SECTION 3.2.1.8 DRUG AND ALCOHOL TREATMENT CENTERS](#)).
- **Homelessness:** Temporary absence policy does not apply to homeless persons and homeless households. Residency for homeless persons and homeless households remains not questionable if they claim they are a Wisconsin resident, and another state does not consider them a resident.
- **Attending School:** Persons absent due to attending school, and living on campus or in an apartment separate from the food unit, are no longer included in the food unit and need to

### 3.2.1 Residence

apply for their own benefits. If the individual is attending school in another state, they need to apply for benefits in that state.

- **Institution:** Persons that have resided in an institution for more than 30 days are not temporarily absent; they no longer reside in the home. Additionally, if a medical institution attests that the person will likely stay more than 30 days, they too are not temporarily absent; they no longer reside in the home.
- **Hospitalized Newborn:** Newborns are added to the food unit at birth and will remain part of the food unit during any extended periods of hospitalization.
- **Nesting Agreement:** Parents temporarily absent due to a nesting agreement are included in the food unit (see [SECTION 3.2.1.1 JOINT OR SHARED PHYSICAL CUSTODY OF CHILDREN](#)).

<b>Example 6</b>	John receives FoodShare but had to go to Georgia to take care of a sick relative. John will be returning to Wisconsin after alternative care has been arranged. John is temporarily absent and remains eligible for FoodShare.
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#### 3.2.1.2.1 Military Absence

Someone absent solely for full-time service in the military is not considered temporarily absent but is part of the food unit. However, this individual would not be part of the assistance group. Income from this individual may be included in the FoodShare assistance group if it is available to the other food unit members.

If military income is direct deposited into an account jointly owned by the person in the military and a member of the FoodShare assistance group, it will be counted as unearned income, with the exception of combat pay. Military allotments paid to a spouse or dependent of the person in the military are budgeted as unearned income as long as the spouse or dependent is a member of the FoodShare assistance group. This includes cash sent directly from the person in the military to a FoodShare assistance group member.

See [SECTION 4.3.4.3 DISREGARDED UNEARNED INCOME](#) for the treatment of combat pay.

#### 3.2.1.2.2 Incarceration and Huber Law Prisoners

An individual who is incarcerated for more than 30 days is ineligible for FoodShare unless they meet all the Huber criteria listed below.

Some inmates may be allowed to leave jail for various reasons under the Huber Law, also known as the Huber Program. Huber Law prisoners who are released from jail to attend to the needs of their families can become or remain eligible for FoodShare if both the following are true:

1. They intend to return to the home.
2. They continue to be involved in the planning for the support and care of their minor children.

Huber Law prisoners who are released for a purpose other than attending to the needs of their families are not eligible for FoodShare.

A Huber law prisoner released under a bracelet monitoring program who continues to live in the home is eligible for FoodShare.

The temporary absence policy (see [SECTION 3.2.1.2 TEMPORARY ABSENCE](#)) does not apply for Huber and those monitored under the bracelet program.

### 3.2.1 Residence

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**Note** *Under simplified reporting rules, a change in household composition is not required to be reported until SMRF or renewal.*

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<b>Example 6</b>	A mother with three school age children has been sentenced to serve 90 days in a Huber facility. She is released at 8 a.m. to her place of employment and must report directly back to the Huber facility by 4:30 p.m. This mother is absent from the household and is not eligible for FoodShare benefits.
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<b>Example 7</b>	A father applies for FoodShare for himself and his two school age children. He is sentenced to serve 90 days in a Huber facility. Under the terms of his sentence, he is released each morning at 6 a.m. to report to his job; at 3 p.m. he is to leave his job and report to his home to care for his children, including fixing and eating dinner with them. He must report back to the Huber facility by 8 p.m. This father is temporarily absent from the FoodShare household and is eligible for FoodShare benefits.
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<b>Example 8</b>	A father is on a bracelet monitoring program under the Huber program, living with his wife and child at home and working full time. Some of his wages are intercepted by the county jail to offset incarceration and monitoring costs. Treat this case as a FoodShare assistance group of three and budget the gross amount of his wages.
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### 3.2.1.3 Homelessness

7 CFR 271.2

A homeless individual is someone who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

1. A supervised shelter designed to provide temporary accommodations (for example, a welfare hotel, congregate shelter, or transitional housing),
2. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized,
3. A temporary accommodation for not more than 90 days in the residence of another individual, or
4. A place not designed for or ordinarily used as a regular sleeping accommodation for human beings (for example, a hallway, bus station, a lobby, or similar places).

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**Note** *A homeless youth is someone, other than a foster child who is under 18 years of age, who is temporarily seeking accommodation in the residence of another individual other than their parent. A homeless youth under "parental control" must apply as part of the same food unit as the adult. A homeless youth under parental control is defined as someone who is financially or otherwise dependent on a member of the household, unless state law defines such a person as an adult.*

*While some homeless youth may fall under the parental control of a non-parent household member, other homeless youth may not. Anyone who, under FoodShare policy, is considered an individual living alone, should be afforded the opportunity to apply as a one-person household.*

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<b>Example 9</b>	Jack is a 16-year-old homeless youth who is working part-time and is not financially dependent on the adult with whom he is temporarily residing with. In this case, Jack can apply for FoodShare as a one-person household.
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### 3.2.1 Residence

#### 3.2.1.3.1 Shelters for the Homeless

Determine eligibility for a homeless shelter resident as if they are living independently (not residing in an institution or facility). Homeless shelters include transitional and temporary housing. An individual residing at a shelter for the homeless is homeless.

#### 3.2.1.3.2 Transitional Housing

Transitional housing helps homeless people move to independent living in a reasonable amount of time. It includes housing designed to serve deinstitutionalized homeless individuals, homeless people with mental disabilities, and homeless families with children.

#### 3.2.1.3.3 Temporary Housing

Temporary housing includes housing commonly known as a "rooming house."

The homeless person may use FoodShare benefits to purchase prepared meals from authorized shelters, some restaurants, and grocery stores.

A shelter authorized to accept FoodShare benefits may not also be the person's authorized representative.

#### 3.2.1.4 Institution

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7 CFR 273.1(b)(7)

An institution is any establishment that provides care and/or services above and beyond meals and lodging.

A resident of an institution is anyone who receives the majority of their meals as part of the institution's normal operations (greater than 50% of three meals daily).

Residents of institutions are ineligible for FoodShare.

Some facilities appear to be institutions but are not. Persons living in the following licensed or authorized facilities may be eligible for FoodShare:

1. Shelters for the homeless,
2. Group living arrangements,
3. Drug and alcohol addiction treatment centers,
4. Shelters for victims of domestic violence,
5. Section 202, 221(d)(3), and 236 housing, and all residents of any federally-subsidized housing for the elderly.

#### 3.2.1.5 Residential Care Apartment Complexes (RCAC)

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7 CFR 273.11(f)

A Residential Care Apartment Complex (RCAC) is a place where five or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove or microwave, an individual bathroom, sleeping, and living areas.

Residents of RCAC facilities that offer optional meal services, separately from the cost of care, can be treated as single apartment dwelling residents and be non-financially eligible for FoodShare.

### 3.2.1 Residence

Residents of these facilities that do not have meal services separate from the cost of care may be eligible if the resident is not considered a resident of an institution. A resident of an institution is anyone who receives the majority of their meals as part of the institution's normal operations, more than 50% of their daily meals. Residents would be eligible for FoodShare if they choose a meal plan provided by the facility that provides less than 50% of their daily meals.

Every tenant has a signed "Service Agreement" with the RCAC provider, which lists the services the tenant is to receive from the facility (including meals) and the fees charged for those services. Charges for meals should be separately identified in this agreement. Both the resident and the facility are provided copies of the service agreement (contract). However, most RCAC's do not have a separate lease for individual tenants.

The name and address of the facility on the service agreement can also be used to verify that the residence is an RCAC by checking against [DHS's Residential Care Apartment Complex Directory](#).

The meal situation must be provided for each RCAC resident who requests FoodShare. Verification must be requested if the meal situation is unclear, or the member's statement is questionable. Failure to provide verification when questionable will result in FoodShare closure or denial.

<b>Example 10</b>	Maria lives in an RCAC. Her service agreement shows she has no meals included in her cost of care, but she does have the option to select from various meal plans. She has opted to prepare all of her meals herself and not purchase any meal plan from the RCAC. She would be non-financially eligible for FoodShare.
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<b>Example 11</b>	John also lives in the same RCAC. He has opted to purchase one of the dinner meal plans from the RCAC. Because the meal plan is purchased separately from his cost of care and the plan provides less than 50% of his daily meals, he would also be non-financially eligible for FoodShare.
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<b>Example 12</b>	Francis lives in an RCAC that does not offer the option to buy meal plans separately from the cost of care. Her meals are included in the monthly cost of care. She does not meet the non-financial eligibility criteria for FoodShare.
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### 3.2.1.6 Group Living Arrangement

7 CFR 273.11(f)

A group living arrangement is a public or private nonprofit residential setting serving no more than 16 residents. It must be certified by the appropriate state or local agencies.

Any resident of a group living arrangement who is elderly, blind, or disabled may be eligible for FoodShare.

The resident may purchase meals from the group living arrangement when the Food and Nutrition Service (FNS) authorizes the facility to accept and redeem FoodShare (see [SECTION 3.22.1 DESIGNATED REPRESENTATIVES](#)).

Determine the resident's eligibility as a one-person food unit (see [SECTION 3.3.1 FOOD UNIT/FOODSHARE ASSISTANCE GROUP/RELATIONSHIPS](#)) when the facility applies as an authorized representative. If the resident applies on their own behalf, determine the group size according to food unit rules.

### 3.2.1 Residence

Residents of a group living arrangement who move out before the 16th of the month should have half of their FoodShare allotment for the month returned by the authorized representative.

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**Note** *A group living arrangement or facility authorized representative must not be listed as an authorized buyer for anyone living in the facility.*

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#### 3.2.1.7 Adult Family Home (AFH)

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An Adult Family Home (AFH) is a type of group living arrangement where care and maintenance above the level of room and board, but not including nursing care, are provided in a private residence by the care provider whose primary domicile is this residence. The residence may have three or four adults, or more adults if all of the adults are siblings, each of whom has a developmental disability. A residence that meets these criteria can be considered an AFH regardless of whether it is licensed to be an AFH.

The individual in an AFH who is receiving foster care or paying board may be in their own FoodShare assistance group. This is true regardless of whether the care provider prepares the individual's meals as part of the care that is received in the AFH.

The individual providing care for an individual(s) in an AFH can choose to include an individual(s) in their group or they can be separate. However, the care provider would be required to include their spouse and/or any children under the age of 22 in their group.

#### 3.2.1.8 Drug and Alcohol Treatment Centers

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7 CFR 271.2

7 CFR 273.11(e) and (f)(6)

DHS 75.03 General requirements

Residential alcohol and drug treatment facilities are defined as: private facilities, nonprofit organizations or institutions, community-based residential facilities, hospitals, or publicly operated community mental health facilities. These facilities are not institutions.

The Department of Health Services (DHS) certifies these facilities according to DHS 75.03 General requirements. State certification of these facilities should not be confused with state licensing of drug and alcohol treatment facilities. Such licensing is not required for FoodShare eligibility.

For an individual of a residential treatment facility to be certified to receive and use their FoodShare benefits to purchase meals, the facility must either be:

1. Tax exempt and certified by the State as either receiving, or eligible to receive, or operating to further the purposes of Part B of Title XIX (Medicaid). This may include faith-based treatment, facilities.
2. Authorized as a retailer by FNS.

Title XIX [list of facilities for substance abuse and for mental health](#).

An individual residing in a treatment facility may **voluntarily** apply for FoodShare. If an individual will be using FoodShare to purchase meals, the facility or an employee of the facility must be designated as an authorized representative with the Appoint, Change, or Remove an Authorized Representative form ([F-](#)

### 3.2.1 Residence

[10126B](#), Organization). The authorized representative must apply on the individual's behalf (see [SECTION 3.22.1 DESIGNATED REPRESENTATIVES](#)).

If the individual is the primary person on an existing case, the facility or employee will need to be added as an authorized representative. All other household members will need to re-apply on their own to continue to receive benefits. Individuals residing in the facility must receive or have access to their notices, access to their case information and be allowed to file a fair hearing.

The resident is the QUEST cardholder and the primary person on the case. The QUEST cardholder or the authorized representative, if granted permission by the resident, may purchase meals prepared and served by the facility, food purchased from another authorized retailer, or both.

**Reminder:** The authorized representative cannot also be the authorized buyer.

Determine the eligibility of an individual residing in a treatment facility as a one-person FoodShare food unit, unless the resident is a parent whose child(ren) resides with them at the facility. Include any child(ren) residing with their parent(s) at the facility, whether or not the facility provides the majority of the child(ren)'s meals, when determining eligibility.

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**Note** *Faith-based treatment and rehabilitation facilities are not required (by law or FNS regulation) to allow residents to opt-out of religious programming or activities in order to participate in the FoodShare program.*

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When a household is discharged from the treatment facility, the facility must perform the following:

1. Notify the agency. If possible, the facility must also provide the member with a change report form to report the member's new address and other circumstances after leaving the facility. The facility must advise the member to return the form to the agency within 10 days. Members can also report changes through ACCESS or by phone.

After the member leaves the treatment facility, the facility can no longer act as the member's authorized representative for certification purposes or for obtaining or using benefits and must be removed from the member's case.

2. Return the member's QUEST card if it was in the possession of the treatment facility.

If a member from an existing FoodShare case is residing in a drug or alcohol treatment facility and is not using FoodShare benefits to purchase food and meals, the member is considered temporarily absent from the home. In this case, the member does not need to appoint an authorized representative.

Outpatient treatment centers offering communal meals must meet both of the following criteria to be eligible to accept FoodShare benefits:

1. The facility is an authorized SNAP retailer.
2. The facility is tax-exempt and certified by the State as either receiving, eligible to receive, or operating to further the purposes of Part B of Title XIX (Medicaid). This may include faith-based treatment facilities. If the facility is no longer certified under Part B of Title XIX, approval to participate in and redeem FoodShare benefits would be automatically withdrawn.

### 3.2.1.9 Shelters for Victims of Domestic Violence

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7 CFR 273.11(g)

### 3.2.1 Residence

A shelter for victims of domestic violence is a public or private nonprofit residential facility serving this population.

Shelters for victims of domestic violence may act as the authorized representative for FoodShare applicants and members. Document the basis that the facility is eligible to participate. Any shelter for victims of domestic violence authorized by FNS to redeem FoodShare benefits at wholesale stores is eligible.

A shelter resident may be a member of an eligible FoodShare assistance group before entering the shelter. Although in most cases an individual may not be a member of two FoodShare assistance groups in the same month, a resident of a shelter for victims of domestic violence may be eligible for dual benefits as a separate FoodShare assistance group while living at the shelter. This occurs when the earlier food unit contains the person who allegedly abused the resident.

They are food units separate from:

1. Other residents of the shelter and
2. Any food unit to which they belonged at the time they entered the shelter if that food unit contains the person who allegedly abused them.

Residents of shelters for victims of domestic violence should have financial eligibility determined solely on the basis of the income and expenses of the individuals in the food unit now residing in the shelter, and they may count shelter room payments as shelter expenses.

Review the former FoodShare assistance group's eligibility and allotment. Re-test the former group and include the change in FoodShare assistance group composition.

#### 3.2.1.10 Section 202 and 236 Housing

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Exempt residents of any federally subsidized housing for the elderly and disabled from the "residents of institutions" policy.

HUD funds some housing units primarily for the aged and disabled. This housing is called Section 202, Section 221(d)(3), and Section 236 housing. These housing units provide meals if the resident cannot get them without help.

Residents of 202/236 housing may still be eligible for FoodShare benefits. If you are unsure if a residence is an institution or 202/236 housing, contact the Wisconsin Housing and Economic Development Authority at 608-266-7884 to verify.

## 3.3.1 Food Unit/FoodShare Assistance Group/Relationships

7 CFR 273.1

### 3.3.1.1 HUG (Households, Units, Groups)

To determine who is non-financially eligible for FoodShare, you must start with all household members.

#### H - Household

Household consists of all persons living in, or temporarily absent from, the same residence. It is important to enter all household members into CWW to ensure that the correct eligibility determination is made in CARES.

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**Note** *Federal regulation cited in this handbook section, 7 CFR 273.1(a), and other portions of federal law also use the term "household." Federal law and the Wisconsin FoodShare handbook do not apply the same definition to this term. The federal use of "household" is more comparable to the Wisconsin FoodShare term "food unit."*

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#### U - Food Unit

Food Unit refers to one or more persons who live in the same household and purchase and prepare food together for home consumption, or individuals who must be included in the same food unit because of relationship rules (see [SECTION 3.3.1.3 RELATIONSHIP RULES](#)). This group is tested for eligibility together. There are some exceptions for boarders, foster persons, and certain elderly and disabled individuals.

Examples of a food unit include:

- A person living alone.
- A group of unrelated persons living together who purchase and prepare more than 50% of their weekly meals together for home consumption.
- An individual younger than 22 years of age living with their parents, regardless of whether they purchase and prepare food for home consumption separately from their parents. If the individual younger than 22 years of age is married and living with a parent, they may be their own separate food unit from their parent(s) if they are not purchasing and preparing together.

<b>Example 1</b>	Jo and Sam are partners. Jo and Sam are responsible for their own cost of food, preparation, and consumption of their meals. Every Friday and Sunday, Jo and Sam prepare and share in a family supper. Jo and Sam are separate food units because they are responsible for their own purchasing, preparing, and eating of their meals. Sharing two meals per week together is not more than 50% of their weekly meals.
------------------	--

<b>Example 2</b>	Jane, age 22, and her sister Lillie, age 21, live together. They go shopping together and typically make their supper meals around the same time. However, Jane and Lillie buy their own food and eat their own separate meals. Jane and Lillie are separate food units because they buy their own food, prepare their own meals, and eat their own meals separately.
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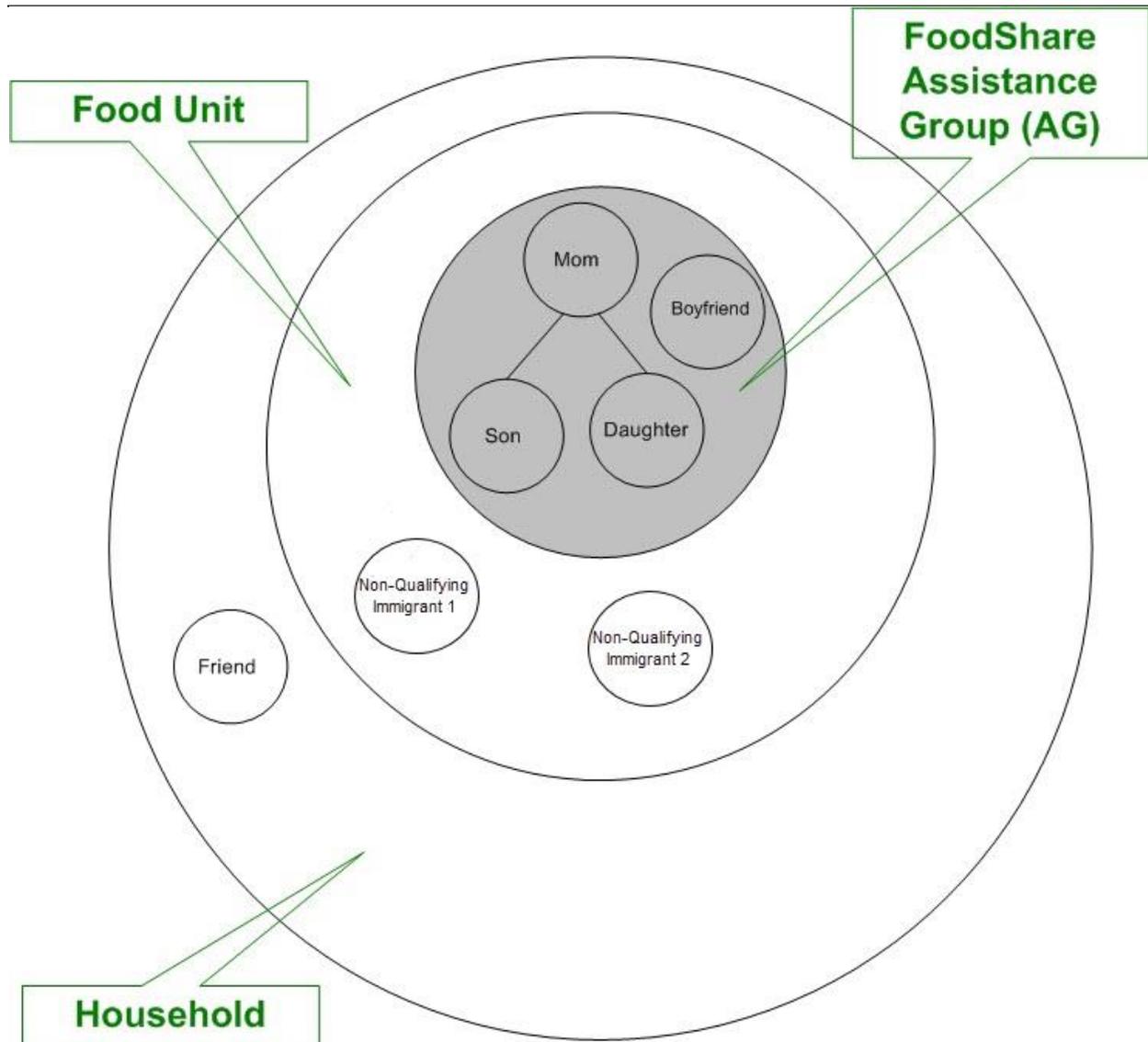
### 3.3.1 Food Unit/FoodShare Assistance Group/Relationships

<b>Example 3</b>	Jack and Jill are partners. They buy, prepare, and eat all their meals together except for lunch during the week (five meals). Jack and Jill are in the same food unit because they purchase, prepare, and consume more than 50% of their meals together.
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#### G - FoodShare Assistance Group

The FoodShare assistance group is formed by persons in the same food unit who pass all the individual non-financial criteria. The FoodShare assistance group are the people who are found eligible for the benefit.

**Note** A food unit member or a designated representative can buy food for the assistance group. Food purchased with FoodShare benefits is intended to feed the assistance group member(s).



#### 3.3.1.2 Relationship Definitions

**Adult:** A person who is 18 years old or older.

### 3.3.1 Food Unit/FoodShare Assistance Group/Relationships

**Child:** A person's biological, step, or adopted son or daughter, regardless of age. If a child is adopted, the adoption severs the biological tie to the parent.

**Minor:** Someone younger than 18 years old who is under the parental control of an adult food unit member.

**Parent:** A person's biological, step, or adoptive mother or father, regardless of the person's age. Parenthood does not have to be verified. If a child is adopted, the adoption severs the biological tie to the parent.

**Parental Control:** An adult providing parental control acts as a parent would toward the minor child. A minor child is considered under parental control if the child is financially or otherwise dependent on a member of the household. Foster care providers do not meet the parental control definition.

**Sibling:** A brother, sister, half-brother, half-sister, stepbrother, stepsister, or other sibling related through adoption.

**Spouse:** A person recognized by Wisconsin law as another person's legal husband, wife, or same sex partner through marriage. Wisconsin does not recognize common law marriage.

**Stepparent:** The spouse of a person who is the parent of a child. A stepparent who is divorced from a parent is no longer considered a stepparent.

#### 3.3.1.3 Relationship Rules

7 CFR 273.1(b)(1)

The following individuals must be included in the same food unit if they live together, even if they do not purchase and prepare meals together:

1. Spouses
2. Biological (unless no longer a parent because of adoption), adoptive, or stepparents and their children under the age of 22
3. Adults and minor children under the age of 18 years over whom they are exercising parental control

<b>Example 1</b>	Tim and Jane are unmarried and live together. They claim separate food unit status. Jane comes into the office and reports she had a baby. If Tim is the father, he is in the food unit with Jane and the baby. If Tim is not the father, determine if he is caring for and participating in parental decisions that affect the baby. If yes, include Tim in Jane's and the baby's food unit since he is providing parental control. If no, Tim is a separate food unit.
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<b>Example 2</b>	Sue divorced Bob, but they continue to live together. Since they state that they do not purchase and prepare meals together, they are allowed to be separate food units. If Sue and Bob had children in common who were under age 22 and living in the home with them, relationship rules would require that they be in the same food unit, even if they were no longer married and claimed to purchase and prepare separately.
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If a member over the age of 18 lives with another adult that is not a biological, adoptive, or stepparent, do not include them in the same food unit unless they are purchasing and preparing food together. Do

### 3.3.1 Food Unit/FoodShare Assistance Group/Relationships

not include former foster care youth in a food unit with an adult (non-biological parent) they are not purchasing and preparing food with.

Under certain specific circumstances, individuals and their spouses who are elderly and disabled may be a separate food unit, even if they are living and eating with others. See [SECTION 5.2.1 FS-E](#) for rules related to FoodShare-E eligibility.

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*The provision that allows EBD household members who cannot purchase and prepare their meals separately **Note** does not take precedence over the basic household composition provision which requires children under 22 years of age who reside with their EBD parent to be included in the same food unit.*

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<b>Example 3</b>	Stella, who is over 60 years old and disabled, allows her 19-year-old daughter Gracie to move in with her. Although Stella and Gracie claim to purchase and prepare separately, they must be included in the same food unit because elderly persons may not be separated from their children who are under 22 years of age.
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#### 3.3.1.4 Relationship Rules Exception

A minor, living with their own spouse or child and with an adult who is not their parent, is not considered under the control of the adult and can be a separate food unit if they purchase and prepare food separately.

<b>Example 4</b>	A 17-year-old is living with an aunt. The 17-year-old has a one-year-old son. If the 17-year-old and her son purchase and prepare food separately from the aunt, they can be their own food unit.
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## 3.4.1 Dual Membership and Duplicate Benefits

7 CFR 273.3(a)

FNS Memo 12/18/14

A person can be in more than one food unit but may only receive benefits in one assistance group at a time, except for residents of a shelter for victims of domestic violence if specific criteria are met (see [SECTION 3.2.1.5.4 SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE](#)).

Persons moving to Wisconsin from another state are not eligible to receive duplicate FoodShare benefits. States typically issue benefits on either a calendar- or fiscal month-cycle. A fiscal month cycle provides benefits from a date in one month to a corresponding date in the next month. Some states, such as California (Fresno), Massachusetts, Nevada, and South Dakota, issue on a fiscal month cycle. Illinois issues benefits by calendar month (first day through the last day of the month) and by fiscal month (16th through 15th). Wisconsin issues on a calendar month cycle.

IM workers should contact the other state to verify the SNAP (FoodShare in Wisconsin) benefit end date. If there is an indication that an adult food unit applicant or member received SNAP benefits in another state, the IM agency must also verify the number of countable months or time limited benefits (TLBs) the individual received in the other state prior to certification (see [SECTION 3.17.1.9 COUNTABLE MONTHS FROM ANOTHER STATE](#)).

Duplicate participation checks at application and renewal must not delay processing of the application or renewal beyond regular timeliness processing standards.

<b>Example 1</b>	In early October, a SNAP assistance group moves to Wisconsin from Illinois. Prior to the move, Illinois issued the group's SNAP benefits on a fiscal month cycle. It was an allotment for September 16 through October 15. The assistance group applies in Wisconsin on October 10. The last day the group is considered an Illinois SNAP group is October 15. If determined eligible, the first day the group would receive Wisconsin FoodShare would be October 16.
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When a person from Puerto Rico establishes Wisconsin residence and applies for FoodShare, treat their Nutrition Assistance Program (NAP) as follows:

- The NAP benefit is not income, and
- FoodShare can be issued in Wisconsin even if NAP was issued during the same month as the FoodShare application. NAP benefits cannot be used in the United States, so there is no duplication of benefits if FoodShare is issued for the same month as NAP.

## 3.5.1 Boarders

7 CFR 273.1(b)(3)

### 3.5.1.1 Boarders Introduction

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A boarder is anyone who resides with a household and:

1. Pays reasonable compensation to the household for lodging and meals, and
2. Is in the food unit from which they purchase their meals, and
3. The food unit's primary person asks that the boarder be included.

A boarder food unit includes all the persons in a household who are included in the same payment for meals. This applies whether each person actually makes part of the payment, or one or more persons make the payment on their behalf. Include spouses and minor children of a boarder in the same boarder food unit, even if they claim they are making separate payments. Boarders are not eligible to participate as their own food unit.

Children and parents living together are not boarders if the child or parent is paying board to the other.

A spouse who lives with a spouse and pays board to their spouse is not a boarder.

A sibling who lives with a sibling and pays board to that sibling is not a boarder.

### 3.5.1.2 Reasonable Compensation

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Reasonable compensation means the person pays enough money for meals to qualify as a boarder.

Compute reasonable compensation based on the number of meals a day the person pays for. A boarder food unit who pays for more than two meals a day pays reasonable compensation when they pay an amount that equals or exceeds the allotment maximum (see [SECTION 8.1.2 ALLOTMENT FOR MONTHLY NET INCOME AND FOODSHARE GROUP SIZE](#)). The allotment maximum is based on the size of the boarder group.

A boarder food unit who pays for two meals or less a day pays reasonable compensation when they pay an amount that equals or exceeds two thirds of the allotment maximum for the size of the boarder group.

Persons paying less than reasonable compensation are not boarders. Count income and assets of people who are paying less than reasonable compensation. Do not count a boarder's income and assets unless they are a food unit member.

## 3.6.1 Out of Home Placements

### 3.6.1.1 Foster Care

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#### 3.6.1.1.1 Foster Care Recipients Introduction

7 CFR 273.1(b)(4)

A foster person is a child who has been placed in the home of a relative or other person by a federal, state, or local government foster care program. A foster care provider is the person providing foster care for a foster child. Include a foster care child in the food unit only when the primary person or foster care provider asks that the foster care child be included. The foster care child may belong only to the food unit they receive the foster care and meals from.

A foster care child cannot participate in FoodShare independently of the foster care.

A change in placement, such as a trial reunification, comes at the order of a court. Once a reunification or new placement has been made, the foster child would no longer be a part of the original foster care provider's food unit and the exiting foster child's eligibility should be redetermined based on their new circumstances.

<b>Example 1</b>	Martino is a foster care provider and has court ordered placement of Carlos. Martino applied for FoodShare. Martino can choose to include or exclude from Carlos the FoodShare assistance group. However, since Martino is the foster care provider, Carlos cannot receive FoodShare as his own FoodShare assistance group or as a part of any other FoodShare assistance groups.
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<b>Example 2</b>	Sheila, Carlos' parent, contacts the agency and provides documentation that Carlos has been placed back in the home under a trial reunification. Carlos must now be included in Sheila's FoodShare assistance group since an order of the court placed Carlos back with a parent.
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#### 3.6.1.1.2 Foster Care Payment

Money paid for the care of a foster care child is income of the child, not the foster care provider.

Count the foster care child's income only if the foster care child is in the food unit.

A subsidized guardianship payment is equivalent to a foster care payment and is to be counted the same.

### 3.6.1.2 Kinship Care

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Kinship care is an out of home placement program for children. Kinship care and foster care are separate and distinct programs. Kinship care placements are always with an adult that has a relationship with the child and their family, such relatives and close family friends. Kinship providers cannot exclude the kinship care child from their FoodShare assistance group. Additionally, there are two types of kinship care placements: court ordered and voluntary.

#### 3.6.1.2.1 Court-ordered Kinship Care

Court ordered kinship care is where a court has mandated placement of the child(ren) into a kinship provider's home. In this circumstance, the placed child(ren) **must** be included in the kinship provider's FoodShare assistance group. When the child(ren) reunify with their parent(s) or a new court-order

### 3.6.1 Out Of Home Placements

places them elsewhere, agencies must redetermine the kinship provider's FoodShare based upon the new circumstances. This is true for trial reunifications, permanent reunifications, and new placements.

<b>Example 3</b>	Ariel applies for FoodShare and reports and provides a court order proving that she has court ordered kinship care placement of her niece and nephew, Brittany and Cameron. The worker processes the application and sees that both children are currently receiving FoodShare on their mother, Diana's, case. Brittany and Cameron will be added to Ariel's assistance group and removed from Diana's, regardless if Ariel's application is approved or denied.
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#### 3.6.1.2.2 Voluntary Kinship Care

Voluntary Kinship Care is not court ordered, and the child(ren) may be moving back and forth between two or more households. When it is unclear which household has primary placement, agencies must apply the Joint or Shared Physical Custody of Children policy to determine which FoodShare assistance group to include the child(ren) in (see [SECTION 3.2.1.1 JOINT OR SHARED PHYSICAL CUSTODY OF CHILDREN](#)).

<b>Example 4</b>	Georgia applies for FoodShare and reports that her child, Frank, lives in the household part-time. During the FoodShare interview, Georgia explains that Frank stays with her on the weekends, or two days a week, and that there is a voluntary kinship care placement for Frank with his grandparent, Ezekiel. Ezekiel has an open FoodShare case with Frank included in the assistance group. Frank remains on Ezekiel's FoodShare case and is not added to Georgia's FoodShare assistance group.
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#### 3.6.1.2.3 Kinship Care Payment

A kinship care provider is a relative who is providing care for the child(ren) in the kinship placement. Money paid for the care of a child or children in a kinship care placement is income of the child(ren), not the provider.

### 3.7.1 Adoption Assistance

## 3.7.1 Adoption Assistance

The child included in the adoption assistance payment must always be included in the food unit.

## 3.8.1 Elderly, Blind, or Disabled (EBD) Individuals

### 3.8.1.1 EBD Introduction

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7 CFR 271.2

For FoodShare, an elderly, blind or disabled person meets one or more of the following criteria:

- Is age 60 years or older.
- Receives disability or blindness benefits from any of these programs: Social Security Administration (SSA), Elderly, Blind or Disabled Medicaid (EBD MA), Social Security Income (SSI) or SSI-related MA, Railroad Retirement Board (RRB). A person certified for SSI-related MA is disabled until they or the Disability Determination Bureau (DDB) report they are no longer disabled.
- Receives a Veteran's Assistance (VA) payment and meets one of the criteria listed in [SECTION 3.8.1.2 DISABLED VETERANS](#).
- Receives a disability retirement benefit from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (Social Security Act requirements of disabled).
  - This includes the disability payment paid out from governmental employee trust fund (ETF) accounts, such as, Wisconsin ETF Disability Payments. However, it does not include income continuation payments which may be paid by the same ETF accounts. This level of disability is usually short term and not permanent.

If a person is certified as disabled or blind by one of the above agencies, but has not received the initial benefit, consider them disabled.

A person receiving retirement benefits from the RRB and found eligible for Medicare by the RRB is disabled. A person who receives general assistance and meets the SSI program disability criteria is also disabled.

Under certain specific circumstances a person and their spouse who are both elderly and/or disabled may be a separate food unit even if they are living and eating with others (see [SECTION 5.2.1 FS-E](#) for rules related to FoodShare-E eligibility).

### 3.8.1.2 Disabled Veterans

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The definition of a disabled veteran is:

1. A veteran with a disability rated by the VA as total or paid as total by the VA, or
2. A veteran or surviving spouse of a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound, or
3. A surviving child of a veteran and considered by the VA to be permanently incapable of self-support, or
4. A surviving spouse or a surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death and has a disability considered permanent by SSA.

## 3.9.1 Attendant/Housekeeper

7 CFR 273.1(b)(6)

A live-in attendant/housekeeper may participate as a separate food unit from other household members if the live-in attendant/housekeeper meets both of the following conditions:

1. Live-in attendant/housekeeper lives in the home of the person for whom the live-in attendant/housekeeper provides care or similar services, and
2. Live-in attendant/housekeeper is not:
  - a. the parent, of a child under age 22 years,
  - b. a spouse of the person for whom they provide care or any other member of the care recipient's food unit
  - c. is not a foster child under age of 18

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**Note:** Mandatory inclusion rules apply (see SECTION 3.3.1.2 RELATIONSHIP DEFINITIONS).

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<b>Example 1</b>	Mom, dad, daughters Mandy (age 28) and Bree (age 18), and sons Doug (age 26) and Jeff (age 22) all live in the same home. Doug, Jeff, and Bree are all disabled and unable to care for themselves. Mom, dad, and Mandy provide their care, and are considered live-in attendants for Doug and Jeff. Mandy, Doug, and Jeff can be their own separate food units. However, because Bree is 18, she cannot be a separate food unit. Bree must be included in mom and dad's FoodShare case.
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## 3.10.1 Strikers

7 CFR 273.1(e)

A striker is anyone involved in either of the following, whether or not they are in a collective bargaining unit:

1. A strike or concerted stoppage of work by employees against their employer, including a stoppage because a collective bargaining agreement expired, or a concerted slowdown or interruption of operations by employees against their employer.
2. A person is a striker whether or not they personally voted for the strike. Strikers are not exempt from FoodShare basic work rules.

### 3.10.1.1 Striker Exceptions

---

None of the following is a striker:

1. An employee affected by a lockout.
2. Persons exempt from the FoodShare work requirements on the day before the strike except those exempt solely because they are employed. For example, a caretaker is not considered a striker if they are the primary caretaker for a child under six years old (see [SECTION 3.16.1 FOODSHARE BASIC WORK RULES](#))
3. Any employee of the federal government, the state, or any political subdivision engaged in a work-related strike. They have voluntarily quit their job without good cause.
4. Persons such as truck drivers who cannot do their jobs because the strike has left them with nothing to deliver.
5. Employees who are not part of the bargaining unit and do not want to cross the picket line for fear of personal injury or death.

### 3.10.1.2 Termination of a Strike

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A strike has ended when:

1. The employer notifies its striking employees that it has hired or is hiring replacement workers.
2. All or some of the employees cannot return to the same job they held with that employer before the strike.
3. The employees return to work with the same employer. If a striker accepts other employment while on strike without resigning from the struck company, striker provisions continue to apply.

### 3.10.1.3 Eligibility on the Day before a Strike

---

To be eligible, a food unit with a striker must have been eligible on the day before the strike began.

If the case was open for FoodShare on that date, it remains eligible if it continues to meet all criteria.

If the case was not open on that date, determine if the food unit could have been eligible on the day before the strike. Assume the application date is the day before the strike began and the strike never occurred. Use the Striker Evaluation Form ([F-16023](#)). Deny an application if a member of the food unit would have been ineligible the day before the strike.

### 3.10.1 Strikers

#### 3.10.1.4 Pre-Strike Income

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Determine the food unit's eligibility and allotment. Add the greatest of the two following incomes to the income of the other food unit members:

1. The striker's income on the day before the strike (pre-strike income), or
2. The striker's income on the date of the current determination (current income).

Determine the striker's pre-strike income by adding:

1. All unearned income they would normally expect to have received that month, and
2. All earned income they would have received in a month using the wage rate they were earning on that date. Allow the 20% earned income deduction.

Determine the striker's current income as you would any other person's regular income.

## 3.11.1 Food Distribution Program (Tribal Commodities)

7 CFR 253.7(e)(1)

The Great Lakes Inter-Tribal Council and the Menominee Tribe administer the Food Distribution program, known federally as the Food Distribution Program on Indian Reservations (FDPIR). Eleven tribes distribute commodities.

A person may receive commodities from one of these tribes if they are eligible and:

1. Is a Native American living in one of the counties served by that tribe, or
2. Lives within the geographical boundary of the tribe's reservation. This applies whether or not they are a Native American.

### 3.11.1.1 Choice of Programs

---

Eligible persons must choose either the FoodShare or commodities program. They cannot participate in both. They may change their program choice but must tell their current agency of the desired change.

Deny FoodShare to any food unit when a member receives commodities from a Food Distribution program.

### 3.11.1.2 Preventing Dual Participation

---

Inform applicants that participation in both programs is prohibited.

Do not verify if an applicant tells you they did not receive commodities in the current or preceding month, and will not receive them next month, unless the report is questionable.

If the report is questionable or they received commodities in one of those months:

1. Determine the month(s) they received or will receive commodities.
2. Determine which tribe issued the commodities.
3. Contact the tribal Food Distribution Program staff to determine when the commodities were or will be received.
4. Inform the tribal staff of the FoodShare request, the likely disposition of the application, and first FoodShare issuance date.
5. Remind the FoodShare applicant that it is illegal to receive both FoodShare and Food Distribution benefits in the same month.
6. Document your performance of these five steps in the case record.

### 3.11.1.3 Switching Programs

---

When someone switches between programs, do not issue the initial benefit until the other program's benefits stop.

Deny FoodShare if an applicant has already received commodities in the application month. If it is too late to stop commodities participation for the month after application, deny the FoodShare application.

### 3.11.1.4 FoodShare Discontinuance Date

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When a FoodShare member wishes to begin participating in the Food Distribution Program:

### 3.11.1 Food Distribution Program (Tribal Commodities)

1. Before adverse action, close the FoodShare assistance group's eligibility at the end of the month.
2. After adverse action, close the FoodShare assistance group's eligibility at the end of the next month.

#### **3.11.1.5 Denial due to FoodShare Intentional Program Violations (IPV)**

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Deny Food Distribution benefits to persons ineligible for FoodShare because of an IPV. DHS sends a list of IPV disqualified persons to the Great Lakes Inter-Tribal Council and the Menominee Tribe monthly.

## 3.12.1 Citizenship and Immigration Status

7 CFR 273.4

The following individuals are eligible for FoodShare as U.S. citizens, nationals, and a select group of non-citizens. Individuals listed below do not have to meet any other non-citizen requirements to be eligible for FoodShare.

- U.S. citizens,
- Non-citizen nationals (people born in American Samoa or Swain’s Island),
- American Indians born in Canada,
- Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-Determination and Education Assistance Act, and
- Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era from August 5, 1964, to May 7, 1975, and who are legally living in the U.S., and their spouses or surviving spouses and dependent children, including full-time students under the age of 22.

To meet the citizenship or qualifying immigrant requirement for FoodShare, a person must be one of the following:

1. A citizen of the U.S. which is defined as a person who:
  - a. Was born in the U.S. The U.S. includes: the continental U.S., Alaska, Hawaii, Puerto Rico, U.S. Virgin Islands, and Northern Mariana Islands, including Guam, or
  - b. Is a naturalized citizen of the U.S.
2. A person born outside of the U.S. to, or adopted by, at least one U.S. citizen, which is sometimes referred to as a "derivative citizen."
3. A non-citizen with a qualifying immigration status.

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*Effective October 1, 2010, all Puerto Rican birth certificates issued before July 1, 2010 are invalid. Ongoing **Note** members of IM programs from Puerto Rico do not need to submit new, valid birth certificates. However, all Puerto Rican birth certificates submitted by applicants must have been issued on or after July 1, 2010.*

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### 3.12.1.1 Qualified Immigrant or Immigration Status

1. Use Chart 1 below to determine if a non-citizen is eligible for FoodShare.
2. Use Chart 2 below for decoding the admission or adjustment codes from USCIS. Refer also to Process Help, [Section 82.8 Class of Admission \(COA\) Tables](#).

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*If there is more than one admission or status code for the immigrant/non-citizen, always use the least **Note** restrictive code per 8 CFR 212.5(h). A best practice is to ask each year about immigrant/citizenship status changes since the code(s) may change over time.*

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#### CHART 1

Federal Supplemental Nutrition Assistance Program (SNAP)
Eligible as a U.S. Citizen/National/Non-Citizen:
<ul style="list-style-type: none"> <li>• U.S. citizens,</li> <li>• Non-citizen nationals (People born in American Samoa or Swain’s Island),</li> </ul>

### 3.12.1 Citizenship And Immigration Status

<ul style="list-style-type: none"> <li>American Indians born in Canada,</li> <li>Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-Determination and Education Assistance Act,</li> <li>Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era from August 5, 1964, to May 7, 1975, and who are legally living in the U.S., and their spouses or surviving spouses and dependent children, including a full-time student under the age of 22.</li> </ul>	
Immigrant Status Code	Eligible if:
01-Lawfully admitted for permanent residence (LPR)	<ul style="list-style-type: none"> <li>Meets work quarters, or</li> <li>Meets military requirement, or</li> <li>Receives disability benefit, or</li> <li>Under age 18, or</li> <li>Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> <li>A legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
02-Permanent resident under color of law (PRUCOL)	Ineligible
03-Conditional entrant or lawfully present under Section 203(a)(7)	<ul style="list-style-type: none"> <li>Meets work quarters, or</li> <li>Meets military requirement, or</li> <li>Receives disability benefit, or</li> <li>Under age 18, or</li> <li>Born before August 22, 1931, or</li> <li>Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> <li>A legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
04-Refugee lawfully present under Section 207	Eligible
05-Asylee lawfully present under Section 208	Eligible
06-Parolee lawfully present under Section 212(d)(5)	<ul style="list-style-type: none"> <li>Meets work quarters, or</li> <li>Meets military requirement, or</li> <li>Receives disability benefit, or</li> <li>Under age 18, or</li> <li>Born before August 22, 1931, or</li> <li>Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> </ul>

3.12.1 Citizenship And Immigration Status

	<ul style="list-style-type: none"> <li>• A legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
07-IRCA – No longer valid status	Ineligible
08-Work Authorization: Temp.	Ineligible
09-Undocumented Immigrant	Ineligible
10-Illegal Immigrant	Ineligible
<p>11-Cuban/Haitian entrant as defined in Section 501(e) of the Refugee Education Act of 1980</p> <ol style="list-style-type: none"> <li>1. Any person granted parole as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the person at the time assistance or services are provided; and</li> <li>2. Any other national of Cuba or Haiti – <ol style="list-style-type: none"> <li>a. who— <ol style="list-style-type: none"> <li>i. was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;</li> <li>ii. is the subject of removal proceedings under the Immigration and Nationality Act; or</li> <li>iii. has an application for asylum pending with the Immigration and Naturalization Service; and</li> </ol> </li> <li>b. with respect to whom a final, non-appealable, and legally enforceable order of removal has not been entered.</li> </ol> </li> </ol>	Eligible
12-Considered a permanent resident by USCIS	Ineligible

### 3.12.1 Citizenship And Immigration Status

13-Special agriculture worker under Section 210(A)	Ineligible
14-Additional Special agriculture worker under Section 210A	Ineligible
15-An immigrant whose deportation is being withheld under Section 243(h) or 241(b)(3)	Eligible
<p>16-Battered Immigrant</p> <p>Code the battered immigrant adult or child or parent with the broadest immigrant eligibility category that applies to that person (for example, code a battered refugee immigrant, as a refugee). Document in case comments that the person is a battered immigrant and therefore exempt from sponsor deeming. Do not list the sponsor in CWW. Do not list any of the sponsor's income and assets.</p>	<p>Ineligible unless:</p> <ul style="list-style-type: none"> <li>• Meets work quarter requirement, or</li> <li>• Meets military requirement, or</li> <li>• Receives disability benefit, or</li> <li>• Has lived in the U.S. as a qualified immigrant for five years from the date of entry, or</li> <li>• Under age 18, or</li> <li>• Was a legal resident on August 22, 1996, and born on or before August 22, 1931.</li> </ul>
17- Amerasians	Eligible
18 - Native Americans born abroad	Eligible
19 - Trafficking victims, including the minor children, spouses, and, in some cases, the parents and siblings of victims of severe trafficking (treat as refugee under section 207 of the INA), the spouse, child, parent or unmarried minor sibling of a victim of a severe form of trafficking in persons under 21 years of age, or the spouse or child older than 21 who has received a derivative T visa, to the same extent as an immigrant who is admitted to the U.S. as a refugee under Section 207 of the INA.	Eligible
20 – Lawfully Residing	Ineligible

### CHART 2

Immigration Status	CARES Code	I-94 Codes	I-551 Codes	Other
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3.12.1 Citizenship And Immigration Status

<b>Cuban/Haitian Entrant</b>	11	212(d)(5) or paroled or C/H Entrant and from Cuba or Haiti or I-551 stamp and CU6 or CH6	CU6 or CU7, CH6	Unexpired and expired 1-551 stamp in foreign passport
<b>Deportation Withheld</b>	15	106 or 243(h) or 241(b)(3)	NA	USCIS Form I-688B annotated 274a.12(a)(10); USCIS Form I-766, annotated A10; order from an immigration judge showing deportation withheld under 243(h) or removal withheld under 241(b)(3)
<b>Battered Immigrant</b>	16	AR1, AR6, C20 through C29, CF1, CF2, CR1, CR6, CR7, CX1, CX2, CX3, CX6, CX7, CX8, F20 through F29, FX1, FX2, FX3, FX6, FX7, FX8, IF1, IF2, IR1, IR2, IR3, IR4, IR6, IR7, IR8, IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21, P22, P23, P26, P27, P28; IB3, IB6, IB7, IB8, B11, B12, B16, B17, B20 through B29, B31, B32, B33, B36, B37, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8 some Z13	AR1, AR6, C20 through C29, CF1, CF2, CR1, CR6, CR7, CX1, CX2, CX3, CX6, CX7, CX8, F20 through F29, FX1, FX2, FX3, FX6, FX7, FX8, IF1, IF2, IR1, IR2, IR3, IR4, IR6, IR7, IR8, IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21, P22, P23, P26, P27, P28; IB3, IB6, IB7, IB8, B11, B12, B16, B17, B20 through B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8 some Z13	I-551 stamp in foreign passport with one of the preceding codes; or  IMPORTANT: Applicant has filed an I-130 or I-360 petition as a battered immigrant.  USCIS Form - 797 is documentation of approval of an I-130 application.
<b>Amerasian</b>	17	AM1, AM2, or AM3	AM 6, AM7, or AM8	I-551 stamp in foreign passport with one of the preceding codes
<b>Foreign born Native American</b>	18	S13	S13	I-551 stamp in foreign passport with S13 tribal membership card from

### 3.12.1 Citizenship And Immigration Status

				federally recognized tribe.
<b>Trafficking Victim</b>	19	T-2, T-3, T-4 and T-5 known as "Derivative T" visas are not currently available in the SAVE system.  Call the toll-free trafficking verification line at 1-866-401-5510 to notify ORR of the benefits for which the individual has applied.		Health and Human Service Office of Refugee Resettlement Certification Letter

This is not an all-inclusive list of government issued codes.

See also Process Help, [Section 82.8 Class of Admission \(COA\) Tables](#) for additional codes and explanations of the types of USCIS authorization documents.

### 3.12.1.2 Eligibility Pending Documentation of Immigration Status

7 CFR 273.2(f)(1)(ii)(B)

A non-citizen is ineligible until acceptable documentation of qualifying immigration status is provided unless:

1. The IM agency has submitted a document provided by a household to USCIS for verification. Pending such verification, the IM agency cannot delay, deny, reduce, or terminate the individual's eligibility for benefits on the basis of the individual's immigration status, or
2. The applicant or the IM agency has requested qualifying quarter information from SSA. SSA has responded that the individual has fewer than 40 quarters but is investigating to determine if more quarters can be determined. The IM agency must certify the individual pending the results for up to six months from the date of the original determination of insufficient quarters, or
3. The applicant or IM agency has requested verification from a federal agency for verification of the immigrant's status. The IM agency must certify the individual pending the results up to six months from the date of the original determination of insufficient quarters.

An immigrant who has a pending application for a qualifying status is not potentially eligible until the status has been granted.

### 3.12.1.3 Work Quarter Eligibility

Legal permanent resident non-citizens who have worked for 40 qualifying quarters are eligible. There is no time limit on this category of eligibility.

A qualifying quarter includes:

### 3.12.1 Citizenship And Immigration Status

1. One worked by a parent of a non-citizen before the immigrant reached their 18th birthday, including those quarters worked before the non-citizen was born;
2. One worked by a spouse of a non-citizen during their marriage if the non-citizen remains married to the spouse or the spouse is deceased.

Each person in the applying food unit is considered an applicant. Therefore, each spouse can claim the quarters of the other spouse, and the children can claim the quarters worked by their parents. An individual can only earn four quarters per year. If both spouses worked in the same quarter, this would count as one quarter – an individual cannot earn two quarters in the same quarter.

Count both qualifying quarters of work covered by Title II of the Social Security Act, and qualifying quarters of work not covered by Title II. Beginning January 1, 1997, a quarter in which the immigrant received federal means-tested assistance is not counted as a qualifying quarter.

#### 3.12.1.3.1 Disclosure of Work Quarter Information

The local agency may request information from the SSA about work history for non-covered employment as well as covered employment.

If you are unable to determine work quarters through the SSA automated system, you may accept the applicant's sworn statement of sufficient work, pending verification, provided the applicant has been in the country sufficient time to earn the quarters (totaling the time from the employed applicant, parent, and/or spouse).

The SSA is authorized to release work quarter information on non-citizens, a non-citizen's parents or spouse to a county/tribal agency (not applicant) for the purpose of determining eligibility, even if the parent or spouse cannot be located or refuses to sign a release statement.

You may also find work quarter information through CARES data exchange screens. To verify a non-citizen's work quarters information, you can request it in CARES mainframe on Tran: DXQR. It will be available on Tran: DXQC 48 hours later.

#### 3.12.1.4 Military Connection Eligibility

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Qualified non-citizens who are honorably discharged veterans and who fulfill minimum active duty service requirements in the U.S. Armed Forces, or who are the spouse, unmarried dependent child, or a surviving spouse of such a veteran or active duty personnel who has not remarried are eligible for FoodShare benefits with no time limit exception.

A veteran is a person who was honorably discharged after:

1. Serving for 24 months in the U.S. armed forces, or
2. Serving for the period for which the person was called to active duty in the U.S. armed forces, or
3. Serving in the Philippine Commonwealth Army or as a Philippine Scout during WW II, as described in title 107, 38 U.S.C.

An unmarried surviving spouse of a veteran or active duty person is defined as:

1. A spouse who was married to the deceased veteran for at least one year, or
2. A spouse who was married to the deceased veteran before the end of a 15-year time span following the end of the period of military service, or

### 3.12.1 Citizenship And Immigration Status

3. A spouse who was married for any period to the deceased veteran and a child was born of the marriage or was born before the marriage.
4. Has not remarried since the marriage to the deceased veteran.

#### 3.12.1.5 Battered Immigrant Eligibility

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An immigrant who is the spouse or dependent unmarried child of a U.S. citizen or immigrant who has been battered or subjected to extreme cruelty under the following criteria is eligible:

1. Immigrants (adults or children) who have been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent, or by a member of the household of the spouse or parent who has failed to intervene to stop the battery or extreme cruelty, but only if there is a substantial connection between such battery or cruelty and the need for benefits.
2. Immigrants whose child or children have been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or a member of the immigrant's household, and the other parent failed to intervene in the battery or extreme cruelty, and the immigrant did not actively participate in the battery or cruelty, but only if there is a substantial connection between such battery or cruelty and the need for benefits.
3. Immigrant children whose parent has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the same household as the victim parent if the spouse consents to or accepts such battery or cruelty, but only if there is a substantial connection between the battery or extreme cruelty and the need for the public benefit sought.

Do not apply this section if the person responsible for the battery or extreme cruelty continues to reside in the same household or food unit as the person subjected to the battery or cruelty.

#### 3.12.1.6 State Option FoodShare Program (SOFSP)

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With the passage of the 2011-13 Wisconsin state budget, the state funded SOFSP ended effective July 1, 2011. Federally eligible members who live with a previously eligible SOFSP member will remain eligible for federal benefits. There is no change to the federal eligibility.

#### 3.12.1.7 Ineligible and Illegal Immigrants

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Ineligible immigrants include:

- Visitors and tourists
- Diplomats and others in foreign service
- Persons illegally in the U.S.
- Students with student visas
- Immigrants who refuse to provide the documentation required to verify their qualifying immigration status
- Immigrants with a pending immigration status – the individual is ineligible until the agency receives proof a qualifying immigration status has been granted

Failure to verify qualifying immigration status means the person is ineligible for FoodShare, not necessarily in the country illegally.

#### 3.12.1.8 Encouraging Application

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7 CFR 273.4(b)

### 3.12.1 Citizenship And Immigration Status

Encourage all potentially eligible people to apply for FoodShare. Make it clear that food unit members not requesting FoodShare benefits are not required to furnish an SSN or any immigration documentation. FoodShare participation is not reviewed or considered in public charge determinations.

Local agencies are prohibited from contacting USCIS regarding the immigrant status of a food unit member who is not requesting FoodShare benefits.

#### 3.12.1.9 Gaining Citizenship

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At application and renewal, applicant non-citizens immigrants must be asked if they have become citizens.

#### 3.12.1.10 Derivative Citizenship

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A child born outside of the U.S. automatically becomes a citizen of the U.S. when **all** of the following conditions have been fulfilled:

1. At least one parent of the child is a citizen of the U.S., whether by birth or naturalization.
2. The child is under the age of eighteen years.
3. The child has entered the U.S. as a legal immigrant.
4. The child is residing in the U.S. in the legal **and** physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

A child who was under the age of 18 on or after February 27, 2001, and who meets all of the above requirements acquired citizenship automatically on February 27, 2001. This rule is based on the Child Citizenship Act of 2000.

#### 3.12.1.11 Iraqis and Afghans with Special Immigrant Status

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Beginning December 19, 2009, special immigrants from Iraq or Afghanistan are to be treated like they are refugees when determining their eligibility for FoodShare as long as they have this special immigration status. This policy applies to these immigrants regardless of when they received this status. Class of Admission (COA) Codes for this group are: S16, S17, S18, SQ6, SQ7, SQ8. This special immigrant category applies to an:

- Afghan or Iraqi national who worked with the U.S. armed forces as a translator including spouse or children;
- Iraqi national who was employed by or on behalf of the U.S. government including spouse or children; and
- Afghan national who was employed by or on behalf of the U.S. government or in the International Security Assistance Force (ISAF) (or any successor name for the ISAF) in Afghanistan including spouse or children.

#### **Special Immigrant (SI) or non SI parolees**

Afghans and persons with no nationalities who were residing in Afghanistan and subsequently paroled into the United States between July 31, 2021, and September 30, 2023, are to be treated as refugees when determining eligibility for FoodShare. These persons are not subject to a waiting period and are eligible for benefits if they meet all other non-financial and financial criteria.

In addition, Afghans and persons with no nationalities who were residing in Afghanistan and

### 3.12.1 Citizenship And Immigration Status

subsequently paroled into the United States after September 30, 2022, are to be treated like they are refugees when determining their eligibility if they are one of the following:

- The spouse or child of a person paroled between July 31, 2021, and September 30, 2023
- The parent or legal guardian of a person paroled between July 31, 2021, and September 30, 2023, who is determined to be an unaccompanied child

All the above persons are treated as refugees until either March 31, 2023, or the date their parole status expires, whichever is later.

Should these persons file for and transition to asylee status, they would continue to be eligible for FoodShare benefits while they remain in that status and would not be subject to a waiting period.

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**Note** *This only applies to Afghan nationals, citizens, or those who habitually lived in Afghanistan who are granted parole status between July 31, 2021, and September 30, 2023. All other refugees and special immigrants (SIV), including SIVs with parolee statuses, are not subject to the March 31, 2023 limitation and continue to be eligible for federal public benefits, like FoodShare, provided all other eligibility requirements are met.*

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The table below shows the Class of Admission (COA) Codes that are used for the groups that are treated like refugees based on their parole status:

Class of Admission Code	Description	CARES Immigrant Registration Status Code
<b>Afghan Non-Special Immigrant Parolee (Non-SI Parolee)</b>		
OAR/OAW	Non-SI Parolee (CPB implemented August 2021)	Code 04
PAR	Non-SI Parolee, used before OAR implementation	Code 04
DT	Non-SI Parolee, used before OAR implementation	Code 04
<b>Afghan Special Immigrant Parolee (SI Parolee)</b>		
SQ4	Principal	Code 04
SQ5	Dependent	Code 04
<b>Afghan Special Immigrant Lawful Permanent Residents (SI LPR)</b>		
SQ1	Principal	Code 04
SQ2	Spouse of SQ1	Code 04
SQ3	Child of SQ1	Code 04
SQ6	Principal, Adjusting Status	Code 04
SQ7	Spouse of SQ6, Adjusting Status	Code 04

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SQ8	Child of SQ6, Adjusting Status	Code 04
SI1	Principal	Code 04
SI2	Spouse of SI1	Code 04
SI3	Child of SI1	Code 04
SI6	Principal	Code 04
SI7	Spouse of an SI6	Code 04
SI8	Child of an SI6	Code 04
<b>Afghan Special Immigrant Conditional Permanent Resident (SI CPR)</b>		
CQ1	Principal	Code 04
CQ2	Spouse of CQ1	Code 04
CQ3	Child of CQ1	Code 04

#### 3.12.1.12 Citizens of the Federated States of Micronesia, Republic of the Marshall Islands, and Palau

The Compacts of Free Association are agreements that establish a free association between the United States and the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. These countries are collectively referred to as the Freely Associated States (FAS). FAS citizens are not citizens or nationals of the United States. However, FAS citizens admitted to the United States under the Compacts may reside, work, and study in the United States for an unlimited length of time, without applying to become lawful permanent residents or applying for visas. These people are referred to as Citizens of Freely Associated States or COFAS.

COFA citizens are immediately eligible for benefits if they meet all other FoodShare financial and non-financial eligibility requirements. They are not subject to any additional requirements, such as the five-year wait.

#### 3.12.1.13 Ukrainian Parolees

Effective May 21, 2022, certain Ukrainian parolees became eligible for FoodShare to the same extent as refugees. This eligibility was granted to Ukrainians (and others who last habitually resided in Ukraine), who have been paroled into the United States either:

- Between February 24, 2022, and September 30, 2024
- After September 30, 2024, and who are:
  - The spouse or child of a Ukrainian paroled during the initial period.
  - The parent or legal guardian of an unaccompanied Ukrainian child who was paroled during the initial period.

The U.S. Citizenship and Immigration Service (USCIS), Systemic Alien Verification for Entitlements (SAVE) agency has indicated that Ukrainians with a paroled status will have a Class of Admission code of UHP,

### 3.12.1 Citizenship And Immigration Status

DT, PAR, or U4U. The initial eligibility date for FoodShare is May 21, 2022, or the individual's date of parole, whichever is later.

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*People from Ukraine with any of these parole statuses arriving in the US during the specified time period are **Note** to be treated the same as refugees. This treatment is not limited to persons with a Ukrainian Humanitarian Parolees (UHP) status.*

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Like refugees, these Ukrainians with a parolee status may be eligible for FoodShare and are not subject to a 5-year bar. These individuals must still meet all other eligibility criteria. For FoodShare, these individuals are exempt from the sponsor deeming policy.

Ukrainians with a Temporary Protected Status (TPS) are lawfully present in the U.S. but are not eligible for FoodShare.

#### 3.12.1.14 Cuban-Haitian Entrants (CHE)

The term "Cuban-Haitian Entrant" (CHE) relates to benefit eligibility rather than an immigration status. Cuban-Haitian entrants are certain nationals of Cuba or Haiti who have permission to reside in the U.S. based on humanitarian considerations or under special laws that apply to them. CHE are qualified immigrants with no waiting period.

If a person does not have another qualifying immigration status or has a qualifying immigration status that is subject to the five-year waiting period, then a worker must determine if the person is a CHE.

Section 501(e) of the Refugee Education Assistance Act of 1980 (REAA) states that a person is a CHE if they are:

- A person granted parole as a Cuban-Haitian Entrant (Status Pending) or any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the person at the time assistance or services are provided; or
- A national of Cuba or Haiti who is not subject to a final, non-appealable and legally enforceable removal order, and:
  - Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or
  - Is in removal proceedings under the Immigration and Nationality Act; or
  - Has an application for asylum pending with United States Citizenship and Immigration Services (USCIS)

#### Documentation

CHE status must be verified through SAVE. CHEs may have a wide variety of immigration documentation, including Permanent Resident Cards (Green Cards), that may not conclusively establish whether they are CHE without SAVE verification. Many Cubans or Haitians who have been paroled are CHEs based upon the parole even if they have obtained another immigration status.

The following chart provides examples of documentation that may be presented by a person claiming to be a CHE. These examples are not comprehensive. A Form I-551, Permanent Resident Card, with a CU6, CH6, HB6, or other category code is an example of an immigration document that does not conclusively establish CHE designation without SAVE verification.

U.S. Immigration Category	U.S. Immigration Documents	Cuban or Haitian Nationality
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3.12.1 Citizenship And Immigration Status

<p><b>Parole as CHE (Status Pending)</b></p>	<p>Form I-94, Arrival/Departure Record, with a Department of Homeland Security or legacy Immigration and Naturalization Service stamp noting “Cuban-Haitian Entrant (Status Pending).”</p>	<p>U.S. immigration documentation is evidence of nationality. No additional evidence of nationality required.</p>
<p><b>Parole or other special status</b></p>	<p>Form I-94 or Cuban or Haitian passport with a Department of Homeland Security or legacy Immigration and Naturalization Service stamp noting “parole under 212(d)(5).”            Form I-766, Employment Authorization Document (EAD), with category code “C11” or “A04.”            These codes indicate that the individual was paroled into the United States.            Documentation issued by U.S. Immigration and Customs Enforcement (ICE), such as Form I-830, Notice to EOIR: Alien Address containing information that the person was released from ICE custody and paroled pursuant to 8 C.F.R. § 212.5.</p>	<p><b>If Born In Cuba:</b></p> <ul style="list-style-type: none"> <li>• Expired or unexpired Cuban passport (Pasaporte de la Republica de Cuba) that lists the holder’s place of birth as being Cuba; or</li> <li>• Cuban birth certificate issued by the appropriate civil registry in Cuba</li> </ul> <p><b>If Born Outside Cuba:</b></p> <ul style="list-style-type: none"> <li>• Unexpired Cuban passport (Pasaporte de la Republica de Cuba);</li> <li>• Nationality Certificate (Certificado de Nacionalidad); or</li> <li>• Citizenship Letter (Carta de Ciudadanía).</li> </ul> <p><i>Note:</i> A Cuban consular certificate documenting an individual’s birth outside of Cuba to at least one Cuban parent is not sufficient evidence to establish Cuban citizenship. This is true even if the consular certificate states that the person to whom the certificate was issued is a Cuban citizen.</p>
<p><b>Pending Asylum</b></p>	<p>An EAD with a category code of “C08.” The C08 code indicates that the person has a pending application for asylum.            Form I-797C, Notice of Action confirming USCIS receipt of the person’s Form I-589, Application for Asylum and Withholding of Removal.</p>	<p><i>Note:</i> A Cuban birth certificate acknowledging a birth outside of Cuba or Cuban consular birth record issued for a principal applicant who was not born in Cuba is not sufficient to prove</p>

3.12.1 Citizenship And Immigration Status

<p><b>Individual in Removal Proceedings</b></p>	<p>Documentation issued by the Department Homeland Security (DHS) or the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) showing pending removal proceedings, such as Notice to Appear, DHS Form I-862 and Order of Supervision, DHS Form I-220B.</p> <p>Note: An Order of Release on Recognizance, DHS Form I-220A, is not evidence of parole or that a person is in removal proceedings.</p>	<p>Cuban citizenship. A birth certificate issued by an entity outside of Cuba is not sufficient evidence to establish Cuban citizenship.</p> <p><b>If Born In Haiti:</b></p> <ul style="list-style-type: none"> <li>• Expired or unexpired Haitian passport;</li> <li>• National Identity Card (Carte D'identification Nationale) (also known as a Voting Card);</li> <li>• Birth certificate (Acte de Naissance) with photo identification; or</li> <li>• Birth Extract Issued by Haitian National Archives (Extrait de Naissance) accompanied by photo identification.</li> </ul> <p><b>If Born Outside Haiti:</b></p> <ul style="list-style-type: none"> <li>• Unexpired Haitian passport;</li> <li>• National Identity Card (Carte D'identification Nationale) (also known as a Voting Card);</li> <li>• Certificate of naturalization or certificate of citizenship issued by the Haitian government accompanied by photo identification; or</li> <li>• A non-Haitian birth certificate listing a Haitian national parent and, for that parent, evidence of Haitian nationality as indicated in this chart.</li> </ul>
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## 3.13.1 Social Security Number (SSN) Requirements

7 CFR 273.6

A food unit participating in or applying for FoodShare must provide the SSN of each food unit member who is requesting benefits. Failure to provide an SSN disqualifies the person from participating in the FoodShare program. An applicant does not need to provide a document or Social Security card. They only need to provide a number, which is verified through data exchanges. If a member has more than one number, all numbers must be provided. Verify the SSN only once.

Persons without an SSN must apply for one before certification. Agencies must assist any person that requests help with applying for an SSN. Assisting the applicant or member includes helping to file the Application for a Social Security Card form ([SS-5](#)) and obtaining a birth certificate or other document needed for a successful enumeration process. If the applicant or member has applied for an SSN, they have satisfied the SSN application requirement for eligibility.

They must provide the SSN or proof of application within 30 days of the FoodShare application. Proof of an SSN application can be documentation from the SSA or collateral contact with the person that assisted with the SSN application.

In cases where an application for SSN has been filed with the Social Security Administration, an SSN must be provided by the time of the next FoodShare renewal or FoodShare eligibility will be terminated for that person. In addition, if eligibility for another program pends for an SSN and the SSN application date on file is six months or older, eligibility for FoodShare will also pend. Members must be given a minimum of 20 days to provide an SSN, but if they do not, FoodShare eligibility must be terminated for that person.

Immigrants ineligible for Department of Homeland Security (DHS) work authorization are not eligible for an SSN unless they have a valid nonwork reason (POMS Rm 10211.600). Eligibility for FoodShare is a valid nonwork reason to obtain an SSN.

When an applicant(s) meets all FoodShare financial and non-financial eligibility criteria except an SSN, DHS sends a letter supporting the request for a nonwork SSN. Agencies must review the applicant's non-financial and financial eligibility to ensure full eligibility before requesting a Nonwork SSN Letter. This includes receiving second and third level verification results through SAVE if applicable.

The Nonwork SSN Letter states that the applicant meets all requirements for FoodShare except for having a SSN. This letter meets the SSA criteria as detailed in SSA POMS RM 10211.600, "Request for an SSN from a Noncitizen without Work Authorization."

The letter and additional guidance are mailed to the applicant(s), who then presents the letter during their enumeration appointment with their Social Security Administration (SSA) representative.

When the SSN validation process returns a mismatch record, the worker must attempt to correct the mismatched information. If the worker is unsuccessful, the worker must contact the member to correct the information.

Inform the member if the SSN validation process indicates another person is using the same SSN. Do not provide the member with information identifying the person using the member's SSN. The member should contact the Social Security Administration to request an investigation.

### 3.13.1 Social Security Number (SSN) Requirements

#### 3.13.1.1 Failure to Comply

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Providing an SSN is voluntary. If someone refuses to provide an SSN, they are denied, and their income is deemed to the assistance group. Food unit members that do not provide an SSN are ineligible.

Disqualify only the person without the SSN, not the entire food unit. An applicant proving good cause for not applying for an SSN is the only exception.

#### 3.13.1.2 Good Cause

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Use documents or collateral information from the food unit member, the SSA, the income maintenance (IM) or tribal agency, and any other sources to determine if good cause exists.

Apply good cause if the applicant or member has made every effort to supply the SSA with the necessary information to complete an application for an SSN. Good cause does not include delays due to illness, lack of transportation or temporary absences. SSA makes provisions for mail-in and online applications instead of applying in person.

If the household member applying for an SSN has been unable to obtain the documents required by SSA, due to good cause, the worker must assist the individual in obtaining these documents.

If the household member can show good cause for why an application for a SSN has not been completed, that person is allowed to participate for one month in addition to the month of application. Good cause for failure to apply must be shown monthly in order for such a household member to continue to participate.

#### 3.13.1.3 SSN Application for Newborns

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For a newborn member, verify the SSN or that an application for an SSN has been made. A parent or guardian of a newborn may begin an SSN application while still in the hospital.

Do not deny benefits when documentation shows that an SSN application has been submitted. A completed Application for a Social Security Card form ([SS-5](#)) is proof of application for an SSN for a newborn food unit member.

If the applicant or member is unable to provide proof of application for an SSN for a newborn, the member must provide the SSN or proof of application at the next renewal. If the member is unable to provide an SSN or proof of application for an SSN at the next renewal, review good cause exceptions. Deny FoodShare benefits for the newborn if the food unit refuses to provide an SSN for the newborn without good cause.

#### 3.13.1.4 Religious Exception

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If a FoodShare applicant refuses to provide an SSN for themselves and/or any other household member based on a sincere religious objection allow them and all otherwise eligible members of the food unit to receive FoodShare.

The IM worker may check with the SSA or query whether an SSN exists for the person. Workers can use an existing SSN for verification and matching purposes without further notice to the food unit member.

## 3.14.1 Intentional Program Violation (IPV) Disqualification

7 CFR 273.16

An applicant or member commits an Intentional Program Violation (IPV) when they intentionally:

- Make a false or misleading statement or misrepresent, conceal, or withhold facts, including but not limited to their identity, who they are living with, or which state they live in, to become eligible or to remain eligible for benefits; or
- Commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Supplemental Nutrition Assistance Program Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of FoodShare benefits or QUEST cards.

Trafficking or misuse includes the following:

- Using FoodShare benefits to purchase food for the sole purpose of returning the food for a cash refund,
- Reselling food purchased with FoodShare benefits for cash or other consideration,
- Purchasing, for cash or other consideration, food that was previously purchased from a supplier using FoodShare benefits,
- Directly or indirectly buying, selling, or stealing EBT cards, card numbers, or personal identification numbers (PINs) for cash or other consideration,
- The exchanging of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of Title 21 of the United States Code, for SNAP benefits, or
- Unauthorized person(s) knowingly obtaining, possessing, transferring, or using FoodShare program benefits.
- Using FoodShare benefits in an unauthorized way.

An IPV may be determined by the following means:

- Administrative Disqualification Hearing (ADH) decision
- Federal, state, or local court order
  - Pre-charge or pretrial diversion agreement initiated by a local district attorney and signed by the FoodShare member in accordance with federal requirements

### 3.14.1.1 Investigating Potential Fraud

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Fraud investigations determine the accuracy of an allegation that a person receiving benefits from a public assistance program intended to misrepresent their eligibility criteria or committed any act that constitutes an IPV. A careful examination of a case record by the agency is essential in determining whether it should be referred for fraud investigation.

A fraud investigator is a worker designated to review a case, also known as a fraud referral, suspected of fraudulent activity. The investigator must determine if an overpayment of benefits occurred and if there was intent to commit fraud against the program.

Common suspected fraud cases referred to an investigator by an IM or tribal agency include:

### 3.14.1 Intentional Program Violation (IPV) Disqualification

1. A benefit overpayment is suspected, and the agency has reason to believe the overpayment is the result of misrepresentation of program eligibility requirements. The misrepresentation of program eligibility or fraudulent activity may be the result of:
  - a. False or misleading statements of circumstances.
  - b. Failure to report a change in circumstances.
  - c. Concealed or withheld facts.
  - d. Violation of a program regulation or State statute relating to program benefits.
2. The benefit(s) would not have been provided but for the false representation.
3. The conduct of the benefit recipient indicates the misrepresentation or fraudulent use of the benefit was done with knowledge and intent.

The fraud referral should contain all relevant data the agency has on the case to help the fraud investigator.

The primary purpose of a fraud investigation is to substantiate the validity of a fraud referral. To do this, the IM consortium or tribal IM agency needs to provide as much relevant information as possible so the investigator can determine if the member intended to commit any act that constitutes an IPV and if any benefits were overpaid.

Fraud investigations may include, but are not limited to:

- Gathering and examining documentary evidence
- Investigative Interviewing
- Requesting verification related to the investigation
- Investigations in the field (for example, surveillance)
- Entering findings or comments on a referral into the investigation tracking system
- Representing the agency in a hearing
- Calculating overpayments
- Creating claims

Referral criteria should include, but not be limited to:

- A statement of the fraud allegation
- The date the information was received
- CARES case number
- Source of complaint
- Investigation reason
- Potential programs affected
- Potential look-back period
- Supporting documentation

When the investigation finds that a person committed an alleged intentional program violation (IPV), the agency must decide whether to refer the case to one of the following:

1. Administrative Disqualification Hearing (ADH)
2. District Attorney (DA) for prosecution
3. Make no referral for IPV/fraud determination

Once the investigation concludes, document the investigation outcome and next steps (if any) in case comments. Documentation supporting the outcome of the investigation must be saved in the electronic

### 3.14.1 Intentional Program Violation (IPV) Disqualification

case file (ECF). Documentation in the case comments and case file must occur even if the outcome of the investigation is that no fraud or overpayment was found.

#### 3.14.1.2 Administrative Disqualification Hearings

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An administrative disqualification hearing (ADH) is the administrative process for determining an IPV for FoodShare.

A referral agency may request an ADH when there is sufficient documentary evidence that a person or group has intentionally violated the program requirements. An ADH may be initiated regardless of the person's current eligibility for the FoodShare Program.

Consider initiating an ADH when at least one of these conditions is met:

1. The facts of the case don't warrant criminal prosecution.
2. The case does not meet the local prosecution referral criteria.
3. The DA declines to prosecute the referred person.
4. The same person was previously referred for prosecution, but no action was taken (within a reasonable period of time) and the referral was formally withdrawn.

An ADH, like a fair hearing, is held by the Department of Administration (DOA), Division of Hearings and Appeals (DHA). An ADH differs from a fair hearing in these ways:

1. The referral agency, not the accused person, requests the hearing.
2. A representative of the agency will present the evidence supporting the request for the ADH and the alleged IPV.
3. There is no time limit within which an ADH must be requested.
4. The timely notice (Notice of Administrative Disqualification Hearing) is measured from the date of the hearing.

When requesting an administrative disqualification hearing, there must be clear and convincing evidence demonstrating that the person committed, and intended to commit, an IPV. The burden of proof is on State or the agency pursuing the IPV.

Exact required evidence may vary based on the specific circumstances of the case. However, the evidence must be clear and convincing. For evidence to be considered clear and convincing it should be:

1. Explicit in detail.
2. So clear as to leave no reasonable doubt.
3. Reasonably certain of issues and findings.

Administrative Law Judges frequently cite a Wisconsin Circuit Court ruling and reference Wisconsin Jury Instruction in ADH decisions as the lens through which they determine whether a case is clear and convincing.

Evidence of an IPV exists when it can be shown that the person willfully provided false information or failed to disclose information in order to receive or attempt to receive benefits to which they were not entitled.

Include evidence that shows that the accused person was informed of their rights and responsibilities, reporting requirements, information of what was used in the benefit determination, or any other related records.

### 3.14.1 Intentional Program Violation (IPV) Disqualification

Sources of evidence include, but are not limited to:

- Written proof of all information that the person intentionally failed to report.
- An application, change report form, or recertification submitted during the period of suspected violation.
- Receipt of notices that detail pertinent information related to the alleged IPV, including Notices of Decision, Case Summaries, or the Enrollment and Benefits Handbook.
- IEVS or other data sources that are considered verified on receipt, such as vital records, child support, or unemployment compensation matches.
- Documentations of agency visits (in person or via phone) including the recording of the call, if available.
- Oral evidence that is either provided under oath or affirmed by another person.

Documentary evidence must be used to show intent to break the program rules. However, documentary evidence that is not authenticated by the source is considered hearsay. Hearsay evidence consists of documentation or statements that are not substantiated or corroborated from the evidence source. Although hearsay evidence is admissible in an ADH, hearsay evidence alone may not be enough to prove the allegation.

The accused person and their representative, if applicable, must be given adequate opportunity to:

1. Examine the contents of their case file, and all documents and records to be used by the agency at the hearing, at a reasonable time before the date of the hearing, and during the hearing, and to receive a copy of material pertinent to the case from the file at no charge.
2. Present their case for themselves or with the aid of a representative.
3. Bring witnesses.
4. Submit evidence to establish all pertinent facts and circumstances.
5. Advance any arguments without undue influence.
6. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

A representative of the agency must attend the ADH to submit clear and convincing evidence to prove the allegations of Intentional Program Violation against the accused.

Even if the accused or their representative fails to attend the ADH, the agency must present clear and convincing evidence that the accused committed an IPV in order for the administrative law judge (ALJ) to determine that an IPV was committed.

The agency must determine the essential facts in a case. This is best done by asking, "What facts need to be shown in order to prove the case?"

1. Review program policy to determine what is required.
2. Analyze the case to see if there are any other facts that must be established.
3. Obtain the best evidence to prove each fact.

The agency's evidence on each and every essential fact must meet the test of clear and convincing. The burden of proof is placed only on the agency; the client has no burden of proof that has to be met. If the agency fails to meet the level of clear and convincing proof on each and every fact, the ALJ may rule against the agency.

### 3.14.1 Intentional Program Violation (IPV) Disqualification

#### 3.14.1.2.1 ADH Request Requirements

The referral agency must provide a written notice to the person alleged to have committed the program violation at least 30 days prior to the date of the disqualification hearing.

The written Administrative Disqualification Hearing Notice shall include the following items:

1. Date, time, and location of the hearing.
2. Allegation(s) against the person, including a statement that the agency believes benefits were received by the accused person (or that the person attempted to receive benefits) by intentionally violating a program rule.
3. A summary of the evidence, along with appropriate documentation, supporting the allegation(s) of an IPV, including:
  - a. The period of time or date(s) during which an overpayment was received or benefits misused.
  - b. The amount of the overpayment or amount of misused benefits involved.
  - c. A statement informing the person of their right to examine the evidence and instructions on how and where the evidence can be examined.
4. A warning that the person's failure to appear at the ADH without good cause will result in a decision by the ALJ based solely on the information provided by the agency at the hearing.
5. A statement that the person may request a postponement of the hearing provided that such request is made to the Department of Administration, Division of Hearings and Appeals (DHA) at least 10 days in advance of the scheduled hearing, with the following restriction. The hearing shall not be postponed for more than a total of 30 days.
6. A statement that the person will have 10 days from the date of the scheduled hearing to present to the Division of Hearings and Appeals (DHA) good cause for failure to appear in order to receive a new hearing.
7. A description of the penalties that can result from a determination that the person has committed an intentional program violation and a statement of which penalty is applicable to the person.
8. A statement that the hearing does not preclude the District Attorney from prosecuting the person for an intentional program violation in a civil or criminal court action, or the agency from establishing and collecting an overpayment.
9. A statement that the person and remaining adult members of the Assistance Group (AG) will be responsible for repayment of the overpayment.
10. A listing of persons or organizations that provide free legal representation to persons alleged to have committed intentional program violations.
11. A statement of the accused person's right to remain silent concerning the charge(s) and that anything said or signed by the person concerning the charge(s) may be used against him or her in a court of law.
12. A telephone number and, if possible, the name of the person to contact for additional information.

#### 3.14.1.2.2 ADH Decision

Decisions made by the ALJ shall be based exclusively on evidence and other material introduced at the hearing. The transcript or recording of testimony, exhibits, or official reports introduced at the hearing, together with all papers and requests filed in the proceeding, and the decision of the hearing office shall

### 3.14.1 Intentional Program Violation (IPV) Disqualification

be made available to the person or to their representative at a reasonable time and place.

Decisions made by the ALJ will:

1. Include a decision summarizing the facts and identifying the regulations supporting the decision.
2. Be made within 90 days of the date of the Notice of Administrative Disqualification Hearing.

If the ADH ALJ finds that the accused person committed an IPV, the agency will enter the IPV and any related benefit recovery as soon as possible.

#### 3.14.1.2.3 Waiver of the Administrative Disqualification Hearing

Effective May 1, 2023, the administrative disqualification hearing cannot be waived. Any forms received by the Division of Hearings and Appeals on or before April 30, 2023 that were signed prior to the policy change can be accepted to waive the hearing.

#### 3.14.1.3 Referring a Suspected IPV for Prosecution

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IM and tribal agencies should work with their local district attorney to establish specific criteria for referring FoodShare cases for prosecution. Instances of fraud that meet the agency and district attorney's criteria for prosecution should be referred to the district attorney. Once a decision is made to refer the alleged fraud for prosecution, the following should be sent with a letter of referral:

1. A synopsis of the fraudulent activity.
2. The investigation summary supporting the allegation.
3. A list of supporting documentation.
4. All information obtained in the investigation.
5. Full overpayment amount and appropriate program penalties.

The referral letter should include a request that the district attorney recommend to the court that a disqualification penalty be imposed (in addition to any civil or criminal penalties).

If the IM or tribal agency has a memorandum of understanding (MOU) with the local district attorney, the established process should be followed when making a referral for prosecution. The MOU should outline necessary documentation to make a successful referral.

When a decision is made to refer a case to the district attorney for prosecution, or if there is no MOU defining the referral criteria, the following materials are recommended by the Wisconsin District Attorney's Association, et. Al, for making a satisfactory referral to prosecution.

1. Documentation that the recipient signed the application/review form.
2. Documentation of sources and amounts of income and assets, as applicable.
3. Documentation of relevant changes in the case circumstances.
4. Documentation that the recipient received more program benefits than they were entitled to.
5. Documentation to show that the recipient trafficked benefits or used benefits in an unauthorized way.
6. Calculation of the amount of all overpayments subject to prosecution.
7. A written summary of an interview or an attempted interview with the recipient or the recipient's signed statement regarding the allegations.
8. The agency's recommendation regarding restitution, including possible repayment by recoupment from on-going financial assistance benefits in accordance with policy.

### 3.14.1 Intentional Program Violation (IPV) Disqualification

9. A copy of the investigation report with a prosecution recommendation from the investigative service.

#### 3.14.1.3.1 Pre-Charge Diversion Agreement

The Pre-Charge diversion agreement is an alternative for anyone referred to the DA for an alleged IPV. It permits recovery of over issued benefits from the group member without the stigma of actual court prosecution. The referral agency should have an agreement with its local DA that provides for at least a 10 day advance written notification to the person of the consequences of signing the consent agreement.

The pre-charge diversion agreement can be used at the point in the legal process prior to the DA filing criminal charges with the court of jurisdiction. The Pre-Charge Diversion Agreement is a contract between the person who admits to committing an IPV and the DA. The Agreement includes:

1. A statement by the person that they did commit an IPV.
2. An agreement that they will make full restitution of all benefit over issuance resulting from the IPV.
3. An agreement to waive their right to an administrative disqualification hearing and agree to the appropriate program disqualification penalties.
4. An optional agreement that they will pay associated costs, assessed costs and any additional penalties.

#### 3.14.1.3.2 Pre-trial Agreement

The Pre-Trial diversion agreement is similar to the Pre-Charge agreement in that it is a contract between the person who admits to committing an IPV, and it includes the same stipulations. It is usually initiated after criminal charges have been filed with the court of jurisdiction. The agreement or contract requires the judge's signature.

The Pre-Trial diversion agreement can be used at any point in the legal process that the DA or court wishes, including after the entry of a guilty or no contest plea by the defendant.

#### 3.14.1.3.3 Disqualification Consent Agreement

If a person's case has been referred to the District Attorney for prosecution for civil or criminal misrepresentation or fraud, the person may defer prosecution by signing a Disqualification Consent Agreement ([F-16025](#)). By signing this agreement the client agrees to the penalties listed, even though the client has not been found guilty through court proceedings.

If the client signing the Disqualification consent agreement is not the primary person, the primary person must also sign this form in the line provided.

#### 3.14.1.3.4 Prosecution Diversion Agreement

The Prosecution Diversion Agreement ([F-16026](#)) is similar to the Disqualification Consent Agreement as the individual is agreeing to receive an IPV. However, it is used in cases where the person is being charged with fraud in more than one public assistance program.

Due to federal regulations specifying certain parameters that need to be on a disqualification form, the Disqualification Consent Agreement still needs to be signed in order for the agency apply an IPV to a person's case.

### 3.14.1 Intentional Program Violation (IPV) Disqualification

#### 3.14.1.4 Retailer Fraud

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A FoodShare retailer is a store authorized by FNS to sell food products in exchange for FoodShare benefits using the Wisconsin Quest Card and SNAP benefits issued by any other authorized state or territory. Retailer fraud involves an authorized store breaking program rules. Retailer fraud is investigated by the United States Department of Agriculture (USDA).

Examples of FoodShare retailer fraud include but are not limited to:

- Redeeming more FoodShare benefits than the value of food sales
- Selling ineligible items
- Accepting FoodShare benefits in payment for food sold to a FoodShare household on credit
- Buying or selling FoodShare benefits

Immediately notify the OIG Trafficking Unit at [DHSOIGTRAFFICKING@wisconsin.gov](mailto:DHSOIGTRAFFICKING@wisconsin.gov) of suspected retailer fraud. Referrals will be forwarded to FNS's retailer operation division for review. OIG trafficking agents assist with forwarding required information to FNS to have proper documentation for FNS to review.

You can also use the toll-free hotline (800) 424-9121 to report fraud, waste, or abuse committed by a FoodShare retailer.

#### 3.14.1.5 IPVs from Other States

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If a worker receives a notification that an IPV was imposed in another state, they must verify this information as either true or false with the other state or the member.

Documentation may be in any form deemed appropriate and legally sufficient. Such documentation may include, but shall not be limited to, electronic or hard copies of court decisions, administrative disqualification hearing determinations, signed disqualification consent agreements or administrative disqualification hearing waivers.

You may accept a verbal or written statement from another State agency attesting to the existence of the documentation listed above.

You may accept a verbal or written statement from the household affirming the accuracy of the disqualification information if such a statement is properly documented and included in the case record. If the statement from the household contradicts the disqualification data, additional documentation will be required to verify whether the person should be disqualified.

IM workers must document any collateral contacts or other information regarding the IPV disqualification in Case Comments.

#### 3.14.1.6 Period of Ineligibility

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The following sanction periods are for IPV's committed after December 1, 1996. Anyone determined to have committed an IPV is ineligible for:

- One year for the first IPV.
- Two years for:
  - The second IPV or,
  - The first IPV for which an individual is convicted in a federal, state, or local court to have used or received benefits in a transaction involving the sale of drugs of less than \$500.

### 3.14.1 Intentional Program Violation (IPV) Disqualification

- Permanently for:
  - A third IPV, or
  - A first IPV resulting from the conviction of the individual by a federal, state, or local court for having used or received benefits in a transaction involving the sale of firearms, ammunition, or explosives, or
  - A first IPV resulting from a conviction of an individual in a federal, state, or local court involving trafficking benefits for an aggregate amount of \$500 or more, or
  - A second IPV for which an individual is convicted in a federal, state, or local court to have used or received benefits in a transaction involving the sale of drugs.

Once an IPV is imposed, all violations occurring before the first IPV cannot be used to pursue a second IPV. A second IPV can only be pursued if the alleged violation occurred after the administrative disqualification hearing has concluded for the first alleged offense.

If a second IPV is granted during the sanction period of the first IPV, it must be entered for the disqualification period to begin immediately. There may be instances in which IPV's are running simultaneously; therefore, the sanction time period may not be as long as it would have been had the IPV's been separate. Only a court or administrative law judge can set the start date of an IPV.

Only the person determined to have committed an IPV is ineligible. Other members of the FoodShare assistance group may continue to be eligible.

The individual must be notified in writing once it is determined that they are to be disqualified. If the person who committed the IPV is not the primary person, then the FoodShare Notice of Disqualification ([F-16024](#)) must be sent. Begin the disqualification period no later than the second month following the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's food unit.

If a court finds an individual guilty of an IPV, the term of the disqualification period and the disqualification begin date must comply with the court order. If the court order does not specify a disqualification period, the disqualification period for the IPV is in accordance with the schedule above. If the court order does not specify the date for the disqualification period to begin, the disqualification period should begin in accordance with the provisions in the paragraph above, but within 45 days of the court decision.

For all IPV disqualifications, begin the disqualification period in the first possible payment month regardless of whether the person becomes a non-participant member or remains in the food unit. Do not pend the disqualification period until the disqualified individual reapplies.

If a non-participating person with an IPV disqualification does reapply for FoodShare, apply any remaining periods of ineligibility. If the ineligibility period has expired when the person reapplies, they may be eligible to receive benefits.

<b>Example 1</b>	John is notified of his one-year IPV disqualification in January, effective February 1. He doesn't request FoodShare for the first nine months of his period of ineligibility. If John reapplies for FoodShare in November and is determined otherwise eligible, he will still be ineligible for FoodShare benefits for the three remaining months of his disqualification period. If he waits until February to reapply, the disqualification period will have expired, and he may be determined eligible for FoodShare.
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### 3.14.1 Intentional Program Violation (IPV) Disqualification

A pending administrative disqualification hearing or prosecution does not affect the person's eligibility. Do not take any adverse action in the matter before the case is resolved. Continue to act on other changes in income and circumstances.

Do not impose a disqualification period retroactively on an individual who has committed an IPV, but who had not been disqualified timely. Disqualify a food unit member only to the extent that the disqualification period has not elapsed.

<b>Example 2</b>	An IM worker determines in December that a person should have been disqualified in June for one year based on an administrative disqualification hearing decision. The agency failed to enter the IPV in CWW timely. Therefore, the IM worker should now disqualify the person for only the remaining five months.
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All IPV's determined for an individual prior to April 3, 1983, shall be counted as one IPV for determining a current disqualification period.

### 3.14.1.7 IPV 10-Year Disqualification Penalty

A person who makes a false or misleading statement or misrepresents their identity or place of residence in order to simultaneously receive Wisconsin FoodShare benefits and SNAP benefits from any other state shall be ineligible for a period of 10 years.

In order to apply a 10-year disqualification penalty, the state agency needs to prove a person made a false statement or misrepresented their identity or place of residence while applying for or participating in Wisconsin FoodShare.

Before imposing the 10-year disqualification period, there must be one of the following:

- A finding of fraud must be made by a state agency.
- A conviction of fraud must be entered by a state or federal court.

The administrative disqualification hearing process may be used for imposing this penalty.

Duplicate participation itself does not support the application of a 10-year program disqualification. There must be clear and convincing evidence that the person misrepresented or falsified their identity or place of residence to receive SNAP or FoodShare in more than one household.

<b>Example 3</b>	<p>Janice moves to Wisconsin in May and applies for FoodShare. She reports she is employed, she lives at a Wisconsin address, and that she is not receiving SNAP in another state. The IM worker determines Janice is eligible, and her application is approved after verifying her employment. Later, it is discovered that Janice received SNAP in Texas in May. The IM worker pursues an IPV through an administrative disqualification hearing.</p> <p>An ALJ finds that Janice made a false statement that she hadn't received SNAP in another state in May. This is Janice's first IPV, so Janice is barred from the program for 1 year.</p>
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<b>Example 4</b>	On January 17, Jesse contacted the IM agency to apply for FoodShare. He reported recently moving to Wisconsin from Nevada and that he was not receiving SNAP benefits from Nevada. Jesse provided a lease as verification of Wisconsin residency and met all other eligibility criteria. He was approved for FoodShare in Wisconsin starting in January.
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### 3.14.1 Intentional Program Violation (IPV) Disqualification

	<p>Several months later, the IM worker discovers that Jesse has been receiving SNAP benefits in Nevada since the time of his application. The IM worker also verifies that the lease Jesse submitted was fraudulent and that he never resided in Wisconsin. The IM worker pursues an IPV through an administrative disqualification hearing.</p> <p>An ALJ finds that Jesse misrepresented his residency to receive SNAP in more than one state, so he is barred from the program for 10 years.</p>
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#### 3.14.1.8 IPV Disqualification and Transitional FoodShare

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When an individual is found by a court or administrative judge to have committed an IPV, that person is ineligible to participate in Transitional FoodShare (TFS). The exception is when that person is part of an already open TFS group. Once the TFS group is open and established, the only reason an individual will be removed is when that individual begins participating in another FoodShare assistance group or when the TFS group moves out of Wisconsin.

When an IPV is found to be valid by a court or administrative judge prior to TFS beginning, the IPV should be entered, and the individual will be excluded from the TFS assistance group at the TFS eligibility determination.

When TFS has already started, workers should continue following the instructions in the court order or fair hearing decision to begin the IPV disqualification period in the month directed by the court or administrative law judge. Even though the TFS amount will not decrease, the IPV will be enforced at the point that the TFS certification period ends, and the food unit completes a new application or recertification for FoodShare eligibility.

## 3.15.1 Student Eligibility

7 CFR 273.5

Persons (ages 18-49) enrolled less than half-time do not have to meet a student exemption to be eligible for FoodShare. However, persons enrolled half-time or more in an institution of higher education are ineligible for FoodShare unless they meet an exemption. A student could be enrolled for in-person, online, or hybrid courses.

An institution of higher education may be defined as:

- A business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum.
- A regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

Half-time enrollment can vary based on the institution of higher education. The college, university, or school can provide enrollment status for an applicant. A student is enrolled as of the first day of the school term through normal scheduled class periods, vacation, and recess unless they:

- Graduate.
- Are suspended, expelled, or drop out.
- Don't intend to register for the next school term (excluding summer school).

Persons enrolled at least half-time at a college, but in a program outside of the regular curriculum, do not need to meet a student exemption. Special programs not part of the regular curriculum can include remedial education, continuing or community education, professional development, English for Speakers of Other Languages (ESOL/ESL), and workforce development. IM workers should not consider persons enrolled in programs like these to be enrolled in an Institute of Higher Education.

<b>Example 1</b>	Joe completes a FoodShare interview on July 15. He reports that he was enrolled at an institute of higher education full time for the Spring semester and intends to enroll full time for the upcoming Fall semester. Joe is considered a student effective as of his application date in July, as he was enrolled for the previous semester and intends to enroll for the upcoming semester.
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### 3.15.1.1 Student Eligibility Exemptions

Persons enrolled half time or more in a regular curriculum at an institute of higher education must meet a student exemption to be eligible for FoodShare. Exemptions include students who are:

1. Physically or mentally unfit for gainful employment. If questionable, verify through receipt of temporary or permanent disability benefits, or a statement from a physician or certified psychologist.
2. Under age 18 or age 50 or over.
3. Enrolled in Wisconsin Works (W-2) or other TANF-funded program under Title IV of the Social Security Act.
4. Employed at least an average of 80 hours per month with earnings (this excludes in-kind income).
  - a. Compliance is determined by calculating whether the student worked an average of 80 hours per month over the period of a month, a quarter (calendar), a trimester (Fall, Winter, Spring), or a semester (Fall semester (1st) or Spring semester (2nd)). This is like

### 3.15.1 Student Eligibility

budgeting for contractual and fluctuating employment (see [SECTION 4.3.2 EARNED INCOME](#)).

- b. The payment can be received with regular frequency (that is, weekly, biweekly, semi-monthly) or as a one-time payment at the beginning or end of the employment period. There is no minimum wage or amount that must be received.
5. Self-employed at least an average of 80 hours per month with self-employment earnings (after self-employment expenses are subtracted) equivalent to at least the federal minimum wage.
  - a. Gross monthly earnings must be at least \$580 per month (\$7.25 x 80 hours).
  - b. Use student monthly hours to calculate a weekly average. Students whose employment hours fluctuate may be determined eligible for FoodShare, provided they maintain an average of 80 hours per month at minimum wage.
6. Participating in a state- or federally-financed work study program during the regular school year (no minimum hourly requirement).
  - a. The student must be approved for work study at the time of FoodShare application or reported change, the work study must be approved for the school term, and the student must anticipate actually working at a work study placement during that time.
  - b. The exemption shall begin with the month in which the school term begins, or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.
  - c. The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.
7. Participating in a paid on-the-job training program. This exemption applies only during the period the person is being trained by the employer.
8. Responsible for the care of a dependent food unit member under age six. If two people exercising parental control are in the food unit, apply the exemption to only one person per child.
9. Responsible for the care of a dependent food unit member who has reached age six but is under age 12 if the agency determines adequate child care is unavailable to enable the student to attend class or work activities. If two people exercising parental control are in the food unit, apply the exemption to only one person per child.
10. Single parents enrolled in an institution of higher education on a full-time basis, as determined by the institution, and are exercising care and control of a dependent food unit member under the age of 12.
  - a. To apply this provision there must be only one biological or adoptive parent or stepparent in the same food unit as the child. If there is no biological or adoptive parent or stepparent living with the child, another full-time student living with the child may qualify as an eligible student under this provision if the student has parental control of the child and does not live with their spouse.
11. Is assigned to or placed in an institution of higher education through or in compliance with the requirements of FSET, a program under the Job Training Partnership Act of 1974 (WIOA), or a program under section 236 of the Trade Act of 1974 (TAA).

Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption.

### 3.15.1 Student Eligibility

12. Is enrolled in a program at an institution of higher education that meets the definition of a technical and/or vocational studies as detailed within the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302). Additionally, the program must lead to a diploma, certificate, apprenticeship, journeyman, or associates degree. The program must be designed to be completed in two years or less, not including post certificate apprenticeship or training.
  - a. All Wisconsin Technical College System WTCS programs, except for programs designed exclusively for transfer to a four-year program, qualify as Career and Technical Education.
  - b. The WTCS classifies any person taking classes within their system as an enrolled student. To be considered for the technical and/or vocational studies exemption, they must be enrolled in a program leading to a diploma, certificate, apprenticeship, journeyman, or associates degree.
  - c. Classes taken for personal development outside of an established program curriculum do not qualify for the technical or vocational studies exemption.
13. A program at an institute of higher education limited to remedial courses, basic adult education, literacy, or English as a second language.
14. Enrollment in certain employment and training programs for low-income households, which are operated by a state or local government and have an equivalent component to SNAP E&T (FSET).

<b>Example 2</b>	During an interview for FoodShare, Jack reports that they are a full-time student at Northern Technical College for phlebotomy and plans to graduate in the next year. Jack is enrolled in a two-year degree program that is expected to lead to a Phlebotomy Technician Technical Diploma. Jack meets all other eligibility criteria and is determined to be eligible for FoodShare because Jack is enrolled in a program at an institution of higher education that meets the definition of a technical or vocational studies as detailed within the Carl D. Perkins Career and Technical Education Act of 2006 ( <a href="#">20 U.S.C. 2302</a> ).
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<b>Example 3</b>	When Carla applies for FoodShare, Carla reports taking classes at Madison Area Technical College (MATC). Carla is taking cooking with herbs, pottery, and jewelry making. While Carla is enrolled and taking classes at MATC, Carla is not considered an enrolled student for FoodShare purposes because Carla is taking personal development classes, which are outside of the regular curriculum.
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<b>Example 4</b>	When Bill applies for FoodShare, Bill reports enrollment in a four-year nursing program at a state university and has two years left in the program. Bill does not meet any other student exemptions. Bill is not eligible for FoodShare.
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<b>Example 5</b>	Bella is applying for FoodShare and reports being enrolled full time at UW-Milwaukee. Bella participates in an internship for a semester (five months). Bella works a total of 400 hours over the semester. At the end of the internship, Bella will be paid a stipend of \$1,000. The IM worker averages the 400 hours over the five months (400 hours/5 months equals 80 hours per month). Bella meets all other eligibility criteria and meets an exemption. Bella is determined an eligible student.
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### 3.15.1 Student Eligibility

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*IRS tax dependency status does not impact FoodShare eligibility determinations. A student may be claimed **Note** as a tax dependent by their parents and still qualify for FoodShare if they meet all other non-financial and financial eligibility criteria.*

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#### 3.15.1.2 Verification

Verification of student enrollment status is typically not required. However, there are two exceptions. Enrollment at an institute of higher education must be verified if:

- Deemed questionable by the agency, or
- An applicant or member is determined to be an ABAWD and at least half time enrollment in a qualifying institute of higher education is the applicant or member's only reported exemption from the FoodShare Work Requirement (see [SECTION 3.17.1.4 VERIFICATION OF WORK HOURS AND EXEMPTIONS FROM THE FOODSHARE WORK REQUIREMENT](#)).

Verification of student eligibility exemption(s) is not required unless otherwise noted as a part of eligibility requirements, deemed questionable, or specifically listed in [SECTION 1.2.3.8 STUDENT ELIGIBILITY EXEMPTIONS](#).

<b>Example 6</b>	Francois applies for FoodShare and reports that he is enrolled full time at an institute of higher education. He also reports that he is self-employed earning \$1000 per month. Self-employment earnings of greater than \$580 per month (federal minimum wage of \$7.25 x 80) is an allowable student eligibility exemption. Because income is also a mandatory verification for FoodShare, the IM worker pends for verification of self-employment income.
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#### 3.15.1.3 Student Institutional Meal Plans

A student is an ineligible household member (and considered a resident of an institution) if they live in the dorms or other college housing and purchase a meal plan that provides the majority of their meals (over 50 percent of three meals daily) as part of the school's normal services.

Determine meal plan coverage by calculating the percentage of daily meals included in the meal plan. A meal plan offering 21 meals per week (breakfast, lunch, and dinner, seven days a week) offers 100% of daily meals. A student with access to 11 meals per week (52%) is ineligible; a student with access to 10 weekly meals (48%) is entitled to benefits if otherwise eligible.

Meal plan structures vary and can be counted by the number of meals, points, or dollars. Daily meal percentage information can be provided by documentation the student has from the school, or provider.

Meal plan participation can be defined as purchasing and enrolling in a meal plan at an institute of higher learning, either voluntarily or as required for enrollment. If a student chooses to not eat the meals, this does not lower the daily meal percentage, as the meals are pre-purchased and available.

<b>Example 7</b>	Kate is enrolled full time at UW-La Crosse and lives on campus in a dorm. Kate has a meal plan that provides the equivalent of ten meals per week. 48% of her daily meals are provided through the school meal plan, which is not the majority of her meals. Kate meets all other eligibility criteria and is determined eligible for FoodShare.
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### 3.15.1 Student Eligibility

<b>Example 8</b>	Marvin is enrolled full time at UW-Madison and lives on campus in a dorm. Marvin is required to purchase a meal plan that includes 21 meals per week. Marvin doesn't like the food offered and applies for FoodShare to buy groceries instead. He reports that although he pays for a meal plan, he doesn't use it. Marvin's meal plan provides more than 50% of his daily meals, which covers the majority of his daily meals, and therefore he is not eligible to receive FoodShare.
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<b>Example 9</b>	Jose is renting a dorm room from the university as a non-student. He is not eligible for the school's meal plan and is not an enrolled student. He is not considered a resident of the institution and therefore is eligible if all other criteria are met.
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### 3.15.1.4 Temporary COVID Exemption Policy

Effective January 1, 2021, if a student applies for FoodShare or is a member of a FoodShare household, two new exemptions must be explored. For ongoing cases, the new exemptions must be explored, and eligibility must be re-determined. Similarly, the new exemptions must be explored for any new student added to the household.

1. Students are eligible to participate in state or federally financed work-study program during the regular school year, as determined by the institution of higher education or
2. Students have an expected family contribution (EFC) of \$0 in the current academic year, as determined by the institution of higher education.

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**Note** *For the change to the work-study exemption, the student does not need to actually be participating or anticipate they will participate in work-study, just be eligible to participate.*

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These temporary student exemptions must be explored for FoodShare applicants and members through 30 days following the end of the Federal COVID-19 Public Health Emergency. Members will retain the new exemption through the end of their certification period. Starting the first full month following the month after the Federal COVID-10 Public Health Emergency ends, members must be screened for exemptions at their next renewal and the two, temporary student eligibility exemptions may no longer be applied.

#### Verification of Temporary Exemptions:

Workers must assist in obtaining verification when needed, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. A student may be required to sign a specific release form provided by the school before any Free Application for Student Aid (FAFSA) information can be released by the school to the worker. If all efforts to obtain documentary evidence fail, workers must accept the member's statement as best available information.

Verification of eligibility to participate in a work-study program may be found on the financial aid award letter provided to the student by the institution of higher education or in another letter from the institution of higher education.

Verification of an expected family contribution (EFC) of \$0 may be found on a financial aid award letter, Student Aid Report (SAR), or in another letter from the institution of higher education.

In addition, all students receiving the maximum Pell grant have an EFC of \$0. In the 2022-23 award year (July 1, 2022, to June 30, 2023), the maximum Pell grants are as follows:

### 3.15.1 Student Eligibility

- \$6,895 per academic year for students enrolled full-time
- \$5,171 per academic year for students enrolled three-quarter-time
- \$3,448 per academic year for students enrolled half-time
- \$1,724 per academic year for students enrolled less than half-time

Verification of the Pell grant amount may be found on the financial aid award letter and may be used as verification that a student has an EFC of \$0. However, not all students with an EFC of \$0 receive a Pell grant.

#### **Exemption End Dates**

Starting June 12, 2023, new FoodShare applicants will no longer qualify for FoodShare under these two temporary exemptions due to the Federal Public Health Emergency end date of May 11, 2023. The temporary exemptions will continue to be in effect for current student FoodShare members enrolled in FoodShare until their next renewal starting with renewals due in July 2023 or later.

### 3.15.1.5 FoodShare Basic Work Rules

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A FoodShare-eligible student who meets the exemption criteria in this section is also exempt from the FoodShare basic work rules.

### 3.15.1.6 FoodShare Work Requirement (ABAWDs)

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If an applicant or member is determined to be a FoodShare-eligible student based on the criteria in this section, the applicant or member is a non-ABAWD.

### 3.15.1.7 FoodShare Employment and Training (FSET)

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Students enrolled in higher education at the time of the FoodShare application and then found eligible for FoodShare may request to be referred to FSET to participate in activities other than education. Activities may include job search, work experience, or self-employment. FSET cannot provide reimbursement for expenses related to education for students who self-initiate enrollment in higher education.

## 3.16.1 FoodShare Basic Work Rules

7 CFR 273.7

### 3.16.1.1 Background

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Federal regulations require FoodShare applicants and members to comply with FoodShare basic work rules and ABAWD/FoodShare work requirements as a condition of FoodShare eligibility. Policy related to ABAWD/FoodShare work requirements for certain adults aged 18 to 54 is located in [SECTION 3.17.1 FOODSHARE WORK REQUIREMENTS](#).

FoodShare Employment and Training (FSET) is a voluntary program for all FoodShare applicants and members. The FSET program serves people who wish to voluntarily enroll, and benefits cannot be sanctioned or terminated for non-participation. All FSET policy and some additional ABAWD policy pertaining to the ABAWD/FoodShare work requirement is in the [FSET Handbook](#).

### 3.16.1.2 FoodShare Basic Work Rules

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All FoodShare applicants or members ages 16 through 59 must comply with the basic work rules as a condition of FoodShare eligibility unless they meet an exemption. Applicants or members who do not comply with the basic work rules are sanctioned from receiving FoodShare benefits for a specified period of time. The basic work rules are different from the FoodShare work requirement for certain able-bodied adults without dependents (ABAWDs). For information on the FoodShare work requirement, see [SECTION 3.17.1 FOODSHARE WORK REQUIREMENTS FOR ABAWDs](#).

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**Note** *The FoodShare Basic Work Rules were previously referred to as the FoodShare Work Registration Requirement and the General FoodShare Work Requirement.*

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Compliance with the basic work rules includes registering for work at the time of application and every 12 months thereafter. An applicant or member must provide the IM agency with sufficient information regarding employment status or availability for work.

To maintain compliance after registering for work:

1. A person who is working a job of 30 or more hours per week (or a job with earnings equivalent to 30 or more hours per week at the federal minimum wage) must not voluntarily and without good cause quit that job. The converted monthly amount (that is, the amount of monthly earnings calculated based on average weekly earnings) should be used. A person who is working 30 or more hours per week must not voluntarily and without good cause reduce work hours to less than 30 per week. If a person reduces hours to less than 30 per week but continues to earn weekly wages greater than 30 hours at the federal minimum wage, a sanction should not be applied. The converted monthly amount should be used.
2. A person must not turn down suitable employment without good cause. The following must all be true for a job to be considered suitable employment:
  - a. Pay is equivalent to minimum wage or higher.
  - b. If employment is offered on a piece-work basis, the expected average hourly pay (piece-work average hourly output) is at least minimum wage.
  - c. The employee is not required to join, quit, or refrain from joining a union or trade organization.
  - d. The job is not obtained due to strike or lockout.
  - e. The job does not pose health risks.

### 3.16.1 FoodShare Basic Work Rules

- f. The job matches a person's physical and mental ability to perform the job.
  - g. The daily round-trip commuting time is less than two hours, excluding time transporting a child to or from child care.
  - h. The distance to the job allows for walking, or public or private transportation is available.
  - i. The hours of work or nature of work doesn't interfere with the person's religious observations, convictions, or beliefs.
  - j. Within the first 30 days of work registration, the employment must be in the person's field of experience.
3. A person who has applied for or is receiving unemployment compensation must continue to comply with the unemployment compensation program work requirements.
  4. A person participating in a Wisconsin Works (W-2) placement must continue to comply with the W-2 program requirements.

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**Note**

*If the person is open for W-2 in CWW, they are in compliance with the W-2 program requirements. If W-2 is showing as closed (after having been open) in CWW, the worker will need to review the closure reason and correspondence history to evaluate if there was a failure to comply with W-2. The worker must then evaluate if the member had good cause for the failure to comply with W-2. See Operations Memo [18-40](#).*

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Minor variations in the number of work hours worked or in the weekly gross wage equivalent to federal minimum wage multiplied by 30 hours per week are inevitable and must be taken in consideration when assessing compliance with work requirements.

### 3.16.1.3 Exemptions from the FoodShare Basic Work Rules

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Some FoodShare applicants and members are exempt from the basic work rules in [SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES](#). The following applicants and members are exempt from the basic work rules:

- A person 16-17 years of age who is not the primary person in a food unit.
- A person 16-17 years of age who is the primary person in a food unit but who is enrolled in school or in an employment and training program at least half-time.
- A person determined unfit for employment, which includes a person who is one of the following:
  - Receiving temporary or permanent disability benefits from the government or a private source.
  - Mentally or physically unable to work, as determined by the income maintenance (IM) or FSET agency.
  - Verified as unable to work by a statement from a health care professional or a social worker.
- A person participating in and complying with the Wisconsin Works (W-2) program requirements.

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**Note** *If a person is open for W-2 in CWW, they are in compliance with the W-2 program work requirement.*

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- A parent or other food unit member who is the primary caregiver for a dependent child younger than six years old (whether the child lives in the home or out of the home). If two people are exercising parental control of a child, only one of those people can be exempt from basic work rules as the primary caretaker of that child.
- A parent or other food unit member who is the primary caregiver for a person who can't care for themselves (whether the person lives in the home or out of the home).
- A person who has applied for or is receiving unemployment compensation (UC).

### 3.16.1 FoodShare Basic Work Rules

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**Note** *If UC is denied or has ended, the member is no longer exempt regardless of the reason.*

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- A person regularly participating in an alcohol or other drug abuse (AODA) treatment or rehabilitation program. Treatment and rehabilitation programs that meet the exemption include, but are not limited to:
    - Medically-managed inpatient services
    - Medically-monitored treatment services
    - Day treatment services
    - Outpatient treatment services
    - Transitional residential treatment service
    - Narcotic treatment services for opiate addiction
- 

*Participating in an Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) program does not meet the criteria for this exemption. However, if an applicant or member has a drug or alcohol addiction that may make them unfit for employment due to illness. They may be exempt from both the general FoodShare work registration requirements and the ABAWD work requirement. In such cases, an IM worker must document the exemption.*

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- An employed or self-employed person working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage.
  - This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
- A person who is enrolled at least half-time in any recognized school, training program, or institution of higher education.
- An individual who jointly applies for SSI and FoodShare is exempt from basic work rules until a disability determination is made. If they are determined ineligible for SSI, the exemption from the Basic Work Rules is re-evaluated.

Verification for an exemption from the basic work rules is not required unless the exemption is questionable.

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*There are some differences between exemptions from the FoodShare basic work rules and exemptions from the ABAWD/FoodShare Work Requirement (see [SECTION 3.17.1.3 DETERMINING EXEMPTIONS FROM THE FOODSHARE WORK REQUIREMENT](#)).*

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### 3.16.1.4 Registering for Work

As a condition of FoodShare eligibility, each food unit member not exempt from the FoodShare basic work rules in [SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES](#) must register for work at the time of application and renewal. An applicant or member must provide the IM agency with sufficient information regarding employment status or availability for work.

Registering for work is completed when the agency receives one of the following:

- A signed Request for Assistance (RFA) after the Client Registration is completed in CARES Worker Web (CWW).
- A completed and signed FoodShare Wisconsin Application ([F-16019](#)).
- An ACCESS FoodShare application containing an electronic signature.
- A signed signature page from the CWW case summary.
- A completed telephonic signature (see [SECTION 2.1.1.4 SETTING THE FILING DATE](#)).

An applicant or member who signs the FoodShare application or renewal registers all food unit members subject to the basic work rules for work.

### 3.16.1.4.1 Basic Work Rules Interview Requirements

During each FoodShare interview, IM workers must do the following:

- Ask relevant questions and gather necessary information to identify the correct basic work rules status and ABAWD determination in CWW.
- Ask relevant questions to assist in discovering potential exemptions.
- Provide applicants or members with information on exemptions so that they may recognize any current or future exemptions for themselves or a household member.
- Review prior and potential sanctions documented on the Loss of Employment pages for accuracy and possible good cause.

For details on required interview topics related to the FoodShare Basic Work Rules and FoodShare work Requirements, see [SECTION 2.1.3.2.1 REQUIRED INTERVIEW TOPICS](#).

IM workers should provide applicants and members with information about the FSET program. IM workers need to inform individuals subject to the basic work rules that although registration for work is mandatory, participation in FSET is voluntary and non-participation will not result in being sanctioned.

### 3.16.1.5 Sanctions for Noncompliance

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An applicant or member without an exemption (see [SECTION 3.16.1.3 EXEMPTION FROM THE FOODSHARE BASIC WORK RULES](#)) is considered to be noncompliant if they do not meet the basic work rules. An applicant or member who does not comply with the basic work rules and does not have good cause will be sanctioned from receiving FoodShare benefits. An event that results in a sanction has historically been referred to as a voluntary quit or a reduced work effort (VQT). These events are now referred to as sanction events.

Acts of noncompliance that may result in a sanction and that are reported by the applicant or member are generally not questionable. Unless there is conflicting or questionable information, the IM worker should not pend the application or renewal for verification of the sanction event. The IM worker should document the steps taken to explore good cause in case comments.

The following are sanction events:

- Turning down suitable employment. The following must all be true for a job to be considered suitable employment:
  - Pay is equivalent to minimum wage or higher.
  - If employment is offered on a piece-rate basis, the expected average hourly pay (piece-rate average hourly output) is at least minimum wage.
  - The employee is not required to either join or quit a union or trade organization.
  - The job is not obtained due to strike or lockout.
  - The job does not pose health risks.
  - The job matches a person's physical and mental ability to perform the job.
  - The daily round-trip commuting time is less than two hours, excluding time transporting a child to or from child care.
  - The distance to the job allows for walking or public or private transportation is available.
  - The hours of work or nature of work does not interfere with the person's religious observations, convictions, or beliefs.
  - Within the first 30 days of work registration, the employment must be in the person's field of experience.

### 3.16.1 FoodShare Basic Work Rules

- Quitting a job of 30 or more hours per week (or a job with earnings equivalent to 30 or more hours per week at federal minimum wage). The converted monthly amount should be used.

**Note** *Quitting a job of 29 or fewer hours per week should not result in a sanction, unless the weekly earnings prior to quitting were greater than 30 times the federal minimum wage.*

- Voluntarily reducing hours worked to less than 30 per week. Reducing hours to less than 30 per week but continuing to earn weekly wages greater than 30 hours at the federal minimum wage would not result in a sanction. The converted monthly amount should be used.
- Previously participating in a W-2 placement that has ended for failing to meet the W-2 program requirements.

**Note** *The reason for closure needs to be explored with the applicant or member.*

- Applying for or receiving unemployment and failing to meet the unemployment work requirement.

It is possible that a FoodShare applicant or member who is exempt from the basic work rules could be sanctioned for noncompliance. FoodShare applicants or members who are initially exempt from the basic work rules solely due to working, applying for or receiving unemployment compensation, or participating in W-2, but who commit an act of noncompliance resulting in the loss of the exemption without good cause will be sanctioned. If there are any additional exemptions for this applicant or member, a sanction will not be applied.

**Note** *FoodShare applications must be processed within the normal processing time frame. If verification of a sanction event or good cause is required and has not been verified by day 30, the IM worker must determine FoodShare eligibility as if this person has not failed to meet the FoodShare basic work rules. Once eligibility has been determined, the sanction event/good cause reason should pend for the appropriate time. If a sanction event occurred without good cause, the IM worker would sanction that person in the next possible benefit month.*

### 3.16.1.6 Sanction Period

Sanctions will be systematically applied for the time periods indicated below. During a sanction period, if the applicant or member remains part of a food unit, they will be a gross deemer for the purpose of income and deduction budgeting (that is, their income and expenses will be used in the FoodShare benefit determination for the rest of the food group).

Sanction Occurrence	Time Period for Sanctions	
	Applied at the Time of Application (days)	Applied to Ongoing Cases (benefit months)*
1st	30 days	1 month
2nd	90 days	3 months
3rd and subsequent	180 days	6 months

\*In instances where a break-in-service occurs, the sanction applies from the first date that eligibility is regained and runs for the remainder of that benefit month.

### 3.16.1 FoodShare Basic Work Rules

#### 3.16.1.6.1 At Application

If a sanction event occurs within the 30 days preceding the application filing date, without good cause, the applicant or member will be sanctioned from receiving FoodShare benefits as of the application filing date.

An application is not eligible for expedited FoodShare issuance if there is a sanction event. An interview is required to determine if there is a sanction event. The worker is required to determine sanction events and good cause in the interview. The IM worker must document exploration of sanction events and good cause in case comments.

If an applicant's or member's FoodShare eligibility is failing for another reason (for example, the applicant or member didn't verify information), a sanction will not be applied at the time of application.

<b>Example 1</b>	Joe completes an application on December 6. The agency is unable to reach Joe for the required FoodShare interview, so the agency pends for his interview. Joe comes into the agency on December 20 and completes his interview. Joe reports he quit his job on November 26 and has no exemption or good cause. Joe is otherwise eligible, so the worker confirms the application denied, and CWW applies his first sanction beginning December 6.
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<b>Example 2</b>	Jack applies for FoodShare on August 8. Jack completes his interview on August 21 and reports that he refused suitable employment on July 29 without good cause. Jack is not otherwise exempt. Jack's application pends for verification of his identity. Jack fails to verify his identity by his verification due date of September 17. Since Jack is being denied for failure to verify information, a sanction will not be applied.
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#### 3.16.1.6.2 Ongoing

If a sanction event occurs within the six- or 12-month certification period, without good cause, the member will be sanctioned. Sanctions for ongoing cases are applied following adverse action. In instances where a break in service occurs, the sanction applies from the first date that eligibility is regained and runs for the remainder of that benefit month.

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*Other than during six-month reporting and renewal, the only change food units are required to report are:*

- *If their total monthly gross income increases above 130% of the federal poverty level (FPL) for their reported food unit size,*
  - *If someone in the food unit receives a substantial lottery or gambling winning, and*
- Note**
- *If an ABAWD reduces their work hours below 80 per month.*

*These changes must be reported by the 10th of the month following the month in which the total income exceeded 130% of the FPL, a substantial winning was received, or ABAWDs monthly hours decreased. Unless a food unit change meets this specific simplified reporting criteria, they do not need to report the change (see SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS (SIMPLIFIED)).*

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<b>Example 3</b>	John completes his renewal interview on December 3, and FoodShare pends for verification. John doesn't provide verification timely, so his FoodShare case closes at adverse action, effective December 31. John provides his verification on January 15 and reports that he refused employment without good cause. Renewal late verification requirements were met on January 15. This is John's first sanction event, and the sanction is applied January 15 through January 31. Since John did not receive benefits from January 1 through January 31, this is a one-month sanction.
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### 3.16.1 FoodShare Basic Work Rules

<b>Example 4</b>	Jeff applied for FoodShare in February and his case is currently open. On August 21, Jeff reports that he quit his job where he was working 35 hours per week without good cause; he is not otherwise exempt. Verification is not necessary, so the worker determines Jeff's FoodShare eligibility, and he receives his first sanction. Since FoodShare benefit issuance is already confirmed for August and September, Jeff will be assigned a one-month sanction, beginning October 1.
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When a member reports that a sanction event took place during the certification period and FoodShare eligibility is closing for any reason, a sanction will still be applied. This occurs because the member was subject to the basic work rules at the time of the sanction event.

<b>Example 5</b>	Jill has a renewal due by December 31. Jill submits an ACCESS renewal and completes her interview on December 21. During the interview, she reports that she quit her job without good cause and is not otherwise exempt. Jill also reports that she just moved in with her boyfriend. Her FoodShare will close effective December 31 as a result of her boyfriend's income. Even though Jill's case is closing, a one-month sanction effective January 1 must still be applied.
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<b>Example 6</b>	Tory's FoodShare closed January 31 for failing to provide proof of unearned income. Tory also has a one-month sanction which is effective February 1 for quitting a job without good cause. Tory turns in their unearned income verification on February 10th. Tory's FoodShare would normally re-open the date they took the required action under a break-in-service but in this instance, FoodShare remains closed for the month of February due to the sanction.
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### 3.16.1.7 Good Cause

When considering whether a potential sanction event has taken place, IM workers are required to consider the reasons leading to the event to determine if there was good cause. The IM worker must explore potential good cause with the applicant or member. Exploration can include a verbal conversation with the member, attempting to contact a member, or sending the member a letter requesting this information. Workers must document steps taken to explore good cause in case comments. When good cause exists, a sanction should not be applied.

Reasons for good cause include, but are not limited to, the following:

1. The job did not meet the suitable employment criteria (see [SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES](#)).
2. The applicant or member was fired or resigned at the employer's demand.
3. The employer discriminated based on the applicant or member's age, race, sex, gender identity, color, handicap, religious belief, national origin, or political belief.
4. Work demands or conditions made continued employment unreasonable (for example, working without being paid timely).
5. The applicant or member accepted other employment at a wage equivalent to working 30 or more hours per week at federal minimum wage.
6. The applicant's or member's work hours were reduced to less than 30 hours per week, but wages earned are equivalent to working 30 or more hours per week at the federal minimum wage.
7. The applicant or member enrolled at least half-time in any recognized school, training program, or institution of higher education that requires them to leave employment.

### 3.16.1 FoodShare Basic Work Rules

8. There were changes in the food unit residence that impacted access to current employment (for example, members of the food unit moved to another community because a member accepted a new job or enrolled at least half-time in a recognized school, training program, or institution of higher education).
9. The applicant or member has personal health problems, or others in the food unit have health problems requiring the presence of the applicant or member.
10. The applicant or member is under age 60 and resigned from a job, which the employer recognized as retirement.
11. The applicant or member quit in the context of the natural pattern of employment, such as a migrant worker or construction laborer.
12. Hours of employment were reduced by the employer without consent from the applicant or member, but the employer remained the same.
13. The applicant or member quit unsubsidized employment to join a volunteer program, such as Volunteers In Service To America (VISTA), AmeriCorps, etc.
14. Transportation was not available.
15. The applicant or member was unable to obtain adequate child care for a child or children younger than age 12.
16. The applicant's or member's self-employment ended.
17. There were other circumstances beyond the applicant's or member's control that the agency determines constitute good cause.

<b>Example 7</b>	Sanction event resulting in a sanction: On December 22, Scott reports that he quit his job because he doesn't like his boss. Scott does not have good cause for quitting his job. Because the worker is processing the sanction event after adverse action in December, his sanction begin date will be February 1.
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<b>Example 8</b>	Sanction event not resulting in a sanction due to good cause: John reports that he quit his job because his boss was creating a hostile work environment by harassing him for his religious beliefs. Good cause exists. The worker should not create a sanction.
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Verification of good cause is not required unless the reason for good cause is questionable. If an IM worker receives conflicting or unclear information about the good cause reason, verification must be requested to clarify the circumstances. If verification of good cause is requested, the reason for requesting verification should be documented in case comments.

Any federal, state, or local government employee who participates in a strike and is dismissed because of the participation is considered to have voluntarily quit the job without good cause.

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<b>Note</b>	<i>Simplified reporting does not require reporting of job loss or reduction in work hours with the exception of ABAWDs who are meeting the FoodShare work requirement because they are working at least 80 hours per month (see <a href="#">SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS (SIMPLIFIED)</a>). IM workers are required to determine good cause at the time the loss or reduction in employment becomes known to the agency. If no good cause exists, the sanction is imposed the first of the month after the month proper notice of the sanction is provided.</i>
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<b>Example 9</b>	While processing Scott's SMRF on December 20, Mary notices that Scott's last day of work was October 1. Mary contacts Scott to determine if his job ended due to good cause. Scott does not have good
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### 3.16.1 FoodShare Basic Work Rules

	cause for quitting his job. Because Mary is processing a December SMRF, his sanction begin date will be January 1.
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<b>Example 10</b>	John has medical restrictions that limit him to lifting no more than 25 pounds. Pepsi offered John a job at which he would be required to lift 75 pounds regularly. This job does not meet the definition of suitable employment for John because it does not match his physical and mental ability to perform the job (see <a href="#">SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES</a> ). John refused the employment, and the IM worker should grant him good cause because he could not reasonably perform the duties of the job.
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### 3.16.1.8 Ending a Sanction Event

A sanction will end if:

- The applicant or member becomes exempt from the basic work rules.
- The sanction period ends.

**Note** A sanction will not apply if an individual begins meeting an exemption prior to the sanction begin date.

<b>Example 11</b>	Jeff received notice on March 10 that they will be sanctioned beginning April 1 for voluntarily quitting their full-time job. On March 28, Jeff reports new full-time employment. The sanction would not apply because Jeff is now exempt from meeting basic work rules since they are employed more than 30 hours per week.
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FoodShare benefits are not automatically re-instated at the end of a sanction period. An applicant or member who was sanctioned must re-apply or re-request FoodShare benefits. If an application for FoodShare is filed in the final month of the sanction period, the worker will use that application to deny benefits for the remaining sanction month and to issue benefits for any subsequent month if all other eligibility criteria are met.

#### Case Currently Open for FoodShare:

If the applicant or member who had a sanction would like to be added to an open food unit, they must re-request FoodShare. The applicant or member will be added to the food unit the first of the month following the month of the re-request.

#### Closed Food Unit or One-Person Case:

If the individual who had a sanction is re-requesting FoodShare, and the ongoing food unit has been closed for more than a calendar month, the individual must complete a new application. If the sanction event occurred on an ongoing FoodShare case that has been closed for less than a calendar month, the case can re-open under break-in-service rules, with benefits pro-rated from the date in which the re-request is made and all eligibility criteria are met.

If the sanction event was determined through a one-person FoodShare application, and it is the first sanction event, the original application can be used so long as the applicant is re-requesting FoodShare no more than 60 days from the original filing date.

### 3.16.1 FoodShare Basic Work Rules

For one-person FoodShare applications in which the applicant has incurred more than one sanction event, the applicant is required to re-apply during or after the final month of the sanction period.

#### 3.16.1.9 Sanctions and Fair Hearings

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If the food unit requests a fair hearing to contest a sanction, and the food unit members request to continue receiving benefits during the hearing process, benefits should continue until after the fair hearing decision. For FoodShare benefits to continue, the worker must grant good cause for the months until a hearing decision is made and document the actions in case comments. If the sanction is upheld, the sanction period will begin the first of the month following the month of decision, allowing for an adverse action notice.

## 3.17.1 FoodShare Work Requirements for ABAWDs

### 3.17.1.1 Able-Bodied Adults Without Dependents (ABAWDs)

An ABAWD is an Able-bodied Adult Without Dependents:

<b>Able-bodied</b>	<ul style="list-style-type: none"> <li>• Fit for employment</li> <li>• Not pregnant</li> <li>• Not covered by a suspension of the time limit or exemption</li> </ul>
<b>Adult</b>	<ul style="list-style-type: none"> <li>• Aged 18 to 54*</li> </ul>
<b>Without Dependents</b>	<ul style="list-style-type: none"> <li>• Not a parent of a food unit member under 18</li> <li>• Not residing in a household where a food unit is under 18</li> </ul>

\*The Fiscal Responsibility Act of 2023 changed the age range for ABAWD members.

- Prior to September 1, 2023, the age range is 18 to 49 years old.
- Between September 1, 2023, and September 30, 2023, the age range is 18 to 50 years old.
- Between October 1, 2023, and September 30, 2024, the age range is 18 to 52 years old.
- From October 1, 2024 and going forward, the age range is 18 to 54 years old.

When a new age range period begins, existing FoodShare members that are older than the new age range will not be subject to the adjusted age range until they complete a renewal.

<b>Example 1</b>	<p>Anna applied for and was determined eligible for FoodShare benefits in June 2023. Anna is 53 years old at the time of application. Anna is not an ABAWD due to her age because until October 1, 2024 the age range for ABAWDs was 18 to 52 years old. Even though the age range for ABAWDs increased to age 54 as of October 1, 2024, Anna cannot be considered an ABAWD until she completes her renewal. Anna completes the required renewal in June 2025. Anna is now 54 years old. Anna is not working and does not meet any other exemptions. Anna is determined to be an ABAWD effective the start of her next certification period on July 1, 2025.</p>
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**Note** *The FoodShare work requirement is also sometimes referred to as the ABAWD work requirement.*

ABAWDs must either meet the FoodShare work requirement or an exemption from the FoodShare work requirement to continue to receive FoodShare benefits. ABAWDs who do not meet the work requirement may only receive up to three full months of time-limited benefits (TLBs) in the current FoodShare clock three-year period.

### 3.17.1.2 FoodShare Work Requirement

In addition to FoodShare basic work rules (see [SECTION 3.16.1 FOODSHARE BASIC WORK RULES](#)), ABAWDs are required to meet an additional FoodShare work requirement as a condition of FoodShare eligibility.

An ABAWD is meeting the FoodShare work requirement if one of the following applies:

### 3.17.1 FoodShare Work Requirements For ABAWDs

1. Working a minimum of 80 hours per month (use converted work hours if paid weekly or biweekly)
2. Participating and complying with an allowable work program at least 80 hours per month\*
3. Both working and participating in an allowable work program for a combined total of at least 80 hours per month
4. Participating and complying with the requirements of a workfare program

\*Allowable work programs include FSET, Refugee Employment and Training, W-2, Trial Employment Match Program (TEMP), Children First, WIOA programs, Refugee Cash Assistance programs, and programs under section 236 of the Trade Act.

#### 3.17.1.2.1 Definition of Working for FoodShare Work Requirement for ABAWDs

For ABAWDs, working is defined as one of the following:

1. Work in exchange for money;
2. Work in exchange for goods or services (“in kind”);
3. Unpaid work (such as, volunteer work, community service);
4. Self-employed at any wage; or
5. Any combination of the above.

This section previously contained information related to the pilot implementation of the ABAWD work requirement and the implementation of the new regional structure. The pilot period concluded on March 31, 2015, due to the statewide implementation on April 1, 2015.

#### 3.17.1.2.2 Additional ABAWD Reporting for FoodShare Work Requirement

ABAWDs are required to report if their work hours drop below 80 hours per month by the 10th of the month following when the change occurred. ABAWDs are not required to report a change in exemption (see [SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS \(SIMPLIFIED\)](#)).

<b>Example 2</b>	Paul is an ABAWD and was working full time at the outdoor city pool. The pool closed after Labor Day in September, and Paul did not find a new job. As a result, Paul only worked 30 hours for the month of September. Paul must report his drop-in work hours by October 10.
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An overpayment claim should not be established if benefits were issued for a month that the ABAWD was not exempt or meeting the FoodShare work requirement due to a change in exemption or ABAWD status that was not required to be reported.

Adverse action rules continue to apply.

#### 3.17.1.3 Determining Exemptions From the FoodShare Work Requirement

Identification and correct determination of ABAWD exemptions impacts whether members are subject to TLBs and maintain eligibility for benefits. Members may cycle on and off FoodShare benefits and may gain or lose exemptions for a variety of reasons.

### 3.17.1 FoodShare Work Requirements For ABAWDs

A FoodShare applicant or member is determined exempt from the FoodShare work requirement if they meet any one of the following exemption criteria, as determined by the IM agency:

- Under age 18\* or age 54\*\* and older
  - \*Under Age 18: ABAWD status applies the month following the month the FoodShare member or applicant turns age 18.
  - \*\*Age 54 and older: ABAWD status no longer applies the first day of the month an ABAWD turns age 55.
- Residing in a food unit with a child under age 18\*\*\*
  - \*\*\*Individuals who reside with and are included in the same food unit as a child under age 18 are non-ABAWDs, even if that child is ineligible for FoodShare (see [SECTION 3.3.1.1 HUG \(HOUSEHOLDS, UNITS, GROUPS\)](#) for food unit requirements).
- Pregnant
- Determined unfit for employment, which includes someone considered any of the following:
  - Receiving temporary or permanent disability benefits from the government or a private source.
  - Mentally or physically unable to work as determined by the IM agency.
  - Displaying mental instability, combativeness, or other mental health issues. (Per direction from FNS, the IM worker should consider the member unfit for work and document an exemption without requiring verification from a health care professional.)
  - Verified as unable to work by a statement from a health care professional or a social worker (may use the Medical Exemption from Work Requirement for Able-Bodied Adults Without Dependents form ([F-01598](#)) to verify).
  - Experiencing chronic homelessness. (A person is chronically homeless if they currently lack a fixed, regular nighttime residence and do not expect to have a regular nighttime residence in the next 30 days. This includes people who are in a temporary housing situation, such as transitional living arrangements)

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**Note** *The definition of homelessness for the FoodShare work requirement exemption is the same as the definition of homelessness used for residency (see [SECTION 3.2.1.3 HOMELESSNESS](#) for the complete definition).*

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- Veteran, including any person who has served in any branch of the United States Armed Forces (including the Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, National Guard, and Armed Forces Reserve) regardless of discharge or release condition.
- Former Foster Care Youth including any person who is 18 to 24 years old who was previously in a foster care program at the time when they turned 18 years old. Foster care programs include foster care, court ordered kinship care, subsidized guardianship, and adoption assistance.
- Primary caretaker of a dependent child under age six or a person who can't care for themselves (may be part of the food unit or in a separate household).

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**Note** *For situations where more than one person shares caregiving responsibilities for a child under age six or a person who can't care for themselves, the agency should work with the applicant or member to determine which person has primary responsibility for care of the child or person who can't care for themselves. The other person's care giving responsibilities can be seen as work and the hours can count towards meeting the FoodShare work requirement, (see [SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDs](#)).*

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*In most situations, only one person may claim exemption under this provision for the care of a person who can't care for themselves. However, there may be an exception with medical documentation which specifies that more than one person is needed to provide the required care.*

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### 3.17.1 FoodShare Work Requirements For ABAWDs

- Exempt from the FoodShare basic work rules (see [SECTION 3.16.1.3 EXEMPTIONS FROM THE FOODSHARE BASIC WORK RULES](#) for more details and full list of basic work rules exemptions).
  - Receives Unemployment Compensation (UC), or has applied for UC, and is complying with UC work requirements.
  - Regularly participates in an alcohol or other drug abuse (AODA) treatment or rehabilitation program.
  - A student aged 18 years or older who is enrolled at least half-time in high school. Enrollment in a GED or HSED program does not qualify for the exemption (though it might be an assigned activity that counts towards required hours for an ABAWD choosing to meet the work requirement through FSET participation).
  - A student of higher education who is otherwise eligible for FoodShare (see [SECTION 3.15.1 STUDENT ELIGIBILITY](#)).
  - Is not a work registrant due to working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage
  - Complying with Wisconsin Works (W-2) program requirements.

Workers must document exemptions in case comments.

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*If an person's child is coded as out of the home, including children placed in foster care and children coded as out of home tax dependents, the applicant or member would be considered an ABAWD unless otherwise exempt.*

**Note** *Persons who reside in an area where the time limit of the FoodShare work requirement is suspended or are a tribal member living on tribal land where the time limit of the FoodShare work requirement is suspended are not considered exempt. Rather, if no other exemptions are met they would be an ABAWD who is not subject to the time limit and they would not accrue TLBs.*

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<b>Example 3</b>	An IM worker conducts a FoodShare renewal interview over the telephone with Jolene. Jolene explains that she is homeless and currently sleeping at a temporary shelter at night and does not know when she will find permanent housing. The worker determines Jolene is exempt from the FoodShare work requirement due to being homeless.
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<b>Example 4</b>	An IM worker conducts a renewal FoodShare interview over the telephone with Ronald. Ronald explains that he is living at his friend's house, but he is not on the lease and cannot use it as a mailing address. Ronald plans to continue living with his friend. The worker determines that Ronald is not homeless.
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### 3.17.1.4 Verification of Work Hours and Exemptions From FoodShare Work Requirement

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Verification of exemptions from the FoodShare work requirement is not required unless otherwise noted as a part of eligibility requirements or deemed questionable.

If a reported exemption is determined to be questionable, examples of verification include the following:

- Agency form
- Statement from health care, social worker, or AODA professional

### 3.17.1 FoodShare Work Requirements For ABAWDs

- Data exchanges
- Department of Veteran Affairs service department correspondence or contact including documents relating to release, discharge, or transfer; identification card indicating service veteran status
- Using information known to the IM agency
- Collateral contact
- Other acceptable written statement

Another option to verify if a member is physically or mentally unable to work is the Medical Exemption from Work Requirement for ABAWD form ([F-01598](#)). The form is not required, and IM workers must accept other forms of verification for this exemption, if questionable.

ABAWD Hours Worked must be verified. Some types of acceptable verification include:

- Employer form/paystub/tax document/EVF-E.
- Written statement from the employer, work program, or volunteer site.
- Employer, work program, or volunteer site contact.

As long as an exemption exists for part of a month, the member is exempt for the entire month. If the ABAWD meets the 80-hour FoodShare work requirement, the ABAWD cannot accrue a TLB for that month. When applying an exemption or verified work hours, workers must determine when the individual initially became exempt or began meeting the work requirement and remove TLBs that were incurred while the individual was exempt or meeting the FoodShare work requirement. If an IM worker deems an exemption questionable, an exemption or status change will not be applied until it is verified. An ABAWD with an exemption deemed questionable will receive TLBs until the verification is received.

IM agency staff may use the FSET provider as a collateral contact or to provide an acceptable written statement to assist in the determination of ABAWD exemptions or verification of work hours. The IM worker makes the final determination whether to apply an exemption or status change to the member's case.

The effective date of an exemption is the first of the month the exemption situation exists as long as verification is provided. The FoodShare Clock Page may need to be adjusted once verification of an exemption is provided (see [SECTION 3.17.1.13 ADJUSTING FOODSHARE CLOCK PAGE](#)).

<b>Example 5</b>	Angela is an ABAWD who is not meeting the FoodShare work requirement and does not claim an exemption during her application interview on July 7. A referral is sent to FSET. Angela receives the FSET referral letter, which lists the ABAWD exemptions. On August 25, Angela reports to her IM worker that she started regularly participating in an AODA treatment program on August 10. The IM worker did not determine the reported exemption to be questionable. Angela will be treated as a non-ABAWD as of August 1 due to having an exemption.
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<b>Example 6</b>	Olive applies and is determined eligible for FoodShare beginning April 19. During the application interview Olive reports that she is pregnant. The IM worker determines that Olive's pregnancy meets the exemption and that it is not questionable. Olive will be a non-ABAWD effective April 1.
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<b>Example 7</b>	Chip is an ABAWD who needs to meet the FoodShare work requirement. He did not work or have an exemption and earned TLBs in June, July, and August. He started working 25 hours per week and met the FoodShare work requirement in September.
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### 3.17.1 FoodShare Work Requirements For ABAWDs

	On December 1 of that same year, Chip reports that his 14-year-old daughter had moved into his apartment in July. The worker adds Chip's daughter to his food unit and adjusts the status of the FoodShare Clock to "EX-Exempt" for the months of July and August. The worker notes the removal of the July and August TLBs in case comments.
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#### 3.17.1.5 Good Cause for the FoodShare Work Requirement

ABAWDs can report good cause hours for a month they were not meeting the Foodshare work requirement, and a TLB was applied. Good cause hours that are applied to a case may allow an ABAWD to meet the FoodShare work requirement and maintain FoodShare eligibility if they are unable to temporarily meet the work requirement. ABAWDs can report good cause hours at any time, even after Foodshare eligibility has closed due to receiving three TLBs.

Good cause hours may be granted for circumstances beyond the member's control that resulted in the member missing work or work activity hours such as, but not limited to:

- Work activity was cancelled
- Discrimination
- Family issues
- Illness or personal health reasons
- Inclement weather
- Legal issues
- Lack of transportation
- Unreasonable job demands
- Unanticipated emergency

When making decisions about granting good cause hours, IM workers must consider all facts and circumstances and seek additional information from other sources for clarification, as needed. IM agencies may request verification of good cause hours if it is deemed questionable. Steps taken to explore good cause must be documented.

If the member meets the work requirement, with the addition of the good cause hours, the member's TLB month is removed.

<b>Example 8</b>	Adrian, an ABAWD working part-time at 25 hours per week, applied for FoodShare on January 10. During the months of February and March he received TLBs because he did not work sufficient hours to meet the work requirement. Adrian had car issues in March that resulted in him needing to use the bus. Because the bus route did not align with his work schedule, Adrian temporarily reduced his work hours to 17 hours per week. On April 4, Adrian called the IM agency and reported good cause hours for the month of March (his second TLB month) due to transportation issues. The good cause hours were determined not questionable. The reported good cause hours were applied, along with his verified part-time employment, to meet the work requirement for the month of March and remove the TLB. Adrian has two TLBs left during the current three-year fixed clock period.
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If the good cause request is related to a chronic issue, the worker must first have a conversation with the member to determine if the individual qualifies for an exemption in [SECTION 3.17.1.3 DETERMINING EXEMPTIONS FROM THE FOODSHARE WORK REQUIREMENT](#). If the individual does not meet one of the exemption criteria, a discretionary exemption must not be applied. Workers must discuss alternative options for mitigating the impact of the barrier such as

### 3.17.1 FoodShare Work Requirements For ABAWDs

referring the member to the local FSET agency, discussing other work requirement participation options, and referrals to outside government and community agencies.

<b>Example 9</b>	Joe is an ABAWD member that had a serious illness that prevented them from meeting the work requirement for the month of June and their symptoms were anticipated to continue. Joe would be considered unfit for unemployment due to physical or mental illness. An exemption must be applied.
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#### 3.17.1.6 Three Countable Months of Time-Limited FoodShare Benefits (TLBs)

ABAWD eligibility for FoodShare is limited to three months of TLBs in the current three-year clock period if an ABAWD is not meeting the FoodShare work requirement and does not have a qualifying exemption. The three TLB months do not have to be consecutive.

An ABAWD will accrue a TLB month any month in which the ABAWD received a full month of FoodShare benefits and the member:

- Is not meeting the FoodShare work requirement; and
- Does not meet an exemption from the FoodShare work requirement; or
- Does not verify an exemption from the FoodShare work requirement.

An ABAWD will not accrue a TLB month any month in which the ABAWD does one of the following:

- Received pro-rated FoodShare benefits
- Is covered by a suspension of the time limit

<b>Example 10</b>	Linda, an ABAWD who is not meeting the FoodShare work requirement, applied for FoodShare and was found eligible with a 12-month certification period of July 2 through June 30. Linda's first TLB month is August because July benefits were prorated.
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<b>Example 11</b>	Libby is an ABAWD who earned two TLBs in November and December. On January 5, Libby reports and verifies that her roommate's child moved into her home on December 21. Libby, her roommate, and her roommate's child are in the same food unit. Libby's status changes to non-ABAWD effective December 1, the month the exemption began.
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#### 3.17.1.7 The Three-Year Period (FoodShare Clock)

ABAWDs may only receive FoodShare benefits for three-months in a three-year period unless meeting the FoodShare work requirement or meeting an exemption.

Wisconsin established a fixed, statewide time limit clock for the three-year period. Wisconsin's fixed three-year clock will start and end on the same dates for all relevant individuals, regardless of when their eligibility began or when they accrued time-limited benefit months. When the new or subsequent three-year period starts, individuals or members that have accrued time-limited benefits will have their count reset to zero. A new three-year period will start after the current three-year period expires.

Under the fixed clock, the time limit will continue to only apply to ABAWDs with a Time Limited Benefit (TLB) referral or ABAWDs with a non-TLB referral due to meeting the work requirement. The statewide clock will have no impact on an adult who is a non-ABAWD or an ABAWD with a non-TLB referral due to living in a waived area or on waived tribal lands.

The table below displays the three-year clock start and end dates through 2042 for reference.

### 3.17.1 FoodShare Work Requirements For ABAWDs

Three-Year Clock Start	Three-Year Clock End
January 1, 2022	December 31, 2024
January 1, 2025	December 31, 2027
January 1, 2028	December 31, 2030
January 1, 2031	December 31, 2033
January 1, 2034	December 31, 2036
January 1, 2037	December 31, 2039
January 1, 2040	December 31, 2042

<b>Example 12</b>	Betty does not meet the FoodShare work requirement in August of 2025, September of 2025, and December of 2025. The applicable 3-year time period for Wisconsin’s FoodShare program began on January 1, 2025, and will end on December 31, 2027. Betty will be ineligible for FoodShare starting January 2026 through December 2027 unless she starts meeting the work requirement or obtains a qualifying exemption. All applicable members’ clocks, including Betty’s, will reset to zero when the subsequent three-year period begins on January 1, 2028.
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<b>Example 13</b>	Wisconsin’s current three-year clock began on January 1, 2025, and will end on December 31, 2027. Kya applied for FoodShare and was found eligible as an ABAWD as of February 13, 2027. Kya’s FoodShare closed on May 31 after three TLBs were issued for March, April, and May. Kya will be ineligible for FoodShare starting June 2027-December 2027 unless she starts meeting the work requirement or obtains a qualifying exemption. All applicable members’ clocks, including Kya’s, will reset to zero when the subsequent three-year period begins on January 1, 2028.
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<b>Example 14</b>	Wisconsin’s current three-year clock began on January 1, 2025, and will end on December 31, 2027. Tom applied for FoodShare and was found eligible as a non-ABAWD as of October 13, 2026. Wisconsin’s three-year clock will not impact Tom as long as he remains a non-ABAWD. Tom’s exemption ends on January 12, 2027. Tom’s status changes to an ABAWD with a TLB referral beginning February 1, 2027. He becomes subject to the current three-year clock, which runs until December 31, 2027.
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The table below provides an example of potential changes in ABAWD status that may occur during one three-year period. Three consecutive additional months (see [SECTION 3.17.1.9 THREE ADDITIONAL MONTHS OF FOODSHARE BENEFITS](#)) are granted after FoodShare eligibility is regained due to meeting the work requirement.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Start	-	-	-	Partial	TLB1	TLB2	TLB3	x	x	x	x
2	x	x	Partial	FSET	FSET	FSET	FSET	FSET	FSET	FSET	Work	Work

### 3.17.1 FoodShare Work Requirements For ABAWDs

<b>3</b>	A1	A2	A3	Exem pt	Exem pt	Exem pt	Exem pt	Exem pt	x	x	x	End
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#### Year 1

<b>January 1</b>	Current three-year period begin date. All FoodShare clocks are reset to zero.
<b>January through April</b>	Not open for FoodShare.
<b>May</b>	FoodShare filing date is May 17. Determined eligible as an ABAWD with a TLB referral type due to not meeting the work requirement. A TLB is not accrued this month because prorated benefits were received.
<b>June, July, and August</b>	Accrues a TLB each month due to not meeting the work requirement.
<b>September through December</b>	Ineligible due to exhausting three TLBs.

#### Year 2

<b>January through February</b>	Continued ineligibility due to exhausting three TLBs.
<b>March</b>	Reapplies for FoodShare on March 7 and is determined eligible as an ABAWD with a TLB referral. Met requirement for reinstating eligibility due to providing verification that the work requirement was met for 30-days following loss of eligibility.
<b>April through October</b>	Meeting ABAWD work requirement through FSET participation.
<b>November through December</b>	Obtained employment and is meeting ABAWD work requirement by working 80 or more hours per month.

#### Year 3

<b>January through March</b>	Lost employment and is no longer meeting the ABAWD work requirement. Receiving three additional months of benefits. Months of additional benefits must be consecutive.
<b>April through August</b>	Exempt from FoodShare basic work rules and FoodShare work requirements due to caring for child under six years.
<b>September through December</b>	Ineligible due to exhausting three TLBs, three additional months, and no longer meeting an exemption.
<b>December 31</b>	The three-year month period ends. Clocks will be reset to zero on January 1 of the next three-year period.

### 3.17.1.8 Regaining Eligibility After Exhausting Three Months of Time-Limited Benefits

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There is no limit on how many times an ABAWD may regain eligibility after exhausting three months of TLBs. A new application is required if the ABAWD re-requests FoodShare as a food unit of one unless the case has been closed less than 30 days and can reopen under break in service (see [SECTION 2.3.1 BREAK IN SERVICE](#)). If an ABAWD is requesting FoodShare on an on-going case, follow the person add policy to re-establish FoodShare eligibility (see [SECTION 6.1.3.3 CHANGES THAT CAUSE AN INCREASE IN BENEFITS, INCLUDING PERSON ADDS AND LOSS OF INCOME](#)).

ABAWDs who have exhausted three months of TLBs during the current three-year period may regain eligibility by completing one of the following:

- Providing verification that the FoodShare work requirement was met for any 30 consecutive day period following the loss of FoodShare eligibility
- Verifying that the FoodShare work requirement will be met within 30 days of the new filing date. The FoodShare work requirement can be met by completing one of the following:
  - Working a minimum of 80 hours in the 30-day period (see [SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDs](#))
  - Participating in and complying with requirements of an allowable work program (see [SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDs](#)) for at least 80 hours in the 30-day period (see [SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDs](#))
    - FoodShare eligibility is a required prerequisite to FSET enrollment, so an ABAWD can't regain eligibility through FSET participation after FoodShare closes.
    - If an ABAWD is FoodShare eligible at the time of the FSET referral and enrollment, the ABAWD can participate in FSET and be expected to meet the FoodShare work requirement.
  - A combination of work and participation in an allowable work program for a minimum of 80 hours in the 30-day period
- Providing verification of a current exemption from the FoodShare work requirement at the time of the application
- Providing verification of an exemption that removes one or more TLBs
- The three-year clock expires

An ABAWD who is meeting one of the above requirements does not have to be meeting the work requirement at the time of re-application. An ABAWD who has exhausted three months of TLBs and is not meeting one of the above requirements at the time of re-application is ineligible for FoodShare. If the ineligible ABAWD is a member of an open food unit, the ABAWD will be counted as a pro-rated deemer (see [SECTION 4.7.5 PRORATED DEEMING](#)). If the ineligible ABAWD's food unit remains open through the three-year clock restart, the previously ineligible ABAWD will become eligible the month the subsequent clock begins and may begin accruing TLBs if not meeting the work requirement or exempt.

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*If an individual has exhausted their three TLBs, is reapplying or re-requesting FoodShare, and has a pending **Note** exemption or non-ABAWD status, the manual CARES Worker Web (CWW) letter, FSET PROOF OF EXMPT – NFST, must be sent to request verification. To send this letter in Spanish, use the manual NFSS letter.*

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### 3.17.1 FoodShare Work Requirements For ABAWDs

<b>Example 15</b>	Stella's FoodShare closed on October 31 after three TLBs were issued for August, September, and October. Stella reapplies for FoodShare on January 2 during the same three-year clock cycle. Stella is not meeting the work requirement at reapplication, but during the FoodShare interview Stella reports that she gained seasonal employment of 20 hours per week from November 8 through December 28. Verification of the employment is requested by the IM worker. Stella is determined eligible following verification of her complete work hours because she worked 30 consecutive days prior to application. Stella's FoodShare eligibility will be effective from her filing date as long as she meets all other eligibility criteria.
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<b>Example 16</b>	Gracie received three TLBs for November, December, and January. Her FoodShare closed January 31. Gracie claims an exemption for all three months due to a hip surgery and recovery period when she re-applies for FoodShare on February 10 and provides verification from her medical provider. The status of the FoodShare Clock is adjusted to apply the exemption for the months of November, December, and January. The removal of the TLBs is documented in the case comments. Gracie's eligibility will be effective from her break-in-service date of February 10.
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<b>Example 17</b>	Toby is open for FoodShare on a case with his girlfriend and cousin. Toby received three TLBs for January, February, and March. FoodShare remains open for Toby's girlfriend and cousin. Toby becomes a pro-rated deemer effective April 1. On May 12 of the same year, Toby requests to be added back into the food unit. He has been working at Target since May 5. He works 10 hours a week and provides paystubs for verification. When eligibility is run, Toby is found ineligible for FoodShare because he is not fully meeting the FoodShare work requirement. He will continue to be a pro-rated deemer until the three-year clock restarts and resets his TLB count to zero unless he meets the work requirement or meets an exemption.
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#### 3.17.1.9 Three Additional Months of FoodShare Benefits

In certain cases, an ABAWD who has exhausted three months of TLBs and regains eligibility by meeting the FoodShare work requirement may receive up to three additional consecutive months of FoodShare eligibility even if they are no longer meeting the work requirement. The person is not required to meet the FoodShare work requirement during the three additional months of FoodShare.

The three additional months of FoodShare eligibility will be determined systematically if the following conditions are met.

- Must be an ABAWD who exhausted three months of TLBs, regained FoodShare eligibility by meeting the FoodShare work requirement (see [SECTION 3.17.1.8 REGAINING ELIGIBILITY AFTER EXHAUSTING THREE MONTHS OF TIME-LIMITED BENEFITS](#)), and then stopped fulfilling that FoodShare work requirement.
- May only be received one time during the current three-year clock period.
- Must be applied consecutively, regardless of changes in FoodShare eligibility or ABAWD status.

<b>Example 18</b>	Several months after losing FoodShare eligibility due to exhausting three TLBs in the current clock period, Dani began meeting the work requirement through a local volunteer opportunity and regained eligibility in October 2026 by demonstrating that she was on track to meet the FoodShare work requirement within 30 days of the new filing date. Dani ended her volunteer position in December 2026 and no longer met the FoodShare work requirement. Additional months are granted for Dani for the months of December 2026, January 2027, and February 2027.
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### 3.17.1 FoodShare Work Requirements For ABAWDs

	<p>In February 2027, Dani found employment for more than 30 hours per week. Even though Dani’s employment exempts her from the FoodShare basic work rules and FoodShare work requirements in February, the additional months must be used consecutively. If Dani had not found employment and continued to not meet the work requirement, she would have again lost eligibility after using her third additional month in February.</p>
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#### 3.17.1.10 Countable Months From Another State

7 CFR 273.2(f)(1)(xiv)(B)

The IM worker must verify the number of time-limited benefit (TLB) months and additional months received in another state as an additional condition of eligibility for ABAWDs. Time-limited benefit months and additional months received in another state are countable months if received during Wisconsin’s current three-year fixed clock period.

Prior to certification, if there is indication that an adult food unit member aged 18-54 received SNAP in another state, the IM agency must verify the number of countable months, including additional months, that the individual received in the other state. The IM agency must specify Wisconsin’s current three-year clock period or request the month and year the countable months were received in the other state.

Verification of countable months in another state prior to certification must not delay processing of the application beyond regular timeliness processing standards.

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*TLB months do not need to be verified for individuals who received benefits in Puerto Rico or American Samoa. Puerto Rico and American Samoa do not operate a SNAP program. Instead, they operate a block grant for their programs, so they are not subject to the same rules and regulations as SNAP.*

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<p><b>Example 19</b></p>	<p>Zayne is 33 years old and lived in Ohio from October 2010 until he moved to Wisconsin in December of 2026. Wisconsin’s current three-year clock started on January 1, 2025, and will end on December 31, 2027. Zayne applied for FoodShare in Wisconsin on December 17, 2026. During Zayne’s FoodShare interview, he reported receiving SNAP benefits in Ohio during Wisconsin’s current three-year period. Because Zayne is an adult aged 18-54 and indicated receipt of SNAP benefits in Ohio, the worker must verify the number of countable months Zayne used in Ohio. The IM worker must also ask Ohio for Zayne’s benefit end date to complete the required duplicate benefit check at this time. The IM worker hears back from Ohio within one week and learns that Zayne earned countable months (TLBs) in April of 2026 and May of 2026. Zayne is determined eligible for FoodShare benefits in Wisconsin as an ABAWD and will receive prorated benefits for December 2026. Zayne’s Wisconsin clock will reflect two TLBs earned for April 2026 and May 2026.</p>
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<p><b>Example 20</b></p>	<p>Sheila is 24 years old and lived in Indiana until she moved to Wisconsin in July of 2027. Wisconsin’s current three-year clock started on January 1, 2025, and will end on December 31, 2027. Sheila applied for FoodShare July 12, 2027, and reported she was not working and did not have any exemptions from the FoodShare work requirement. During Sheila’s FoodShare interview, she reported receiving SNAP benefits in Indiana during Wisconsin’s current three-year period. Because Sheila is an adult aged 18-54 and indicated receipt of SNAP benefits in Indiana, the IM worker must verify the number of countable months Sheila used in Indiana and verify her benefit end date. The IM worker hears back and learns that Sheila earned countable months (TLBs) in September, October, and November of 2026. Sheila also</p>
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### 3.17.1 FoodShare Work Requirements For ABAWDs

	used additional months in February, March, and April of 2027. Sheila does not meet policy requirements for regaining eligibility and is denied eligibility because she has exhausted her TLBs and additional months.
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States that have a suspension of the time limit of the work requirement for ABAWDs who live in geographic areas experiencing employment at higher rates than the national average do not apply the time limit during the suspension period. States that have a partial suspension for specific geographic areas may implement the time limit in portions of their state and those that do not have a waiver apply the time limit of the work requirement for ABAWDs statewide.

IM workers may use the link below to check if the other state was under a suspension of the time limit of the work requirement for ABAWDs. If a state or geographic region is covered by a suspension, no countable months (TLBs) are applied to individuals residing in the covered area.

[SNAP ABAWD Suspensions](#)

#### 3.17.1.11 ABAWD Status and Referral Type

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**Non-ABAWD with a Non-TLB Referral Type:** A member who is not an ABAWD, or has an ABAWD exemption, is not subject to TLBs, and does not need to meet the FoodShare work requirement.

Non-ABAWDs are not subject to the FoodShare work requirement or TLBs during months in which they have an exemption. Workers must apply an exemption on the first of the month in which the exemption began, regardless of when the exemption is reported.

**ABAWD with a TLB referral Type:** An ABAWD who is subject to TLBs and who must meet the FoodShare work requirement to maintain FoodShare eligibility after receiving three months of TLBs in the current three-year period.

A FoodShare member is an ABAWD if they do not have an exemption from the FoodShare work requirement, as determined by the IM agency. ABAWDs subject to TLBs need to meet the FoodShare work requirement to maintain ongoing eligibility for FoodShare. One of the ways these members can meet the FoodShare work requirement is through FSET participation.

All ABAWDs who are not currently meeting the FoodShare work requirement outside of FSET receive a systematic/automatic TLB referral to the FSET program. ABAWDs are not required to participate in FSET as a condition of FoodShare eligibility. However, they may lose eligibility for FoodShare due to failing to meet the FoodShare work requirement after exhausting three months of TLBs in the three-year period.

FoodShare members who have a pending exemption receive a referral to the FSET program as ABAWDs with a TLB referral type. Once an exemption is verified or no longer pending, a referral update is sent to notify the FSET agency of the status change.

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**Note** *An individual may request a fair hearing if they disagree with the IM agency's determination of ABAWD status (see [SECTION 6.4.1 FAIR HEARINGS](#)).*

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**ABAWD with a Non-TLB Referral Type:** An ABAWD with a Non-TLB referral type must meet one of the following conditions:

- Meeting the FoodShare work requirement.
- Is not subject to TLBs due to living in an area where the time limit is suspended for all ABAWDs or on tribal land where the time limit is suspended for tribal members.

### 3.17.1 FoodShare Work Requirements For ABAWDs

- Is not subject to TLBs due to receipt of a discretionary exemption intended to function as a suspension for that month.

A FoodShare member is still an ABAWD, but with a Non-TLB referral type, if they are living in an area of the state where the time limit is suspended or if they are living on tribal land where the time limit is suspended. ABAWDs living in a qualifying area are not subject to TLBs during the months the suspension is in place.

A FoodShare member is still an ABAWD, but with a Non-TLB referral type, if they have been granted a discretionary exemption that is intended to function as a suspension. Discretionary exemptions are a special federal flexibility that states may allocate to ABAWDs and may be used to function similar to a suspension of the time limit.

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*ABAWDS living in a suspended area or on tribal land with a suspension will be identified in CWW as Non-Note ABAWD with a geographic waiver (GW) exemption during the period from January 2022 to June 2022 and will be correctly identified as an ABAWD with a Non-TLB referral beginning July 2022 and onward.*

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*The following areas have been approved for a suspension of the time limit from October 1, 2024, through September 30, 2025:*

- *City of Racine*
- *Adams, Bayfield, Douglas, Florence, Forest, Iron, Marquette, and Menominee Counties*
- *Bad River, Forest County, Ho-Chunk Nation, Lac Courte Oreilles, Lac du Flambeau, Menominee, Red Cliff, Red Cliff Reservation, St. Croix, Sokaogon Chippewa Community, and the Stockbridge Munsee Community tribal reservation areas.*

**Note**

*The following areas have been approved for discretionary exemptions functioning like a suspension of the time limit from October 1, 2024, through September 30, 2025:*

- *Fond du Lac Band of Lake Superior Chippewa and Oneida Tribal Reservation Areas.*

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### 3.17.1.12 FSET Participation and FoodShare Eligibility for ABAWDs

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Participation in the FSET program is voluntary. A voluntary FSET program means that an ABAWD may choose to meet the FoodShare work requirement through participation in FSET. All ABAWDs are systematically referred to FSET, so that they have the opportunity to choose to participate, as soon as possible, and not exhaust their time-limited benefit months.

A voluntary FSET program also means that FoodShare work registrants are not required to participate in FSET in order to meet the work registration requirements.

All FoodShare members over the age of 16 who do not need to meet the FoodShare work requirement can be referred to FSET for services at their request. There are two types of referrals, TLB referrals and Non-TLB referrals.

**TLB referrals:** ABAWDs who are not meeting the work requirement must be referred to the FSET program, and they may choose to meet the FoodShare work requirement by participating in FSET. An ABAWD with a TLB referral who enrolls in FSET must participate in qualifying activities in order to meet the FoodShare work requirement and maintain ongoing FoodShare eligibility. See the [FSET Handbook](#) for more information on qualifying and non-qualifying activities.

**Non-TLB referrals:** ABAWDs who are meeting the FoodShare work requirement outside of FSET, ABAWDs living in an area of the state where the time limit is waived or if they are a tribal member living

### 3.17.1 FoodShare Work Requirements For ABAWDs

on tribal land where the time limit is waived, and non-ABAWDs have the option of being referred to FSET.

FSET agencies must enter participation information for all FSET participants in the FSET tool in CWW. This information will be used to determine FoodShare eligibility. IM workers can check the FoodShare Clock page to see ABAWD status if FoodShare eligibility is affected by FSET compliance (see [SECTION 3.17.1.14 FOODSHARE CLOCK SYSTEM UPDATES AND STATUSES](#)).

#### **Anticipated to Meet the FoodShare Work Requirement Through FSET Participation**

Although FoodShare benefits are issued prospectively at adverse action, knowledge of actual FSET participation is retrospective. When an ABAWD is in their third TLB or third additional month\* and is actively participating in FSET, the 'Anticipated to Meet the FoodShare Work Requirement' option should be used by the FSET worker if it is reasonably anticipated that the participant will meet the current month's FoodShare work requirement through FSET participation. This is necessary in order for CWW to determine FoodShare eligibility prospectively for the next month (see [SECTION 3.17.1.14 FOODSHARE CLOCK SYSTEM UPDATES AND STATUSES](#) for active in FSET and Extended Benefit Definitions).

\*ABAWDs in the third additional month must also have met the FSET participation requirement during the second additional month to be eligible for on-going FoodShare benefits by participating in FSET beyond the three additional months.

FoodShare benefits issued based on reasonable anticipation of FSET participation are recoverable if the ABAWD fails to meet the FoodShare work requirement through FSET participation without good cause. The existing benefit recovery process should be followed if the IM agency becomes aware that the member did not fulfill their participation requirements when this policy was applied (see [SECTION 7.3.1 BENEFIT OVERPAYMENT](#)).

If the FSET agency assumed in the third month that the participant will not meet the FoodShare work requirement and at the end of the month the participant met the FoodShare work requirement. The IM worker must process the case to make sure the individual's benefits continue. The FSET agency will notify the IM agency if this circumstance occurred. The IM worker must ensure that the FoodShare Clock System Status is accurate and may need to adjust the status to reflect the FSET participation.

#### **3.17.1.13 Adjusting the FoodShare Clock Page**

Adjusting the FoodShare Clock page may be required to accurately reflect ABAWD status and FoodShare eligibility for a specific month. The timing of a verification request, receipt of verification, and processing time may result in a month being counted as a TLB, even though the ABAWD is later determined to be a non-ABAWD or an ABAWD with a non-TLB referral type during that same month.

#### **Adjusting a FoodShare Clock Month Due to Verification of an Exemption or Work Hours**

A FoodShare Clock month may need to be adjusted when a worker finds an exemption questionable and then does not receive verification of the exemption until after CWW has established a TLB for that month. The clock must be adjusted to reflect the exemption or, in other circumstances, if the member met the work hour requirement.

### 3.17.1 FoodShare Work Requirements For ABAWDs

IM workers may make adjustments to a specific FoodShare Clock month by overriding a System Status. They must identify the cause of the incorrect clock status and override the FoodShare Clock System Status to the correct status for the relevant months. More than three “Time-Limited Benefit” statuses cannot be entered on a FoodShare Clock for the current three-year clock. Workers must document changes to the clock in the case record.

Workers must document the steps they took to apply an exemption.

If an exemption only applies to past months, and only if the IM worker determined the exemption to be questionable, the worker must note in case comments how they verified the exemption and the months in which the exemption was effective. Workers should not update the additional pages in CWW related to the exemption if the exemption only applies to past months.

If the exemption applies to both the current month and past months, workers must note in case comments why they found the exemption to be questionable (if applicable), how they verified the exemption (if applicable), and the months in which the exemption was effective. Workers must also update the appropriate pages in CWW, using the current month as the Begin Month, and then run and confirm eligibility on the case (so that the exemption will apply to future months as well).

<b>Example 21</b>	Olive received three TLBs in May, June, and July in the first year of the current three-year clock period. As a result, she became ineligible for FoodShare benefits starting August 1. Olive reapplied for FoodShare benefits during the second year of the same three-year clock period. Her food unit now includes her daughter who was born in September of the previous year. During her in-person application, Olive mentioned her 2-year-old daughter and her date of birth. The worker discovered Olive could claim an exemption for the three TLBs incurred because she was pregnant at that time. The worker determines that this exemption is not questionable. The worker adjusts the clock to remove the three TLBs and documents the months in which the exemption was effective in case comments. Because the pregnancy exemption only applies to past months, the IM worker does not update the Pregnancy page when making the adjustments.
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### Adjusting the FoodShare Clock Due to a Fair Hearing Decision

Fair hearing decisions may also require an adjustment to the ‘System Status’ displayed on one or more months of the FoodShare Clock Page. The IM worker will need to make the adjustment to the appropriate clock status if it is required per the fair hearing decision.

### Clock Adjustments

The FoodShare clock page is automatically updated several times each month and because these updates are triggered based on the system statuses, it is critical that IM workers thoroughly review the clock to determine correct system statuses before making any manual adjustments. System statuses that are incorrectly updated may result in a case not being scheduled for the correct batch run(s) and may also affect a person’s FoodShare eligibility. Any time that a manual adjustment to a clock is needed, IM workers must enter case comments to explain the action taken.

### 3.17.1.14 FoodShare Clock System Updates and Statuses

FoodShare Clock ‘System Status’ updates to the FoodShare clock may occur when one of the following occurs:

### 3.17.1 FoodShare Work Requirements For ABAWDs

- Eligibility is run and confirmed for the recurring or current month.
- A batch job runs on the second Saturday of the month to collect prior month’s information from the “Work Requirement Met?” field on the FSET Tool’s Track Participation and Good Cause page.
- A batch job runs on adverse action to collect current month information from the “Anticipated to Meet Work Requirement?” field on the FSET Tool’s Track Participation and Good Cause page.
- Eligibility is run and confirmed in the adverse action batch run.

### FoodShare Clock System Statuses

<b>Active in FSET</b>	Individual is participating in FSET for the current month and is expected to meet the FoodShare work requirement by the end of the month. This is only set if the individual is in their third TLB month, third additional month, or extended benefit month.		
<b>Additional Month</b>	Individual has exhausted all TLB months and has been granted three consecutive months of additional benefits due to meeting the FoodShare work requirement.		
<b>Clock Not in Effect</b>	Individual is ineligible for FoodShare, previously not known to CWW, or is not subject to FoodShare work requirement. <table border="1" data-bbox="451 919 1421 1075"> <tr> <td><b>Example 22</b></td> <td>Jason applies for FoodShare for the first time part way through a three-year clock timeframe. The entire timeframe of the three-year clock will display on their case and any months prior to the month they applied will show this status.</td> </tr> </table>	<b>Example 22</b>	Jason applies for FoodShare for the first time part way through a three-year clock timeframe. The entire timeframe of the three-year clock will display on their case and any months prior to the month they applied will show this status.
<b>Example 22</b>	Jason applies for FoodShare for the first time part way through a three-year clock timeframe. The entire timeframe of the three-year clock will display on their case and any months prior to the month they applied will show this status.		
<b>Exempt</b>	Criteria which result in a non-ABAWD status. Non-ABAWDs are exempt and not required to meet the FoodShare work requirement for the month.		
<b>Exempt - GW</b>	Individual is subject to a suspension of the time limit of the FoodShare work requirement. This is not a countable TLB month.		
<b>Extended Benefit Month</b>	Individual has used three TLB and three additional months, has participated in FSET in the second and third additional month, and is expected to participate in FSET the month this status is applied.		
<b>Incarcerated</b>	Individual was incarcerated for 30 days or less.		
<b>Ineligible</b>	Individual is ineligible for FoodShare.		
<b>Met FSET Requirement</b>	Individual met the FoodShare work requirement by participating in FSET.		
<b>Met Work Requirement</b>	Individual met the FoodShare work requirement by working and/or participating in a work program.		
<b>Partial Month FoodShare Issued</b>	Individual received a partial month of FoodShare benefits. This is not a countable TLB month.		
<b>Time-Limited Benefit</b>	Individual received a full month of FoodShare as an ABAWD and did not meet the FoodShare work requirement or received a TLB, known as a countable month, in another state.		

## 3.18.1 Child Support Cooperation

Child support cooperation is no longer a requirement for FoodShare for custodial or non-custodial parents. Sanctioned individuals who now meet financial and nonfinancial requirements can be added back to on-going food units effective the first of the month following the month the request is made to add the person to the case. This is in accordance with the current FoodShare person add policy (see SECTION 6.1.3.3 CHANGES THAT CAUSE AN INCREASE IN BENEFITS, INCLUDING PERSON ADDS).

## 3.19.1 Fleeing Felons and Probation and Parole Violators

7 CFR 273.11(n)

A person is ineligible to receive FoodShare benefits if they are a fleeing felon or probation/parole violator.

The FoodShare application allows an applicant, member or anyone in the food unit to self-declare whether they are a fleeing felon or in violation of probation/parole. If the applicant or member responds affirmatively, the IM agency must verify fleeing felon or probation/parole violation status with law enforcement. The IM agency may also become aware of a felony warrant or probation/parole violation through a data base, media or other sources.

### **Fleeing Felon**

A fleeing felon is a person who is intentionally fleeing to avoid prosecution or custody/confinement for a crime, or an attempt to commit a crime, that would be classified as a felony.

The IM agency must take action to deny or terminate FoodShare benefits when the following conditions are met and verified:

- There is an outstanding felony warrant for the individual;
- The individual is aware of or can reasonably expect a felony warrant has or would be issued;
- The individual has taken some action to avoid being arrested or jailed; and
- A law enforcement agency is actively seeking the individual.

### **Probation or Parole Violator**

To be considered a probation or parole violator, an impartial party as designated by the state agency must determine that the individual violated a condition of their probation or parole imposed under federal or state law and that federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole. An impartial party can include, but is not limited to, the individual's parole officer or a judge/court of law.

### **Verification of Status**

IM agencies are responsible for obtaining the verification of the applicant or member's status with law enforcement when the individual self-declares on a FoodShare application or renewal, or is found through other sources, to be a fleeing felon or probation or parole violator. It is not the applicant or member's responsibility to verify their status for purposes of this policy.

### **Definition of Actively Seeking**

Actively seeking is defined as any of the following:

- A federal, state, or local law enforcement agency stating that it intends to enforce an outstanding felony warrant or arrest an individual for a probation or parole violation within 20 days of the date of an IM agency requested information about a specific felony warrant or violation associated with an individual.

### 3.19.1 Fleeing Felons And Probation And Parole Violators

- A law enforcement agency stating that it intends to enforce an outstanding felony warrant or arrest an individual for a probation or parole violation within 20 days of the law enforcement agency submitting a written request to an IM agency for information about a specific individual.
- A law enforcement agency presents to an IM agency a felony arrest warrant and informs the IM agency of its intent to apprehend the individual. A felony warrant may include any of the following National Crime Information Center Uniform Offense Classification Codes:
  - Escape (4901)
  - Flight to Avoid (prosecution, confinement, etc.) (4902)
  - Flight-Escape (4999)

Upon the written request of a local, state, or federal law enforcement officer when a food unit applicant or member is fleeing to avoid prosecution or custody for a crime that would be classified as a felony or is violating a condition of probation or parole, the worker must provide an address. Address refers to the actual place where the household resides.

- An address is required to be provided unless a household is homeless, a migrant, or newly arrived in Wisconsin. Verification of address is not required.
- A household does not have to reside in a permanent dwelling.
- A household may use a general delivery address when it applies.

### Application Processing

The agency should continue to process the application while awaiting verification of fleeing felon, probation, or parole violation verification status. If the verification is not returned within the 30-day processing timeframe, process the application without consideration of the individual's fleeing felon probation, or parole violator status. The worker must code the person as not a fleeing felon or probation or parole violator and then determine eligibility.

If it is determined that an individual meets the conditions for being considered a fleeing felon or violator of probation or parole, the worker must code the individual accordingly to issue the correct denial/termination notice for that individual.

If an ineligible individual (because they are a fleeing felon or in violation of probation or parole conditions) is still in the home, count their income and expenses as if they were still a FoodShare group member. The ineligible individual is a Gross Deemer (see [SECTION 4.7.6 GROSS DEEMING](#)) if there are other eligible household members on the case.

IM agencies must not require that a photo ID be required as a condition of eligibility for FoodShare. The IM worker is only to provide a photograph to law enforcement in the above circumstances if the food unit member happened to use a photo ID to verify their identity.

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*Disclosure of an applicant or household member being a fleeing felon will not automatically disqualify the **Note** assistance group from child care. The Department of Children and Families will investigate the circumstances in more detail and determine the disclosure's effects on eligibility.*

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## 3.20.1 Drug Related Felonies

§49.79(5)(a)

### 3.20.1.1 Drug-Related Felony

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For FoodShare eligibility purposes, a person convicted of a drug-related felony is a person (adult or a minor) convicted of a felony in a state or federal court involving the possession, use or distribution of a controlled substance within the last five years. A person with a court finding of “Guilty but not guilty due to mental disease/defect,” or a similar ruling that results in the person having been found to be mentally incompetent, is not considered to have a drug-related conviction.

A FoodShare applicant or member must state whether they or any member of their food unit has been convicted in any state or federal court of a felony for possession, use, or distribution of a controlled substance in the past five years as a part of the application and renewal process. By signing (written, telephonic, electronic) the application or renewal, the applicant or member is attesting to the answer provided.

Applicants or members that have been convicted of a drug related felony must agree to take a drug test and provide passing results to maintain FoodShare eligibility.

A person must only take and pass a drug test once. Do not require a new drug test at renewal or during the certification period if passing drug test results have been received.

Do not require a drug test if the felony conviction 5-year look back falls within any of the following scenarios: the month of application or renewal, the month of re-request, the verification period, or within the following 30 days.

<b>Example 1</b>	Ian applied for FoodShare on July 17, 2023. During the interview on July 21, Ian states, he is a drug felon. His conviction date is August 1, 2018. Ian will not be required to submit to drug test because his 5-year look back period would expire on August 1, this is within his 30-day application processing period.
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### 3.20.1.2 Administration of Drug Test

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Drug tests must only be administered by trained professionals outside of the Income Maintenance (IM) and Tribal Income Maintenance staff. IM agency staff, regardless of position or title, cannot administer the drug tests.

Applicants and members cannot self-administer the drug tests.

Results can be received from the following types of entities which include but are not limited to:

- Doctors and nurses
- Public and Tribal health centers and departments (even if co-located within the IM agency)
- Certified laboratories
- Justice centers
- Drug courts
- Hospitals
- Medical centers
- Probation and Parole
- Employers

### 3.20.1 Drug Related Felonies

- Drug and alcohol treatment centers
- Other Credentialed/trained drug testing individuals/agencies (non-Consortia/Tribal IM staff)

If a person has received a passing drug test result in the last 30 days by another entity such as their probation agent, a drug counselor, or an employer, they can use those results and not take another test.

A professional administering a drug test should collect documentation of any prescriptions and address any resulting positive test. However, if a person convicted of a drug-related felony reports to the IM worker they have a valid prescription and can provide documentation that they were prescribed a medication that resulted in a positive drug test, excluding medical marijuana, the sanction can be lifted, and the drug test is to be considered to have been passed.

#### 3.20.1.3 Type of Drug Test

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Drug tests solicited by the IM agency must meet the requirements as follows:

- The method of drug testing is to be urine or oral swab,
- At a minimum, use of a seven-panel drug test
- Must test for the following drugs: Marijuana (THC), Amphetamines, Cocaine and Opiates.

Any test (rapid or sent to a lab) that meets these requirements is acceptable.

Drug test results provided by an applicant or member from another entity are not required to meet these criteria. If the other entity uses a different sampling method or different drug panel, the passing results must still be accepted and a new test not required.

If there is a cost associated with the drug test, IM is responsible for paying for the drug test.

#### 3.20.1.4 Scheduling

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Applicants and members who need to take a drug test must be provided with all the information needed to schedule their drug test. This includes any referral paperwork, the vendor's name, address, special instructions, phone number, etc. If the applicant or member requests help in scheduling the test, the worker must assist them. The worker must document the method in which they provided the information to the member such as by phone or mail and what information they provided to the member. They also need to document if any additional assistance in scheduling was provided. Ensure the applicant or member has adequate time to schedule, take the drug test, and have the results returned. Note this may require a verification due date extension. Clearly document all actions taken in case comments.

#### 3.20.1.5 Applications and Renewals

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Applicants must self-attest if they have been convicted of a drug felony within the past five years. Members completing a renewal must self-attest to any previously unreported convictions within the past five years.

During the application or renewal interview, it must be explained that people convicted of a drug-related felony in the past five years, must take and pass a drug test to be eligible for FoodShare. A drug test that was taken and passed at the time of application, will not require another drug test at renewal. A drug test is required at renewal if there is a new person convicted of a drug related felony or a previously unreported drug felony.

### 3.20.1 Drug Related Felonies

Upon agreement to take the test, the person is eligible and benefits must be issued if they meet all other eligibility criteria. If they pass the test (negative test result), they remain eligible for ongoing benefits.

If they refuse to take a drug test, they are ineligible (gross deemer without a sanction) for FoodShare, effective the next possible benefit month. Members who don't take a test can reapply at any time. If they reapply, they must agree to take a drug test, unless the conviction is more than five years old.

If they fail the drug test (positive result), they must be sanctioned for 12 months (gross deemer with a sanction) effective the next possible benefit month. During this time, they cannot regain FoodShare eligibility. They must serve the full sanction. If the member failed the drug test but had a prescription for the drug(s), the sanction must be lifted and eligibility restored.

#### SEE SECTION 4.7.6 GROSS DEEMING

If the drug test is inconclusive, the person must retake the test until they receive a passing or failing result. If the member does not retake the test, they must be determined ineligible for not agreeing to take a drug test. The person must be given an adequate amount of time to reschedule, retake, and receive the results of any additional drug tests. This may require a verification due date extension.

Benefits issued while a drug test result is pending are not recoverable if the drug test is failed.

<b>Example 2</b>	On June 19, Jane applies for FoodShare for herself and her two children. Jane reports having a drug felony conviction from three years ago and agrees to take a drug test. The drug test was scheduled for June 25. The application is processed, and Jane is found eligible for June and July FoodShare benefits. Verification for Jane's drug test results are requested for ongoing eligibility. The drug test results are received on July 2. Jane failed the drug test. Jane is sanctioned effective August 1 for 12 months. Jane's two children remain eligible for FoodShare.
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<b>Example 3</b>	Jeremy applies and completes his interview on January 10, at which time he agrees to take the drug test. Jeremy's application is processed, and he is found eligible for benefits. Jeremy's ongoing case is then pended and a request for drug test results is sent. Jeremy has 20 days to provide a passing drug test result. If a passing test result is received by the due date, he will be sanctioned and his benefits will be terminated.
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### 3.20.1.6 Regaining Eligibility

To regain eligibility after a 12-month sanction, the person with the drug-related felony must re-request FoodShare. They will need to agree to take another drug test, unless the conviction is more than five years old. If the person does not agree to take a drug test, continue to deny them. The person will continue to be gross deemer if they are on an open FoodShare case, however, they are not in "sanction" status. If the person agrees to take a test, continue to deny benefits for the person until the results are received.

If they pass their drug test, they may be eligible for FoodShare as of the first of the month following the month in which they agreed to take the test. If they fail the drug test, they will be sanctioned for another 12 months. For new applications, once a drug test is passed following a sanction, FoodShare will open back to the filing date.

### 3.20.1 Drug Related Felonies

Reminder, as with other sanctions that end, the person must re-request FoodShare. They will not automatically be eligible when the sanction period ends.

If the ineligible person with a drug felony conviction is in the food unit, deem that person's income and expenses to the FoodShare assistance group.

## 3.21.1 QC Sanctions

7 CFR 273.2(d)(2)

FoodShare members who refuse to participate in a Quality Control (QC) review are sanctioned from FoodShare Wisconsin. The entire food unit is sanctioned if any member refuses to participate in a QC review.

There are two types of QC sanctions, state QC review sanctions and federal QC review sanctions.

Food units with a state QC review sanction are sanctioned in the next possible payment month through the end of the annual quality control review period (September 30) plus another 125 days or until the food unit member(s) cooperate, whichever occurs first.

Food units with a federal QC review sanction are sanctioned in the next possible payment month through the end of the annual quality review period (September 30) plus another nine months or until the food unit member(s) cooperate.

<b>Example 1</b>	Susan's FoodShare case is sampled for a QC review of October 2012 FoodShare benefits. State QC reports to the agency that Susan refuses to cooperate with the State QC review. Susan's food unit is ineligible until January 2, 2014, or until she cooperates with the State QC review, whichever occurs first.
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## 3.22.1 Designated Representatives

A FoodShare applicant or household may appoint a designated representative to assist them or act on their behalf. When a designated representative acts on behalf of a FoodShare household they are responsible for providing complete and correct information. A valid designated representative can complete the same actions as an adult FoodShare member including, but not limited to, signing an application, renewal, or six-month report form (SMRF), reporting changes, or discussing case details with the local agency.

There are several representative types.

### **Authorized Representative**

Some applicants and prospective applicants may indicate difficulty completing the application process. The local agency must inform them that a non-food unit member may be designated as the authorized representative for application processing purposes. This authorized representative may also carry out food unit responsibilities during the certification period, such as reporting changes in the food unit's circumstances. They can also register the food unit for work (see [SECTION 3.16.1.4 REGISTERING FOR WORK](#)). Authorized representatives are not the same as an authorized buyer or alternate payee (see [SECTION 7.2.1.2 AUTHORIZED BUYERS AND ALTERNATE PAYEES](#)).

An authorized representative can be either a non-food unit individual person or an organization. They may be designated as an authorized representative for the food unit provided:

1. They are an adult who is sufficiently aware of the relevant food unit's circumstances.
2. The authorized representative designation has been made in writing by the primary person, spouse, or another responsible adult member of the food unit.
  - a. The authorized representative designation may be made in ACCESS at application or renewal or by completing the paper Appoint, Change, or Remove an Authorized Representative form ([F-10126A](#) for an individual or [F-10126B](#) for an organization)
3. Their identity and that of the primary person's has been verified.

The designation of a representative also requires a signature from a witness. An individual declared incompetent by a court cannot act as a witness for a signature.

The following groups may not serve as authorized representatives:

- Individuals who are disqualified for an Intentional Program Violation (IPV) (see [SECTION 3.14.1 INTENTIONAL PROGRAM VIOLATION \(IPV\) DISQUALIFICATION](#)) cannot serve as authorized representatives during the disqualification period, unless the agency has determined that no one else is available to serve as an authorized representative.
- Homeless meal providers may not act as an authorized representative for a homeless food unit.
- Agency employees who are involved in the certification process or issuance process may not act as an authorized representative. Special written approval may be granted by the State of Wisconsin in extenuating circumstances.

### 3.22.1 Designated Representatives

- Retailers who are authorized to accept FoodShare benefits may not act as an authorized representative, with the exception of some group living facilities (see [SECTION 3.2.1.6 GROUP LIVING ARRANGEMENT](#)).
- The authorized representative cannot also be an authorized buyer.

Residents of drug addiction or alcoholic treatment and rehabilitation programs that are certified as authorized retailers by the Food and Nutrition Service (FNS) or authorized to receive funding under part B of title XIX of the Public Health Service Act (42 U.S.C 300x et seq), which supports block grants for substance abuse prevention and treatment, must apply and be certified for FoodShare eligibility using an authorized representative. The drug addiction or alcoholic treatment and rehabilitation program must employ an individual to be the authorized representative.

A residential group living facility must employ an individual to act as an authorized representative for applicants or members. Residents have the option to apply and be certified using an authorized representative from the facility or using someone outside of the facility. For additional information regarding these housing situations (see [SECTION 3.2.1.6 GROUP LIVING ARRANGEMENT](#)).

Drug and alcohol treatment centers and the heads of group living arrangements, acting as authorized representatives for their residents, that intentionally misrepresent food unit circumstances may be prosecuted under applicable federal and state statutes. When the member is discharged from a residential treatment program, the facility-authorized representative must be removed from the member's case. For additional information (see [SECTION 3.2.1.8 DRUG AND ALCOHOL TREATMENT CENTERS](#)).

If the state agency determines that any authorized representative has knowingly provided false information about a food unit's circumstances or has made improper use of FoodShare benefits, it may disqualify that person from being an authorized representative for up to one year.

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*Applicants or members that have a court-appointed guardian, conservator, or power of attorney due to **Note** incompetency do not need to designate an Authorized Representative. The court-appointed guardian is the authorized representative. The guardian must submit a Letter(s) of Guardianship.*

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#### **Guardians and Conservators**

Individuals or interested parties may petition a court to appoint a guardian or conservator. There are a variety of reasons that an appointment may be sought including but not limited to:

- Inability to manage finances
- Inability to manage personal health
- Inability to function safely without supervision
- Parent or guardian of a minor is now deceased

Each appointment is unique, and a judge granting the guardian or conservator powers based on the circumstances of the individual.

Appointments might be for an emergency or temporary reason, or for the purposes of succession after the death of the previous guardian or conservator.

Depending on court-appointed powers, a guardian or conservator can apply for, and act in, the same capacity as an authorized representative for the household. Some court-appointed powers give the guardian or conservator sole authority to manage the individual's eligibility. When the powers granted by the court include applying for or managing public assistance benefits, it is not required to also appoint a guardian or conservator as an authorized representative.

### 3.22.1 Designated Representatives

Guardians of children living in the same household as the child must be in the same assistance group. If the legal guardian and the child live in different households, they should be in separate assistance groups. To learn more about FoodShare relationship rules (see [FOODSHARE HANDBOOK 3.3.1.1 HUG \(HOUSEHOLDS, UNITS, AND GROUPS\)](#) ).

#### **Powers of Attorney**

A person may appoint a power of attorney (POA). A POA acts within the scope of authority granted in the power of attorney appointment.

When the powers of attorney relate to personal and family maintenance or public assistance program benefits, the POA can act on behalf of the household without being appointed as an authorized representative. An exception is if the powers of attorney specifically forbids applying for or managing household eligibility for public assistance programs. Review any limitations on their powers, as public benefit management may be reserved for the individual.

When the power of attorney appointment includes “durable” in its title, the appointment remains valid when the individual becomes incapacitated.

#### **Notices**

Legal guardians and powers of attorney will receive notices instead of the FoodShare household. Conservators will not receive notices unless they request to receive copies of notices.

## 4.1.1 General Financial Eligibility

7 CFR 273.9

Eligibility and benefit calculations for FoodShare are based on prospectively budgeted monthly income using estimated amounts. If the most recent 30 days or month's income doesn't accurately represent what is usually received, a longer period can be used to obtain an average that more accurately represents the income that is anticipated to be received prospectively. The income to be budgeted is identified through the interview (see [SECTION 2.1.3 INTERVIEWS](#)) and the verification (see [SECTION 1.2.1 VERIFICATION INTRODUCTION](#)) process. Only include income actually available to the food unit. Do not budget income until the first month in which it is received. The IM worker must use the best-verified information available when determining the best estimate of income.

If the most recent 30 days or month's income doesn't accurately represent what is usually received, a longer period can be used to obtain an average that more accurately represents the income that is anticipated to be received prospectively. Income is typically budgeted in the same manner it is received (weekly/biweekly/monthly/quarterly/annually/etc.) There may be scenarios where income is budgeted differently than the frequency with which it is received. For example, the income is intended to cover months when no income is received.

Disregard means do not count, exempt, or exclude. Disregard any gain or benefit that is not in the form of money paid directly to the food unit. Examples of these in-kind benefits are meals, clothing, housing, and garden produce.

Deem means allocate income and/or expenses to the FoodShare assistance group from an individual not in the FoodShare assistance group. Deeming occurs regardless of whether the allocated amounts change hands. Deeming may occur for sponsored immigrants, or for members of the food unit who are not included in the FoodShare assistance group due to non-financial ineligibility.

## 4.2.1 Categorical and Broad-Based Categorical Eligibility

7 CFR 273.2(j)(2)

### 4.2.1.1 Categorical and Broad-Based Categorical Eligibility Introduction

In its traditional form, categorical eligibility conveys FoodShare eligibility based on a food unit's receipt of cash assistance from Supplemental Security Income (SSI), the Temporary Assistance for Needy Families (TANF) block grant (such as, but not limited to, W-2 or Child Care), or state-run General Assistance (GA) programs (cash assistance for low-income individuals).

#### **Categorically Eligible Food Units:**

A categorical food unit is defined as all adult food unit members receiving any of the following:

- SSI
- TANF benefits
- GA (general assistance) benefits

Categorical food units have no gross, net, or asset test.

- If 30% of the net counted income is higher than the maximum allotment, the assistance group might not qualify for an allotment.
- One- or two-person assistance groups, which are eligible for the minimum allotment, are the exception.

Since the 1996 welfare reform law, states have been able to expand categorical eligibility beyond its traditional bounds. This is known as broad-based categorical eligibility (BBCE).

#### **Broad-Based Categorical Eligibility (BBCE)**

Most food units are considered broad-based categorically eligible if their gross monthly income is at or below 200% FPL and the language describing "Job Center of Wisconsin" services, a partially TANF-funded service that all food unit members are authorized to receive, is issued to the food unit on a CWW generated notice of decision. The following text will appear on FoodShare approval and change notices.

"'Job Center of Wisconsin' (formerly known as JobNet) is available to you. Job Center of Wisconsin is the single largest source of job openings in Wisconsin, you can access Job Center of Wisconsin via the internet at <http://www.wisconsinjobcenter.org/> or on touch screen monitors at your local job center. To locate a Job Center of Wisconsin nearest you call 1-888-258-9966."

Broad-based categorically eligible food units have no asset test.

#### **Loss of Broad-Based Categorical Eligibility**

The food unit is not considered to be broad-based categorically eligible if one of the following occurs:

- Total gross monthly income is above 200% FPL.
- Any member of the food unit loses FoodShare eligibility because they were disqualified for an IPV (see [SECTION 3.14.1 INTENTIONAL PROGRAM VIOLATION \(IPV\) DISQUALIFICATION](#)).
- Any member of the food unit loses FoodShare eligibility because they were disqualified due to a drug felony sanction (see [SECTION 3.20.1 DRUG FELONIES](#)).

#### 4.2.1 Categorical And Broad-Based Categorical Eligibility

- The primary person is disqualified for failure to comply with the FoodShare basic work rules (see [SECTION 3.16.1.2 FOODSHARE BASIC WORK RULES](#)).
- Any member of the food unit loses FoodShare eligibility because they received a substantial lottery or gambling winning (see [SECTION 6.1.1.2 SUBSTANTIAL LOTTERY OR GAMBLING WINNING](#)).

Food units that contain a member who is sanctioned for an IPV or drug felony continue to be eligible to receive TANF Job Center of Wisconsin services so assets are excluded and not deemed. The sanctioned food unit member's income continues to be deemed. The food unit is no longer considered categorically eligible so it must be tested using the regular SNAP program gross and net income limits (see [SECTION 8.1.1.1 INCOME LIMITS](#) for those income limits).

#### 4.2.1.2 Transitional FoodShare Benefits

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Transitional FoodShare (TFS) food units are no longer broad based categorically eligible (BBCE) or categorically eligible (CE) once they move into a TFS certification period. At the end of the five-month certification period, the food unit will need to reapply for FoodShare and be certified under BBCE or CE rules. see [SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS \(TFS\)](#) for more information about TFS.

#### 4.2.1.3 Elderly, Blind, or Disabled Food Units

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Food units that include an elderly, blind or disabled (EBD) member with gross monthly income over 200% FPL must be tested for FoodShare using the regular SNAP rules. Under the regular SNAP rules, these food units have no gross monthly income limit, a net income limit of 100% FPL, and an EBD countable assets limit. (see [SECTION 8.1.1.2 REGULAR SNAP PROGRAM MONTHLY INCOME LIMITS](#)).

## 4.2.2 Regular SNAP Rules

7 CFR 273.11(r)(2)

Regular Supplemental Nutrition Assistance Program (SNAP) rules will test food units against different income and asset limits than the broad based categorical and categorical eligibility rules. Under regular SNAP rules, there are different income and asset limits for Elderly, Blind, or Disabled (EBD) and non-EBD food units (see [SECTION 8.1.1.2 REGULAR SNAP PROGRAM MONTHLY INCOME LIMITS](#) and [SECTION 8.1.1.3 ASSET LIMITS](#)).

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**Note** Agencies must use the FoodShare Worksheet ([F-16033](#)) to determine eligibility under regular SNAP rules.

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### **EBD**

Test all food units that include an EBD member under regular SNAP rules. Under the regular SNAP rules, these food units have no gross monthly income limit. Their net income must not exceed 100% of the FPL and countable assets cannot exceed the EBD asset limit.

### **Non-EBD**

Under regular SNAP rules, non-EBD food units have a gross monthly income limit of 130% of the FPL. Their net income must not exceed 100% of the FPL and countable assets cannot exceed the non-EBD asset limit.

### **Countable Assets**

All households tested under regular SNAP rules are subject to an asset test (see [SECTION 4.4.1.4 LIQUID ASSETS](#) for a list of countable liquid assets).

## 4.3.1 Income (General)

7 CFR 273.9(a)

Participation in FoodShare is limited to those food units whose income is determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Income is any gain or benefit that can be used to purchase goods and services.

Income of a non-food unit member is not budgeted as income for the food unit. This is true whether the income is earned or unearned. If the income of a non-food unit member is directly deposited into an account jointly owned by a food unit member, it is counted as unearned income for the food unit.

<b>Example 1</b>	Sam and Betty are receiving FoodShare benefits. Sam is a reservist in the army and has been called to active duty in a noncombat zone. He will be living away from Betty. He will now receive army pay which will be direct deposited into a joint account that Sam and Betty share. Sam's income will be budgeted as unearned income to the food unit.
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## 4.3.2 Earned Income

Earned income is gained from the performance of service, labor, or work. Earned income includes, but is not limited to salaries, wages, commission, tips, or payments for services. Count earned income only for the month in which it is received, except when the average number of payments increases due to mailing cycle adjustments.

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*Occasionally, a regular periodic payment (for example, wages, Title II, or VA benefits) is received in a month **Note** other than the month of normal receipt. As long as there is no intent to interrupt the regular payment schedule, consider the funds to be income in the normal month of receipt.*

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<b>Example 1</b>	Bill works in February but does not receive his pay for those hours until March. Count those wages for March.
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Food units receiving income on a recurring monthly or semi-monthly basis shall not have their monthly income varied merely because of changes in mailing cycles or because weekends or holidays cause additional payments to be received in a month.

<b>Example 2</b>	Jim receives his military pay on the 1st and 15th of each month. If Jim’s payday for the following month is a holiday or falls on a weekend, he is paid on the last preceding business day. This may result in Jim receiving three paychecks in one month. In this situation, only two paychecks per month should be budgeted for Jim.
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### 4.3.2.1 Counted Earned Income

Count the following sources of income as earnings in the month received:

1. Wages, tips, or salaries including, but not limited to, hourly wages and piecework.
2. Self-employment earnings (see [SECTION 4.3.3 FARMING AND OTHER SELF-EMPLOYMENT INCOME](#)).
3. Recurring profit-sharing payments or bonuses. Bonus income from employment should be counted as earned income if receipt is regular and predictable. Budget the bonus based on the frequency of receipt. A bonus would be considered a lump sum payment (see [SECTION 4.5.5 RECURRING AND NONRECURRING LUMP SUM PAYMENTS](#)) if the income is received infrequently or irregularly to be reasonably anticipated.

<b>Example 3</b>	Joan received a \$10,000 bonus in September. Her SWICA wage match history shows that she has received this bonus annually. The bonus would be budgeted as earned income received monthly ( $\$10,000/12 = \$833.33$ ).
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4. Wages withheld at the request of the employee should be counted as income in the month it would normally have been received.
5. Advances on wages.
6. Any money received for accrued sick days and severance pay from an employer.
7. Any money received as payment for baby-sitting or child care as self-employment income if the care is provided in the food unit's home. If a self-employed child care provider also provides meals, they may be entitled to income deductions (see [SECTION 8.1.3 DEDUCTIONS](#)). If the care is not provided in the food unit's home, count the payments as regular earned income.

### 4.3.2 Earned Income

8. Any child care payment paid by an outside source to a food unit member is treated as earned income. In situations when a food unit member pays another food unit member from their own pocket, such child care payments are not counted as earned income because the money is moving between food unit members.
9. Attendant care payments provided by an outside source are treated as earned income for the attendant if the care is for a disabled individual.
10. IRIS payments.
11. Money received from the sale of a person's blood or plasma.
12. Any training allowance from a vocational or rehabilitative program recognized by a governmental agency that is not an expense reimbursement, unless the source is listed as an exception in [SECTION 4.3.2.2 DISREGARDED EARNED INCOME](#).
13. Earnings from WIOA On The Job Training when the earner is either: At least 19 years old, or, Less than 19 years old but not under the parental control of a member of the same food unit.

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**Note** See [SECTION 4.3.2.2 DISREGARDED EARNED INCOME, #9](#) for WIOA work experience.

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14. Military pay cycles affect how income is counted. Count any income received on the last day of a month by an active member of the military as income in the following month. Some military personnel are eligible for a supplemental Family Subsistence Supplemental Allowance (FSSA) payment if they meet the FoodShare gross income limits. The FSSA is considered gross earned income and is to be budgeted like other military income. However, it appears on a different line on the military paycheck.
15. Contractual pay that is the food unit's annual income (intended to provide support for the entire year) and is not paid on an hourly or piece work basis, should be prorated over 12 months. Contractual income that is not the food unit's annual income (intended to provide support for the food unit for only a portion of the year) and is not paid on an hourly or piece work basis, should be prorated over the period the income is intended to cover.

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**Note** Income from piecework or hourly work is not contractual income. Do not treat it as such.

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<b>Example 4</b>	Joe works for public school as a teacher's aide. Joe has worked there for the last three years and receives a 9 ½ month contract every August. He earns \$13,480.50 annually. He lives off his salary as a teacher's aide for the full year and does not supplement his income during the summer. Average his income over 12 months ( $\$13,480.50/12 = \$1,123.37/\text{month}$ ).
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<b>Example 5</b>	Nancy works part-time as a nurse for the public school. She receives a contract for 9 ½ months every August. In the summer, she supplements her income with a job at the Girl Scouts campgrounds in the first aid tent. Average Nancy's school income over 9 ½ months because her contract income is not her annual income.
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16. Migrant Farm Worker Income. To determine migrant farm income: request a copy of any existing work agreement, contact the employer when necessary to find the hours of work and wage rate, and/or ask the migrant how many hours they and members of their family expect to

### 4.3.2 Earned Income

work and the wage rate they expect to be paid. Most migrants work in fairly stable work environments such as canning factories or under some type of contract. In these cases, determine the employer's usual pay levels and pay periods, and project the hours and the rate of pay expected. Do not assume without supporting documentation or collateral contacts that a migrant farm worker works 40 hours a week. If the earnings received by the migrant worker are from employment other than agricultural income, it will be budgeted in the normal procedure on the CWW Employment screens. Normal procedures are also used for all unearned income and assets.

17. All W-2 Wisconsin Works subsidized employment income including Transitional Jobs, Transform Milwaukee Jobs, and the Trial Employment Match Program (TEMP).
18. All Subsidized Private Sector Employment (SPSE) income.
19. All Transitional Jobs Demonstration Project (TJDP) income.
20. Temporary and permanent census employment income.
  - a. Per federal waiver approval, census income is to be disregarded for 2020 and February 1, 2021 through October 31, 2021. Work hours must be counted for student and ABAWD eligibility.

#### 4.3.2.2 Disregarded Earned Income

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Disregard means "do not count." When you are calculating the total amount of income a person has received, you should exempt or exclude any of the following kinds of income:

1. Wages withheld as a general practice by an employer (even if in violation of law) until actually received by the employee.
2. Earned Income Tax Credit (EITC) payments.
3. Earned income of any person 17 years or younger, who is a food unit member under parental control of an adult food unit member and is enrolled in an elementary, high school, technical school, or university. This includes GED classes and home schools recognized or supervised by the state or local board of education. Disregard the income until the month following the month in which the person turns 18 years of age. These provisions apply to semester and vacation breaks provided the student plans to return to school following the break.
4. Reimbursements or flat allowances for job or training-related expenses. Expenses may be for travel, daily allowance, dependent care, uniforms, and transportation to and from a job or training site, including travel expenses of migrant workers.
5. Reimbursements for a volunteer's out-of-pocket expenses incurred in the course of their volunteer activities.
6. Income from Title I of the Domestic Volunteers Service Act of 1973 only when the volunteer received FoodShare at the time they joined the Title I program. Interruptions in FoodShare participation do not alter this disregard. Some individuals were receiving the disregard for a Title I program at the time of conversion to the Food and Nutrition Act of 2008. Continue the disregard for the same time frame for which they said they would volunteer at the time of conversion. If these exceptions do not apply, count Title I income as earned income. Title I programs include:
  - a. AmeriCorps\* VISTA
  - b. University Year for Action
  - c. Urban Crime Prevention Program

#### 4.3.2 Earned Income

7. All Title II Domestic Volunteer Service Act of 1973 program income. These programs include:
  - a. Retired Seniors Volunteer Program (RSVP)
  - b. Foster Grandparents Program
  - c. Senior Companion Programs
8. Income from the Title V Senior Community Service Employment Program (SCSEP) of the Older Americans Act. Organizations that receive Title V include, but are not limited to, the:
  - a. Experience Works Program
  - b. National Council on Aging
  - c. National Council of Senior Citizens American Association of Retired Persons
  - d. U.S. Forest Service
  - e. National Council on Black Aging
  - f. National Urban League
  - g. National Association for Spanish Speaking Elderly
9. WIOA work experience: Any allowances, earnings (except On The Job Training), or payments to food unit members participating in WIOA programs, including Jobs Corps and YouthBuild (see [SECTION 4.3.2.1 COUNTED EARNED INCOME, #11](#) for WIOA OJT. Only count earnings from WIOA On The Job Training when the earner is either:
  - a. At least 19 years old, or
  - b. Less than 19 years but not under the parental control of a member of the same food unit.
10. On The Job Training payments from the JTPA Summer Youth Employment and Training Program.
11. Allowances, earnings, educational awards, and payments to participants in the National and Community Service Trust Act of 1993 (NCTSA). Income from participation in Americorps programs.
12. Work study by a student enrolled in an institution of higher learning.
13. Repayments (see [SECTION 4.5.6.7 EARNED INCOME REPAYMENTS](#)).
14. Funds from a crowdfunding account (such as, GoFundMe, Kickstarter, and Indiegogo) when a member or applicant does not have access to the funds.
15. In-kind income: a non-monetary benefit granted on behalf of the food unit for things such as meals, housing, clothing, or other goods in exchange for services.

<b>Example 6</b>	Tom works at J's BBQ 20 hours a week in exchange for free rent. Tom's work hours count toward his ABAWD work participation requirement. Tom receives no money for the hours he works. Since he receives free rent in exchange for his work, no shelter expense is allowed.
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## 4.3.3 Farming and Other Self Employment Income

7 CFR 273.11(a) and (b)

Self-employment income is earned directly from one's own business rather than as an employee with a specified salary from an employer. Self-employment income is reported to the IRS as farm, self-employment, rental, or royalty income. If it is not reported to the IRS, the IM worker must determine if it is self-employment income. All self-employment income is earned income, except royalty income and some rental income.

### 4.3.3.1 Business Operations

A business is operating if it is ready for business, even if there are no sales and no work is being performed. A seasonal business operates in the off season, unless there has been a significant change in circumstances (see [SECTION 4.3.3.6 PART YEAR INCOME](#)). A business isn't operating when it can't function in its specific purpose.

<b>Example 1</b>	A mechanic cannot work for four months because of an illness. They may claim the business was not operating for those months.
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### 4.3.3.2 Identifying Farms and Other Businesses

Identify a self-employment business by the following criteria:

1. By Organization

It is organized in one of three ways:

- a. A sole proprietorship is an unincorporated business owned by one person.
- b. A partnership exists when two or more persons conduct business. Each contributes money, property, labor, or skills, and expects to share in the profits and losses. Partnerships are unincorporated.
- c. An S corporation is a business that elects to pass corporate income, losses, and deductions through its shareholders. Shareholders report income and losses on their personal tax returns and are taxed at individual income tax rates.

2. By IRS Tax Forms

A self-employed person earning more than \$400 annual net income must file an end-of-year federal tax return. Anyone who owes more than \$400 in taxes at the end of the year must file quarterly estimates.

3. By Employee Status

A self-employed person earns income directly from their own business, and:

- a. Does not have federal income tax and FICA payments withheld from a paycheck.
- b. Does not complete a W-4 for an employer.
- c. Is not covered by employer liability insurance or worker's compensation.
- d. Is responsible for their own work schedule.

Examples of self-employment are:

- Businesses that receive income regularly (that is, daily, weekly, or monthly). These may include but are not limited to merchants, small businesses, commercial boarding house owners or operators, and owners of rental property.

### 4.3.3 Farming And Other Self Employment Income

- Service businesses that receive income frequently and possibly sporadically. These may include but are not limited to craft persons, repair persons, franchise holders, commission sales persons (door-to-door sales, delivery, etc.), subcontractors, and sellers of blood and blood plasma.
- Businesses that receive income seasonally. These may include but are not limited to summer or tourist-oriented businesses, seasonal farmers, custom farm machine operators, migrant farm work crew leaders, trappers, hunters, and roofers.
- Farming, including income from cultivating the soil or raising or harvesting agricultural commodities, earned by full-time, part-time or hobby farming.
- Fishing with gross annual proceeds or expected income of \$1,000 or more.

<b>Example 2</b>	Pam baby sits for her cousin in her cousin's home. This is considered regular employment. Pam's cousin is her employer.
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<b>Example 3</b>	Linda provides childcare services in her own home for three neighborhood children. This is considered self-employment because Linda is her own employer.
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### 4.3.3.3 Capital and Ordinary Gains

The IRS uses different tax rates for capital and ordinary gains from selling assets. However, include the entire gain or loss from IRS form 4797 as earned income for food units who have an ongoing self-employment business. When self-employment is terminated and the business is sold, the sale of property essential to self-employment is considered an asset and therefore excluded.

### 4.3.3.4 Rental Income

7 CFR 273.9(b)(1)(ii)

Rental income is earned if the owner actively manages the property an average of 20 or more hours per week. See [SECTION 4.3.4.1 UNEARNED INCOME](#) if the person manages the property less than 20 hours per week.

If the owner manages multiple properties that are considered part of a single business (single annual business tax form that covers all properties), they will need to spend a total of 80 or more hours per month across all their properties for the income to be counted as earned income.

If the owner's properties are each considered separate businesses (separate annual business tax forms for each property), the owner would need to spend at least 80 hours per month at each property for the income received from that property to be counted as earned income.

- Include gross receipts minus allowable business expenses as earned income. Tax Forms 1040 Schedule C or Schedule E are used to determine rental income. Use that income recorded on the tax forms plus the principal paid if using tax form Schedule E to estimate future income. If the applicant or member has not completed a Schedule C or Schedule E tax form, use the following method to calculate earned income. When the owner is not an occupant, "net rent" is the total rent payment(s) received minus the total mortgage payment (principal and interest) and other verified operational costs such as (but not limited to) hazard insurance, mortgage insurance and taxes.
- When income is received from a multi-unit property and the owner lives in one of the units, compute "net rent" as follows:

### 4.3.3 Farming And Other Self Employment Income

1. Add the total mortgage payment (principal and interest) and other verified operational costs such as (but not limited to) hazard insurance, mortgage insurance and taxes common to the entire operation.
2. Multiply the number of rental units by the total in Step 1. Rental units are units that are not occupied by the property owner.
3. Divide the result in Step 2 by the total number of units to get the proportionate share.
4. Add the proportionate share in Step 3 to any operating costs paid that are unique to the rental unit. This equals total expenses.
5. Subtract total expenses in Step 4 from gross rent payments to get net rent.

<b>Example 4</b>	<p>Jena owns an apartment building with 10 units. She lives in one of them and charges \$700 in rent per month for the other 9 units.</p> <ol style="list-style-type: none"><li>1. The total mortgage and operational expenses are \$50,000 per year.</li><li>2. Multiply \$50,000 (in Step 1) x 9 units = \$450,000</li><li>3. Divide \$450,000 (in Step 2) by 10 units = \$45,000 proportionate share</li><li>4. One of the rental units needed a new dishwasher at a cost of \$400, add to proportionate share in Step 3 <math>\\$45,000 + \\$400 = \\$45,400</math> in total expenses</li><li>5. Calculate gross rent by multiplying the number of units by the monthly rent by 12. <math>9 \times \\$700 \times 12 = \\$75,600</math> in gross rent Subtract total expenses in Step 4 from gross rent <math>\\$75,600 - \\$45,400 = \\$30,200</math> net rent</li></ol>
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<b>Example 5</b>	<p>Baraka owns a own rental property business called Karibu Properties. Baraka also co-owns a business with a friend, Juma, called Sunview Estates. These are separate businesses that file their own, separate tax forms. Baraka spends 100 hours a month working at each business. The income Baraka receives from each business will be counted as earned income because Baraka is spending more than 80 hours per month managing each business.</p>
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#### 4.3.3.4.1 Unearned Rental Income

If someone receives rental income but does not actively manage the property 80 or more hours a month, the income is unearned. See [SECTION 4.3.3.4 RENTAL INCOME](#) if they manage the property for at least 80 hours per month.

If the owner has multiple properties, any income received from those properties will count as unearned income so long as the owner spends less than 80 hours per month in total managing the properties.

- When the owner is not an occupant, "net rent" is the total rent payment(s) received minus the total mortgage payment (principal and interest) and other verified operational costs such as (but not limited to) hazard insurance, mortgage insurance, and taxes.
- When income is received from a multi-unit property and the owner lives in one of the units, compute "net rent" by following [EXAMPLE 4](#):
  - Add the total mortgage payment (principal and interest) and other verified operational costs such as (but not limited to) hazard insurance, mortgage insurance, and taxes common to the entire operation.
  - Multiply the number of rental units by the total in Step 1.
  - Divide the result in Step 2 by the total number of units, to get the proportionate share.

### 4.3.3 Farming And Other Self Employment Income

- Add the proportionate share in Step 3 to any operating costs paid that are unique to the rental unit. This equals total expenses.
- Subtract total expenses in Step 4 from gross rent payments to get net rent.

#### 4.3.3.5 Averaging Income

Average self-employment income represents a food unit's yearly income over a 12-month period, even if the income is received within only a short period of time during those 12 months.

<b>Example 6</b>	A hot dog vendor works from April through October and uses the income for living expenses for the entire year. Average the income over a 12-month period.
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#### 4.3.3.6 Part Year Income

Average self-employment income that is intended to meet the food unit's needs for only part of the year, over the period of time the income is intended to cover.

<b>Example 7</b>	A landscaper works from May through the end of August and supplements this income with other sources during the rest of the year. Average his self-employment income over a four-month period rather than a 12-month period.
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#### 4.3.3.7 Anticipating Earnings

Calculate self-employment income based on anticipated earnings when:

1. The business was not in operation for at least one full month in the prior tax year;
2. The business has not been in operation for six or more months at the time of the application; or
3. Past circumstances do not represent the present.

Examples of a significant change in circumstances include, but are not limited to:

1. The start of a business.
2. The owner sold a part or all of their business.
3. The owner is ill or injured and will be unable to operate the business.
4. There's a substantial cost increase causing less profit for each unit sold.
5. Sales are consistently below previous levels beyond normal sales fluctuations.
6. The business is consistently earning above previous levels beyond normal fluctuations.

Changes are effective according to the normal prospective budgeting cycle. The date of an income change is the date the IM worker agrees a significant change occurred. The IM worker must judge whether the person's report was timely to decide any over or underpayment.

Self-employment income, by its very nature is somewhat uncertain. Use of SEIRFs and/or IRS forms to determine monthly average income takes this into consideration.

When a new self-employment business is reported or when a significant change in circumstance occurs and the past circumstances no longer represent the present, recalculate self-employment income:

1. When six or more months of actual self-employment information is available, calculate monthly average self-employment income using at least six months of prior earnings beginning from the date self-employment began or the date of the significant change.
2. When two or more full months of actual self-employment income information is available, use all of the actual income available to establish a monthly net income amount. See example 6.

### 4.3.3 Farming And Other Self Employment Income

3. When at least one full month but less than two full months of actual self-employment income information is available, calculate a monthly average net income amount using the actual net income received in any partial month of operation, the one full month of operation and an estimate of net income for the next month. See example 7.
4. When there is less than one full month of actual income information available, calculate a monthly average net self-employment income using the actual net income received in the partial month (since the significant change in circumstance occurred) and estimated income and expenses for the next two months. See example 8.

Use the average until the person's next renewal or if a significant change in circumstances is reported between renewals.

<b>Example 8</b>	Bonnie applies for FoodShare on April 5, 2016. She reports that she started self-employment in January 2016. The agency uses a SEIRF for January, February, and March to determine the prospective self-employment income estimate for Bonnie's FoodShare certification period (April 2016 through March 2017). On Bonnie's September SMRF, no change in self-employment income is reported and the IM worker continues to use the average determined at the time of application.
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<b>Example 9</b>	Ricardo is applying for FoodShare and Medicaid eligibility on February 5, 2016. He started his self-employment on December 15, 2015. To calculate his prospective self-employment income, he completes a SEIRF for December, January, and February including his actual and expected income and expenses for three months. The IM worker divides this total by three to determine an anticipated monthly average income amount. This amount is used until a change in self-employment is reported, or until Ricardo completes a new application or a renewal.
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<b>Example 10</b>	Jenny is a FoodShare member who has been self-employed as a hairdresser since 2012. Jenny's FoodShare certification period is December 2015 to November 2016. The IM worker previously used Jenny's 2014 tax return to establish a monthly income amount. In April 2016, Jenny reports that she has been unable to work since breaking her arm on March 17. She is not sure when she'll be able to return to work, but it will not be until at least June. This qualifies as a significant change in circumstances. The worker has Jenny complete a SEIRF for March 17 through March 31 (actual income since the change in circumstance occurred) and for April and May using the best estimate of income to establish her prospective self-employment income. The worker will use these three months to determine a prospective self-employment income estimate for the remainder of the certification period. Jenny does not need to submit any additional SEIRFs.
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#### 4.3.3.8 Self-employment Expenses

##### Expenses Exceeding Income

When a food unit has more than one self-employment operation, the losses of one can offset the profits of another. Do not use losses from self-employment to offset other earned or unearned income.

Exception: Offset farm income losses with any other countable income only if the farmer received or anticipates receiving annual gross proceeds of \$1,000 or more from the farm operation.

##### Shelter Expense

### 4.3.3 Farming And Other Self Employment Income

When a self-employed food unit claims the total shelter costs as a business expense, do not allow any shelter deduction. If the food unit claims a percentage of the shelter costs as a business expense, the remaining percentage is a shelter deduction.

If the percentage used for the business expense was not self-declared, use IRS form 8829 or the “Expenses for business use of your home” line from IRS form 1040 Schedule C to determine the amount of the home that was claimed as a business expense. Any remaining amount that was not counted as a business expense should be allowed as a shelter expense.

<b>Example 11</b>	Fred, a self-employed farmer, uses 50% of his property taxes as a business deduction. His yearly property taxes are \$1,200. Allow \$600 as a business expense. Use the remaining \$600 as a household shelter deduction. Prorate the \$600 over 12 months.
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### Farm and Self-Employment Expenses - Utilities

A self-employed food unit is allowed the standard utility allowance (SUA), if eligible for it, regardless of the percentage of utility expense claimed on the taxes for business use of the home.

### Self-employed Child Care Provider

A child care provider can deduct the cost of meals provided to the enrolled children from the income earned by the child care business. They may report the actual cost of the meals, or they may use the federal standard deductions. Tier 1 applies to food units with income at or below 185% of the FPL income guidelines. Tier 2 applies to all other households.

Rates effective from July 1, 2024 - June 30, 2025:

Federal Standard Deductions		
Meals	Tier 1	Tier 2
Breakfast	\$1.66	\$.60
Lunch or Supper	\$3.15	\$1.90
Supplement (snacks)	\$0.93	\$0.26

### 4.3.3.8.1 Disallowed Expenses

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

1. Depreciation
2. Net loss carryover from previous periods (long term capital loss), known as net operating loss (NOL) on IRS tax forms
3. Federal, state, and local income taxes
4. Charitable donations
5. Work-related personal expenses, such as transportation to and from work
6. Employer work-related personal expenses such as pensions, employee benefit and retirement programs and/or profit-sharing expenses (Business expenses for employees’ pensions, benefits,

### 4.3.3 Farming And Other Self Employment Income

retirement programs, and profit-sharing expenses are allowable, but the work-related personal expenses of the employer are not).

7. Amortization and depletion
8. Guaranteed payments to partners

#### 4.3.3.9 IRS Tax Forms

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Use IRS tax forms to average income only if:

1. The business was in operation at least one full month during the previous tax year,
2. The business has been in operation six or more months at the time of the application, and
3. The person does not claim a significant change in circumstances since the previous year.

If all three conditions are met, and the tax forms are not complete, ask the applicant or member to either complete the appropriate tax form(s) or have the applicant or member complete one self-employment income report form (SEIRF) for the previous year's circumstances. Completing the form(s) is solely the applicant or member's responsibility.

#### 4.3.3.10 Self-Employment Worksheets

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Use self-employment income worksheets to calculate self-employment income for Partnerships and S corporations. Following the worksheet instructions will ensure that income, expenses, and other disallowed expenses, gained from IRS tax forms, will be correctly budgeted for FoodShare. Worksheets contain built in formulas and should be completed electronically. This practice will ensure accurate information is entered into CARES Worker Web. Completed worksheets must be scanned into the electronic case file (ECF).

The worksheets are:

- Partnership ([F-16036](#))
  - IRS Form 1065: Partnership Income
  - IRS Schedule K-1, Form 1065: Partner's Share of Income
- Subchapter S Corporation ([F-16035](#))
  - IRS Form 1120S: Small Business Corporation Income
  - IRS Schedule K-1, Form 1120S: Shareholder's Share of Income

Personal capital gains are not counted income for FoodShare (see [SECTION 4.3.4.3 DISREGARDED UNEARNED INCOME](#)). When personal capital gains are reported, and a Schedule D is submitted, follow the instructions on Self-Employment Income Worksheet Personal Capital Gains or Losses (Schedule D) ([F-01985](#)). This will ensure that any unearned income that is budgeted on the case is excluded from the FoodShare budget.

#### 4.3.3.11 Self-employment Income Report Form (SEIRF)

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The SEIRF simplifies reporting income and expenses when earnings must be anticipated. The applicant or member must enter previous and/or expected income information on the SEIRF to determine an average. Budget this average prospectively. Use it to report income for any type of business. If the SEIRF is not completed, ask the applicant or member to complete it. The IM worker should not fill out the SEIRF.

### 4.3.3 Farming And Other Self Employment Income

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**Note** *IM workers should request a SEIRF if the applicant or member does not file taxes or does not have the most recent tax forms available.*

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**Tip:** Farm operators may find it easier to complete the IRS tax form when income and expenses are more complex.

## 4.3.4 Unearned Income

### 4.3.4.1 Unearned Income Introduction

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7 CFR 273.9(b)(2)

Unearned income is income not gained by work or delivery of a service or product. Count all unearned income unless it must be disregarded. Some unearned income is disregarded because of source, type, or the reason for which it is received.

Count unearned income as income in the month that it is received, except when:

1. It is not available to the food unit;
2. Specific instructions in this handbook state otherwise; or
3. When two payments from the same income source are received the same month due to mailing cycle adjustments. Count each payment only for the month it is intended. Income sources commonly affected by such mailing cycle fluctuations include general assistance, other public assistance programs, SSI, and SSA benefits.

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*Occasionally, a regular periodic payment (for example, Title II or VA benefits) is received in a month other than the month of normal receipt. As long as there is no intent to interrupt the regular payment schedule, consider the funds to be income in the normal month of receipt.*

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### 4.3.4.2 Counted Unearned Income

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Count the following as unearned income:

1. Tribal TANF payments.
2. Interest income (interest, dividends, royalty payments) if available to a food unit member. Members may reinvest interest income from an investment or receive it directly as income. Count interest income directly received as unearned income in the month it becomes available to the food unit member. Count reinvested interest income as an asset because it is not available to the member. Any reinvested interest income becomes a part of the net value of the investment. Do not count exemptions listed under [SECTION 4.3.4.3. DISREGARDED UNEARNED INCOME](#).
3. Annually paid annuities and lottery winnings. Average these payments over 12 months. Do not count the entire amount in the month received.
4. Individual Retirement Account (IRA) payments. Budget IRA withdrawal payments based on frequency received (annually, quarterly, or monthly).
5. Net Supplemental Security Income (SSI) payments.
6. Gross Social Security payments less any repayments withheld due to previous overpayments of Social Security benefits. Include any Child Support payments withheld from Social Security payments. This will ensure that Child Support payments are correctly included in the total gross unearned income and correctly budgeted as a Child Support payment deduction.
7. Unemployment Insurance (Unemployment Compensation) payments.
8. Worker's Compensation benefits.
9. VA disability and pension benefits, including Cost of Living Adjustment (COLA) and other adjustments made to the payments. "Aid and Attendant Allowances" referenced in [SECTION 4.3.4.3. DISREGARDED UNEARNED INCOME](#) are excluded.
10. Pensions and retirement payments.

#### 4.3.4 Unearned Income

- a. Annual withdrawals from 401k plans are to be annualized or counted for the period of time the withdrawal is intended to cover.
11. Private disability payments.
12. Foster care payments.
13. Caretaker Supplement (CTS) payments.
14. Child Support and maintenance payments made directly to the food unit or passed through to the food unit by a child support agency, whether court-ordered or voluntary.
  - Child support paid to a custodial parent who resides with the non-custodial parent and the child(ren) for whom the child support is paid is not counted as income.
  - Disregard child support payments received directly from an absent parent by a food unit if the money is turned over to the child support agency.
  - Disregard child support payments retained by a child support agency.
  - Child support arrears paid through the child support agency on behalf of an adult child are counted as income to the individual it is sent or paid to. If the payment is sent directly to the parent, it is the parent's income. If the payment is sent directly to the adult child from the child support agency, it is the adult child's counted income.
15. Child Support and Family Support must be prorated among the members covered by the court order.
  - If a Family Support order includes the custodial parent, the income proration would also include that parent.
  - Child support is prorated for only the children covered by the court order.
  - Maintenance is budgeted for the person actually receiving it.
  - The most up-to-date information about Child Support and Maintenance is auto populated on the CARES Worker Web Child Support screen.
16. W-2 payments received under Wisconsin Works Transitions (W-2T), Community Service Job (CSJ) full and prorated placements, Case Management Follow Up (CMF+), At Risk Pregnancy (ARP), or as the custodial parent of an infant (CMC). CMF+ is an incentive payment for job retention services and is not considered a paid placement for Transitional FoodShare (TFS) eligibility (see [SECTION 8.1.6 SYSTEM GENERATED PAYMENTS](#) and [SECTION 7.1.1.8 DENY BENEFIT INCREASES DUE TO PENALTIES IN OTHER PROGRAMS](#)).
17. Kinship Care payments are unearned income for the child receiving the payment.
18. Subsidized guardianship payments.
19. Any money received for sick or severance pay from an insurance policy, an income continuance policy, or disability payments from an employer that are not paid as accrued sick, vacation, or personal time. Gross income from these sources is budgeted. Whether or not the income is taxed or untaxed does not determine if the pay is counted as unearned or earned income.
20. Reimbursements for normal household living expenses such as rent, mortgage, personal clothing, and food eaten at home. These are counted because they are a gain or benefit. Include stipends that are part of a financial aid package and are intended as a reimbursement for living expenses.
21. Count a subsidized adoption payment or adoption assistance payment as unearned income.
22. Tribal distribution payments, unless excluded (see [TRIBAL / NATIVE AMERICAN PAYMENTS IN SECTION 4.3.4.3 DISREGARDED UNEARNED INCOME](#)). Income from tribal distributions should be prorated over the period it is intended to cover if it is predictable and regularly received. If the

#### 4.3.4 Unearned Income

FoodShare assistance group becomes ineligible and then reapplies before receiving their next installment, continue to use the same prorated amount as before.

<b>Example 1</b>	Dawn receives \$500 quarterly from the Potawatomi Tribe. The frequency of the payment is regular, and the amount is predictable. To calculate the monthly amount to be budgeted prospectively, prorate the amount over the time period intended: $\$500/3 = \$166.67$ per month to be prospectively budgeted.
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23. Money withdrawn or dividends that are received or could be received from an otherwise exempt trust fund.
24. Monetary gifts over \$30 a calendar quarter. Calendar quarters refer to three consecutive month periods beginning with January, April, July, or October.
25. Income from a land contract. Count any portion of monthly payments received that are considered interest from a land contract as unearned income. Do not count the principal as income, because it is the conversion of one asset form to another. If received less often than monthly, prorate it over the period between payments. Do not count this income until a member actually receives it.
26. Any money received from an installment contract must be either:
  - a. Counted as income in the month received.
  - b. Averaged over the number of months between payments. For example, average a quarterly payment received in January over January, February, and March. The food unit must choose one of the above methods. Document the choice in the case record.
27. If someone receives rental income and the property is managed more than 20 hours per week, see [SECTION 4.3.3.4 RENTAL INCOME](#). However, if someone manages the property for less than 20 hours a week, treat the income as unearned and budget it as listed below.
  - Include gross receipts minus allowable business expenses as earned income. Tax Forms 1040 Schedule C or 1040 Schedule E are used to determine rental income.
  - If using tax form Schedule E, use recorded rental income plus the principal paid to estimate future income.
  - If the applicant or member has not completed a Schedule C or Schedule E tax form, use the following method to calculate earned income.
    1. When the owner is not an occupant, "net rent" is the total rent payment(s) received minus the total mortgage payment (principal and interest) and other verified operational costs such as, but not limited to, hazard insurance, mortgage insurance, and taxes.
    2. When income is received from a multi-unit property and the owner lives in one of the units, compute "net rent" as follows:

**Step 1:** Add the total mortgage payment (principal and interest) and other verified operational costs such as, but not limited to, hazard insurance, mortgage insurance, and taxes common to the entire operation.

**Step 2:** Multiply the number of rental units by the total in Step 1.

**Step 3:** Divide the result in Step 2 by the total number of units, to get the proportionate share.

**Step 4:** Add the proportionate share in Step 3 to any operating costs paid that are unique to the rental unit. This equals total expenses.

#### 4.3.4 Unearned Income

**Step 5:** Subtract total expenses in Step 4 from gross rent payments to get net rent.

- CARES will budget self-employment income from rental property as earned income if the property is self-managed 80 or more hours per month. If the monthly hours entered are less than 80, the income will be treated as unearned income even if the self-managed switch is "Y."
- Verify unearned rental income using available documentation. It is not necessary to collect Self-Employment Income Report Forms (SEIRF) for unearned income.

28. Refugee Assistance Program payments.

**COVID-19 Pandemic Assistance:** Refer to the [Process Help COVID-19 Main Page](#) for specific policies and process related to COVID-19 pandemic income.

#### 4.3.4.3 Disregarded Unearned Income

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Disregard means do not count. When you are calculating the total amount of unearned income a person has received, you must exempt or exclude any of the following kinds of unearned income:

##### **Housing and related income**

1. Disregard rent paid by the Department of Housing and Urban Development (HUD) and Farmer's Home Administration (FMHA) directly to a landlord as income. Do not include these payments as a deduction. Only include as a rent expense what the food unit owes to the landlord after the HUD or FMHA payments.
2. Disregard rent paid by HUD to residents in the experimental housing program in Green Bay.
3. Disregard HUD or FMHA utility reimbursement payments made directly to a food unit or utility provider as income.
4. Disregard HUD utility reimbursement payments diverted by a Native American housing authority directly to the utility provider without permission, consent, or agreement of the food unit.
5. Under the Family Investment Centers program, HUD provides grant money to public housing agencies and Indian housing authorities. In turn, they provide access to education and job opportunities to public housing residents. Disregard as income services provided to these residents. Services include:
  - a. Child care
  - b. Employment and training counseling
  - c. Literacy training
  - d. Computer skills training
  - e. Assistance in attaining certificates of high school equivalency
  - f. Other similar services
6. Disregard free rent, no income is counted, and no rent deduction is allowed.
7. A tenant may be billed utility expenses for common electrical devices, for the benefit of any number of tenants, but wired through their meter. A notice from the landlord identifies that cost and the tenant's reimbursement. Disregard the reimbursement.
8. Income received as a result of participation in the Fresh Start Program.

##### **Employment Training and Education**

#### 4.3.4 Unearned Income

1. Educational aid for students is not counted as income.
2. Disregard educational expense reimbursements.
3. Disregard income produced by an educational trust.
4. Disregard W-2 TSP (stipends for non-custodial parents) received for W-2 education and training activities.

### Loans

Disregard as income any loan to the food unit. This includes loans from private individuals and commercial institutions. A legally executed document is not required to verify that income is a loan. A statement signed by both parties is enough to verify the income is a loan, if it contains: the amount of the loan, that the payment is a loan, and that repayment is required.

### Medical and Dependent Care

1. Disregard reimbursements for medical or dependent care. Some examples of medical or dependent care reimbursements that must be disregarded are:
  - a. Reimbursements from the Medical Assistance (MA), also known as Medicaid or Title 19 Community Integration Program (CIP).
  - b. Reimbursements from Medicare Advantage supplement benefits.
  - c. Reimbursements from the Alzheimer's Family Caregiver Support Program (AFCSP), the National Family Caregiver Support Program (NFCSP), and the Program of Comprehensive Assistance for Family Caregivers (PCAFC).
2. Disregard dependent care payments as income for a food unit member's care when a county agency:
  - a. Pays a dependent care provider directly,
  - b. Reimburses the food unit after the food unit has incurred or paid a dependent care expense.
3. Disregard payments from the Wisconsin Family Support Program, which assists families by covering medical, dependent and other allowable expenses for in-home support for children with severe disabilities. Payments may be issued in several ways, including by voucher or direct payment to the vendor, or direct payment to the family as a reimbursement for allowable expenses. Do not confuse this program with "family support", a court-ordered obligation that combines child support and maintenance.

### SSA programs

1. Disregard reimbursements for services provided by the [Social Services Block Grant Program](#).
2. Disregard retroactive SSI payments which are paid in installments.
  - a. Retroactive SSI benefits which total 12 months or more of the Federal Benefit Rate (monthly SSI amount) will be paid in three or fewer installments at six-month intervals. Each installment payment must be counted as an asset. Retroactive SSI benefits which equal or exceed 12 months of benefits, but which are owed to the following categories of recipients, will continue to be received in one lump sum:
    - i. A person who has a medical impairment which is expected to cause death within 12 months.

#### 4.3.4 Unearned Income

- ii. A person who is ineligible for benefits and is likely to remain ineligible for the next 12 months.
3. Disregard income of an SSI recipient necessary to fulfill a Plan to Achieve Self-Support (PASS) regardless of the source. This income may be spent in accordance with an approved PASS or deposited into a PASS account. The SSA must approve the individual's PASS in writing, identifying the amount of income that must be set aside each month to fulfill the PASS. It is the member's responsibility to report and verify that such income is necessary to fulfill its PASS in order for the income to be disregarded.
4. A qualified organization may collect a fee for acting as the representative payee for an SSI or OASDI recipient. Disregard the amount withheld from the SSI or OASDI payment as income to the recipient. Reduce the SSI or OASDI amount by the amount withheld instead.

#### **SSI-E**

Disregard SSI-E income for FoodShare. It is not necessary to determine if an SSI-E payment is being used for its intended purpose in order to disregard the income.

#### **Energy Assistance Program**

Disregard all payments provided by the Low Income Home Energy Assistance Program (LIHEAP) or Wisconsin Home Energy Assistance Program (WHEAP).

#### **Community Options Program**

Disregard Community Options Program (COP) reimbursement for long-term care services. If a food unit member is receiving COP payments for providing services, count the money as earned income.

#### **Tribal / Native American Payments**

Disregard any Tribal General Welfare Assistance (GWA) and Tribal General Welfare Exclusion (GWE) payments (26 USC § 139E).

Disregard payments to individual tribal members of the following tribes or from the following federal settlements:

1. Seminole Indians of Florida (PL 84-736).
2. Pueblos of Zia and Jemez of New Mexico (PL 84-926).
3. Red Lake Band of Chippewa Indians (PL 85-794).
4. Alaska Native Claims Settlement Act (PL 92-203).
5. Stockbridge Munsee Indian Community of Wisconsin (PL 92-480).
6. Burns Indian Community of Oregon (PL 92-488).
7. Pueblo of Santa Ana (PL 95-498).
8. Pueblo of Zia of New Mexico (PL 95-499).
9. Bois Forte Band of the Chippewa Tribe or the Grand Portage Band of Lake Superior Chippewa Indians under 25 USC 1407 (PL 93-134, 97-458, 106-568, 113-290).
10. Navajo and Hopi Tribe relocation payments (PL 93-531).
11. Cherokee Nation of Oklahoma (PL 94-114).

#### 4.3.4 Unearned Income

12. Cheyenne River Sioux, Crow Creek Sioux, Lower Brule Sioux, Oglala Sioux, and Rosebud Sioux Tribes of South Dakota (PL 94-114).
13. Devils Lake Sioux and Standing Rock Sioux Tribes of North Dakota (PL 94-114).
14. Shoshone-Bannock Tribes of Idaho (PL 94-114).
15. Sac and Fox Indian claims agreement (PL 94-189).
16. Grand River Band of Ottawa Indians (PL 94-540).
17. Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (PL 95-433).
18. Indian Child Welfare Act of 1978 (PL 95-608).
19. Delaware Tribe of Indians and the Delaware Tribe of Western Oklahoma (PL 96-318).
20. Passamaquoddy Tribe, Penobscot Nation, and Houlton Band of Maliseet Indians under the Maine Indian Claims Settlement Act of 1980 (PL 96-420).
21. Wyandot Tribe of Indians of Oklahoma (97-371).
22. Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, and Cherokee Band of Shawnee descendants (PL 97-372).
23. Miami Tribe of Oklahoma and Miami Indians of Indiana (PL 97-376).
24. Clallam Tribe of Indians, including Port Gamble Indian Community, Lower Elwha Tribal Community, and Jamestown Band of Clallam Indians, of Washington (PL 97-402).
25. Turtle Mountain Band of Chippewas of Arizona (PL 97-403).
26. Blackfeet, Gros Ventre Tribes, and Assiniboine Tribes of Montana (PL 97-408).
27. Papago Tribe of Arizona (PL 97-408).
28. Red Lake Band of Chippewas (PL 98-123).
29. Assiniboine Tribes of Fort Belknap Indian Community and Fort Peck Indian Reservation of Montana (PL 98-124).
30. Chippewas of Lake Superior including the Bad River Band, Lac du Flambeau Reservation, Lac Courte Oreilles Band, Sokaogon Chippewa Community, Red Cliff Reservation, and St. Croix Reservation of Wisconsin; disregard any per capita payment issued under this judgement in its entirety (PL 99-146).
31. Keweenaw Bay Indian Community of Michigan (PL 99-146).
32. Fond du Lac, Grand Portage, Nett Lake, and White Earth Reservations of Minnesota (PL 99-146).
33. White Earth Band of Chippewas in Minnesota (PL 99-264).
34. Saginaw Chippewa Indian Tribe of Michigan (PL 99-346).
35. Chippewas of the Mississippi including Mille Lac, White Earth, and Leech Lake of Minnesota (PL 99-377).
36. Band of Potawatomi, including Hannahville Indian Community and Forest County Potawatomi, of Wisconsin; if issued as a per capita payment, disregard the first \$2,000 of each payment made from this judgement (PL 100-581).
37. Puyallup Tribes under the Puyallup Tribe of Indians Settlement Act of 1989 (PL 101-41).
38. Seneca Nation of New York under the Seneca Nation Settlement Act of 1990 (PL 101-503).
39. Catawba Indian Tribe of South Carolina (PL 103-116).
40. Confederated Tribes of the Colville Reservation (PL 103-436).

Exclude as income any lump sum or periodic payments received under the Cobell v. Salazar Class Action Trust Case during the one-year period beginning on the date of receipt (PL 111-291).

Disregard up to \$2,000 per calendar year held by an individual Native American which is derived from restricted land or land held in trust by the Department of Interior, Bureau of Indian Affairs (PL 103-66, 92-203, and 100-241).

#### 4.3.4 Unearned Income

Disregard the first \$2,000 of individual shares for the following:

1. Confederated Tribes of the Warm Springs Reservation (PL 97-436).
2. Old Age Assistance Claims Settlement Act (PL 98-500).
3. Seminole Nation of Oklahoma (PL 101-277).
4. Seminole Tribe, Miccosukee Tribe of Indians, and the independent Seminole Indians of Florida (PL 101-277).
5. Rincon Band of Mission Indians (Docket 80-A).
6. Walker Paiute Tribe (Docket 87-A).
7. Ak-Chin, Salt River Pima-Maricopa, and Gila River Pima-Maricopa Indian Communities (Docket 228).
8. Maricopa Ak-Chin Indian Community (Docket 235).
9. Peoria Tribe of Oklahoma (Dockets 313, 314-A, and 314-B).
10. Yankton Sioux Tribe (Dockets 342-70 and 343-70).
11. Wichita and Affiliated Tribe (Keechi, Waco & Tawakonie) of Oklahoma (Dockets 371 and 372).

#### **Child Nutrition Act of 1966 and the National School Lunch Act**

Disregard the value of assistance received from programs under the Child Nutrition Act of 1966 and the National School Lunch Act. These are the:

1. Special Milk Program.
2. School Breakfast Program.
3. Special Supplemental Food Program for Women, Infants and Children (WIC).
4. School Lunch Program.
5. Summer Food Service Program for Children.
6. Commodity Supplemental Food Program.
7. Child and Adult Care Food Program.

#### **Disaster and Emergency Assistance Payments**

1. Disregard major disaster and emergency assistance payments made by federal, state, county, and local agencies, and other disaster assistance organizations, including National Flood Insurance Program (NFIP).
2. Disregard Emergency Assistance or emergency General Assistance when either is given to a migrant or seasonal farm worker food unit if:
  - a. The payment is provided to a third party (vendor) on behalf of the migrant or seasonal farm worker; and,
  - b. The food unit was in the job stream when (for example, working) it was provided.
3. Disregard disaster unemployment benefits to any individual who is unemployed as a result of a major disaster. Individuals cannot be eligible for any other unemployment compensation and also receive disaster unemployment benefits. Payments are limited to 26 weeks.

**COVID-19 Pandemic Assistance:** Refer to [Process Help COVID-19 Unwinding](#) for specific policies and process related to COVID-19 pandemic income.

#### **Veterans Benefits**

#### 4.3.4 Unearned Income

Exclude VA aid and attendance and homebound allowances if the payment is:

1. For a past or future expense.
2. Not in excess of the actual expense.
3. Not for a normal household living expense.
4. Used for the intended purpose.

Disregard aid and attendance and housebound allowances received by veterans, spouses of disabled veterans, and surviving spouses.

### GI Bill

All military personnel fund the GI Bill through mandatory payroll deductions in their first year of service. Disregard these deductions when counting income.

<b>Example 2</b>	During Joe's first year of military service, his gross pay is \$1,000 per month. One hundred dollars is deducted from his paycheck each month for the GI Bill. The IM worker disregards the \$100 deduction and budgets his pay as \$900 per month.
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### Combat Pay

IM workers are required to determine if a military allotment made available to a food unit by an absent member deployed to a combat zone should be excluded when determining eligibility. Disregard any amount of combat zone pay that goes to the food unit that is in excess of the military person's pre-deployment pay. The exclusion lasts while the military person is deployed to the combat area.

If the amount of military pay from the deployed absent family member is equal to or less than the amount the food unit was receiving prior to deployment, all of the allotment would be counted as income to the food unit. Any portion of the military pay that exceeds the amount the food unit was receiving prior to deployment to a designated combat zone must be excluded when determining the food unit's income for FoodShare purposes.

Follow these steps in determining how to budget combat zone pay:

1. Ask if the service member is deployed to a combat zone.
  - a. If the answer is no, verify military pay using a bank record or Leave and Earnings Statements (LES) and clearly document in case comments how income to the food unit was determined and verified.
  - b. If the answer is yes, verify the service member's pay before deployment to a combat zone and the amount they receive due to being assigned to a combat zone. Leave and Earnings Statements (LES) or bank records can be used to verify this amount.
2. Any portion that is more than the amount the food unit was receiving immediately before deployment to a combat zone is exempt as combat pay.
3. Clearly document in case comments the combat pay source of verification and method used to determine amount to be disregarded and budgeted.

Deployment to a combat zone can be established through a variety of methods including:

1. The deployed person's military pay record, the Leave and Earnings statement (LES).
2. Orders issued to the military person in which the place of deployment is public record.

#### 4.3.4 Unearned Income

3. Contacting the Call Center which has a listing of designated combat zones, as well as a listing of pay items which may or may not be the result of deployment to a designated combat zone

<b>Example 3</b>	John, his wife Bonnie, and their daughter have an open FoodShare case. John is in the military stationed overseas; his monthly income is \$1,000. John sends his wife \$1,000 every month. When John is deployed to a combat zone his pay is increased to \$1,300 a month, which is deposited into a joint account. Because the \$300 is combat pay, it is exempt income and not counted in the determination. The pre-combat pay of \$1,000 is budgeted as unearned income for FoodShare.
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<b>Example 4</b>	Dori is in the military and receives \$1,000 per month in wages. Dori's husband Louie and their son Joe have an open FoodShare case. Dori has her military pay directly deposited into a bank account in her name only; Louie has no access to the funds or to the account. Do not count any of Dori's income in the eligibility determination for Louie and Joe.
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<b>Example 5</b>	Ben is in the military. His paycheck is \$1,000 a month. He has \$500 directly deposited into his account and \$500 directly deposited into a joint account with his wife, Andrea. The \$500 directly deposited into the joint account is budgeted as unearned income in Andrea's FoodShare determination. Since Andrea does not have access to Ben's account, only the amount deposited in their joint account is counted.
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<b>Example 6</b>	Tim is in the military making \$1,200 a month. An allotment check of \$1,000 is paid directly to his wife Karla and \$200 to himself. The \$1,000 is budgeted as Karla's unearned income for her FoodShare determination.
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#### **Dottie Moore**

Disregard as income any penalty payment paid as a result of the Dottie Moore lawsuit by DHS (formerly DHSS) to any Aid to Families with Dependent Children (AFDC) applicant or member. These \$50 to \$200 penalty payments have been ordered by the U.S. District Court for the Eastern District of Wisconsin in Civil Action No. 80-C-118.

#### **Income Tax Refunds, Credits, and Rebates**

Disregard income tax refunds, credits, and rebates as income.

#### **Victims of Nazi Persecution**

Disregard as income payments under PL 103-286 to victims of Nazi persecution.

#### **Payments to Crime Victims**

Disregard any payments received from a state established fund to aid victims of a crime.

#### **Agent Orange Settlement Fund**

Disregard payments received from the Agent Orange Settlement Fund, or any other fund established in settling "In Re Agent Orange Product Liability Settlement Fund litigation M.D.L. No. 381 (E.D.N.Y.)."

#### 4.3.4 Unearned Income

Continue to disregard the payments for as long as they are identified separately. Apply this disregard retroactively to January 1, 1989.

### **Wartime Relocation of Civilians**

Disregard payments under PL 100-383 to U.S. citizens of Japanese ancestry and permanent resident Japanese immigrants or their survivors and Aleut residents of the Pribilof Islands and the Aleutian Islands West of Unimak Island.

### **Radiation Exposure Act**

Disregard payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing (\$50,000) and uranium mining (\$100,000). Apply this disregard retroactively to October 15, 1990. When the affected person is deceased, payments are made to the surviving spouse, children, parents, or grandparents of the deceased. The federal DOJ makes the payments. Continue to disregard the payments for as long as they are identified separately. Apply this disregard retroactively to October 15, 1990.

### **Children of Vietnam Veterans Who Are Born with Spina Bifida**

Disregard payments received under the provision of the Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida (PL 104-204). These payments are made to any child of a Vietnam veteran for any disability they experience resulting from the spina bifida. Apply this disregard retroactively to September 26, 1996. Continue this disregard as long as payments are identified separately.

### **Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970**

Disregard reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (PL 91-646, Section 216).

### **Capital Gains**

Disregard capital gains from the sale of a personal asset as income. Profits gained from the sale of an asset continue to be counted as an asset (see [SECTION 4.3.3.3 CAPITAL AND ORDINARY GAINS](#) for policy related to self-employment).

### **Reverse Mortgage**

Disregard reverse mortgage payments made to homeowners. Reverse mortgage payments are loans against the borrower's home and are considered an asset these payments are not considered income.

### **Payments to Filipino World War II Veterans**

Disregard payments from the Filipino Veterans Equity Compensation Fund. The American Recovery and Reinvestment Act (ARRA) of 2009 created the fund for certain veterans and the spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during World War II. The compensation fund offers one-time payments that may be up to \$15,000 to eligible persons.

#### 4.3.4 Unearned Income

### **Living Independently through Financial Empowerment (LIFE)**

The LIFE program provides short-term, monthly cash payments to families, including tribal members, experiencing crises resulting from a domestic violence situation. LIFE payments are designed to meet urgent financial needs such as but not limited to housing, utility payments, and groceries. The LIFE program is only available for a limited time until August 31, 2022. Approved applicants receive \$3,500 over three consecutive months: \$1,500 in month one, \$1,000 in month two, and \$1,000 in month three.

### **Universal Basic Income (UBI)**

Universal Basic Income (UBI) and guaranteed income program payments are disregarded for FoodShare purposes if:

1. Excluded by TANF or Medicaid.
2. The payments are sourced solely from private funds or a mix of private and public funds.

#### **Examples**

1. Madison Forward Fund Universal Basic Income (UBI) Program Payments
2. The Bridge Project Guaranteed Income for pregnant individuals.

### **Priority Health Medicare Over-the-counter (OTC) Allowance**

Dual Eligible Special Needs Plans (D-SNP); Over-the-counter (OTC) program; healthy foods/utility credits income are all disregarded for FoodShare.

### **Mobility management vouchers**

Mobility management vouchers are disregarded as income.

## 4.4.1 Assets

7 CFR 273.8

### 4.4.1.1 Introduction to Assets

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This section applies only to food units and their assistance group being tested under regular Supplemental Nutrition Assistance Program (SNAP) rules. Regular SNAP rules require an asset test. Elderly, Blind, and Disabled (EBD) and non-EBD food units have different asset limits (see [SECTION 8.1.1.3 ASSET LIMITS](#)).

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**Note** *Asset limits are subject to change with the annual cost of living adjustment (COLA) which happens each October 1.*

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Count or disregard the value of the assets as outlined below.

#### Equity value

Count the equity value of countable assets. Equity value is the fair market value (FMV) minus any encumbrances against the asset. Disregard the equity value of exempt assets.

#### Separate and Mixed Assets

Disregard exempt assets kept in a separate account, or in an account with other exempt assets.

If an asset is in an account mixed with countable assets, disregard the exempt assets for one of these periods:

- For six months from the date the exempt asset was mixed with the countable assets.
- If an exempt asset is money that has been prorated as income, exempt it only for the period over which it has been prorated. After that period expires, count the remaining asset. (Self-employment income and farm income are examples of prorated income.)

#### Jointly Owned Accounts

A joint account is a deposit of funds (savings, checking, share and NOW accounts, certificates of deposit, and similar arrangements), made with, a financial institution (such as a bank, savings and loan, credit union, or insurance company), where, the holders have equal access to said funds.

Jointly held accounts in a state-regulated financial institution are accessible to all holders of the account. The food unit has access to the joint account, with the exceptions below.

Do not assume that the following jointly held accounts are accessible.

- An account established for business, charitable, or civic purposes.
- A trust or restricted account. The person named as holder has no or limited access to the funds.
- A special purpose account. A special purpose account has at least one holder acting as the power of attorney, guardian, or conservator for another account holder(s).

### 4.4.1.2 Jointly Owned by Different Food Units

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Unless excepted below, deem the full value of assets owned jointly by separate food units to each food unit.

#### 4.4.1 Assets

<b>Example 1</b>	An asset worth \$600 is owned by three persons in the same household. Two are in the same food unit and the third is in another unit. Deem the asset's full value of \$600 to each food unit. In the food unit with two owners, deem \$300 to each owner.
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If a food unit jointly owns an asset. Do not count the asset's full value if the asset is not available to the food unit. Count only the portion of the asset's value that is available to the food unit.

A jointly owned asset is unavailable to a food unit when:

- It cannot practically be subdivided.
- The food unit's access to its value depends on the willingness of a joint owner who refuses access.

#### 4.4.1.3 Jointly Owned by Same Food Unit

When the joint owners of an asset are in the same food unit, deem each an equal share of the asset's total value. This avoids counting more than the asset's actual value.

<b>Example 2</b>	Three food unit members own an asset valued at \$600. Assigning full value to each holder would give the food unit \$1,800 (3 x \$600). Only \$600 is actually available. To avoid this, give each food unit member an equal share or \$200. The food unit's total is now the asset's actual \$600 value. If only two food unit members are FoodShare assistance group members, each contributes \$200 to the group's assets. This is a total contribution of \$400 from group members. Determine why the other food unit member is not in the FoodShare assistance group. This will determine if the \$200, or a portion of it, is deemed to the group.
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#### 4.4.1.4 Liquid Assets

##### **Stocks, Bonds, and Other Investments**

Count the current cash value of any available investment that includes, but is not limited to, stocks, bonds, or mutual funds. Available means that the asset could be cashed in at any time. Investments that are part of retirement plans are generally not available until someone is of retirement age.

To calculate the net value of investments such as stocks, bonds, or mutual funds, verify the current value(s) as of the closing of the market on the day before you do the calculation. For individual stocks or bonds, multiply the value per share times the number of shares. Deduct any losses or penalties charged as a result of a potential sale or early withdrawal.

##### **Loans**

Count any loan to a food unit member as an asset, even if the food unit member anticipates spending it in the same month.

##### **Loan Repayments**

Count the principal of a loan repayment to a food unit member from a non-food unit member as an asset.

##### **Savings and Checking Accounts**

#### 4.4.1 Assets

Count money deposited in a savings or checking account. Disregard the value of outstanding (uncleared) checks. Money deposited into an account, that was counted as income for a month, cannot also be counted as an asset for the same month.

For example, Supplemental Security Income (SSI) income is received in January. The payment is directly deposited into the person's checking account. This payment is not considered to be part of the asset calculation for January.

#### Cash

Count any cash on hand as an asset.

#### U.S. Savings Bonds

Count the cash value of a U.S. Savings Bond unless it is unavailable. A bond is unavailable only if the food unit proves it tried to cash the bond and was refused.

#### Nonrecurring Lump Sum

Count nonrecurring lump sum payments (see [SECTION 4.5.5.2 NONRECURRING LUMP SUM PAYMENT](#)).

#### Interest Income

Count interest income (interest, dividend, royalty income) as an asset if not received directly. Members may reinvest interest income from an investment or receive it directly as income. Count reinvested interest income as an asset because it is not available to the member. Any reinvested interest income becomes a part of the net value of the investment. Count any interest income as directly received as unearned income because it is available to the member.

<b>Example 3</b>	Mary has a certificate of deposit (CD). She receives an interest check every time the CD matures. The interest is unearned income. If she leaves the interest to accumulate, count it as an asset.
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#### 4.4.1.5 Recurring Lump Sum Payment

Disregard the following recurring payments from the asset test Earned Income Tax Credit (EITC) and SSI Retroactive Installment Payments. These types of payments are not counted as income or as an asset.

Two or more lump sum payments received regularly are considered unearned income (see [4.3.4.2 UNEARNED INCOME](#)).

<b>Example 4</b>	A food unit member receives an insurance settlement payment as a lump sum every three years. The agency receives documentation showing that the same amount is set to be paid every three years over the next 30 years. The lump sum should be budgeted as a monthly amount over the period it is meant to cover. The lump sum amount should be divided by 36 with the resulting amount budgeted as monthly unearned income.
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#### 4.4.1.6 Nonrecurring Lump Sum Payment

7 CFR 273.9(c)(8)

#### 4.4.1 Assets

A nonrecurring lump sum is a payment received only once. Count the payment as a liquid asset in the month the food unit receives the payment, do not count the payment as income. Types of nonrecurring lump sum payments include but are not limited to:

- Retroactive lump sum insurance settlements.
- Retroactive UC payments.
- Utility or rental security deposit refunds.
- Retroactive social security or public assistance payments.
- Retroactive Caretaker Supplement for Children (CTS) payments.
- TANF payments made to divert a family from becoming dependent on welfare, such as Emergency Assistance.
- Funds received through crowdfunding accounts (such as GoFundMe, Kickstarter, and Indiegogo). Only those funds accessible to the food unit at the time of interview are to be counted as a liquid asset.
- A bonus if the income is received too infrequently or irregularly to be reasonably anticipated.

Disregarded nonrecurring lump sum payments may include a one-time energy assistance payment, disaster or emergency payment, or tax credit (see [SECTION 4.4.1.7 DISREGARDED ASSETS](#) for a list of disregarded assets.)

Disregard an income tax refund for 12 months. The 12-month period is still continuous if there is a break in service (see [SECTION 2.3.1 BREAK IN SERVICE](#)).

When a combination of current and lump sum payments is received at once, the current amount is income, and the nonrecurring amount is an asset.

<b>Example 5</b>	A food unit member receives Social Security benefits. In June, they get a \$950 check. \$430 is for the current month (June) and \$520 is a retroactive payment for underpayments in February and March. The \$430 is income and the \$520 is an asset.
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#### 4.4.1.7 Disregarded Assets

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Disregard the following assets:

##### Unavailable Assets

- Unavailable assets are:
- Assets inaccessible to the food unit because they are unknown to the food unit. The assets become available assets the day the food unit becomes aware of them.
- Countable assets that the owner cannot make immediate use of.
- Assets that a food unit is unable to sell for any significant return because the food unit's interest is relatively slight or because the cost of selling the food unit's interest would be relatively great.
- Funds received through crowdfunding accounts (such as GoFundMe, Kickstarter, and Indiegogo) that are not accessible to the food unit at the time of interview.

Significant return means any return, after estimating costs of sale or disposition and considering the ownership interest of the food unit, the local agency determines are more than \$1,500. This does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments.

Examples of unavailable assets are:

- Some irrevocable trust funds.
- Property and goods in probate.

#### 4.4.1 Assets

- Security deposits for rental property or utilities.
- Some gifts.
- Some items in a collection.
- Non-liquid assets that have a lien on them as security for a loan. The purpose of the loan must be to produce income. It cannot be for the purchase of the asset against which the lien is in effect.

The lien agreement must prohibit selling the asset until the lien is satisfied. Non-liquid assets include land, crops, buildings, timber, farm equipment, and machinery.

<b>Example 6</b>	A farmer borrows from a bank to buy a new dairy bulk tank by allowing a lien on his corn crop. The value of the corn crop is unavailable until the lien is removed by satisfying the loan.
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<b>Example 7</b>	Sue has an irrevocable trust fund with a \$5,500 balance. The account is in Sue's name. She provides verification that it will take 30 days to close the account, and because of penalties and taxes, the amount she will receive is \$3,150. The asset is not counted at application because it is not immediately available. However, after the 30 days required to close the account, \$3,150 is an available asset. The asset will be considered available regardless of whether or not Sue chooses to withdraw the funds.
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### Self-Employment or Business Assets

Self-employment or business assets are generally income-producing property. Exclude assets directly related and essential to producing goods or services.

### Real Property

Disregard all real property, regardless of whether it is homestead property or not. A home is any dwelling place intended for human habitation. All real property including homestead property is excluded as an asset.

### Vehicles

Disregard all vehicles.

### Land Contracts

Disregard land and installment contracts for land or a building if the contract produces income consistent with its fair market value (FMV).

### Installment Contracts

Disregard the value of property sold under an installment contract or held as security in exchange for a purchase price consistent with its FMV. This includes the sale of any property or building if the terms of the installment contract provide a purchase price consistent with the property's FMV.

### Disaster Payments

Disregard any governmental payment designated to restore a home damaged in a disaster. Apply this exemption if the food unit is subject to a legal sanction if the funds are not used as intended.

#### 4.4.1 Assets

Disregard any payments to farmers for a farm emergency caused by a natural disaster. The USDA determines if a farm emergency exists.

### **Personal Goods & Property**

Disregard household goods and personal effects, such as home appliances, furniture, and clothes.

### **Burial Plot**

Disregard one burial plot for each food unit member.

### **Pre-Paid Funeral Agreements**

Disregard the value of one bona fide pre-paid funeral agreement per food unit member.

### **Retirement Accounts**

Exclude the following:

- 401 (Traditional Defined-Benefit Plan)
- 401(a) plans: Employer sponsored retirement plans, including Cash Balance Plans, Employee Stock Ownership Plans, Money Purchase Pension Plans, Keogh Plans, and Profit Sharing Plans
- 401(k) plans: Generally, a cash-or-deferred arrangement, including Simple 401(k) plans
- 403(a): Employee Retirement Annuities
- 403(b): Tax-sheltered annuities provided for employees of tax-exempt organizations and state and local educational organizations
- 408: Individual Retirement Accounts (IRAs)
- 408A: Roth IRAs and myRA
- 408(p): Simple Retirement Account IRAs
- 408(k): Simplified Employee Pension Plans
- 457(b): Retirement plans for local governmental and certain non-governmental, tax-exempt employers
- 501(c) (18): Exemption from tax on corporations that have trusts created before June 25, 1959, forming part of a plan providing benefit payments under a pension plan funded by employees
- Federal Employee Thrift Savings Plan

### **Trust Funds**

Count funds in a trust and any income produced by the trust. Disregard the funds only if all of these conditions exist:

- The trust arrangement is not likely to end.
- The trustee administering the funds is either:
  - A court, institution, corporation, or organization under neither the direction nor ownership of any household member
  - Someone, not in the food unit, appointed by a court with court-imposed limits on their use of the trust's funds.
- Trust investments made for the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a food unit member.
- The funds are held in irrevocable trust and are established from either of the following:

#### 4.4.1 Assets

- The funds of someone not in the food unit
- The food unit's funds, if the trustee uses the fund solely for investments on behalf of the trust or to pay educational or medical expenses for anyone named by the food unit creating the trust

### **Money Prorated as Income**

A food unit member may have deposited money into an account from self-employment or farming. Prorate this money as income.

Disregard money prorated as income as an asset when it is being counted as income. When it is no longer prorated as income, count it as an asset.

### **Tools and Other Work-Related Equipment**

Disregard the value of tools or other equipment essential to the employment or self-employment of a food unit member. Examples of essential tools are those of a mechanic, plumber, or other tradesperson, or a farmer's machinery.

### **Relocation Payments**

Disregard payments from the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970.

### **Nutrition Benefits**

Disregard the value of assistance received from programs under the Child Nutrition Act of 1966 and the National School Lunch Act. These include:

- Special Milk Program
- School Breakfast Program
- Special Supplemental Food Program for Women, Infants and Children (WIC)
- School Lunch Program
- Summer Food Service Program for Children
- Commodity Supplemental Food Program (CSFP)
- Child and Adult Care Food Program

### **Energy Assistance Program**

Disregard all payments provided by the Low Income Home Energy Assistance Program (LIHEAP) or Wisconsin Home Energy Assistance Program (WHEAP).

### **HUD**

Disregard payments from the Department of Housing and Urban Development (HUD) settling the Underwood v. Harris judgment against HUD (Civil No. 76-0469, DDC).

These payments are for retroactive tax and utility cost subsidies. Disregard them for the month in which the payment is received and the following month. Thereafter, count any remaining amount as an asset.

Wartime Relocation of Civilians

#### 4.4.1 Assets

Disregard payments under PL 100-383 to U.S. citizens of Japanese ancestry and permanent resident Japanese immigrants or their survivors and Aleut residents of the Pribilof Islands and the Aleutian Islands West of Unimak Island.

### **Alaskan Native Claims**

Disregard payments including cash, stock, partnership interest, land, interest in land, and other benefits from the Alaskan Native Claims Settlement Act (PL 92-203).

### **Tribal/ Native American Payments**

Disregard payments to individual tribal members of the following tribes and federal settlements:

1. Seminole Indians of Florida (PL 84-736)
2. Pueblos of Zia and Jemez of New Mexico (PL 84-926)
3. Red Lake Band of Chippewa Indians (PL 85-794)
4. Alaska Native Claims Settlement Act (PL 92-203)
5. Stockbridge Munsee Indian Community of Wisconsin (PL 92-480)
6. Burns Indian Community of Oregon (PL 92-488)
7. Pueblo of Santa Ana (PL 95-498)
8. Pueblo of Zia of New Mexico (PL 95-499)
9. Bois Forte Band of the Chippewa Tribe or the Grand Portage Bank of Lake Superior Chippewa Indians under 25 USC 1407 (PL 93-134, 97-458, 106-568, 113-290)
10. Navajo and Hopi Tribe relocation payments (PL 93-531)
11. Cherokee Nation of Oklahoma (PL 94-114)
12. Cheyenne River Sioux, Crow Creek Sioux, Lower Brule Sioux, Oglala Sioux, and Rosebud Sioux Tribes of South Dakota (PL 94-114)
13. Devils Lake Sioux and Standing Rock Sioux Tribes of North Dakota (PL 94-114)
14. Shoshone-Bannock Tribes of Idaho (PL 94-114)
15. Sac and Fox Indian claims agreement (PL 94-189)
16. Grand River Band of Ottawa Indians (PL 94-540)
17. Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (PL 95-433)
18. Indian Child Welfare Act of 1978 (PL 95-608)
19. Delaware Tribe of Indians and the Delaware Tribe of Western Oklahoma (PL 96-318)
20. Passamaquoddy Tribe, Penobscot Nation, and Houlton Band of Maliseet Indians under the Maine Indian Claims Settlement Act of 1980 (PL 96-420)
21. Wyandot Tribe of Indians of Oklahoma (97-371)
22. Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, and Cherokee Band of Shawnee descendants (PL 97-372)
23. Miami Tribe of Oklahoma and Miami Indians of Indiana (PL 97-376)
24. Clallam Tribe of Indians, including Port Gamble Indian Community, Lower Elwha Tribal Community, and Jamestown Band of Clallam Indians, of Washington (PL 97-402)
25. Turtle Mountain Band of Chippewas of Arizona (PL 97-403)
26. Blackfeet, Gros Ventre Tribes, and Assiniboine Tribes of Montana (PL 97-408)
27. Papago Tribe of Arizona (PL 97-408)
28. Red Lake Band of Chippewas (PL 98-123)

#### 4.4.1 Assets

29. Assiniboine Tribes of Fort Belknap Indian Community and Fort Peck Indian Reservation of Montana (PL 98-124)
30. Chippewas of Lake Superior including the Bad River Band, Lac du Flambeau Reservation, Lac Courte Oreilles Band, Sokaogon Chippewa Community, Red Cliff Reservation, and St. Croix Reservation of Wisconsin (PL 99-146)
31. Keweenaw Bay Indian Community of Michigan (PL 99-146)
32. Fond du Lac, Grand Portage, Nett Lake, and White Earth Reservations of Minnesota (PL 99-146)
33. White Earth Band of Chippewas in Minnesota (PL 99-264)
34. Saginaw Chippewa Indian Tribe of Michigan (PL 99-346)
35. Chippewas of the Mississippi including Mille Lac, White Earth, and Leech Lake of Minnesota (PL 99-377)
36. Band of Potawatomi, including Hannahville Indian Community and Forest County Potawatomi, of Wisconsin (PL 100-581)
37. Puyallup Tribes under the Puyallup Tribe of Indians Settlement Act of 1989 (PL 101-41)
38. Seneca Nation of New York under the Seneca Nation Settlement Act of 1990 (PL 101-503)
39. Catawba Indian Tribe of South Carolina (PL 103-116)
40. Confederated Tribes of the Colville Reservation (PL 103-436)

Disregard as assets any lump sum or periodic payments received under the Cobell v. Salazar Class Action Trust Case during the one-year period beginning on the date of receipt (PL 111-291).

Disregard up to \$2,000 per calendar year held by an individual Native American that is derived from restricted land or land held in trust by the Department of Interior, Bureau of Indian Affairs (PL 103-66, 92-203, and 100-241).

Disregard the first \$2,000 of individual shares for the following:

1. Confederated Tribes of the Warm Springs Reservation (PL 97-436)
2. Old Age Assistance Claims Settlement Act (PL 98-500)
3. Seminole Nation of Oklahoma (PL 101-277)
4. Seminole Tribe, Miccosukee Tribe of Indians, and the independent Seminole Indians of Florida (PL 101-277)
5. Rincon Band of Mission Indians (Docket 80-A)
6. Walker Paiute Tribe (Docket 87-A)
7. Ak-Chin, Salt River Pima-Maricopa, and Gila River Pima-Maricopa Indian Communities (Docket 228)
8. Maricopa Ak-Chin Indian Community (Docket 235)
9. Peoria Tribe of Oklahoma (Dockets 313, 314-A, and 314-B)
10. Yankton Sioux Tribe (Dockets 342-70 and 343-70)
11. Wichita and Affiliated Tribe (Keechi, Waco & Tawakonie) of Oklahoma (Dockets 371 and 372)

#### **Native American Trust Funds**

Disregard up to \$2,000 per calendar year held by an individual Native American that is derived from restricted land or land held in trust by the Department of Interior, Bureau of Indian Affairs.

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

Disregard any Earned Income Tax Credit (EITC) payments received by participating food unit members for 12 continuous months from the month of receipt. If there is a break of one day or more, count the

#### 4.4.1 Assets

remaining EITC as an asset. The 12-month period is still continuous if there is a break in service (see [SECTION 2.3.1 BREAK IN SERVICE](#)).

<b>Example 8</b>	John, a FoodShare member, received a \$1,000 EITC lump sum payment in January and deposited it in his savings account. On March 31, he is ineligible for benefits for failure to complete a renewal. On April 3, he reapplies for FoodShare and is found eligible. Count any remaining amount of the \$1,000 EITC payment as an asset.
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#### **IDA Program**

Disregard total Individual Development Account (IDA) balances as assets if it is an account funded under TANF (Community Reinvestment) or the Assets for Independence Act (AFIA).

#### **Wisconsin Sales Tax**

The one-time rebate payment of Wisconsin sales taxes in January 2000 should be counted as an asset in the month of receipt.

#### **Wisconsin Higher Education Bonds**

Wisconsin Higher Education Bonds were sold by the state to the public as a way to save for a higher education. To determine their net value as an asset, subtract broker's fees from market value.

- The bonds also may be sold back to the state within certain time restraints. If the bonds are sold back:
  - Before the maturity date, a portion of their value is withheld. The amount withheld equals the school's tuition and fees. Any excess goes to the person.
  - On or after the maturity date, the value is the total amount received.
- The bonds may be sold on the secondary bond market at any time. Since they can be disposed of on the market with no time limit, they are an available asset. Net value = market value - broker's fees. Verify the amounts through a broker.

#### **529(a) and Coverdell 530 Education Accounts**

Per section 5(g)(8)(A) of the Food and Nutrition Act of 2008, disregard the value of any funds in a qualified tuition program described in Section 529 of the Internal Revenue Service Code of 1986 or the Coverdell Education Savings Account under Section 530 of that code.

#### **Agent Orange Settlement Fund**

Disregard payments received from the Agent Orange Settlement Fund, or any other fund established in settling "In Re Agent Orange product liability Settlement Fund litigation, M.D.L. No. 381 (E.D.N.Y.)" as assets. Continue to disregard the payments for as long as they are identified separately. Apply this disregard retroactively to January 1, 1989.

#### **Radiation Exposure Compensation Act**

Disregard payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing (\$50,000) and uranium mining (\$100,000). When the affected person is deceased, payments are made to the

#### 4.4.1 Assets

surviving spouse, children, parents, or grandparents of the deceased. The federal Department of Justice (DOJ) makes the payments. Continue to disregard the payments for as long as they are identified separately. Apply this disregard retroactively to October 15, 1990.

#### **Life Insurance**

Disregard the cash value of any life insurance policies.

#### **Crime Act of 1984**

Disregard payments to crime victims under the Crime Act of 1984.

#### **Veteran's Administration Disability Pension Payments**

Disregard the annual adjustment in a Veterans Affairs (VA) disability pension as an asset in the month the food unit receives it. The VA usually makes this benefit adjustment in October.

#### **SSI PASS Accounts**

Disregard income of an SSI recipient necessary to fulfill a Plan to Achieve Self-Support (PASS) as an asset regardless of the source. This income may be spent in accordance with an approved PASS or deposited into a PASS account.

The SSA must approve the SSI recipient's PASS in writing, identifying the amount of income that shall be set aside each month to fulfill the PASS.

#### **Victims of Nazi Persecution**

Disregard as an asset any payment under PL 103-286 to victims of Nazi persecution.

#### **Student Financial Aid**

Disregard student financial aid as an asset as long as the student is enrolled in an institution of higher education. If the student graduates or dis-enrolls from school, count any remaining available student financial aid as an asset.

#### **Shelters for Victims of Domestic Violence**

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

#### **Achieving a Better Life Experience (ABLE) Account**

Per section 103(a) of the Tax Increase Prevention Act of 2014, consistent with Section 5(d)(10) of the Food and Nutrition Act of 2008, ABLE accounts are considered disregarded assets. An ABLE account is a tax-favored saving account established to provide secure funding for disability-related expenses on behalf of designated beneficiaries.

#### **Income Tax, Refund, Rebate, or Credit**

#### 4.4.1 Assets

For food units subject to regular SNAP rules, disregard any remaining portion of a federal income tax refund, rebate, or credit for 12 months following the month the refund is received.

### **Universal Basic Income (UBI)**

Universal Basic Income (UBI) and guaranteed income program payments are disregarded assets for FoodShare purposes if:

1. Excluded by TANF or Medicaid
2. The payments are sourced solely from private funds or a mix of private and public funds.

#### **Examples:**

1. Madison Forward Fund Universal Basic Income (UBI) Program Payments.
2. The Bridge Project Guaranteed Income for pregnant individuals.

### **Priority Health Medicare Over-the-counter (OTC) Allowance**

Dual Eligible Special Needs Plans (D-SNP); Over-the-counter (OTC) program; healthy foods/utility credits income are all disregarded assets for FoodShare.

### **Mobility management vouchers**

Mobility management vouchers are disregarded as income and assets.

## 4.4.1.8 Divestment

7 CFR 273.8(h)

The FoodShare applicant or food unit is not eligible if a member has given away or transferred assets in excess of the asset limit that would have been counted in the eligibility determination:

1. Within three months before the date of application or while receiving FoodShare, and
2. The reason for transfer was to become or remain eligible for FoodShare.

The following asset transfers are not divestments:

1. Assets that would have been disregarded.
2. Assets sold or traded at or near their fair market value.
3. Assets transferred between members of the same food unit.
4. Assets given away for reasons other than to qualify for or keep FoodShare eligibility. It is the food unit's responsibility to prove the reason for the transfer was other than to create or continue eligibility.
5. An inheritance is disclaimed under s. 853.40, Wis. Stats. A disclaimer occurs when a beneficiary renounces any claim to an inheritance. A disclaimer is not a divestment as the person disclaiming never gains ownership of the disclaimed asset. The disclaimer must be filed in the probate court having jurisdiction. It is also filed in the office of the register of deeds in the county in which any real estate is located.

#### 4.4.1 Assets

##### 4.4.1.8.1 Period of Ineligibility

Add the value of the divested assets to other countable asset values. Determine how much this total exceeds the FoodShare assistance group's asset limit. Use the chart in [SECTION 8.1.4 DISQUALIFICATION FOR DIVESTMENT](#) to determine the ineligibility period.

<b>Example 9</b>	<p>An EBD food unit of one with \$1,250 in savings transferred the ownership of stocks worth \$5,650 to a person not in the same food unit. As calculated:</p> <p>\$ 5,650 = value of stocks = countable divested value + 1,250 = food unit's existing assets \$ 6,900 = total of food unit's assets and divested value - 4,250 = food unit's asset limit \$2,650 = divested value in excess of food unit's asset limit. The divested value in excess of food unit's asset limit is used to calculate the FoodShare disqualification period.</p>
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The period of ineligibility begins at either:

1. The month of application.
2. The first allotment issued after the notice of adverse action period has expired in an ongoing FoodShare case, unless a fair hearing and continuation of benefits is requested.

## 4.5.1 Income From a Private Non-Profit Charitable Agency

CFR 273.9(c)(12)

In a calendar quarter, disregard the first \$300 received by a food unit from any private, non-profit charitable agency. If the application is after the first day of a calendar quarter, include the entire quarter in computing the excess. Count any amount over \$300 as unearned income. Start in the month in which the overage first shows.

Calendar quarter: three consecutive months beginning with January, April, July, or October.

<b>Example 1</b>	In April a food unit receives \$100 cash from Agency X. In May the food unit gets another \$100 in cash from Agency X. In June the food unit gets \$250 cash from Agency Z. The calendar quarter total is \$450. Disregard the first \$300. Count the remaining \$150 as unearned income received in June.
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<b>Example 2</b>	A food unit received \$80 from a private, non-profit charitable agency in January, \$250 in February, and \$210 in March. Include the entire January payment in the calculation, even though it was received before the food unit's application date of January 23, 1991. The total \$540 for January, February, and March is subject to the policy: $\$540 - \$300 = \$240$ .
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#### 4.5.2 Loan Repayment

### 4.5.2 Loan Repayment

Count the principal of a loan repayment to a food unit member from a non-food unit group member as a liquid asset. Count the interest of a loan repayment to a food unit member from a non-food unit member as unearned income.

## 4.5.3 Reimbursement

Disregard a reimbursement for an identified expense, other than normal household living expenses, that is used for the purpose intended. Assume a reimbursement does not exceed an actual expense unless the provider or food unit says the amount is excessive. If the amount exceeds the actual expense, count the excess as income.

## 4.5.4 Protective Payee and Third-Party Payments

When a food unit member is also a protective payee, disregard the money they receive for the care and maintenance of a third party who is not in the food unit. However, count any portion of the money the member spends for their own food unit's needs as income to the protective payee.

If a single payment is for the care of a food unit member and a third party not in the food unit, disregard the portion of the payment intended for the third party. When you cannot identify each person's portion, prorate the payment equally.

## 4.5.5 Recurring and Nonrecurring Lump Sum Payment

7 CFR 273.9(c)(8)

### 4.5.5.1 Recurring Lump Sum Payment

A recurring payment, received in two or more installments, is income. Exceptions are Earned Income Tax Credit (EITC) and SSI Retroactive Installment Payments.

<b>Example 1</b>	A food unit member receives an insurance settlement payment as a lump sum every three years. The agency receives documentation showing that the same amount is set to be paid every three years over the next 30 years. The lump sum should be budgeted as a monthly amount over the period it is meant to cover. The lump sum amount should be divided by 36 with the resulting amount budgeted as monthly unearned income.
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### 4.5.5.2 Nonrecurring Lump Sum Payment

7 CFR 273.9(c)(8)

Disregard money received as a nonrecurring lump sum payment as income. A nonrecurring lump sum is a payment received only once. Count it as a liquid asset in the month the food unit receives it. Types of nonrecurring lump sum payments include but are not limited to:

1. Retroactive lump sum insurance settlements.
2. Retroactive UC payments.
3. Utility or rental security deposit refunds.
4. Retroactive social security or public assistance payments.
5. Retroactive Caretaker Supplement for Children (CTS).
6. TANF payments made to divert a family from becoming dependent on welfare, such as Emergency Assistance.
7. Funds received through crowdfunding accounts (such as GoFundMe, Kickstarter, and Indiegogo). Only those funds accessible to the food unit at the time of interview are to be counted as a liquid asset.
8. A bonus if the income is received infrequently or irregularly to be reasonably anticipated.

For Elderly, Blind, or Disabled food units that are over 200% FPL and subject to regular FoodShare rules, disregard an income tax refund as an asset or resource for 12 continuous months from the month of receipt.

When a combination of current and lump sum payments is received at once, the current amount is income, and the nonrecurring amount is an asset.

<b>Example 2</b>	A food unit member receives social security benefits. In June, they get a \$950 check. \$430 is for the current month (June) and \$520 is a retroactive payment for underpayments in February and March. The \$430 is income and the \$520 is an asset.
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## 4.5.6 Repayments

Repayments are moneys that are paid back either voluntarily or involuntarily from some other program's benefits. Intentional failure to comply with program requirements is determined by the authorities for that program. Contact those authorities to determine the reason for repayments. The amount of a repayment that should be used to determine eligibility and benefits varies depending on the source and reason for the repayment. See the sections below for specific repayment policy based on the source and reason of the repayment.

For all repayments, disregard no more than the current payment from that source. Disregard income that is mixed with other types of income and used to repay an overpayment back to the source of the income.

<b>Example 1</b>	Ted receives \$50 each month in VA benefits and \$250 in Social Security benefits. The VA overpaid him by \$200. If he pays back \$50 each month to the VA, do not budget the \$50 as income. If he pays back \$75 each month, disregard only \$50. Budget the remaining \$25 because it isn't money from the source of the overpayment. Remember that his VA benefits are only \$50 a month. The \$25 is probably from his Social Security benefits.
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### 4.5.6.1 Repayments due to a W-2 IPV

When a repayment is due to an intentional failure to comply with W-2 program requirements, count any portion of that program's benefit that is withheld as a repayment.

### 4.5.6.2 Repayments for means-tested sources that are withheld

Disregard repayments (not due to a FoodShare IPV) from benefits payable to the food unit that are withheld from a means-tested assistance payment or other source of income due to an overpayment.

An assistance payment is any benefit provided by a means-tested program funded by federal, state, or local funds. Means-tested programs are those which base eligibility on income and assets. These include, but are not limited to, W-2 and the Refugee Assistance Program.

<b>Example 2</b>	Kim received an overpayment of \$100 from W-2 (not due to IPV). She has \$10 a month withheld from her \$673 W-2 check to repay the overpayment. Disregard the \$10 monthly until the \$100 is repaid. Her net check is now \$663. Budget the net amount of \$663 for FoodShare.
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### 4.5.6.3 Repayments for means-tested sources that are paid out of pocket

Disregard repayments (not due to a FoodShare IPV) from out of pocket or from non-means-tested benefits (for example, SSDI) to repay an overpayment for a means-tested program (for example, SSI). Budget the net non-means-tested program benefits.

An assistance payment is any benefit provided by a means-tested program funded by federal, state, or local funds. Means-tested programs are those which base eligibility on income and assets. These include, but are not limited to, W-2, SSI, and the Refugee Assistance Program.

<b>Example 3</b>	Kim received an overpayment of \$100 from W-2 (not due to IPV). She has agreed to make a one-time payment of \$100 in June to pay this back. Her June W-2 benefit was \$673. Budget the net amount of \$573 (\$673 - \$100) for FoodShare for June.
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## 4.5.6 Repayments

### 4.5.6.4 Repayments for non-means-tested sources that are withheld

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Disregard repayments (not due to a FoodShare IPV) from benefits payable to the food unit that are withheld from a non-means-tested assistance payment or other source of income due to an overpayment.

Non-means-tested programs are those which do not base eligibility on income and assets. Social Security and Unemployment Compensation (UC) are examples of a non-means-tested source.

<b>Example 4</b>	Pao receives FoodShare and Unemployment Compensation (UC). UC is not a means-tested program. Pao had an overpayment in his UC and \$25 is being recouped from his current checks. His gross is \$500, and his net is \$475. Budget the net \$475 as income for FoodShare.
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### 4.5.6.5 Repayments for non-means-tested sources that are paid out of pocket

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Disregard out of pocket payments (not due to a FoodShare IPV) to a prior non-means tested overpayment received from that source.

Non-means tested programs are those which do not base eligibility on income and assets. Social Security and Unemployment Compensation (UC) are examples of a non-means tested source.

<b>Example 5</b>	Val incurred a \$20 overpayment from Social Security. Social Security income is not means tested. Val cashes her \$726 SS check and uses the money to repay the \$20 overpayment. Disregard the \$20 and budget \$706 for FoodShare. If she used the \$20 to repay other types of overpayments, such as VA or W-2, count it as income because the repayment isn't from the same source.
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### 4.5.6.6 SSI Repayments

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Always budget net SSI regardless of the reason for any overpayment.

### 4.5.6.7 Earned Income Repayments

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Disregard earned income used to repay an overpayment received earlier from that same source. Do not disregard more than the current amount of payment from that source. Disregard earned income for this reason even if the earnings are mixed with other types of income and used to repay an overpayment.

<b>Example 6</b>	Jill works part-time for \$50 (net) a month and receives \$250 a month in social security (SSA) benefits. She is overpaid by her employer's error by \$200. If she pays back \$50 a month to the employer, do not count that \$50. If she pays back \$75 a month, only \$50 (equal to her regularly received earned income from the overpayment source) is not counted. The other \$25 is paid from her SSA benefit and is counted.
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### 4.5.6.8 General Relief / Interim Assistance

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The state of Wisconsin no longer administers a General Relief (GR) program. However, some local agencies administer their own GR or Interim Assistance (IA) program.

Count GR payments, including work relief, as income unless the payments can be excluded. For example, disregard GR vendor payments made to homeless people in transitional or temporary housing.

Do **not** count IA as income. Since there are always repayment agreements for IA, it is considered a loan to be repaid and should not be budgeted as income.

## 4.5.6 Repayments

### 4.5.6.9 Jury Duty

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Since the method of payment for jury duty varies by jurisdiction, determine the specific manner in which an individual is being compensated before deciding how to count it. Count any portion of the payment which is over expenses as earned income, to be budgeted in the month received, assuming payment made within the jurisdiction's usual payment is paid beyond this period.

If all or a portion of the jury duty payment is attributable to expenses incurred while serving (such as transportation costs), disregard this portion as a reimbursement.

### 4.5.6.10 Vendor Payments

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A vendor payment is diverted by the provider of the payment to a third party for an expense of the food unit. Vendor payments may be counted or disregarded as income. Ask, "Is the vendor payment something legally obligated to the food unit?" If yes, count the vendor payment or benefit as income.

Examples of vendor payments counted as income are:

1. Garnished wages paid to a third party for a food unit's debts or expenses such as rent.
2. W-2 and GR payments that are not paid directly to the member. These include vendored or vouchered payments and those paid to a protective payee. Count them as unearned income.
3. Vendored W-2 and GR payments made to a third party for homeless food unit living in transitional or temporary housing
4. Money deducted or diverted from a binding written support or alimony payment to a third party for a food unit's expense. This includes court-ordered support or alimony payments.
5. Educational loans on which payment is deferred, grants, scholarships, fellowships, Veteran's educational benefits and the like, provided to a third party on behalf of the food unit for living expenses such as rent or mortgage, clothing or food eaten at home.
6. Unemployment compensation benefits intercepted by Child Support agencies.

Some examples of disregarded vendor payments are:

1. Payments on behalf of the food unit made by a relative who is not a member of the food unit as a gift or other contribution.
2. Rental payments made by HUD to a landlord.
3. Payments made by a government agency directly to a child care institution to provide for a food unit member
4. Payment of a food unit's medical bills made directly to the medical provider by any third party, such as an insurance company or GR.
5. Payments specified by a court order or other legally binding agreement to go directly to a third party instead of the food unit are excluded because they are not otherwise payable to the food unit.
6. Support payments not required by a court order or other legally binding agreement paid to a third party rather than the food unit. This included payment over the amount specified in a court order or written agreement.
7. Educational aid that is paid to a third party rather than the food unit for purposes other than living expense. A vendor payment to a school for tuition is an example.
8. Emergency assistance from state or local funds which is over and above the assistance grant(s).
9. Payments made by the State of Wisconsin for Medicare Part A and B coverage under the QMB, SLMB, SLMB+, or QDWI programs.

#### 4.5.6 Repayments

<b>Example 7</b>	In Fred and Tina's divorce judgment the court orders Fred to pay \$400 a month in child support. In addition, the court orders Fred to pay \$200 a month to a health insurance company for the children's health care coverage. The \$400 is counted as income to Tina's food unit and the \$200 is excluded from income, because it is not otherwise owed to the food unit.
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<b>Example 8</b>	Xao loses all his belongs in a fire. An emergency payment voucher is given to a clothing store. Disregard the payment as it is an extra payment used for an emergency.
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## 4.6.1 Deductions and Expenses

7 CFR 273.9(d)

A food unit may be eligible for six deductions from gross income in the monthly budget that determines their benefit allotment. These deductions are:

- Standard
- Earned income
- Medical expenses
- Child support payment
- Dependent care expenses
- Shelter and utility expenses

Some food units are not allowed a deduction for some expenses and some expenses are not always deducted in full.

The amount of the monthly expenses used to determine these deductions is determined prospectively using the best verified information available.

Do not allow a deduction from any disregarded income. Make deductions only from countable income.

If the food unit fails to report or verify an expense, the deduction is not allowed.

### 4.6.1.1 Calculation Period

Most allowable expenses are deducted in the month in which the expense is expected to be billed, not the month the expense is paid. Do **not** include arrearages, late charges, or discounts for early payment.

<b>Example 1</b>	Include in the food unit's shelter expenses rent that is due each month, even if the food unit has not yet paid the expense.
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### 4.6.1.2 Fluctuating and Irregular Costs

A food unit may choose to average an allowable deduction when the costs fluctuate or are billed on other than a monthly basis. If there is a regular interval between billing periods, average the expense over those periods. If there is no regular interval, average the expense over the period the expense is intended to cover.

### 4.6.1.3 One-Time Costs

When determining if a deduction is applicable, the food unit can have a one-time only allowable expense counted as a one-time deduction, have it averaged over the remaining months of the entire certification period, or have it averaged over the remaining months in the first 12 months of a 36-month certification period (if applicable). For example, if the food unit benefits the most by having their expense averaged over the entire certification period, average the expense over the remaining months in the certification period following the report of the expense.

Budget the amount of future monthly expenses using the current and best verified information.

### 4.6.1.4 Converting Expenses to Monthly Amounts

Expenses that are billed more or less than monthly must be converted to monthly amounts:

#### 4.6.1 Deductions And Expenses

- 2 for semi-monthly expenses (billed two times per month)
- 2.15 for bi-weekly expenses (billed every two weeks)
- 4.3 for weekly expenses (billed each week)

If there is no regular interval between billing periods, average the expense over the period the expense is intended to cover.

## 4.6.2 Standard Deduction

The standard deduction is subtracted from all countable gross income in the FoodShare eligibility determination. The standard deduction varies depending on the FoodShare assistance group size (only eligible FoodShare assistance group members are included in determining standard deduction amount) and is adjusted annually by the federal government (see [SECTION 8.1.3 DEDUCTIONS](#)).

## 4.6.3 Earned Income Deduction

The earned income deduction is equal to 20% of the gross monthly countable earned income of the FoodShare assistance group. This deduction is intended to offset work-related expenses such as taxes and social security withheld from wages.

## 4.6.4 Medical Expenses

The medical expense deduction is determined using verified allowable monthly medical expenses incurred by elderly, blind, or disabled food unit members exceeding \$35 per month (see [SECTION 1.2.4.8 MEDICAL EXPENSE VERIFICATION](#) for verification requirements).

### 4.6.4.1 Allowable Medical Expenses

Allow previously acquired charges (not yet paid) and current payments when calculating a medical expense deduction. Previously acquired charges include charges incurred any time before or during the certification period, as long as the person is still obligated to pay the expense and the incurred expense has not been previously allowed as a FoodShare deduction.

Past unpaid medical bills can be used to prospectively budget recurring medical expenses.

One-time medical expenses (such as hospital bills) can be budgeted for one month, averaged over the remaining months of the entire certification period, or averaged over the remaining months in the first 12 months of a 36-month certification period (if applicable).

Medical expense payments made during the certification period are allowed to be considered when determining if a deduction is applicable. Medical expenses paid prior to the certification period are not allowed to be considered when determining if a deduction is applicable.

<b>Example 1</b>	Jack has surgery in January and receives a hospital bill for \$400 in February. Jack then applies and becomes eligible for FoodShare in April. At the time of application, Jack has not made any payments toward the medical bill. The entire \$400 hospital bill can be used when calculating Jack's medical expense deduction.
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<b>Example 2</b>	Jack has surgery in January and receives a hospital bill for \$400 in February. He makes his first \$50 monthly payment toward his medical bill in March. Jack then applies and becomes eligible for FoodShare in April. The \$50 March payment cannot be used when calculating the medical expense deduction. However, the remaining \$350 of the hospital bill ( $\$400 - \$50 = \$350$ ) can be used to calculate the deduction.
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Not all medical expenses are allowed to be considered when determining if a deduction is applicable. Medical expenses that may be considered include but are not limited to:

- Medical and dental care (including psychotherapy and rehabilitation services) provided by a state-licensed practitioner, other qualified health professional, chiropractor, or acupuncturist.
- Hospitalization, outpatient treatment, nursing care, and nursing home care. This includes payments by the food unit for a person who was a food unit member immediately before entering a state-recognized hospital or nursing home.
- Prescription drugs when prescribed by a licensed medical practitioner authorized under state law. This includes the cost of postage for mail-order prescription drugs.
- Over-the-counter medication when approved by a licensed practitioner or other qualified health professional.

#### 4.6.4 Medical Expenses

*Certain over-the-counter hemp products are allowable expenses when a licensed medical practitioner or qualified health professional has prescribed or approved them. Current federal guidance states that only*

**Note** *products that contain a delta-9 tetrahydrocannabinol (delta-9 THC) concentration of no more than 0.3% on a dry weight basis can be considered allowable. Medical marijuana and other Schedule 1 controlled substances are not allowable medical expenses.*

- Sickroom equipment (including rental), other prescribed equipment, and medical supplies.
- Health insurance premiums, hospitalization insurance premiums, Medicare premiums, and monthly HealthShare contributions.
  - Nursing home care insurance policies are deductible only if the policy states that the benefits are intended to pay medical bills. If the policy is intended to pay medical bills, it is reasonable to conclude that the food unit member intends to use the benefits for paying medical bills rather than normal living expenses.
  - Only allow the premium of the elderly, disabled, or blind food unit member.

<b>Example 3</b>	A mother pays \$165 for herself and her disabled son. If she only covered herself, the payment would be \$100. Therefore, \$65 is the expense for the child. Count the \$65 as an allowed medical expense.
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- If the premium amount intended for the eligible food unit member is unknown, prorate the premium and allow the EBD member's portion of the premium as the expense.

<b>Example 4</b>	A disabled husband, a non-disabled wife, and two children have a family health insurance plan. It cannot be readily determined how much of the premium is for the disabled husband. The premium is \$1,000 per month. To find the husband's share of the premium divide the total premium \$1,000 by the number of people covered under the plan, which is four. The premium amount per person is \$250. The husband's allowable premium expense is \$250.
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- Dentures, hearing aids, and prosthetics.
- Purchase and maintenance costs of any service animal specially trained to perform some function that the EBD food unit member cannot readily perform on their own.
  - This includes the cost of securing and maintaining a service animal (such as food and veterinarian care.)
  - This also includes companion animals specifically trained to assist the EBD food unit member with the medical issue for which a licensed practitioner prescribed the animal. (The trainer does not need to have any special credentials and can be the person claiming the deduction as long as the animal is trained to do a specific function the EBD person cannot do for themselves.)
  - Reimbursement for each expense is an allowable deduction if:
    - Only for the amount of the actual expense.
    - It does not represent a gain or benefit to the food unit as do normal living expenses such as rent or mortgage, personal clothing or food eaten in the home.
    - It is provided specifically for an identified expense.
    - It is used for the purpose intended.
- Eyeglasses and contact lenses prescribed by an ophthalmologist or optometrist.
- Reasonable cost of transportation and lodging to obtain medical care. For transportation when the expense has not or will not be reimbursed by a third party, allow:
  - The actual cost of the public carrier (taxi, bus, etc.)
  - If a private vehicle, the lesser of the mileage rate paid by the county (to employees) or by the state for unrepresented state employees. See the [State of Wisconsin Travel Guide](#) to obtain the current state rates.

#### 4.6.4 Medical Expenses

- Charges for an attendant, homemaker, home health aide, child care, or housekeeper necessary due to age, infirmity or illness.
- Treat attendant care costs that qualify either as a medical or dependent care deduction as a medical deduction.
  - Deduct an amount equal to the one-person maximum allotment if the food unit furnishes the majority of the attendant's meals. Use the allotment in effect the last time eligibility was determined.
  - IM workers must update the amounts at the next scheduled renewal but may do so earlier.
  - Any cost-sharing, co-payment, or Medicaid deductible expense incurred by a Medicaid member, including Medicaid deductible pre-payments.
  - Payments made on a loan's principal if it was used to pay a one-time medical expense. Do not allow loan expenses, such as interest.
  - BadgerCare Plus and Medicaid Purchase Plan (MAPP) premiums.
  - The SeniorCare enrollment fee.
  - Lifeline/MedicAlert. The costs of Lifeline or MedicAlert devices used by persons to contact medical help in emergencies are an allowable medical expense deduction for FoodShare benefits if prescribed by a licensed practitioner or other qualified health professional.
  - Medical expenses billed on a charge card are allowable. The interest cannot be included as a deduction.
  - Exercise equipment prescribed by a licensed practitioner or qualified health professional. A recommendation or referral for the equipment is not valid justification to allow the expense.
  - The cost of a medically necessary app or any subscription fee associated with the app. This could include, but is not limited to, an insulin monitoring app or an app that reminds someone to take their medications. Verification that the app was prescribed and is medically necessary is required from a medical professional.

#### 4.6.4.2 Medical Expenses Not Allowed

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Do not allow:

1. Expenses paid by or that will be paid by insurance.
2. Expenses paid by or to be paid by any governmental program, including SSA, Medicaid, and Medicare.
3. Costs of health and accident policies such as: any payable in lump sum settlements for dismemberment or death, or income maintenance policies covering mortgage or loan payments while the beneficiary is disabled.
4. Loan repayments for anything other than the loan's principal.
5. Premiums for nursing home insurance policies that would not be used to cover allowed medical expenses.
6. Lying in costs for the birth of a child.
7. Special diets whether or not the diet is related to a medical condition.
8. Prescribed medical marijuana.
9. Expenses paid by or to be paid by a transportation vendor or other third party.
10. The monthly cost for internet access/subscription.

### 4.6.4.3 Budgeting Medical Expenses including Medicaid Deductible Expenses

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Medical expenses for elderly, blind, or disabled members may be entered through one of the following budgeting methods:

- Budgeted as a recurring monthly expense,
- Budgeted as a one-time lump sum expense for one month,
- Budgeted for the remainder of a FoodShare certification period,
- Budgeted for the remaining months in the first 12 months of a 36 month FoodShare certification period, if applicable (see [SECTION 2.2.1.2 36-MONTH CERTIFICATION PERIOD](#))

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**Note** *This option is not available past the 12th month of a certification period.*

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- Budgeted based on the terms of a payment plan, or
- Averaged over the time period a one-time medical expense was intended to cover (such as a prepaid or met medical deductible).

Under all of the budgeting options, the obligation amount (amount incurred) is counted rather than the amount paid. The member may or may not pay the bill, so it is important to make sure that the expense is not counted more than once.

A monthly medical expense obligation budgeted based on the terms of a payment plan can be claimed for as long as the original payment plan is in place. Amounts still due after they were budgeted during a previous FoodShare certification period may not be included as part of the monthly expense.

The averaging of the one-time medical expense cannot extend past the certification period in which the expense was originally counted.

Except when an expense is averaged during a certification period, the expense should be budgeted starting with the month it is billed or otherwise becomes due, regardless of when the member intends to pay the expense. Allow the expense in the next possible benefit month.

For instructions on how to enter allowable medical expenses into CWW, see Process Help, [Section 18.2.4 Other Medical Expenses - Medical Expenses Page](#).

#### 4.6.4.3.1 Deductible Expenses

Deductible expenses actually incurred or anticipated to be incurred on a monthly basis may be used to determine the amount of the FoodShare medical expense deduction. The Medicaid deductible amount itself does not necessarily determine the amount of the FoodShare medical expense deduction and should not automatically be averaged over the FoodShare certification period to arrive at an excess medical expense deduction.

However, if an individual makes a pre-payment or incurs a one-time medical expense that may be used to meet the Medicaid deductible, they may choose to have the expense budgeted as a lump sum one month deduction, averaged over the remainder of the FoodShare certification period, averaged over the period it was intended to cover (the deductible period), or budgeted based on the terms of a payment plan (if a payment agreement exists).

## 4.6.4 Medical Expenses

### 4.6.4.3.2 Examples

<b>Example 5</b>	A FoodShare application is processed for Ernie. Ernie is disabled. He has provided verification of an outstanding payment agreement for dental care he received. The terms of the payment agreement include a repayment obligation of \$40 per month for 24 months. Ernie has been making his monthly payments and has 17 months remaining in his payment plan (total remaining responsibility of \$680). The remaining obligation of \$680 is an allowable deduction. The \$280 that Ernie has already paid is not an allowable deduction.
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<b>Example 6</b>	A FoodShare application is processed in October for Alena, a disabled member. Alena has an outstanding hospital bill from September with a remaining patient responsibility of \$230 and November due date. Alena may choose to have the expense budgeted as a lump sum for one month or budgeted over the FoodShare certification period. After reviewing the budgeting options for FoodShare it is determined that budgeting the expense for one month (the month of November) will result in the best outcome for Alena.
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<b>Example 7</b>	A food unit member has a Medicaid deductible of \$400 for a six-month Medicaid certification period. Based on the verified medical expenses in the previous six months, the person anticipates he will incur \$100 per month in medical expenses. Enter \$100 in expenses on the Medical Expenses page and \$65 in excess medical expenses will be budgeted for each month ( $\$100 - \$35 = \$65$ ). When the FoodShare/Medicaid assistance group member meets the Medicaid deductible and Medicaid opens, the monthly excess medical deduction must no longer be budgeted.
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<b>Example 8</b>	A food unit member who is disabled has a Medicaid deductible of \$600. He meets the deductible with a one-time expense of \$850. He chooses to average the expense over the period it was intended to cover. The non-reimbursable portion of the expense, \$600, is averaged over the remaining months of the Medicaid deductible period.
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<b>Example 9</b>	<p>A member is certified for 12 months for FoodShare and six months for Medicaid with an \$800 deductible. During month two, the member incurs a one-time medical expense of \$4,000. The Medicaid deductible is met and the person becomes eligible for Medicaid for the rest of the Medicaid certification period. The non-reimbursable amount is \$800 since Medicaid pays the remainder of the bill after the deductible is met. For purposes of FoodShare eligibility, one of the following options apply:</p> <ol style="list-style-type: none"><li>1. The entire non-reimbursable expense (\$800) can be budgeted for one month as an excess expense in the next possible benefit month.</li><li>2. A monthly amount can be budgeted for a payment plan with the provider and the incurred monthly payment amount due is used to determine the excess medical expense. The payment plan can extend beyond the FoodShare certification period as long as no part of the medical expense is counted more than once. For instance, if the payment plan calls for \$40 payments to be made each month for 20 months, the \$40 expense can be counted each month for 20 months. However, if the member falls behind in the payment plan and in the 21st month enters into a second payment plan to cover the remaining balance, <b>do not</b> allow the remaining balance as a medical expense because it was already deducted during the previous 20 months.</li><li>3. The \$800 can be averaged over the remaining 10 months of the FoodShare certification period. In which case, the monthly excess medical expense deduction would be: <math>\\$80 - \\$35 = \\$45</math> each month for 10 months.</li></ol>
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#### 4.6.4 Medical Expenses

	<p>4. The \$800 can be averaged over the remaining four months of the Medicaid certification period, or the period the expense is intended to cover. In which case, the monthly excess medical expense deduction would be <math>\\$200 - \\$35 = \\$165</math> each month for four months.</p>
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<b>Example 10</b>	<p>Tuva has a 36-month FoodShare certification period. She is six months into her certification period when she has a one-time medical expense of \$2,000. The expense can be budgeted as a lump sum for one month, over the remaining 30 months in the certification period, or over the remaining six months in the first 12 months of the certification period. The option that would give Tuva the largest overall increase in benefits must be selected.</p>
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<b>Example 11</b>	<p>Hasan has a 36-month certification period. He is 15 months into his certification period when he has a one-time medical expense of \$2,000. The expense can be budgeted as a lump sum for one month or over the remaining 21 months in the certification period. The option that give Hasan the largest overall increase in benefits must be selected.</p>
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## 4.6.5 Support Payment Deductions

### 4.6.5.1 Child Support Payment Introduction

The FoodShare child support expense deduction may include only legally obligated or court-ordered child support payments including court-ordered arrearages actually made and/or reasonably anticipated to be made to a non-household member. This information is obtainable through court records and/or the KIDS system (see Process Help, [Section 62.3 Child Support Court Ordered Amount](#)). The average amount an individual is paying on a current obligation is allowed as the expense.

To determine a monthly average when the payment amounts fluctuate, IM workers should follow the same process used to determine prospective income. The average should be the best estimate of amounts paid, but also amounts expected to be paid in the future. The number of months used to calculate the average may vary depending on the amount of fluctuation in the payments. IM workers must document in case comments the number of months used to calculate the deduction and the reason those months were used (see [SECTION 1.2.4.2 EARNED INCOME VERIFICATION](#)).

If the member is behind on their court-ordered obligation and making arrearage payments, allow the total amount paid even if it exceeds the court-ordered obligation amount.

<b>Example 1</b>	Mike has a court-ordered child support obligation with Terri for their child in common to pay \$250 a month in child support. Mike has been paying \$250 per month for the past three months. Since this payment amount does not fluctuate, the \$250 per month is budgeted as the child support expense as long as there is a reasonable expectation that Mike will continue to make payments.
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<b>Example 2</b>	Ben has a new court-ordered child support obligation with Carrie for their child in common to pay \$265 a month in child support. Because this is a new order and there is no history of payments, determine whether Ben can reasonably anticipate making payments in the future by considering his income and intent to pay. Ben currently receives unemployment compensation that could cover his child support obligation and has stated his intent to pay child support. In this case, the court obligated amount should be budgeted.
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<b>Example 3</b>	Alex is a non-custodial parent with a court-ordered child support obligation of \$178 per month. For some time, Alex had been unable to pay child support, but he just started a new job. In this case, there are no payments to average, but since Alex is now working and there is a court order to make deductions from his check to the custodial parent, the court-obligated amount is allowed as a deduction. The IM worker should review the payment amounts at the next renewal.
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<b>Example 4</b>	Jane has a court-ordered child support obligation of \$400 per month. Jane is self-employed. She did not make a payment in the previous month. Looking back for the last six months, payments have been sporadic, and the amounts vary from month to month. To determine the best estimate for the deduction, the IM worker should average payments from the past six months as long as there is reasonable expectation that Jane will continue to make payments, even though the amount and payment dates may continue to fluctuate.
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If a child support obligation is reported but not verified or is found to be non-court-ordered, the FoodShare eligibility should be determined without the expense in the budget.

#### 4.6.5 Support Payment Deductions

Update ongoing cases at renewal or reported change. At the time of SMRF, due to simplified reporting requirements, members are required to report if there has been a change in their legal obligation to pay support. Changes in the court-ordered obligation must be re-verified and the intent to pay evaluated if the member reports such a change.

**Best Practice:** Create a sequence whenever a member has a current child support obligation, even if there is no payment history or payments are not currently being made. If there are no payments being made and/or no expense to budget, enter \$0.00. Creating a sequence for current legal obligations will remind any IM worker updating the case to check for payment history or changes to the obligation at SMRF or renewal.

A parent may be legally obligated to pay child support for a child living in their residence when the child does not reside in that parent's home full-time. In these cases, the legally obligated child support and arrearage payments are allowable for the deduction as long as the payments are being made to a non-household member and none of the payments will return to the household.

If the custodial and non-custodial parents reunite in one food unit that includes the child, the food unit can deduct arrearage payments made to a non-household member as long as the payments being made will not be returned to the household.

If a child support obligation exists for a non-custodial parent (NCP) for a child who currently resides with the NCP, allow the deduction for the NCP only in cases where the payment is made to an individual or agency outside the household.

#### 4.6.5.2 Allowable Child Support Expenses

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Additional allowable child support expenses include the following:

- Court-ordered arrearages
- Legal obligations for a non-food unit member to pay for things such as rent or mortgage payments
- Legal obligations for health insurance payments
- A prorated share of child support paid by ineligible members
- Court-ordered blood test expenses for the child included in the court-ordered obligation

#### 4.6.5.3 Child Support Expenses Not Allowed

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7 CFR 273.9(d)(5)}

Do not allow:

- Maintenance
- Payments made in accord with a property settlement
- Lying in costs for the birth of a child
- The annual child support receipt and disbursement (R&D) fee
- An employer's check withholding fee

#### 4.6.5.4 Foster Care and Guardianship Payments

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Court ordered Foster Care and court ordered Guardianship payments are allowable expense deductions.

## 4.6.5 Support Payment Deductions

### 4.6.5.5 Family Support

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If the IM worker is unable to determine which part of a family support payment is child support, prorate the payment among the food unit members it is intended for and exclude the spouse's share as a deduction.

## 4.6.6 Dependent Care Deduction

7 CFR 273.9(d)(4)

The dependent care deduction may be claimed for all dependent care-related costs of a child under 18 or an incapacitated person of any age. There is no cap to the total monthly dependent care costs that may be deducted.

The following expenses may be deducted under the dependent care deduction:

- Dependent care-related transportation costs, including transportation costs to and from the care provider. Examples include, but are not limited to, the cost of taxicab fees and bus fees.
- Costs associated with an activity or other fee associated with the care provided to the dependent that is necessary for them to participate in the care. Examples include, but are not limited to, the cost of day camp or a field trip.

Determine the monthly allowable dependent care expenses if the dependent care is necessary to enable an individual in the food unit to:

1. Keep or obtain employment,
2. Get training or education preparatory for employment,
3. Comply with FoodShare Employment and Training (FSET) requirements, or
4. Maintain a spot for their child(ren) with their current dependent care provider if one or both parents temporarily lose their ability to meet one of the above requirements.

Do not allow the deduction unless the dependent care is necessary and there is not a capable parent available in the food unit to provide dependent care.

<b>Example 1</b>	Tim and Jane are married and have one child. Jane states that their child attends daycare two days a week while she looks for work. Although she states that Tim is capable of caring for the children, he is not currently participating in any of the four activities listed above. Do not allow the dependent care deduction.
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<b>Example 2</b>	A married couple, Mary and Ian, send their children to Sprouts Daycare while Mary works and Ian attends college. Mary was notified that she will be laid off for one or more months. Mary and Ian are required to make ongoing payments to Sprouts Daycare, whether or not their children attend, in order to maintain a spot for their children at the daycare. Allow the dependent care deduction. Changes in circumstances will be captured at their next renewal or if they report a change in income that exceeds reduced reporting limits.
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The provider of the dependent care cannot be a member of the food unit.

Do not allow in-kind payments as a deduction. This includes free rent in exchange for child care. In this case, no income is counted, no rent deduction is allowed, and no child care deduction is allowed.

<b>Example 3</b>	A food unit member is a dependent care provider. They are compensated for providing dependent care by paying no rent. Do not allow the dependent care deduction.
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Do not allow a dependent care deduction for the portion an agency pays directly to the dependent care provider. Deduct any amount the food unit actually incurs or pays above the vendored, vouchered, or reimbursed payment.

#### 4.6.6 Dependent Care Deduction

See the Wisconsin Shares Child Care Subsidy Policy Manual Chapter 2, for further child care policy instructions regarding:

1. W-2 Child Care recipients who are also FSET or Learnfare participants. They may not have a co-pay obligation.
2. Costs above Child Care Deduction.

## 4.6.7 Shelter and Utility Deduction

### 4.6.7.1 Shelter and Utility Deduction Introduction

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The shelter deduction is determined by the food unit's reported monthly expense obligation for the current place they are living.

The Shelter and Utility deduction is determined by adding the shelter expense to the utility standard (such as the HSUA or EUA), the total of these is the Shelter Utility deduction (CWW budget page shows this as shelter/utility cost). If the total shelter and utility deduction is more than 50% of the adjusted income the assistance group will receive a deduction.

The shelter and utility deduction cannot exceed the shelter maximum, this is a capped amount (see [SECTION 8.1.3 DEDUCTIONS](#)) unless the assistance group includes an elderly, blind, or disabled individual. Assistance groups that include elderly, blind, or disabled individuals have no shelter cap.

#### Private payments and loans

Sometimes a relative or friend who is not a food unit member will pay the food unit's shelter directly to the provider or landlord on behalf of the food unit. In such cases, the IM worker should determine if the payment is a loan.

If the payment is a loan, it is excluded from income, and the expense is allowed in the shelter computation. If the payment is not a loan and a relative or friend makes the vendor payment, it must be excluded from income and the shelter expense is not allowed as a deduction (see [SECTION 4.3.4.3 DISREGARDED UNEARNED INCOME](#)).

### 4.6.7.2 Allowable Shelter Expenses

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Deductible shelter expenses include:

1. Rent.
2. Home mortgage and property taxes (if not in the mortgage). Homestead property may consist of multiple sections of land for tax purposes. Since the food unit is responsible for all taxes owed on the homestead property, the taxes owed on all sections of the property are allowed as a deduction.
3. Mobile home lot rent and loan payments.
4. Insurance on the structure (if not included in the mortgage). If a food unit has a homeowner's insurance policy that includes insurance on the structure and household contents, but the costs cannot be separately identified, the total cost is allowable.

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**Note** Renter's insurance is not an allowable shelter deduction.

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5. Second mortgage or home equity line of credit (regardless of what the mortgage is used for).
6. Special assessments. This could include a property tax or value assessment, or for the assessment cost of utility installations.
7. Condominium fees or condo association fees.
8. Mortgage obligation if still owed when a reverse mortgage is in place.
9. Shelter costs paid by a homeless food unit.

See [SECTION 1.2.6.2 VERIFY ONLY IF QUESTIONABLE](#) for a list of verification sources that can verify shelter and utility expenses if the expense is found questionable.

#### 4.6.7 Shelter And Utility Deduction

Do not count surcharges such as pet expenses or extra garage rentals as shelter or utility expenses. The monthly amount of rent the individual is obligated to pay should be taken into consideration each month when the shelter deduction is determined without regard to when the rent is actually paid. Only allow current monthly expenses.

Do **not** include arrearages, late charges, or discounts for early payment.

Disregard HUD and FMHA payments paid directly to the landlord or mortgage holder as an expense. Only include the amount the food unit owes after the HUD or FMHA payments as a rent expense.

Do not allow in-kind payments as a shelter deduction. This includes arrangements such as receiving free rent for providing child care, or other services. In these situations, no rent deduction is allowed, no income is counted, and no child care deduction is allowed.

Include costs for the repair of damages to the food unit's home due to a natural disaster as a shelter expense. Examples of natural disasters are fires, floods, hurricanes, and tornadoes.

Do not count expenses for repairs that have been or will be reimbursed to the food unit by any private or public relief agency, insurance company, or any other source.

If anyone in the household shares the shelter cost with the food unit, create a separate shelter sequence for each contributor using the correct obligation amount for which each contributor is responsible.

When a self-employed food unit claims the total shelter costs as a business expense, do not allow any shelter deduction. If the food unit claims a percentage of the shelter costs as a business expense, the remaining percentage is a shelter deduction.

If the percentage used for the business expense was not self-declared, use IRS form 8829 or the "Expenses for business use of your home" line from IRS form 1040 Schedule C to determine the amount of the home that was claimed as a business expense. Any remaining amount that was not counted as a business expense should be allowed as a shelter expense.

#### 4.6.7.3 Standard Utility Allowances

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Food units that have received a WHEAP or LIHEAP payment greater than \$20 in the current month or within the past 12 months will receive the HSUA. WHEAP, LIHEAP, or other energy assistance payments may be received at any address (in or out of state) in the current month or the past 12 months.

Food units that have not received WHEAP or LIHEAP will receive the appropriate utility standard based on the utility obligation(s) incurred by the food unit as described below.

##### Utility Standards

1. The Heating Standard Utility Allowance (HSUA) if obligated to pay, or actually paying for any heating source, including but not limited to gas, electric, wood, propane, etc.
2. The Limited Utility Allowance (LUA) if obligated to pay, or actually paying for two or more different types of non-heat qualifying utility expenses. The qualifying utility expenses are phone, water, sewer, electric, cooking fuel, or trash.
3. The Electric Utility Allowance (EUA) if obligated to pay, or actually paying for only a non-heat electric bill including air conditioning.

#### 4.6.7 Shelter And Utility Deduction

4. The Cooking Fuel Utility Allowance (FUA) if obligated to pay, or actually paying for, a fuel used only for cooking that is not also used for a heating source.
5. The Water Utility Allowance (WUA) if obligated to pay, or actually paying for only a water bill, a sewer bill, septic tank installation or maintenance, or wastewater treatment bill.
6. The Phone Utility Allowance (PUA) if obligated to pay, or actually paying for only a telephone, including cellular phones.
7. The Trash Utility Allowance (TUA) if obligated to pay, or actually paying for only a trash or garbage bill.

A heating expense is only allowed if the food unit is responsible for the obligation separate from their rent, regardless of whether the resident lives in subsidized housing, unless an individual in the food unit has received a LIHEAP/WHEAP payment in the current month or past 12 months.

If anyone in the household shares the utility cost with the food unit, create a separate utility cost sequence for each contributor, using the correct obligation amount for which each contributor is responsible.

Ongoing expenses paid less often than monthly, such as seasonal expenses, should be budgeted monthly over the entire certification period. For example, a food unit that pays a gas bill for heat only in the winter months is allowed the HSUA for the entire certification period.

If the food unit pays an air conditioning surcharge separate from their rent, the expense is allowed as a non-heat electric utility expense. If the air conditioning expense is the only allowable utility expense, or the only other allowable utility expense is a separate, non-heat electric bill, the food unit would receive the EUA. If the food unit with the air conditioning expense has an additional allowable utility expense of a different type, the food unit would receive the LUA.

See [SECTION 8.1.3 DEDUCTIONS](#).

When individuals in a food unit have received a WHEAP payment greater than \$20, they will always qualify for the HSUA. In rare instances, a non-heat WHEAP (also known as an energy assistance payment) is granted to some low-income housing individuals. Individuals that receive this type of energy assistance payment are eligible for the full HSUA. Verification of the energy assistance payment is needed. Enter a case comment to state the receipt of energy assistance and that the WHEAP response was marked as “Yes” to apply the HSUA.

IM workers will need to determine the payment amount from out-of-state LIHEAP or other energy assistance programs because other states’ LIHEAP payments may be less than the \$20 amount necessary to qualify for the HSUA.

<b>Example 1</b>	Bob and Mary live together but are in separate food units. Bob received a WHEAP payment in the current month. He is entitled to the full HSUA. If Mary pays any portion of the heat expense, she is also entitled to the full HSUA. If she does not pay any portion of the heat expense, she is not entitled to the HSUA.
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<b>Example 2</b>	A food unit claims to have received an energy assistance payment for non-heat expenses. The food unit provides a letter from the local energy assistance office showing a grant amount of \$100.00. The food unit is entitled to the full HSUA; enter a “Yes” for the question, “Has your household received WHEAP in the current month or past 12 months?”
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#### 4.6.7 Shelter And Utility Deduction

<b>Example 3</b>	A food unit reports paying an air conditioning surcharge (in addition to their rent) as well as a non-heat electric bill. Because both utilities are counted as an electric expense and the food unit does not have any other type of allowable utility expense, the food unit is entitled to receive the EUA.
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### Special Situations

If a food unit reports a change in address, they are not required to report a change in utilities; the food unit may keep the utility standard applied to their food unit until their renewal. If, however, the food unit does report a change in utilities, enter the appropriate new shelter and utility expenses. If WHEAP was received in the current or past 12 months; the food unit is entitled to the full HSUA regardless of current utility obligations.

When utility bills are not in a food unit member's name, but the food unit claims responsibility for the bill and the address for the utility bill is the same as the food unit's address, allow the appropriate utility standard. If separate food units share utility expenses and a residence, each food unit should be granted the full utility standard, regardless of which food unit receives the bill.

If a homeless food unit claims to have both temporary shelter and utility costs, the appropriate shelter and utility standards should be granted. If this is determined questionable, follow the verification policy below.

Self-employed food units who claim 100% of utility expenses as a business deduction on their tax forms are not entitled to a utility allowance. If less than 100% is claimed as a business deduction, the food unit is entitled to the appropriate utility allowance.

### Verification

If a food unit claims to have received WHEAP, verification will be required. IM workers have access to this verification via the WHEAP information data exchange. A WHEAP and/or LIHEAP payment must be received in order to qualify for the HSUA. In some instances, a WHEAP payment might not display on the WHEAP Information data exchange. If the individual is stating that they did receive a WHEAP payment and the information does not display, a worker should request verification from the food unit.

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*If a household receives WHEAP, there will be no WHEAP Information data exchange match if the payee is not a food unit member. The food unit is entitled to the HSUA if the heating expense is shared among the household and the food unit.*

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Regardless of whether an applicant or member received a WHEAP payment in the current or prior 12 months, workers should still enter the expenses declared by the applicant or member on the Utility Costs page. For food units that have not received a WHEAP payment, verification of the food unit's utility obligation(s) will be required only if determined questionable. If verification is requested and not submitted, the utility expense would not be considered when determining which utility allowance is appropriate for the food unit.

<b>Example 4</b>	A food unit owns their home. If the applicant or member claims responsibility for all household utilities, including heat, verification should not be required as this is not questionable.
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#### 4.6.7 Shelter And Utility Deduction

<b>Example 5</b>	A food unit claims to be responsible for paying heat in their apartment. The lease indicates heat is included in the rent. Because there is conflicting information, the utility expense claimed would be considered questionable.
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#### 4.6.7.4 Shelter Deduction during a Temporary Absence

7 CFR 273.9(d)(6)(ii)(D)

Allow shelter and utility expenses for a dwelling. The food unit is considered temporarily absent when the absence is caused by any of the following:

- Employment or training away from home
- Illness
- Abandonment due to a natural disaster or casualty loss

For costs of a home vacated by the food unit to be included as an allowable shelter or utility expense, the following must be true:

- The food unit must intend to return to the home.
- Any current occupants of the home do not receive the shelter, utility expense deductions, or both, for FoodShare purposes.
- The food unit does not rent or lease the home to others during their absence.

#### 4.6.7.5 Shelter Deductions for Group Living Arrangement Residents

Allow the appropriate utility allowance for a resident of a qualified group home if the utilities are identified separately. Residents of group living arrangements have no limit on the amount used as a shelter deduction because they are disabled. Allow shelter and medical deductions for room and medical costs that can be separately identified.

Sometimes room, meals, and medical costs cannot be identified separately. If the cost of room and meals are combined into one amount, the amount of the payment that exceeds the maximum allotment for a one-person FoodShare assistance group can be used as the shelter deduction.

If the amount paid for medical and shelter cost cannot be separately identified by the group home, no deduction is allowed for the cost.

<b>Example 6</b>	Bev pays the community-based residential facility (CBRF) \$500 and receives shelter, meals, and medical care. Separate costs cannot be identified. Do not allow a deduction.
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<b>Example 7</b>	Shirley is in a CBRF and her room and meal costs are combined into one amount of \$600 per month. Separate costs cannot be identified. A one-person allotment is \$281 (effective October 1, 2022). \$600 - \$281 = \$319. The shelter expense is \$319.
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#### 4.6.7.6 Shelter Deduction for Homeless Food Units

7 CFR 273.9(d)(6)

Homeless food units may be eligible for a shelter deduction using shelter expenses if they incur monthly expenses for shelter and a standard utility allowance (see [SECTION 4.6.7.3 STANDARD UTILITY ALLOWANCES](#)) if they are responsible for utility expenses separate from shelter expenses or have received a LIHEAP or WHEAP payment in the previous 12 months.

#### 4.6.7 Shelter And Utility Deduction

Determine eligibility for shelter residents using only their income. Include only expenses they are responsible for. Count room payments to the shelter in the food unit's shelter expenses. Homeless food units with reported shelter costs will receive the homeless shelter deduction (see [SECTION 8.1.3 DEDUCTIONS](#)). Homeless food units with reported shelter costs have the option to choose between the homeless shelter deduction and the excess shelter expense deduction.

Do not include back payments on previously owed shelter expenses since the expenses were incurred before the budgeting period. The exception to this is vendor payments that must be repaid. Food units who have shelter expenses paid with a vendor payment can count the actual shelter costs if they repay the vendor payment.

<b>Example 8</b>	A third party pays Gwen's shelter expenses while she is living in a homeless shelter during March. She agrees to pay the money back when she starts work. She is employed in April and moves. She incurs her March shelter costs in April since that is when she is expected to repay the third party. Her new shelter costs also are due in April. Include both March and April shelter costs for April.
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#### 4.7.1 Deeming

### 4.7.1 Deeming

Deem means allocate income and/or expenses to the FoodShare assistance group from an individual not in the group. Deeming occurs regardless of whether the allocated amounts change hands.

Deeming may occur for sponsored immigrants, or for members of the food unit, who are not included in the FoodShare assistance group due to non-financial ineligibility.

## 4.7.2 Deeming From A Sponsor

### 4.7.2.1 Introduction

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A sponsor is a person who executes an affidavit of support or similar agreement for an Immigrant. The agreement is a condition of the immigrant's entry into the U.S. promising to provide enough support to maintain the immigrant at or above the 125% of the FPL.

There are two affidavits of support that address sponsor deeming. Those signed prior to December 19, 1997 (I-134), and those signed on or after December 19, 1997 (I-864).

#### **I-134 (pre-PRWORA)**

The I-134 form was the primary affidavit of support form used by INS before December 19, 1997; it is still used in some limited cases for immigrants who enter after that date.

Deeming applies for only the immigrant's first three years in the United States. Deem the income of the sponsor and the sponsor's spouse (if living together), to determine the immigrant's eligibility.

PRWORA is the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

#### **I-864**

No time limit on deeming unless exemption criteria exist (see [SECTION 4.7.2.1 INTRODUCTION](#)) or sponsor liability ends (see [SECTION 4.7.2.3 INDIGENCE EXEMPTION](#)).

### 4.7.2.2 Exemptions from Sponsor Deeming

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7 CFR 273.4(c)(3)

The following groups are exempt from sponsor deeming:

1. Immigrants whose sponsor has not signed a legally binding affidavit of support. This applies to immigrants whose sponsors signed affidavits of support before December 19, 1997. Immigrants, such as refugees, who are sponsored by an organization or group who also fall into this category.
2. Immigrants without sponsors.
3. Immigrants who qualify for the battered immigrant exception.
4. Immigrants whose sponsor is in the same household. When the sponsor lives in the same household as the immigrant they are considered as one food unit. Deeming does not apply because the sponsor's income is already counted. There is no deeming exemption if the sponsor receives FoodShare benefits in another food unit.
5. Immigrant children.
6. Sponsored non-citizen is ineligible because of immigration status.
7. Sponsored immigrants who have received an indigence exemption.
8. Ukrainians (and others who last habitually resided in Ukraine), who:
  - a. Have been paroled into the United States between February 24, 2022, and September 30, 2023., or
  - b. Have been paroled into the United States after September 30, 2023, and who are:
    - i. The spouse or child of a Ukrainian paroled during the initial period.

#### 4.7.2 Deeming From A Sponsor

- ii. The parent or legal guardian of an unaccompanied Ukrainian child who was paroled during the initial period.

See [SECTION 3.12.1.13 UKRAINIAN PAROLEES](#) for more details about these immigrants.

#### 4.7.2.3 Indigence Exemption

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7 CFR 273.4(c)(3)(iv)

A sponsored immigrant may ask for an indigence exemption from deeming by stating that they are unable to obtain food and shelter. A sponsored immigrant is considered indigent if the sum of the immigrant's own income plus any cash, food, housing, in-kind assistance, or other assistance provided by other individuals, including their sponsor does not exceed 130% of the FPL for the FoodShare assistance group's size.

Inform the sponsored immigrant that when the agency makes an indigence determination the agency must notify the Attorney General of the names of the sponsor and the sponsored immigrant. The sponsor signed an agreement to support the sponsored immigrant financially in order for the immigrant to enter the U.S.

If the sponsored immigrant does not want this disclosure to occur, they have the option to refuse the indigence determination but also inform them by refusing, the sponsored immigrant is ineligible for FoodShare. Eligibility is determined for the remaining FoodShare assistance group members using the sponsored immigrants' income and resources and the sponsor's income and resources (if known) are deemed to the sponsored immigrant's group in the FoodShare determination.

An immigrant who satisfies the indigence exemption criteria is exempt from deeming for 12 months and may be renewed for additional 12-month periods.

#### 4.7.2.4 Sponsor Liability

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Deeming of a sponsor's income lasts until:

1. The immigrant becomes a naturalized citizen.
2. The immigrant obtains 40 qualifying quarters of work.
3. The sponsor leaves the U.S.
4. The sponsor becomes exempt from deeming.
5. The sponsor of the immigrant dies.
6. The sponsor signed I-134 (pre-PRWORA) and deeming applies for only the first three years in the United States.

#### 4.7.2.5 Verification of Sponsor's Income

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7 CFR 273.4(c)(4) and (5)

The eligible sponsored immigrant is responsible for obtaining the cooperation of the sponsor and for providing the agency with the information and documentation necessary to calculate deemed income. Follow normal verification procedures and change reporting requirements. Assist the sponsored immigrant if needed. If necessary, USCIS can provide the sponsor's name, address, and SSN through the SAVE program.

The immigrant or immigrant's spouse must provide:

#### 4.7.2 Deeming From A Sponsor

1. The income of the immigrant's sponsor at the time the immigrant applies for FoodShare. Include income of the sponsor's spouse (if living with the sponsor).
2. The number of other immigrants for whom the sponsor has signed an affidavit of support or similar agreement.
3. The provision of the INA the immigrant was admitted under.
4. The date of the immigrant's entry or admission as a lawful permanent resident as established by USCIS.
5. The immigrant's date, place of birth, and immigrant registration number.
6. The number of dependents claimed for federal income tax purposes by the sponsor and the sponsor's spouse (if living with the sponsor).

The sponsored immigrant is ineligible if verification is not received timely. They are ineligible until verification is received. If the immigrant refuses to provide needed information, other adult members of the immigrant's food unit must do so. If the same sponsor is responsible for the entire food group, the entire food group is ineligible until verification is provided.

#### 4.7.2.6 Self-Declare Non-Support from Sponsor

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However, the sponsored immigrant may self-declare that they are not being supported by the sponsor. If the sponsored immigrant self-declares non-support from the sponsor, all that can be estimated when determining indigence is the sponsored immigrant food unit's income and any other income received from others. The agency does not need verification from the sponsor of non-support. Requiring such verification would create a barrier to program access, particularly in cases where the sponsor cannot be located.

Once determined indigent, the sponsored immigrant is exempt from sponsor deeming. However, if the immigrant receives cash contributions from the sponsor, then the amount of cash given must be verified following normal verification procedures.

#### 4.7.2.7 Exempt Immigrants

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7 CFR 273.4(c)(2)(v)(3)

Do not apply any deeming rules to any immigrant who has been:

1. Admitted to the U.S. through Deportation Withheld under section 241(b)(3) or 243(h) of the Immigration and Nationality Act (INA).
2. Admitted to the U.S. as a refugee as a result of an application after March 31, 1980, under section 207 of the INA.
3. Paroled into the U.S. as a refugee under section 212(d)(5) of the INA.
4. Granted political asylum by the Attorney General under section 208 of the INA.
5. Considered a Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-442).
6. The dependent child of the sponsor or the sponsor's spouse.
7. Sponsored by an organization.
8. Admitted as a conditional entrant under section 203(a)(7) of the INA.

In addition, do not apply PRWORA sponsor deeming rules to an immigrant (adult or child) or the parent of an immigrant child who is a victim of domestic abuse, or the child of a victim of domestic abuse as defined in [SECTION 3.12.1.5 BATTERED IMMIGRANT ELIGIBILITY](#), who is no longer living with the abuser, and who has demonstrated a substantial connection between the need for FoodShare and the abuse. This

#### 4.7.2 Deeming From A Sponsor

exemption lasts for a period of 12 months from the date of application. After 12 months, the victims of domestic abuse continue to be exempt from deeming with regard to the resources and income of the abuser only.

## 4.7.3 Deeming From Ineligible Food Unit Members

7 CFR 273.9(b)(3)

7 CFR 273.11(c)

If an individual food unit member has been kept out or removed from the FoodShare assistance group, it may be necessary to deem their income and/or expenses to the remaining FoodShare assistance group as part of the eligibility and benefit determination. In some cases, a pro-rated share of the ineligible individual's income or expenses is deemed to the FoodShare assistance group. In other cases, the ineligible individual's gross income or expenses are deemed to the group. In still other situations, only the amount the ineligible individual is actually contributing, or giving to the FoodShare assistance group is considered.

Actually contributing means the person provides a portion of their income to the FoodShare assistance group. To be actually contributing to shelter costs, for example, the person must pay toward the FoodShare assistance group's shelter costs.

A prorated share is an evenly divided portion of something. It is the whole broken into equal parts. Divide and distribute using either the number of persons or groups involved. The proration depends on the item being prorated and the reason for the person's disqualification from the FoodShare assistance group.

## 4.7.4 Deeming and Ineligible Students

### 4.7.4.1 Student Income

Do not deem any of the ineligible student's income to the FoodShare assistance group. Cash payments from the ineligible student to any of the eligible FoodShare assistance members will be counted as income to the group if those payments are regular and predictable.

<b>Example 1</b>	A food unit of four includes a FoodShare assistance group of three children and one parent who is an ineligible student. The parent is the only person in the food unit who has income and does not give a cash payment to the three children. None of the parent's income would be counted for the group.
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<b>Example 2</b>	A food unit of three includes a FoodShare assistance group of two and one ineligible student. The ineligible student has an income of \$800 per month. The ineligible student pays one of the FoodShare assistance group members \$50 every month for the use of the member's car. The \$50 per month is counted as unearned income for the member who receives this money. The remaining \$750 per month of the ineligible student's income is not counted as income for the FoodShare assistance group.
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### 4.7.4.2 Student Medical Expenses

Do not deem any of the student's medical expenses to the FoodShare assistance group.

### 4.7.4.3 Student Dependent Care Expense

Reduce the FoodShare assistance group's dependent care expenses by the amount the ineligible student actually pays or contributes to any dependent care charges.

### 4.7.4.4 Student Shelter Expenses

If the ineligible student contributes to the FoodShare assistance group's shelter expenses in a known dollar amount, or percentage, reduce the FoodShare assistance group's expenses by the amount contributed. Do not include utilities in this computation.

If the ineligible student contributes an unknown amount, compute the FoodShare assistance group's expense. Prorate the total of all shelter expenses by the number of persons actually contributing toward the payment. Do not include utility expenses in this computation.

<b>Example 3</b>	A food unit of nine includes a FoodShare assistance group of six and three ineligible students. Three FoodShare assistance group members and two ineligible students together pay shelter expenses of \$495. The prorated share is shelter cost divided by the number of contributors: $\$495/5 = \$99$ . The shares of the contributing FoodShare assistance group members total \$297 (three FoodShare assistance group members * $\$99 = \$297$ ).
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### 4.7.4.5 Student Utility Expenses

7 CFR 273.9(d)(6)(iii)(F)

Food units that are billed for utilities should receive a standard utility allowance. Food units that include ineligible members may receive a full standard utility allowance if at least one person in the food unit is billed for at least part of a utility bill.

#### 4.7.4 Deeming And Ineligible Students

<b>Example 4</b>	A food unit of seven persons includes a FoodShare assistance group of five and two ineligible students. They are billed for heat, electricity, and a phone and therefore receive the HSUA. One of the students pays some of the utility expense and one of the assistance group members pays the rest. Do not prorate the HSUA. Budget the full HSUA as the utility expense for the FoodShare assistance group.
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## 4.7.5 Prorated Deeming

Pro-rated deemers include individuals disqualified from FoodShare eligibility due to one of the following:

1. Non-qualifying immigration status
2. Failure to provide or apply for a social security number
3. ABAWDs who:
  - a. Have used their three time-limited benefit months either in Wisconsin or another state, or a combination of both.
  - b. Are not meeting the FoodShare work requirement or an exemption.
  - c. Are no longer eligible for FoodShare benefits.
  - d. Have been determined ineligible within an open food unit of other eligible members.

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**Note** ABAWDs who are disqualified from FoodShare eligibility and become a pro-rated deemer will automatically regain eligibility if they are part of an open FoodShare assistance group when the three-year clock restarts.

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*When performing a manual calculation, do not include pro-rated deemers in the FoodShare assistance group when doing any of the following:*

- Note**
- Determining the amount of the FoodShare benefit allotment
  - Assigning a standard deduction to the FoodShare assistance group
  - Comparing the FoodShare assistance group's monthly income with the income eligibility standards
- 

<b>Example 1</b>	Toby received three time-limited benefit months for January, February, and March. FoodShare remains open for Toby's girlfriend and cousin. Toby becomes a pro-rated deemer effective April 1.
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Prorate the ineligible person's income and expenses between those in and out of the FoodShare assistance group. Calculate the amount of pro-rated income and expenses to deem to the FoodShare assistance group separately.

### 4.7.5.1 Pro-rated Income

CARES deems earned and unearned income correctly. Enter the gross income on the appropriate page. Review the eligibility determination on the budget page before confirming.

To manually calculate deemed income:

If the ineligible individual has unearned income:

1. Determine their total countable unearned income.
2. Add the number of members in the FoodShare assistance group to the number of ineligible persons in the food unit.
3. Divide the amount in step 1 by the total in step 2.
4. Multiply the result in step 3 by the number of FoodShare assistance group members. Deem the result to the FoodShare assistance group.

<b>Example 2</b>	A food unit of five includes a FoodShare assistance group of three and two persons who are ineligible immigrants. One ineligible immigrant has countable unearned income of \$128 per month. The figures using the formula above are: <ol style="list-style-type: none"> <li>1. \$128;</li> </ol>
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#### 4.7.5 Prorated Deeming

	<p>2. <math>3+2=5</math>;</p> <p>3. <math>128/5=25.60</math>;</p> <p><math>25.60 \times 3 = \\$76.80</math>. <math>\\$76.80</math> is the FoodShare assistance group's share of the unearned income.</p>
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If the ineligible individual has earned income:

1. Determine their total countable earned income.
2. Allow the 20% earned income deduction.
3. Subtract the earned income deduction amount from the total countable earned income.
4. Add the number of members in the FoodShare assistance group to the number of pro-rated deemers in the food unit.
5. Divide the amount of income in step 3 by the total in step 4. This will be the amount of income allotted to each person in the food unit.
6. Multiply the result from step 5 by the number of eligible FoodShare assistance group members.
7. Deem the appropriate income to the eligible FoodShare assistance group members as unearned income.

<b>Example 3</b>	<p>A food unit of four includes one ineligible immigrant, one ineligible student, and two eligible members. The ineligible immigrant has a gross earned income of \$734.98 per month.</p> <p>Step 1: Total countable income is \$734.98 per month.</p> <p>Step 2: <math>\\$734.98</math> (countable earned income) <math>\times</math> .20 (earned income deduction) = <math>\\$146.99</math></p> <p>Step 3: <math>\\$734.98</math> (non-exempt earned income) <math>-</math> <math>\\$146.99</math> = <math>\\$587.99</math></p> <p>Step 4: Add the number of eligible members to number of pro-rated deemers (ineligible immigrant) <math>2 + 1 = 3</math></p> <p>Step 5: <math>\\$587.99/3 = \\$195.99</math></p> <p>Step 6: <math>\\$195.99 \times 2</math> (number of eligible individuals) = <math>\\$391.98</math></p> <p>Step 7: Deem <math>\\$391.98</math> to the FoodShare assistance group as unearned income</p>
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#### 4.7.5.2 Pro-rated Medical Expenses

Do not deem any of the ineligible person's payments for medical costs for their own care as expenses of the FoodShare assistance group. Deem to the group a pro-rated amount of medical expenses for a FoodShare assistance group member's care billed to or paid by the ineligible person. Prorate using a ratio of group members to food unit members.

<b>Example 4</b>	<p>The FoodShare assistance group includes a person who is disabled and incurs \$84 a month in medical expenses. An SSN ineligible food unit member pays the full \$84.</p> <p>The food unit numbers four persons: one ineligible member and three FoodShare assistance group members. The ratio of FoodShare assistance group members to food unit members is 3:4.</p> <p>The FoodShare assistance group's share is 3/4 of the expense.</p> <p><math>\\$84 / 4</math> (food unit members) = <math>\\$21</math>.</p> <p><math>\\$21 \times 3 = \\$63</math> (FoodShare assistance group's share).</p> <p>The medical deduction policy allows only the amount over \$35 as a deduction.</p> <p>The deduction is <math>\\$28</math> (<math>\\$63 - \\$35 = \\$28</math>).</p> <p>If there were two SSN ineligible persons in the food unit, the ratio would be 2:4. Deem to the FoodShare assistance group 1/2 of the medical expense in calculating its medical deduction. This is true even if only one of the ineligible food unit members was billed for or paid any of the eligible member's medical costs.</p>
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#### 4.7.5 Prorated Deeming

### 4.7.5.3 Pro-rated Child Support Payments

Deem to the FoodShare assistance group a pro-rated share of the amount of court-ordered child support actually paid by the ineligible member to a non-household member. Deduct all but the ineligible member's pro-rated share from the household income.

<b>Example 5</b>	A food unit of four includes three FoodShare assistance group members and one ineligible immigrant. The ineligible immigrant pays \$100 legally obligated child support. The pro-rated share is \$25 a person ( $\$100 / 4$ ). The FoodShare assistance group's pro-rated child support deduction is \$75 ( $\$25 \times 3$ ), or 3/4 of the total payment.
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### 4.7.5.4 Pro-rated Dependent Care Expenses

Deem to the FoodShare assistance group a pro-rated share of the amount of the food unit's dependent care costs (Dependent Care Unit) paid by or billed to the ineligible person.

<b>Example 6</b>	A food unit of five includes three FoodShare assistance group members and two ineligible immigrants. The food unit's monthly dependent care costs total \$275. An ineligible food unit member is billed for a portion of that total. One share is \$55 ( $\$275 / 5$ ). The FoodShare assistance group's pro-rated expense is \$165 ( $\$55 \times 3$ ), or 3/5 of the total costs.
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### 4.7.5.5 Pro-rated Shelter Expenses

Shelter expenses either billed to or paid by ineligible members are pro-rated among all members of the food unit, including all other ineligible (non-contributing) food unit members. Add the pro-rated shares of the eligible FoodShare assistance group members together to find the budgeted amount. Do not count the pro-rated portion for the ineligible member. Do this for shelter costs only but not for utility expenses.

The only exception is when only the income of eligible members is used to pay the entire shelter amount. This is regardless of whether there was a bill or who was billed. The FoodShare assistance group is entitled to the entire expense in this case.

<b>Example 7</b>	A household of seven includes a food unit of six and a FoodShare assistance group of four. The household contains two ineligible immigrants who are in the food unit because they purchase and prepare together, a mother, her two children, her boyfriend, and a friend who doesn't purchase or prepare with the unit. Immigrant #1 and mother are responsible for the rent of \$600 a month. Divide the shelter expense by the number of food unit members and multiply that by the number of remaining FoodShare assistance group members. $\$600 / 6 = \$100$ . $(\$100) \times 4 = \$400$ . Budget \$400 as the rent amount. Show your calculation in case comments.
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<b>Example 8</b>	Using the same household, assume the rent of \$600 is divided between the friend, the mother, and Immigrant #1. Do not count the friend's portion of the rent when prorating. The food unit's share of the rent is \$400. Divide the shelter expense by the number of food unit members and multiply that by the number of remaining FoodShare assistance group members. $\$400 / 6 = \$66.66$ . $(\$66.66) \times (4) = \$266.66$ . Budget \$266.66 as the rent amount. Enter the calculation in case comments.
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<b>Example 9</b>	Using the same household, assume that the rent and utilities are supposed to be shared between the mother and Immigrant #1. However, Immigrant #1 is refusing to pay, and the mother is paying the entire rent and utilities. In this case, budget the entire expenses for the FoodShare assistance group.
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#### 4.7.5 Prorated Deeming

<b>Example 10</b>	Using a different household than those mentioned above, assume a family of six has applied for FoodShare. The mother, father and two older siblings are ineligible immigrants. The two youngest siblings are citizens and are the only FoodShare assistance group members. The shelter expense of \$575 per month is in the parents' names. The food unit = 6 and the FoodShare assistance group = 2. Even though the children are not specifically obligated to pay the expenses, prorate a share of the expenses to the FoodShare assistance group. $\$575 / 6 = \$95.83$ . $95.83 \times 2$ FoodShare assistance group members = \$191.67. Budget \$191.67 as the FoodShare assistance group's shelter expense.
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## 4.7.6 Gross Deeming

7 CFR 273.22(c)(1)

Gross deemers include individuals disqualified from FoodShare eligibility due to any of the following reasons:

- IPV disqualification (see [SECTION 3.14.1 INTENTIONAL PROGRAM VIOLATION \(IPV\) DISQUALIFICATION](#))
- Fleeing felons (see [SECTION 3.19.1 FLEEING FELONS AND PROBATION AND PAROLE VIOLATORS](#))
- Probation or parole violators (see [SECTION 3.19.1 FLEEING FELONS AND PROBATION AND PAROLE VIOLATORS](#))
- Drug felony sanctions (see [SECTION 3.20.1 DRUG FELONS](#))
- Work registration sanctions (see [SECTION 3.16.1.4 REGISTERING FOR WORK](#))
- A failure to take a drug test (see [SECTION 3.20.1.1 APPLICATIONS](#))

Count these ineligible individuals' income and expenses as if they were a member of the FoodShare assistance group. Do not include them in the group to determine the amount of the FoodShare benefit allotment, assigning a standard deduction to the group, or when comparing the group's monthly income with the income eligibility standards. The FoodShare assistance group's benefit allotment cannot be increased as a result of the exclusion of one or more food unit members.

## 5.1.1 Transitional FoodShare Benefits (TFS)

### 5.1.1.1 TFS Introduction

7 CFR 273.26

7 CFR 273.32

Transitional FoodShare (TFS) benefits automatically extend FoodShare benefit eligibility for five months to FoodShare assistance groups whose Wisconsin Works (W-2) or Tribal TANF (TT) cash assistance ends as long as:

1. The member was part of an active FoodShare case in the benefit month and the month the last W-2 or TT payment was issued, and
2. The member was receiving a W-2 or Tribal TANF payment. This does not include CMF+, W-2 Trial Job Placements, or Transitional Jobs cases managed by a W-2 agency.

FoodShare assistance groups are not eligible for TFS after Wisconsin Works (W-2) or Tribal TANF (TT) cash assistance ends when:

1. The W-2 or TT payment is sanctioned to zero for nonparticipation, or
2. All FoodShare assistance groups members lose FoodShare eligibility due to:
  - a. An intentional program violation
  - b. Failure to comply with a work requirement (see [SECTION 3.16.1 WORK REQUIREMENTS](#))
  - c. Ineligible student status
  - d. Ineligible immigrant status
  - e. Failure to provide information necessary for determining eligibility or failure to complete a renewal
  - f. Assets of an EBD non-categorically eligible FoodShare member were divested for the purpose of qualifying or attempting to qualify for the program
  - g. Dual FoodShare participation
  - h. Status as a fleeing felon

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**Note** *There is no limit to the number of times someone can be eligible for TFS; however, the member must be receiving regular FoodShare prior to starting TFS.*

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<b>Example 1</b>	Linda is eligible for TFS from February through June. She is injured in a fall in May and is unable to work. In May, she re-applies for W-2 and is placed in a W-2T. The TFS benefit period will continue through June. Because the five-month TFS benefit period ends in June, Linda completes a recertification review for regular FS benefits in June and starts receiving them in July. Linda returns to her full-time job in August. Her household will receive another five months of TFS benefits once her W-2 payment ends.
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### 5.1.1.2 TFS Benefit Calculation

7 CFR 273.26

7 CFR 273.27

### 5.1.1 Transitional FoodShare Benefits (TFS)

The TFS allotment is calculated using the income (less the W-2/TT payment), expenses, and FoodShare assistance group size from the month prior to the last W-2/TT cash payment (benefit determination month). This amount is frozen for the next five consecutive months, regardless of the number of months remaining in the most recent certification period for regular FoodShare. A new 12-month certification period will begin when the FoodShare assistance group reapplies and is eligible for FoodShare at the end of the TFS benefit period.

If a change is reported or becomes known to the agency, the change will be acted upon at time of reapplication at the end of the TFS benefit period. Tribal TANF participants must report the end of their placement and payments 45 days following the end of their placement.

If the initial W-2/TT placement is valid the participant is eligible to receive TFS benefits when the W-2/TT payment ends. This includes cases where some of the W-2/TT payments may be recouped because the member failed to report a change, or the placement was not ended correctly. If the initial W-2/TT placement was based on fraudulent information and the total W-2/TT payments are being recovered, the household is not eligible for the TFS benefit. Calculate the correct FoodShare benefit based on non-TFS criteria for the months the household was incorrectly open for TFS to determine if there is an over/under payment.

#### 5.1.1.3 TFS Change Reporting Requirements

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The food unit has no change reporting requirements during the five-month TFS benefit period. Changes reported and acted upon for other programs will not change the TFS benefit amount. When a TFS case moves to another county, a renewal is not required to continue TFS.

#### Exceptions

If it is reported that the primary person moves out of the TFS FoodShare assistance group, the TFS benefit will end, and the case will close.

If the agency becomes aware that a TFS FoodShare assistance group moves out of state, the FoodShare assistance group's TFS benefits should end.

#### 5.1.1.4 Sanctions and TFS

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CARES will systematically determine the establishment of TFS. TFS will not be established in the following scenarios:

- A FoodShare assistance group member's W-2 eligibility is terminated for failing or refusing to cooperate with W-2.
- The W-2 or TT benefits are sanctioned to zero dollars, but the paid placement remains open in the benefit determination month.

#### 5.1.1.5 TFS Policy Exception

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Dual participation in FoodShare Wisconsin is prohibited. The only time a TFS benefit allotment amount changes within the five-month period is if a TFS group member moves out and becomes eligible to receive FoodShare in another case. The TFS group's benefit amount will be reduced due to the change in group size. The allotment amount will be adjusted to the new assistance group size. Income and expenses used in the original TFS benefit determination will remain the same even if the income or expenses belonged to the individual who left the group. This recalculated benefit amount will remain

### 5.1.1 Transitional FoodShare Benefits (TFS)

the same for the remainder of the five-month benefit period. Should that same person move back into the original TFS group, the benefit amount will remain at the reduced amount for the rest of the five-month period.

The dual participation policy is explained to the FoodShare member in the initial TFS notice and an additional notice will be sent if the allotment is reduced.

<b>Example 2</b>	Sally, her son, and her two roommates share the same apartment and receive FoodShare on the same case. Sally stopped receiving her W-2 payment in June because her only child graduated from high school and moved out. The FoodShare assistance group consisting of Sally, her son and her two roommates receive TFS for five months. The FoodShare assistance group size and the allotment did not change because Sally's son never applied for his own FoodShare benefits after he moved out of the household.
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If a TFS group reports that they moved into a household with individuals who are required to be included in the same food unit as the TFS food unit, the newly configured food unit must decide whether to:

1. Reapply for regular FoodShare with the new members and end the TFS benefit; or
2. Add the new household members to an open TFS case (the TFS benefit amount is frozen and will not increase if new members are added), or
3. Add the TFS members to the existing regular food unit and end the TFS.

<b>Example 3</b>	Rosa, a 20-year-old mother of two, received her second TFS benefit allotment in June. Rosa called her IM worker to report a change in address and that she and her children are now living with her parents (who also have an open FoodShare case). The IM worker explained that because Rosa is under 22, she must be included in the same food unit as her parents. She and her parents can decide whether to add the parents to the TFS case or if Rosa and her two children should join the parents' FoodShare case. The IM worker ran a simulated case that showed the benefit allotment would be greater if Rosa's parents were added to her TFS food unit. The parents' FoodShare case is closed, and the IM worker adds Rosa's parents to her TFS case.
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### 5.1.1.6 TFS and Companion Cases

The entire assistance group, whether or not the individual members are included in the W-2 assistance group, are eligible for TFS if a W-2 or TT cash payment ends.

<b>Example 4</b>	Simon, along with his two brothers, lives with their sister, Dana, and her two children. They are all part of Simon's assistance group. Dana has been receiving a monthly W-2 payment but recently started a new job. Dana receives her last cash payment July 1. Because Dana's W-2 payments are ending, Simon's entire FoodShare assistance group becomes eligible for TFS. Simon's TFS benefit period will begin August 1 and the TFS benefit includes himself, his two brothers, Dana, and Dana's two children.
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A FoodShare assistance group that includes two W-2/TT groups who both receive a cash payment would be eligible for TFS if one W-2 or TT group stops receiving a W-2 or TT cash payment. If the other W-2 or TT group stops receiving a W-2 or TT payment during the five-month benefit period, the TFS benefit amount remains frozen at the original amount. No additional months are added to the TFS five-month benefit period.

### 5.1.1.7 Renewal during the TFS Benefit Period

7 CFR 273.28

### 5.1.1 Transitional FoodShare Benefits (TFS)

TFS groups may request a renewal for regular FoodShare at any time during the five-month TFS benefit period. If a group requests to end their TFS benefits and be recertified for regular FoodShare benefits, the IM worker can determine a regular FoodShare allotment amount. The member has the choice of which allotment they will receive. If the member chooses to receive regular FoodShare benefits and end the TFS benefit, a renewal including an interview must be completed. The allotment change is effective the first of the month after the interview.

<b>Example 5</b>	Jane's TFS is certified for February through June. She calls the agency in March to request regular FS and completes the interview and renewal. The new allotment begins in April with a new renewal due in March.
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### 5.1.1.8 Renewal when the TFS Benefit Period Expires

7 CFR 273.28

The TFS benefit period will end after five consecutive months. To continue receiving FoodShare benefits, the group must complete a renewal, including an interview, before the end of the 5th month in the TFS benefit period. The agency is responsible for scheduling the interview or pending for the interview under the On-Demand model (see [SECTION 2.1.3.1 SCHEDULING THE INTERVIEW](#)) and making a benefit determination to meet the standard 30-day renewal processing requirement. If benefits are not issued by the last day of the renewal month due to agency delay, the food unit is entitled to a continuation of TFS benefits until the determination is made. Delays caused by the food unit will result in a FoodShare denial. An interview must be completed within the renewal month of the current TFS benefit period to be considered timely. If the food unit fails to complete a timely interview, FoodShare will close effective the last day of the renewal month at adverse action and a new FoodShare application is required. Information known to the agency and any adjustments to the cost of living must be included as part of the redetermination for regular FoodShare.

Since a renewal is completed at the end of the TFS period, there is no eligibility for expedited services.

## 5.2.1 FS-E

FS-E is a FoodShare program for elderly, blind, and disabled (EBD) individuals. EBD individuals and their co-residing spouses, if applicable, may be a separate food unit, even if they are living and eating with others, as long as all three of the following criteria are met:

1. The EBD individual is age 60 or older;
2. The EBD individual cannot purchase and prepare their own meals because of either:
  - a. A disability the SSA considers permanent, or
  - b. Some other permanent physical or mental non-disease-related, severe, permanent disability; and
3. The gross monthly income of all other persons with whom the EBD individual (and spouse, if any) resides with does not exceed 165% of the FPL for the number of others in the household. When computing gross income to compare to the 165% FPL, do not include any income of the EBD individual or their spouse.

<b>Example 1</b>	Carl and Betty, ages 70 and 59 respectively, are spouses who live in the same household with their daughter, Tammy, and her two children. Carl has dementia and is unable to purchase and prepare his own meals. Tammy's income is below 165% FPL. Since all of the required criteria are met, Carl and Betty can be treated as a separate food unit from their daughter Tammy's food unit.
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## 5.3.1 Disaster Supplemental Nutrition Assistance Program (DSNAP) For Victims Of Natural Disasters

### 5.3.1.1 DSNAP Introduction

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Disaster Supplemental Nutrition Assistance Program (DSNAP) policies are used after affected areas have received a Presidential major disaster declaration with “individual assistance” and the Food and Nutrition Service approves a state’s request to operate a DSNAP. The state will notify the appropriate county/tribal/W-2 FoodShare agencies when this happens and work with the local agencies to provide DSNAP benefits. In Wisconsin, DSNAP is sometimes referred to as “Disaster FoodShare.”

The rules for DSNAP are significantly different from the regular FoodShare program. For example, immigrant status, student status, failure to provide an SSN, work requirements and disqualification status (IPV) from regular FoodShare are irrelevant when determining DSNAP benefits. However, committing an IPV in the DSNAP period will count towards disqualification for regular FoodShare.

Eligible applicants not receiving FoodShare benefits during the disaster month who live or work in the affected areas may receive a one-time DSNAP payment equal to the maximum allotment for their household size. To be eligible, applicants must meet a DSNAP-specific income test and have experienced one of the following requirements:

- Food damaged by the disaster or spoiled due to lack of refrigeration from a power outage of at least 4 hours;
- Damage to or destruction of home, workplace, or self-employment business;
- Disaster related expenses not expected to be reimbursed; or
- Loss or reduction of income.

Current FoodShare members affected by the disaster may receive a supplement equal to the difference between their regular monthly allotment and the maximum allotment for their food unit size the month the disaster occurred.

To be eligible for the DSNAP benefit, applicants and members must apply during the state-defined application period for the disaster. FoodShare assistance groups that have received replacement benefits for food destroyed as a result of the disaster can still receive the DSNAP benefit up to the allotment maximum.

See [SECTION 7.1.1.5 REPLACEMENT ISSUANCE FOR DESTROYED FOOD](#) for the policy on Replacement Issuance for Destroyed Food.

### 5.3.1.2 Disaster Supplemental Assistance Program (DSNAP) Applications

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All DSNAP applications must be completed in-person by the disaster victim or their authorized representative. This includes the interview process.

#### **New Applicants**

New applicants must complete and sign the Disaster FoodShare Wisconsin Assistance Application (F-16060). The IM agency will use this paper form to manually determine eligibility. Applicants for DSNAP benefits who wish to apply for ongoing FoodShare benefits may do so but will be required to follow the regular application process in order for the IM agency to determine eligibility for ongoing benefits.

### 5.3.1 Disaster Supplemental Nutrition Assistance Program (DSNAP) For Victims Of Natural Disasters

#### Current Members

FoodShare assistance groups currently receiving benefits are eligible to receive a one-time supplement equal to the difference between their regular benefit amount and the maximum allotment for their food unit size. They must complete and sign the Affidavit of Lost Income or Disaster-Related Costs (F-16106) to receive the supplement.

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**Note** *The Disaster FoodShare Wisconsin Assistance Application (F-16060) and the Affidavit of Lost Income or Disaster-Related Costs will be available in the DHS Forms Library during a DSNAP application period.*

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#### 5.3.1.3 DSNAP Verification Requirements

Applicant's Information	Status	Suggested ways to verify
<b>Identity</b>	Mandatory	<p>Photo ID Two documents that verify identity.</p> <p>SSA data exchange for health care is acceptable to verify identity.</p> <p>A signed affidavit from a collateral contact attesting to the identity of the applicant.</p> <p>For additional sources of verification see <a href="#">SECTION 1.2.6.1 REQUIRED VERIFICATION TO DETERMINE ELIGIBILITY</a>.</p>
<b>Address</b>	When possible	Utility bills, tax bills, insurance policies, driver's licenses, other ID with address, bills, or other documents that establish the applicant's home or work address.
<b>Household Composition</b>	If questionable	After taking the application, ask applicant to orally list the names, ages, and birthdates of all household members.
<b>Loss or inaccessibility of liquid resources or of income</b>	Where possible	Obtain a list of banks that were closed due to the disaster and compare with damage maps. Remember that in this day of ATM cards and electronic transmission, few liquid resources are truly inaccessible.
<b>Food Loss</b>	If questionable	<p>Check with the power company.</p> <p>Note: A power outage lasting over four hours can cause food spoilage.</p>

## 6.1.1 Change Reporting for All Food Units (Simplified)

7 CFR 273.12(a)(5)(v)

All food units are subject to simplified reporting rules. Simplified reporting rules mean food units are only required to report three things during their certification period outside of their SMRF and renewal:

1. When their assistance group's gross monthly income received goes above 130% FPL
2. When an ABAWD's work hours drop below 80 hours per month
3. When a person in the food unit has received a substantial lottery or gambling winning (see [SECTION 6.1.1.1 SUBSTANTIAL LOTTERY OR GAMBLING WINNING](#))

### 130% FPL Reporting

The food unit must report by the 10th of the following month when the assistance group's (see [SECTION 3.3.1 FOOD UNIT/FOODSHARE ASSISTANCE GROUP/RELATIONSHIPS](#)) gross monthly income received exceeds 130% FPL (see [SECTION 8.1.1 INCOME LIMITS](#)).

The gross monthly income limit is based on the assistance group size that existed at the time of its most recent certification action, regardless of any subsequent changes in the size of the assistance group.

<b>Example 1</b>	<p>Mike is a FoodShare member that was certified with income under 130% FPL. Mike's hours and rate of pay increase in the middle of January. Mike's total gross monthly income on the paychecks he received in January did not put the assistance group over 130% FPL.</p> <p>Mike's pay dates for February are February 13 and February 27. When Mike receives his paycheck on February 27, the assistance group's total gross monthly income received is now over 130% FPL. The change in income must be reported by March 10.</p>
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<b>Example 2</b>	<p>Ted is receiving FoodShare and is certified under 130% FPL. Ted starts a new job on December 30. He receives his first paycheck on January 17. His gross income received from his first paycheck puts his assistance group over 130% FPL. Ted must report the change in income by February 10.</p>
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<b>Example 3</b>	<p>Kate, Trina, and Randy are a food unit of three. Kate is an ineligible student (gross deemer). Trina and Randy are both eligible for and receiving FoodShare (assistance group of two). If the food unit's gross monthly income exceeds 130% of the FPL for an assistance group of two people, the food unit must report the change by the 10th of the following month.</p>
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Anticipated receipt of income or work hours is not required to be reported, even if the anticipated income is expected to put the assistance group over the gross monthly income 130% FPL. A reported change in income can only be used in the budget after it is received.

<b>Example 4</b>	<p>Reggie reports during the interview that he expects to start a new job next month. Because the job has not started and a paycheck has not been received, no income is to be budgeted. Reggie is required to report when the income they receive from the job puts the assistance group's income above 130% FPL.</p>
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Once an assistance group has been certified eligible with a gross monthly income above 130% FPL, they have no further income reporting requirements until the next SMRF or renewal.

### 6.1.1 Change Reporting For All Food Units (Simplified)

<b>Example 5</b>	Marlo is receiving FoodShare and is certified at 131% FPL. Two months later Marlo changes jobs and her gross monthly income is now at 240% FPL. Since Marlo was certified over 130%, Marlo does not need to report her income change until her next Six-Month Report Form (SMRF) or renewal.
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#### **ABAWDs**

ABAWDs must report by the 10th of the following month when their work hours fall below 80 hours per month (see [SECTION 3.17.1.2.1 DEFINITION OF WORKING FOR FOODSHARE WORK REQUIREMENT FOR ABAWDS](#)).

#### **Substantial Lottery or Gambling Winning**

Any food unit member that receives a substantial lottery or gambling winning must report by the 10th of the following month (see [SECTION 6.1.1.1 SUBSTANTIAL LOTTERY OR GAMBLING WINNING](#)).

However, if any change is reported or becomes known to the agency, it must be acted upon. When the information is not verified upon receipt, it may be appropriate to request clarification of the change.

See [SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS \(TFS\)](#) for reporting requirements for Transitional FoodShare (TFS) members.

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**Note** *Failing to report a change may result in an overpayment (see [SECTION 7.3.1.1 OVERPAYMENT CLAIMS AGAINST FOOD UNITS](#)).*

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#### **6.1.1.1 Substantial Lottery or Gambling Winning**

7 CFR 273.11(r)

Effective November 1, 2023, FoodShare members must report a substantial lottery or gambling winning. Any food unit that reports receiving a substantial winning on or after this date, while receiving FoodShare, will lose their eligibility.

A substantial lottery or gambling winning is a cash prize, won in a single game (ticket, hand, similar bet), before taxes or other amounts are withheld. The substantial winning is equal to or greater than the asset limit for elderly or disabled households (see [SECTION 8.1.1.3 ASSET LIMITS](#) for the current substantial winning limit).

A substantial winning received before an initial application or before the effective policy date does not affect eligibility. Only count a substantial winning received during the certification period.

Members must report the substantial winning by the 10th day of the month following the month they received the winning. The member must report the winning at SMRF or renewal if either is before the 10th of the following month. The household may reapply at any time after losing eligibility due to a lottery and gambling closure.

However, at reapplication, the household must be tested and recertified using regular SNAP rules, not broad-based categorical eligibility (BBCE) or categorical eligibility (CE). Test each application using regular SNAP rules until the household is found eligible.

<b>Example 6</b>	Jürgen wins \$10,000 playing a slot machine. He loses FoodShare eligibility for receiving a substantial winning. Jürgen reapplies for FoodShare and is found ineligible under regular SNAP rules. Two months
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### 6.1.1 Change Reporting For All Food Units (Simplified)

	later, Jürgen lost his job and spent the winning on living expenses. He reapplies for FoodShare. His application must be tested using regular SNAP rules. He is found eligible.  At Jürgen's six-month report and renewal, his case will be tested under BBCE.
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Members are required to report a substantial winning received out-of-state.

## Household Changes

A substantial winning only applies to the food unit where the winning was originally received. The winning never follows the winning member to another household. When a newly formed food unit or a food unit where the household composition has changed since the closure reapplies, the regular SNAP rules are not applicable. The food unit will be able to apply and be tested under BBCE or CE rules.

A substantial winning received before November 1, 2023, and before an initial application does not affect eligibility.

<b>Example 7</b>	Carlos, Lisa, and Paige are all in the same household receiving FoodShare. Paige buys a lottery ticket and wins \$10,000. She reports the winning and the case is closed. The household immediately reapplies for FoodShare. The case is tested and fails under regular SNAP rules.  Two months later, Paige leaves the household to live on her own. After moving, Paige reapplies for FoodShare, she is tested under BBCE and is found eligible. Lisa and Carlos also reapply, are tested under BBCE, and are found eligible.
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<b>Example 8</b>	Ron received a substantial winning six months ago. He has not been found eligible under regular SNAP rules. Seven months after receiving the winning, his sister Birdy moves in. This is a change in household composition. If Birdy and Ron reapply for FoodShare, their case does not need to be tested under regular SNAP rules.
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Relevant food unit changes include but are not limited to:

- A member is added to the food unit.
- A member leaves the food unit.

## Joint Purchase and Shared Winning

Multiple members in the same food unit may split the cost of a ticket and the winning. If the amount each member received is over the substantial winning amount, the food unit will lose eligibility. If the amount each winning member received is under the substantial winning amount, they will retain their eligibility.

A member may share the cost of the ticket and the winning with someone outside of the food unit. The member should only report the amount of the winning they received, not the total amount of the winning. If the amount received is over the substantial winning amount, the food unit will lose eligibility.

<b>Example 9</b>	Toua is receiving FoodShare and is the only person in his household. Toua evenly splits the cost of a lottery ticket with his friend, Yeng. They win \$5,000 and split the winning. Toua receives \$2,500. He does not need to report this winning because \$2,500 is under the substantial winning threshold.
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### 6.1.1 Change Reporting For All Food Units (Simplified)

<b>Example 10</b>	Amina has been receiving FoodShare for two years. She is in a food unit with five other people. An agency discovers that Amina received a lottery winning of \$7,000 five months ago. Amina has never reported the winning. Her case should close. Amina's household will be subject to overpayments from when the change would have been effective had they reported timely to the date the case was closed.
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#### **Verification**

Members only need to verify a reported substantial winning if it is found to be questionable, incomplete, or unclear.

A member's verbal or written statement, lottery or gambling claim form, collateral contact with a gaming entity, or other document that clarifies the questionable information is all that is needed for verification.

If verification was requested and not received, and the food unit's case is closed for failing to verify, the food unit will still need to be retested under regular SNAP rules at the next reapplication.

## 6.1.2 Six Month Reporting Requirement

7 CFR 273.12(a)(iii)

Food units certified for 12 months and subject to simplified change reporting requirements are required to submit a six-month report form (SMRF) in the sixth month of the certification period. The form and any supporting documentation required to verify reported changes on the form must be submitted by the end of the sixth month (month the SMRF is due) to avoid a break in service.

Elderly, Blind, or Disabled (EBD) food units without earned income with 12-month certification periods are exempt from the six-month report requirement.

Food units with 36-month certification periods may be required to complete SMRFs every six months (see [SECTION 2.2.1.2 36-MONTH CERTIFICATION PERIOD](#)).

The following changes in income must be reported on the SMRF for FoodShare members:

- A change of \$125 or more in unearned income based on the most recently verified amount.
- Changes in earned income (from the most recently verified information) that must be reported include:
  - Rate of pay.
  - Number of hours worked.
  - Loss of job.
  - Change from full to part-time.
  - New employment, but only if the first paycheck has been received by the time the SMRF is completed.
  - New or significantly changed self-employment.

Income verification at SMRF is only required for employment that meets the criteria listed above. An IM worker should not request verification of previously verified earned income that has not changed.

Self-employment income that has already been averaged is not to be re-verified unless a significant change is reported.

Other changes that must be reported on the SMRF are:

- Household composition (persons that have moved in or out, including newborns)
- New address and resulting changes in shelter expenses
- Change in legal obligation to pay child support (see [SECTION 4.6.5 SUPPORT PAYMENT DEDUCTIONS](#))
- New substantial lottery or gambling winnings (see [SECTION 6.1.1.1 LOTTERY OR GAMBLING](#))

A signature is required on the SMRF. The SMRF can be signed by the primary person or by any adult food unit member or, if applicable, an authorized representative or legal guardian.

Any SMRF can be completed and submitted using the paper form, ACCESS, and by phone. A “no-changes” SMRF (all information on the mailed form is current and correct) can also be signed and submitted through MyACCESS.

## 6.1.2 Six Month Reporting Requirement

*The paper SMRF and the online form are available to members on ACCESS Renew My Benefits (RMB) and will have the employment, self-employment, unearned income, and child support expense fields pre-populated*

**Note** to reflect the most recently verified information in CWW. This is the income and expenses that are being used in the current FoodShare benefit calculation (the prepopulated information may not reflect all the income and expenses that factor into the budget).

SMRFs must be submitted by the end of the month the SMRF is due to avoid a break in service. When a SMRF is submitted in the month it is due with changes requiring verification, a verification checklist will be sent giving 20 days to provide the requested verification. When the due date for verification goes into the month following the due month (7, 13, 19, 25, 31), FoodShare will reopen without a break in service so long as the required documentation is supplied on or before the verification due date.

<b>Example 1</b>	Emma is certified for FoodShare from January to December. Emma's SMRF is due in June. Emma returns the SMRF June 27 and reports new employment. Emma did not provide verification of the new income with the completed SMRF. Verification of the income must be requested. Although Emma returned the SMRF at the end of the month it was due, the due date for verification extends into July because 20 days must be allowed to provide verification. Emma provides the requested verification on July 12, prior to the due date of July 17. Emma's certification period for FoodShare remains the same, January to December. Benefits go back to July 1 and are not prorated.
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If FoodShare closes for lack of SMRF, verification, or other reasons and the food unit takes the required action within the month following the month the form is due (7,13,19,25,31), the agency shall reopen FoodShare under the break in service policy and issue prorated benefits from the date the food unit took the required action. The benefit shall be prorated from the date the SMRF is returned if the action was taken prior to or by the verification due date set, or if the reason for closure is because of agency delay.

If FoodShare closes due to agency delay in processing a SMRF, benefits shall be restored back to the first of the month.

<b>Example 2</b>	Jon is required to submit a SMRF in March. Jon submits the SMRF April 7 . Jon reported a change in hours worked at existing employment Verification is requested and is due April 29. Jon submits the verification April 27. Jon's benefits are prorated from April 7 forward because the verification was submitted by the due date, but the SMRF itself was submitted late.
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<b>Example 3</b>	Lillie was required to submit a SMRF by the end of August. Lillie submits the completed SMRF August 29. On the SMRF, Lillie reported new pension income. Verification of pension income is requested with a due September 22. Lillie provides the required verification on September 30. Lillie's benefits are prorated from September 30 forward because her verification was submitted after the due date.
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If the SMRF process is not complete (a completed form and all verifications submitted) by the first day two months after the SMRF was due (month 8/14/20/26/32), a new application must be submitted unless the cause for delay into that month is agency delay. In instances, when a complete SMRF is submitted in the month following the month the form is due (7, 13, 19, 25, 31) and verification is required, verification must be provided before the end of that month, which may result in the member having less than 20 days to provide the verification. The worker will need to manually adjust the due date to coincide with the end of month seven.

<b>Example 4</b>	Gwen is required to submit a SMRF in February. Gwen submits the SMRF in month seven on March 26. Gwen must submit verification of her employment change by March 31. If verification is not provided,
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## 6.1.2 Six Month Reporting Requirement

	Gwen will need to reapply in March because the required verification was not submitted by the end of month seven.
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<b>Example 5</b>	Joe has an open FoodShare case with a certification period of April through March with a SMRF due in September. Joe fails to return a timely SMRF in September and FoodShare closes effective September 30. Joe returns the SMRF with required verification on October 25, but the SMRF is incomplete and is missing a signature. The SMRF is returned to Joe and indicating a signed SMRF must be submitted by October 31 to avoid needing a new FoodShare application. Joe returned the signed SMRF on November 2. Since the completed SMRF was not submitted by the end of month seven, Joe will need to reapply for FoodShare.
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### Complete Paper SMRF

To be considered complete, all of the boxes must be checked, and a signature must be provided on the SMRF. If a box is checked indicating a change but the details of the change have not been provided, it is still a complete SMRF. Missing details related to changes must be requested or the worker must contact the member for clarification.

If the SMRF does not have all of the boxes checked or is missing a signature, it is an incomplete SMRF (see Process Help, [Section 3.4 Six Month Report Forms \(SMRFs\)](#) for processing instructions).

When an incomplete SMRF is received, the household is notified that it must provide the missing portions that were not completed. The household is only required to return or provide the worker with the information needed for the sections that were not completed. The agency will already have the completed portions of the form.

<b>Example 6</b>	Midge returns her SMRF on June 10 and completes the household information section and signs the form, the rest is incomplete. Midge is sent a notice that her form was incomplete and a new SMRF. Midge completes all the sections of the form submitting it to the agency on June 25 but leaves the household information section blank and does not sign the form. Since those sections were already complete and submitted on June 10, the form is considered complete since all the sections on the form have been completed and submitted.
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## 6.1.3 Timely Action on Reported Changes During the Certification Period

Changes can be reported timely or untimely. Agency workers must act promptly on all reported changes. If verification is requested, a minimum of 20 days must be allowed for the member to provide the verification.

### 6.1.3.1 Processing Reported Changes

7 CFR 273.12(c)(1) waiver

Following the report of a change, request verification from the member as soon as possible (see [SECTION 1.2.1 VERIFICATION INTRODUCTION](#)). To prevent “failure to act” agency QC errors, agency workers must act on reported changes within 10 days. As a best practice a worker should process the change as soon as possible and not wait until the 10th day.

<b>Example 1</b>	On June 19, Barry reported having a new job that started on June 9. The IM worker must request verification and allow Barry 20 days to provide it. If verification is requested on June 19, it will be due July 9. The IM worker will have time to process the verification and issue proper notice to Barry by adverse action in July. If the IM worker fails to act on the change by not requesting verification until June 30, Barry would have until July 20 to provide the verification, which is after adverse action. In this case, it is possible that August benefits would be in error due to IM worker failure to act promptly on the reported change.
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Lack of verification is a common cause of case closure. A new application for FoodShare is not always required under specific circumstances when FoodShare closes due to lack of verification during the certification period. Allow FoodShare to reopen without a new application when closing for lack of verification after a change is reported or discovered during the certification period, as long as the requested verification is submitted in the calendar month following case closure. Benefits are prorated from the date the required action was taken.

<b>Example 2</b>	Julie is certified for FoodShare from March through February. Julie calls and reports a new job on April 5. Julie’s IM agency requests verification of Julie’s employment, due April 25. Julie fails to provide verification by the due date and FoodShare closes effective May 30. Julie provides the required verification on June 8. Julie’s FoodShare case reopens without requiring a new FoodShare application and prorates benefits from June 8 forward. Julie’s certification period remains the same March through February.
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FoodShare may also close for reasons other than lack of verification. Allow FoodShare to reopen when a change in circumstances causes the FoodShare assistance group to regain eligibility during the month following the month of case closure, as long as the food unit takes the required action.

FoodShare members may choose to reapply for benefits in the month following closure even when not required. Completing a new application establishes a new filing date, allowing the member up to 30 days to provide needed verification. IM workers should explain the difference between completing a new application and providing needed information to members when possible.

<b>Example 3</b>	Pam’s FoodShare closes effective September 30 due to a pay increase at her job. Pam contacts the IM agency on October 8 to reapply for FoodShare. Pam reports a decrease in income due to a reduction in work hours. The IM agency informs Pam of the option to reapply for FoodShare or to provide verification reflective of the current circumstances to reopen FoodShare effective the date the
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### 6.1.3 Timely Action On Reported Changes During The Certification Period

	verification is provided, as long as Pam meets program criteria. Pam chooses to provide verification and submits it on October 12. Pam’s FoodShare reopens with prorated benefits from October 12 forward.
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<b>Example 4</b>	Joan’s FoodShare closes effective October 31 as a result of a newly added roommate’s earned income. Joan contacts the IM agency on November 19 because the roommate moved out and Joan wants to reapply for FoodShare. The IM agency provides Joan the option of reapplying for FoodShare or reopening her FoodShare effective November 19. Joan chooses to reopen FoodShare without a new application. The IM agency removes the roommate from the case and re-determines a prospective estimate of Joan’s income and expenses. FoodShare benefits are issued from November 19 forward.
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#### 6.1.3.2 Changes “Verified on Receipt”

7 CFR 273.2(f)(9)

Some examples of changes considered to be "verified on receipt" are:

1. Data exchange (see Process Help, [Section 44.1 Data Exchange General Information](#)) information that does not require further contact with the member (Social Security, Wisconsin Child Support Enforcement (KIDS; only child support income and expenses are verified), and Unemployment),
2. Changes reported by a member that do not require further verification, and
3. Changes for which adequate verification has already been submitted.

#### 6.1.3.3 Changes That Cause an Increase in Benefits, Including Person Adds and Loss of Income

7 CFR 273.12(c)(1)

FNS Memo 12/18/14

All reported changes that cause an increase in the FoodShare benefit including person additions, increases in expenses, etc., will be effective the first of the month following the report month if required verifications are received within 20 days of the request for verification.

If needed verifications are not received within 20 days, and the FoodShare case is not closed for at least one day, make the change effective the first of the month following the month verifications are received.

Issue the appropriate supplement by the 10th day of the month the increase in benefits is effective.

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**Note** *A person can be a member of more than one food unit but only one assistance group in the same month except residents of shelters for victims of domestic violence (see [SECTION 3.4.1 DUAL MEMBERSHIP AND DUPLICATE BENEFITS](#)). Prior to adding a person from one FoodShare case to another, remove the person from the previous FoodShare case.*

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<b>Example 5</b>	If Mike (a baby) is born June 25, and the change is reported June 27, FoodShare benefits increase effective July 1. Since the case was reported after adverse action, a FoodShare supplement is issued for July. If Mike (a baby) is born June 25, and the change is reported July 1, FoodShare benefits will increase effective August 1. No FoodShare supplement is issued.
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### 6.1.3 Timely Action On Reported Changes During The Certification Period

<b>Example 6</b>	Jule has an open FoodShare case with a certification period of February through January. Jule reports on March 25 that Eve, Jule's sister, moved in on March 15 and they purchase and prepare together. Jule's IM worker requests verification of Eve's eligibility information by April 14. Verification is not provided by April 4 and the FoodShare case closes effective April 30. Eve provides verification to the local agency on May 15. FoodShare reopened without a new application. Eve is added to the assistance group and benefits are redetermined and prorated for the month of May. In June, Jule and Eve will receive a full month of benefits. Jule's FoodShare certification period remains the same, February through January.
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<b>Example 7</b>	Lisa reports on March 5 that her husband left the home on February 27. Lisa's husband was working, and this change results in Lisa being eligible for more FoodShare benefits. The IM worker re-determines the prospective estimate of Lisa's income for the next benefit month, April, and confirms benefits. Since the change was processed March 5, before adverse action, no supplement is needed.
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<b>Example 8</b>	Carol reports on March 25 that rent is increasing by \$500 for April. The IM worker finds the expense questionable, as Carol's current rent expense is \$300 and the rent increase more than doubles the total rent expense. The case is pended on March 25 and verification is due April 15. Carol provided the verification on April 3. On April 5, the IM worker makes the change to increase Carol's FoodShare benefit effective April 1 and issues a supplement for April. If Carol had reported the rent increase on April 2, or provided the verification after April 15, the FoodShare benefit increase would have been effective May 1.
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#### 6.1.3.4 Sanction Request

An IM worker should act on a sanction request immediately but has 10 days to process the request. However, the IM worker should try to enter the sanction before the next adverse action (see [SECTION 6.3.1 NEGATIVE NOTICES](#)) in CARES.

<b>Example 9</b>	The IM worker receives a sanction request for Jayne on June 12. The IM worker officially has 10 days to process the sanction. Adverse action is on June 18, the worker makes sure to act on the sanction before the 18th. However, if they do not, the case would not be in error unless the worker did not act on the sanction until after adverse action in July.
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#### 6.1.3.5 Person Add Following a Sanction (Re-request)

If an individual is requesting to be added to the FoodShare assistance group following:

- A disqualification for an IPV,
- Failure to comply with other FoodShare program requirements, or
- Was an ineligible immigrant.

Eligibility for the previously excluded person will be effective the first of the month following the period of disqualification, or the first of the month following their request to be added back to the FoodShare assistance group, whichever is later.

<b>Example 10</b>	Margaret's husband David is sanctioned from September 1 through August 31 due to an IPV. Margaret calls on August 25 and requests that David be added back to the FoodShare assistance group on September 1. Verification is complete. The IM worker adds David to the group effective September 1.
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### 6.1.3 Timely Action On Reported Changes During The Certification Period

	If Margaret’s request for David to be added back to the group was made on or after September 1, he would be added to the group effective the first of the month following the request.
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#### 6.1.3.6 Changes That Cause a Decrease in Benefits

7 CFR 273.12(c)(2)(i)

For reported changes that result in a decrease in benefits, process the change to allow for adequate negative notice to be issued to the member. If verifications are not received within 20 days, and the FoodShare case is not closed for at least one day, make the change effective the first of the month following the month verifications are received.

<b>Example 11</b>	<p>Lisa reports on June 3 that her husband moved back into the home on May 29.</p> <p>On June 3, Lisa’s IM worker adds Roy to the FoodShare case and requests verification of his income due June 23. Roy’s income will cause a decrease in FoodShare benefits. Lisa provides Roy’s verification on June 10. Notice of a decrease in benefits is issued at adverse action in June and benefits are decreased for July.</p> <p>If verification was not provided by the due date, the IM agency would take action to close the FoodShare case for lack of verification. Since the due date and agency action to close the case occurs after adverse action in June. FoodShare benefits would close July 31 for failure to verify income.</p>
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#### 6.1.3.7 Change Impact Matrix

Use the Change Impact Matrix to determine how to respond to changes reported by food units.

Food Unit Type	Initial Certification Period	Initial SMRF Requirement	Change Reported	Date Change Acted On	Impact on Certification Period	SMRF Requirement after Change
Regular	12 months	Yes	Homelessness or Migrant in household	At any time during the certification period	No effect on the original certification period of 12 months	Yes
Homeless or Migrant	6 months	No	Reports securing housing or no longer migrant	Prior to adverse action in the fourth month	Certification period remains six months	No
				After adverse action in the fourth month	Certification period remains six months	No

6.1.3 Timely Action On Reported Changes During The Certification Period

EBD household with earnings	12 months	Yes	Source of earnings ends	At any time	No effect	No
EBD without earnings	12 months	No	New source of earnings	Prior to adverse action in the fourth month	No effect	Yes
				After adverse action in the fourth month		No
EBD without earned income	36 months	No	Non-EBD adult member in the food unit, adult member loses their disability determination, adult member receives counted earned income, or a migrant worker enters the household	At any time	No effect	Yes
TFS	5 months	No	Change in income, household comp, or other types of change	At any time	No effect	No
			Death of PP or when PP moves out of Wisconsin		TFS closes and member must re-apply	N/A

### 6.1.3.8 Processing ABAWD Changes

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When an exemption is reported (and verified if deemed questionable), workers must apply the exemption on the first of the month in which the exemption began, regardless of when the exemption is reported.

The FoodShare Clock Page may need to be adjusted once an exemption is applied to the case (see [SECTION 3.17.1.13 ADJUSTING FOODSHARE CLOCK PAGE](#)).

### 6.1.3.9 Oral Explanation of Applicable Work Requirements

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7 CFR § 273.7(c)(1)(ii) and (iii)

An oral explanation of work requirements must be provided when a FoodShare member(s) is newly determined subject to the FoodShare basic work rules (see [SECTION 3.16.1 FOODSHARE BASIC WORK RULES](#) and the FoodShare work requirement (see [SECTION 3.17.1 FOODSHARE WORK REQUIREMENTS FOR ABAWDS](#)) during the certification period. This can occur when a current and previously exempt FoodShare member(s) has a change in circumstances and is no longer exempt, or when a new household member is added and is subject to the basic work rules and work requirement.

If the change is acted upon while the member is on the phone or in person at the agency, the oral explanation must be provided at that time. If the member is not immediately available, at least one contact attempt must be made to provide the oral explanation. The attempt to contact the member must be documented in case comments.

The following information must be provided to member(s) who are subject to the FoodShare basic work rules and FoodShare work requirement:

- An explanation of each work rule and applicable work requirement.
- Information on exemptions from each applicable work rule and work requirement.
- An explanation of the process to report an exemption, including contact information to request an exemption.
- What is required to maintain eligibility under each work rule and applicable work requirement.
- Consequences for failure to comply with each work rule and applicable work requirement.
- An explanation of the process for requesting good cause, including examples of good cause circumstances and contact information to initiate a good cause request.
- Information on the FoodShare Employment and Training Program (FSET) and benefits of FSET participation if the food unit includes an individual subject to the FoodShare work requirement.
- Information on the status of the time limit of the FoodShare work requirement if the household lives in an area or on tribal lands where the time limit of the FoodShare work requirement is suspended

The appropriate sections of the "FoodShare Basic Work Rules and FoodShare Work Requirements Script for IM Workers" must be read to meet the above requirements.

<b>Example 12</b>	Vanessa is a 40-year-old receiving FoodShare benefits. At application, Vanessa was receiving unemployment compensation and determined exempt from the FoodShare basic work rules and FoodShare work requirement. A few months later, Vanessa called the local IM agency and reported no longer receiving unemployment compensation. Vanessa had no other changes and no longer has a qualifying exemption from either work requirement. The appropriate sections of the oral explanation
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### 6.1.3 Timely Action On Reported Changes During The Certification Period

	of work requirements for the FoodShare Basic Work Rules and FoodShare Work Requirements Script must be read to Vanessa while she is on the phone.
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<b>Example 13</b>	Zac is 35 years old. Zac applied and was determined eligible for FoodShare benefits for himself and his 12-year-old son, Corbin. Zac is determined subject to FoodShare basic work rules. He is not subject to the FoodShare work requirement due to residing with a minor child. A few months later Zac reports Corbin is no longer living in his household via an online change report. Zac is now also subject to the FoodShare work requirement. An attempt to contact Zac by phone is made to provide the oral explanation of work requirements due to Zac becoming subject to a new work requirement. Zac does not answer the call. The attempt must be documented in the case record.
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#### 6.1.4 Changes In Expenses

## 6.1.4 Changes in Expenses

Expense policy – see [SECTION 4.6.1 DEDUCTIONS AND EXPENSES](#)

Expense verification policy – see [SECTION 1.2.4 FINANCIAL VERIFICATION](#)

## 6.2.1 Interagency Case Transfers

### 6.2.1.1 Interagency Case Transfers Introduction

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7 CFR 273.3(b)

When a FoodShare case moves from one agency to another within Wisconsin, the case should be transferred from the old county the member lived in (the "transfer-out agency") to the new county they now live in (the "transfer-in agency"). When an inter-agency move is reported or discovered, the agency that is notified of or discovered the move is responsible for collecting the necessary verification and transferring the case.

Once a case has been transferred to a new agency, it should not be transferred back unless the transfer-out agency has to process an overpayment or close out a W-2 placement. If there are questions about the information entered on the case or problems with the way the case was transferred, the transfer-in agency should contact the transfer-out agency to get the required information. Do not transfer the case back to the transfer-out agency to have the previous IM worker complete outstanding items.

See [SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS \(TFS\)](#) for policy related to transferring TFS cases.

See [SECTION 7.1.1.7 DENY BENEFIT INCREASES DUE TO PENALTIES IN OTHER PROGRAMS](#) for information on not increasing benefits for individuals who are penalized in other programs.

### 6.2.1.2 Processing Requests for FoodShare Cases Closed Less than a Calendar Month

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If a FoodShare case assigned to the local agency has been closed for less than a calendar month, the local agency is responsible for processing the request for FoodShare benefits by either applying the break in service policy (see [SECTION 2.1.1.3 BREAK IN SERVICE](#)) or by allowing the individual to complete a new application.

## 6.3.1 Negative Notices

7 CFR 273.13

A notice of adverse or negative action, regarding the termination or reduction of benefits must be mailed at least 10 days before the effective date of the action. When the last of these 10 days falls on a weekend or holiday, CWW will extend the notice of adverse action period to the next working day. Continue or reinstate FoodShare benefits if an IM agency or the Division of Hearings and Appeals receives the fair hearing request the first day following the weekend or holiday.

The notice period will run from 10 to 13 days depending on the date the notice is mailed.

## 6.4.1 Fair Hearings

7 CFR 273.15

7 CFR 273.15(g)

7 CFR 273.15(k)(1)

If the applicant or food unit disagrees with an agency action or the amount of FoodShare benefits, they may request a fair hearing. A fair hearing gives the applicant or member a chance to tell an Administrative Law Judge (ALJ) or other hearing officer why they think the decision about their FoodShare application or benefits was wrong. The agency that determined benefits also has the opportunity to provide justification of actions taken on the application or case. An ALJ will make a decision as to whether the agency took appropriate action and what, if any, follow up action is needed to ensure correct benefits are issued to the applicant or member.

Hearings are conducted by the Wisconsin Department of Administration, Division of Hearings and Appeals (DHA).

Hearings serve to:

1. Interpret the program to applicants and members who disagree with the agency's action.
2. Resolve factual disputes.
3. Clarify policies and their application in relation to laws and regulations.
4. Review policies in program administration and reveal those which require clarification or revision.
5. Promptly remedy unfair treatment, mistaken or arbitrary action and negligence.

The fair hearing process isn't intended to be a substitute for responsible administration.

Agency workers must assist members in filing a request for fair hearing if requested.

Some common reasons an applicant or member may file a fair hearing include:

- Denied application.
- Application not confirmed within 30 days of submission.
- Closure of benefits.
- Reduction of or disagreement with amount of FoodShare received.

A fair hearing must be requested within 90 days from the first day that a specific agency action impacted their FoodShare benefits.

A fair hearing may be requested at any time within a certification period if a food unit disagrees with their current amount of FoodShare benefits.

<b>Example 1</b>	On July 10, Howie's FoodShare case is updated with verification of newly reported income. Howie's FoodShare benefits decrease effective August 1. Howie has 90 days from August 1 to file a hearing request if he disagrees with the agency action.
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## 6.4.1 Fair Hearings

<b>Example 2</b>	Ignacio is open for FoodShare with a certification period of January through December and receiving the minimum allotment for an assistance group of one. In March, Ignacio talks to a friend who is also receiving FoodShare and getting a higher monthly payment. Ignacio requests a fair hearing due to disagreeing with the current amount of FoodShare benefits.
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**Note** *Applicable member notices systematically generated in Cares Worker Web are programmed to accurately indicate this date.*

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### 6.4.1.1 FSET Program Fair Hearings

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

## 6.4.2 Fair Hearing Request

The applicant, member, or representative may request a fair hearing in writing by filling out the Request for Fair Hearing form ([DHA-28](#)) or writing a letter with the request and sending it to DHA. A fair hearing request can also be made verbally to the agency worker. When a verbal request is made, the agency worker must complete the Request for Fair Hearing form on behalf of the applicant or member and send it to DHA. Requests can be submitted by mail, fax, or email.

Division of Hearings and Appeals  
P.O. Box 7875  
Madison, WI 53707-7875

Fax (608) 264-9885

Email: [DHAMail@wisconsin.gov](mailto:DHAMail@wisconsin.gov)

DHA will schedule a hearing upon receipt of the hearing request. DHA has jurisdiction to conduct hearings if the request is received by DHA within 90 days of the action effective date. DHA may dismiss a request if the action being appealed is a result of a change in federal or state law or policy affecting a significant number of members, unless the member questions its application specific to their case. When a hearing request is dismissed, DHA will notify the applicant or member.

A hearing request from an applicant or member who plans to move from Wisconsin before a decision would normally be issued, such as a migrant worker, will be expedited so the applicant or member can receive a decision and any restored benefits before they leave the state.

A group of persons may request a group hearing if individual issues of fact are not disputed, and the sole issue being appealed is a federal or state law or policy. DHA may also consolidate several hearings on the same topic into one but only on questions of policy. Procedures for group hearings are the same as in individual hearings. Each applicant or member must be notified of the right to withdraw from a group hearing and pursue an individual hearing.

## 6.4.3 Continuation of Benefits

Food units appealing an agency decision by requesting a fair hearing may have the previous level of benefits (the amount before the change) continued during the fair hearing process if certain criteria are met. The member must request to continue benefits before the effective date of the change or termination to have their benefits continued at the previous level while the hearing is pending. When benefits are continued, and the hearing decision goes against the food unit, the difference between the continued benefit amount and the amount the household should have been eligible to receive must be recovered through an overpayment claim.

While the fair hearing is pending, continue issuing the FoodShare assistance group the higher benefit amount as determined by the agency. Once the fair hearing decision is issued, take action to issue additional benefits not already issued or in instances where the appealing food units hearing is dismissed, recover any overpaid benefit.

Food units that choose to file a fair hearing should be reminded that agencies are required to act on all known information. During the FoodShare certification period, newly reported information for another program is treated as a change for FoodShare.

## 6.4.4 Resolution Prior to Hearing

When an applicant or member disagrees with an agency's action, the applicant or member may contact their agency to attempt to resolve the issue. This may be done through the normal modes of communication between the applicant or member and the agency, such as a phone call or in-person visit. It also may be done through an agency conference where the applicant or member meets with the worker responsible for the agency's action or other agency representatives.

This contact with the agency does not affect the applicant or member's right to a fair hearing or the time limit for requesting a fair hearing. The agency must advise the applicant or member that to have an agency conference is the applicant or member's choice and doesn't delay or replace a fair hearing. The applicant or member may request a hearing without first contacting the agency.

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**Note** *If the applicant or member requested a fair hearing, the fair hearing process will continue unless the applicant or member voluntarily withdraws the hearing request in writing to DHA .*

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## 7.1.1 Allotments

Determine FoodShare benefit allotment amounts using the information provided in Chapters 1 through 6.

FoodShare allotments belong to the assistance group to which they were issued. Benefits cannot be transferred to other cases or EBT accounts. As long as there is one adult food unit member (or emancipated minor) in the assistance group, the adult retains control of the EBT card. In instances where the household splits and some of the individuals for which benefits were issued move into another household, the assistance group retains control of the EBT card.

<b>Example 1</b>	John and Beth are married with two children; Will and Kelly. They receive FoodShare as a family until John dies. Kelly is John's child from a previous relationship and after John's death Kelly goes to live full time with her biological mother who then applies for FoodShare. She knows Kelly was issued benefits from previous months and through conversations with Beth, she also knows there are still benefits in Beth's EBT account from those past months. She asks the agency to give her access to those remaining benefits since some of them were issued for Kelly. The agency denies this request since it is up to Beth to decide if any more food will be purchased for Kelly. Since the benefits were issued to Beth and John, the benefits are only available to be used by Beth.
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### 7.1.1.1 Initial Allotment

7 CFR 273.10(a)(1)

An initial FoodShare allotment is prorated from the application filing date, unless the prorated initial allotment amount is less than \$10. Initial allotments of less than \$10 are not issued. There is an exception for food units that include a migrant or seasonal farm worker and have continuing FoodShare eligibility (see [SECTION 7.1.1.2 INITIAL ALLOTMENT FOR MIGRANT AND SEASONAL FARM WORKERS](#)).

<b>Example 2</b>	Vera's case closed November 30. She reapplies on January 3 and is found eligible and will receive prorated benefits for January.
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Do not prorate an allotment in the month following FoodShare case closure if closure is due to an agency delay (see [SECTION 2.1.1 INITIAL CERTIFICATIONS \(APPLICATIONS\)](#)). Benefits should go back to the 1st of the month.

<b>Example 3</b>	Jeff receives notice of an appointment for a renewal interview in the last month of his certification period (July) but cannot attend the appointment because he is working. Jeff asks to reschedule the appointment, but the next appointment the IM worker has available is August 5. Jeff completes the renewal interview on August 5 and provides all verification by August 8. Do not prorate benefits for August. Issue benefits from the first of the month. Document in case comments the reason for the delayed renewal.
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### 7.1.1.2 Initial Allotment for Migrant and Seasonal Farm Workers

7 CFR 273.10(a)(1)

The initial allotment is not prorated for food units that include a migrant or seasonal farm worker when at least one FoodShare assistance group member has participated in the FoodShare program during the 30-day period before application. These food units have continuing eligibility for FoodShare.

### 7.1.1 Allotments

<b>Example 4</b>	A migrant food unit arrives in Wisconsin from Texas on April 20 and applies for FoodShare. Their SNAP case closed in Texas on March 31. Their first month of eligibility (April) is not their initial month. Consider it a continuation of benefits and issue a full allotment for April.
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<b>Example 5</b>	A migrant food unit arrives in Wisconsin on May 5 and applies for FoodShare. Their case closed on March 31 in Texas, and they did not receive SNAP benefits in April or May. The initial month of eligibility is May. Since it has been more than 30 days since the last receipt of SNAP, prorate benefits from the date of application.
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#### 7.1.1.3 Initial Allotments for Expedited Issuance

7 CFR 273.2(g)(2)

Food units that have an application filing date after the 15th of a month and are found eligible for expedited issuance must receive a combined allotment for months one and two. This also applies to cases that are eligible for expedited benefits for month one, but not month two. As long as the filing date is after the 15th of the month, issue a combined allotment for both month one and two.

<b>Example 6</b>	Laurie applies for FoodShare on May 16. She has no income and meets expedited eligibility requirements. Laurie will be starting a job in June that will result in either less FoodShare or loss of FoodShare eligibility. Laurie's IM worker issues benefits for May and June. Verifications other than "identity" are waived.
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#### 7.1.1.4 Minimum Allotment for One or Two Person Assistance Groups and Zero Dollar Allotments

7 CFR 273.10 (e)(2)(ii)(C)

Categorically eligible assistance groups that include one or two persons are eligible for a minimum \$23 allotment, except for the initial prorated benefit which cannot be less than \$10.

**Note** *When testing under regular SNAP rules following a lottery or gambling closure, there is no minimum allotment for one- or two-person assistance groups.*

FoodShare assistance groups with \$0 FoodShare benefits in their initial benefit month and an allotment greater than \$0 in the second month will be denied in the first month and opened in the second month. The 12-month FoodShare certification period will begin the month of application even though the first month may be denied because the allotment amount is \$0. If the benefit calculation is \$0 for the first two months, the application will be denied.

<b>Example 7</b>	Barry applied for FoodShare in August after he lost his job. Barry received \$0 for August (due to excess income) and was found eligible for \$98 in September. His certification period starts in August.
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<b>Example 8</b>	Tiffany applied for FoodShare on March 28. Tiffany was found eligible but received \$0 for March because her benefits were prorated. In April, she is eligible for \$55. Her certification period starts in March and her renewal will be due in February of the next year.
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Transitional FoodShare households will remain open if the FoodShare benefit is reduced to \$0 for the month between the benefit determination month and the month transitional FoodShare benefits (TFS) begin (see [SECTION 5.1.1 TRANSITIONAL FOODSHARE BENEFITS \(TFS\)](#)).

### 7.1.1 Allotments

<b>Example 9</b>	Donna accepted a job in July and her last W-2 check was issued in August. Her TFS benefit starts in September. Her income from her new job impacted her August allotment. The August allotment was reduced to \$0. However, the TFS benefit amount is based on the July budget minus the W-2 payment amount. The case remains open during the month of August and her TFS benefits start in September using the July information.
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### 7.1.1.5 Replacement Issuance for Destroyed Food

7 CFR 274.6

#### Providing replacement benefits

Issue replacement benefits to a food unit when they report that food purchased with FoodShare benefits was lost or because of a household misfortune or natural disaster.

There is no limit to the number of times replacement benefits can be requested to replace food that was lost or destroyed.

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**Note** *When a Federal Individual disaster declaration has been issued and the food unit is eligible for DSNAP benefits, the food unit is not eligible to receive both a disaster (DSNAP) benefit and a replacement benefit for the same misfortune (see [SECTION 5.3.1 DISASTER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM \(DSNAP\) FOR VICTIMS OF NATURAL DISASTERS](#)).*

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#### Food Benefits Replacement

Only issue replacement benefits to the food unit if they make a timely report of the loss. The food unit may make an initial report of the loss to their agency orally or in writing. If the food unit makes an initial report, it must be made within 10 calendar days of the date food was destroyed in or as a result of a household misfortune or natural disaster. If the 10th day falls on a weekend or holiday, consider it to have been received timely if the member reports the loss on the business day following the weekend or holiday. The food unit must submit the Request for Replacement FoodShare and/or Summer EBT Benefits form ([F-00330](#)) within 10 calendar days after the initial report of the loss of food. The form may be completed in person, online via ACCESS, over the phone, mailed, or faxed to the agency.

<b>Example 7</b>	Lorraine was impacted by a power outage that occurred October 1 and lasted through October 2. Her food was destroyed on October 3. On October 12, Lorraine calls the agency to report her loss of food purchased with FoodShare benefits. During the call, Lorraine loses service and is not able to complete the request form over the phone at that time. Since she was able to verbally report the loss to the worker before the call dropped, this is considered a timely initial report. Lorraine must complete and return the Request for Replacement FoodShare and/or Summer EBT Benefits form within 10 days of her initial report to be eligible to receive replacement benefits. She can return the completed form in person, online via ACCESS, over the phone, or by faxing the form to the agency. If Lorraine submits the completed form by or on October 22, use the September benefit to issue the replacement.
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If the food unit does not make an initial report of the loss to the agency, they must submit the Request for Replacement FoodShare and/or Summer EBT Benefits form within 10 calendar days of the date food was destroyed in or as a result of a household misfortune or natural disaster. If the 10th day falls on a weekend or holiday, and the form is received the day after the weekend or holiday, consider it to have been received timely.

### 7.1.1 Allotments

The replacement benefit amount is the lessor of the claimed loss, or, up to the full allotment that was issued for the month of loss. If a member is eligible for replacement benefits, and the food loss occurs prior to the member's regular monthly issuance, process the replacement under the prior month's issuance, even if the prior month's issuance is lower. The full allotment issued to the food unit includes any restored or supplement benefits.

<b>Example 8</b>	Mary and her daughter receive FoodShare benefits on the 3rd of each month. In June Mary's benefit was \$275, and in July her benefits will increase to \$345. There was a fire in their home on July 1. Mary goes into the agency on July 10 and reports that all of her food, valued at \$600, was destroyed in the fire. Mary completes the Request for Replacement FoodShare Benefits, (F-00330) and provides a statement from the Red Cross. Mary is eligible to have the full amount of her June benefits replaced. Process the replacement under June's issuance in the amount of \$275.
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<b>Example 9</b>	Kevin receives FoodShare benefits of \$170 on the 4th of each month. Kevin's power went out overnight for 10 hours July 6. On July 7, he had to throw away his food due to spoilage. On July 16, he submits the completed replacement benefits request in ACCESS. Kevin claims he lost \$100 worth of food. The IM worker verifies the misfortune using power company data and issues Kevin \$100 in Foodshare replacement benefits for July.
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### Statement of Loss: Request for Replacement FoodShare and/or Summer EBT Benefits form (F-00330)

Before issuing a replacement, the agency must obtain the signed request for replacement benefits form attesting to the loss of food from an adult member of the food unit. The form may be completed in person, online via ACCESS, over the phone, mailed, or faxed to the agency.

If the signed request or form is not received by the agency within 10 days of the initial report or loss of food, do not issue replacement benefits.

### Verifying FoodShare Eligibility

When a food unit makes a request for replacement benefits, the agency must check if the food unit had received a FoodShare benefit in the month that the misfortune occurred or the month before the misfortune occurred.

Use the Benefit Issuance History page to determine if the food unit was receiving benefits prior to or at the time of the misfortune. Do not use the EBT Transaction Details page when determining replacement eligibility or amounts.

<b>Example 10</b>	Steve and his child received a monthly benefit of \$265 on July 14. Due to a change in circumstances Steve's August benefit amount increased to \$355. August 3, Steve calls and reports that his electricity was shut off on July 28. He was able to pay his bill and the power was turned back on August 2. The power outage caused all of his cold and frozen foods to spoil. Steve claims to have lost \$600. Steve is eligible for a replacement up to his full July issuance of \$265.
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### Verification of misfortune or natural disaster

Workers must attempt to verify the household misfortune or natural disaster. If the agency cannot verify the misfortune and it is not questionable, the agency must issue the replacement benefits. If the

### 7.1.1 Allotments

agency cannot verify the misfortune and it is questionable, the agency must request verification of the misfortune from the food unit.

<b>Example 11</b>	Dawn requested \$60 of replacement benefits. She reports that her basement freezer, and all the food in it, was ruined after a flash flood. While attempting to verify the misfortune, the worker finds several news articles that show the flood affected an area that Dawn does not live in. The worker finds the misfortune questionable and requests proof of the misfortune from Dawn. Dawn needs to provide verification of the misfortune within 20 days.
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<b>Example 12</b>	Kendrick receives monthly FoodShare benefits of \$146. Kendrick reports that his fridge died and the \$200 worth of food in the fridge spoiled overnight. While processing the request, the worker sees that Kendrick has reported his fridge broke and destroyed his food every month for the past four months. The worker finds the misfortune questionable and requests proof of the misfortune from Kendrick. Two days later, Kendrick submits a receipt from a repairman for fixing his fridge. The receipt has Kendrick's name, the date of the payment, and states that the fridge had stopped working. Since Kendrick verified the misfortune, it is no longer questionable. The worker issues Kendrick \$146 of FoodShare replacement benefits.
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Workers should use discretion when determining if a misfortune is questionable.

The agency can verify the misfortune or disaster through a collateral contact, documentation from a community agency including, but not limited to, the fire department, utility company, the Red Cross, or a home visit. The verification needs to support that there was a misfortune or natural disaster which resulted in the destruction of food. Never attempt to verify the actual loss of food or value of food lost.

The agency must determine that the food loss occurred in or as a result of a household misfortune or natural disaster, such as, but not limited to, a fire, power outage, appliance failure, utility disconnection, or flood. A power outage lasting four hours or more can result in food spoilage and is therefore a qualifying household misfortune. Each replacement request must be evaluated on a case-by-case basis since the circumstances of each misfortune may be different (for example, food will spoil quickly during periods of extreme heat conditions, flooding may take a couple of days to reach the area food is stored or to damage an appliance).

For more information on food safety, review the U.S. FDA Food Facts resource on [Food and Water Safety During Power Outages and Floods](#).

A household misfortune does not include FoodShare benefits that were stolen.

### **Time limits for replacing benefits**

Replacement benefits must be issued to the food unit no later than 10 days after the initial report of loss or within two working days of receiving the signed form and verifying the loss, whichever date is later.

The agency must deny or delay replacement benefits in cases in which available documentation indicates that the household's request for replacement appears to be fraudulent.

A worker must send a Notice of Denial ([F-16001](#)) to explain the reason for the denial. Inform the food unit of its right to a fair hearing to contest the denial or delay of replacement benefits. Replacements shall not be made while the denial or delay is being appealed.

### 7.1.1 Allotments

<b>Example 13</b>	Ginny submits a Request for Replacement benefits form on November 20 stating her freezer broke down on November 15. Ginny is requesting replacement benefits of \$200 for the food she lost. The worker checks Ginny's FoodShare eligibility and notes that Ginny's FoodShare closed October 1. The worker must send Ginny a Notice of Denial ( <a href="#">F-16001</a> ) and explain that she is not eligible for replacement benefits because she was not eligible for or receiving FoodShare when her food was lost in November. The worker must also document the denial of the request in the case record. If Ginny files a fair hearing on this decision, no replacement benefits shall be issued while pending a decision.
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#### Verification exception policy

When a "State of Emergency", due to weather or natural disaster, has been declared by a government official for an area (county/zip code/city), verification of the misfortune is not required as long as the loss claimed was specifically due to the state of emergency event. The member has 10 days from the date the loss occurred to report orally or in writing. Allow 10 days for the Request for Replacement FoodShare Benefits form to be returned following the report of the loss.

In instances where the loss of food is found to be questionable during a "State of Emergency," the worker must verify the event which resulted in the loss of food. Document the reason(s) the loss was found to be questionable.

<b>Example 14</b>	A statewide "State of Emergency" was declared by the Governor due to severe weather. A number of counties sustained substantial damage from the storms including power outages lasting more than 24 hours. Other counties were unaffected by the storms. Terry is a FoodShare member who lives in a county that had little to no impact from the severe weather outbreak. Terry requests replacement benefits claiming his electric was out for more than twelve hours. The county Terry lives in has had no reports of power outages. The worker finds Terry's request to be questionable. The request is denied after the worker determines there was no power outage in Terry's county.
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<b>Example 15</b>	A "State of Emergency" was declared by the Governor on July 20 due to extensive flooding in Grant County. The Department of Health Services was granted special approval to allow households up to 30 days to report food loss, or by August 21. Jesse reports on July 31 that his home sustained substantial flooding resulting in the loss of his food. He claims to have lost \$300 in food on July 21. Jesse will need to complete a request form by August 21 (allowed by the extension) to be found eligible for replacement benefits. The request is not questionable, so the worker does not need to verify the loss.
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In some instances, the Department of Health Services may obtain approval to extend the timeframe for reporting and receiving a completed form. The Department of Health Services will issue additional information in these situations.

#### Documentation and reconciliation of replacement benefit requests

The agency must document in the food unit's case file each request for replacement, the date of the verbal or written request, the reason for the request, and whether or not the replacement was approved or denied.

When a request for replacement is made, replace the benefit for the month the loss occurred.

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**Note** *The "905" replacement supplement code must be used when issuing replacement benefits for lost or destroyed food. This is essential for tracking, reconciliation, and reporting purposes.*

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### 7.1.1.6 Replacement for Stolen Benefits

Some benefits stolen between October 1, 2022, and September 30, 2024, may be eligible for replacement. To be eligible for replacement, the theft must fall under certain acts of third-party theft. Third-party theft usually occurs when someone outside the household gains access to household benefits in ways including:

- Card Skimming – devices illegally installed on a point-of-sale terminal to capture card data or record FoodShare households’ EBT card PINs.
- Card Cloning – an unauthorized user creates a digital or physical copy of a FoodShare QUEST card using skimmed or stolen card information.
- Scamming – phishing or “social engineering” results in a FoodShare member disclosing their EBT card information through a fraudulent phone call, letter, or text message.
- Identity theft – an unauthorized individual accesses and records the personally identifiable information of a FoodShare member through means other than card skimming to access and use their FoodShare benefits.
- Other similar methods of third-party theft may be considered for benefit replacement.

Eligible third-party thefts must meet certain criteria to qualify for replacement:

- The theft must have occurred on or between October 1, 2022, and September 30, 2024.
  - The date of discovery must be no later than October 30, 2024.
- The theft resulted in unauthorized purchases in or outside of the State of Wisconsin or resulted in unauthorized online purchases for delivery at an address unauthorized to the member.

<b>Example 16</b>	Pat is eligible to receive \$96 per month of FoodShare. Pat gives their EBT card and PIN to their friend Alex and asks Alex to go to the store to buy Pat a gallon of milk and loaf of bread. Alex instead spends the entire balance of Pat’s EBT card (over \$300). Pat reports the theft to the local agency and submits a replacement request form. Since Pat gave their card and PIN to Alex, Pat is not eligible for replacement benefits.
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- The theft occurred by an individual or party unknown and unaffiliated to the FoodShare member.

<b>Example 17</b>	Lily is eligible to receive \$96 per month of FoodShare. Lily gives her EBT card and PIN to her friend Derek and asks Derek to go to the store to buy a gallon of milk and loaf of bread. Derek purchases the milk and bread and returns Lily’s EBT card. A few months later, Lily discovers unauthorized out-of-state purchases debited from her FoodShare account. Lily reports the theft to the local agency and submits a replacement request form. An investigation reveals that Lily’s EBT card was involved in a fraud skimming ring. Since Lily’s benefits meet the criteria for third-party theft, Lily is eligible for Replacement Benefits.
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- The theft occurred up to 30 calendar days prior to the date of discovery, within the eligibility timeframe of October 1, 2022 and September 30, 2024.
  - Members may encounter an emergency or uncontrollable situation that impacts their ability to meet the timely filing requirement. Exceptions beyond 30 days for the date of discovery may be granted on a case-by-case basis for these situations to support the member.
- The household has not already received two stolen benefit replacements in the current federal fiscal year (October 1 to September 30 of the following year).

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**Note** *The date of discovery is the date a member, a household, or the agency discovers that benefits were stolen.*

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### 7.1.1 Allotments

The replacement amount is the total amount of benefits stolen, or the amount equal to two months of the household's calculated monthly allotment for the date immediately prior to the date in which the theft occurred, whichever is less.

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**Note** *The monthly allotment includes D-SNAP and Emergency Allotments.*

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The replacement plan was implemented on September 1, 2023 (see [Operations Memo 23-29 FoodShare Fraud Replacement Benefits](#)).

When a replacement request is received, the active Wisconsin QUEST Card will be deactivated and a new card will be issued. The replacement card is issued without requiring a replacement card fee.

Most decisions to issue a replacement will be made within 30 days of the replacement request form being received. If approved, the replacement must be deposited into the Wisconsin QUEST Card account within 24 hours, and a letter sent to the member. If denied, the member will receive a written communication that includes the reason for denial and their fair hearing appeal rights.

### Fair Hearings

The denial notice will inform the food unit of its right to a fair hearing to contest the denial. Replacements shall not be made while the denial is being appealed.

### Fraudulent Replacement Requests

In the event a member intentionally files a false request, including but not limited to providing false information or withholding information, the case will be investigated for a potential intentional program violation (IPV) and ensuring appropriate actions are taken.

### 7.1.1.7 Voluntarily Refunded Benefits Amount

FoodShare benefits may be returned because the FoodShare assistance group voluntarily refunds them. Document in case comments appropriately when benefits are voluntarily returned.

### 7.1.1.8 Deny Benefit Increases Due to Penalties in Other Programs

7 CFR 273.11(j)

Do not increase a FoodShare assistance group's allotment when an individual's cash benefits under any other federal, state or local means-tested public assistance program are reduced for failure to perform an act required by the other program. Specifically:

1. Failure to comply with work programs,
2. Failure to comply with school attendance requirements (Learnfare), or
3. An act of fraud under that program.

<b>Example 18</b>	A W-2 participant intentionally fails to comply with a W-2 requirement and is sanctioned \$70 for non-participation. The W-2 group will only receive a check for \$603; however, the full amount of \$673 must be budgeted for FoodShare.
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Means-tested public assistance programs include, but are not limited to, W-2 or the Refugee Assistance Program. SSI is not considered a means-tested program for these requirements.

### 7.1.1 Allotments

Do not apply this policy if the food unit, or a new member in the food unit, is determined ineligible for the means-tested program at application. The food unit must already be receiving benefits, and the failure to comply must result in a reduction, suspension, or termination of those benefits.

No increase in the FoodShare allotment should be made for the duration of the penalty period. If other reductions or changes to the other program's benefits occur during the penalty period, which are unrelated to the failure to comply, the FoodShare allotment must be adjusted accordingly.

If the person or food unit is subject to a penalty period in both the FoodShare program and another program, apply the FoodShare penalty period first. If the other program's penalty period is longer, that penalty will continue after the FoodShare period is completed. The prohibition on increasing benefits follows a person who moves from one food unit to another.

### 7.1.1.9 EBT Benefit Issuance Calendar

7 CFR 274.2(d)

Benefit distribution is based on the eighth digit of the member's SSN. The schedule below is also posted on the [FoodShare webpage](#).

<b>Eighth Digit of SSN</b>	<b>Day of Month FoodShare Benefits will be available</b>
<b>0</b>	2nd
<b>1</b>	3rd
<b>2</b>	5th
<b>3</b>	6th
<b>4</b>	8th
<b>5</b>	9th
<b>6</b>	11th
<b>7</b>	12th
<b>8</b>	14th
<b>9</b>	15th

### 7.1.1.10 Expungement

If there has been no EBT card activity for at least 274 days, any monthly benefits that are older than 274 days will be expunged. The expungement occurs only for benefits that were issued more than 274 days in the past. The 274-day period resets every time a member uses their EBT card to purchase eligible food

### 7.1.1 Allotments

items, regardless of amount. Expungement may occur over multiple months if card inactivity continues (see Process Help, [Section 80.7 Expunged Benefits](#)).

When all food unit members are deceased, EBT benefits will expire.

## 7.2.1 Wisconsin Quest Card

FoodShare benefits are deposited in a member's account using an [Electronic Benefit Transfer \(EBT\)](#) system and are spent using a debit-like card called the Wisconsin QUEST card. Like other debit cards, the QUEST card must be activated by the cardholder, and the cardholder must create a Personal Identification Number (PIN) before it can be used. The cardholder will be asked to provide this PIN whenever a transaction is made.

### 7.2.1.1 QUEST Card Uses

The Wisconsin QUEST card allows access to FoodShare benefits through point-of-sale, swipe card terminals, or [online EBT payment options](#) with participating SNAP retailers. These transactions look like any other debit card transaction and are free to the cardholder.

Online and phone orders:

- FoodShare members placing pick up orders online or by phone must use their EBT card to pay at the time of pick up. This can be done in-store or by using a store's mobile point-of-service device.
- FoodShare members using a designated representative to pick up orders placed online or by phone using a EBT card must give the EBT card to the designated representative. The designated representative must use the EBT card to pay at the time of pick up. This can be done in-store or by using a store's mobile point-of-service device.
- FoodShare members ordering online or by phone for delivery must enter their EBT card information into the online payment system. Their FoodShare benefits are debited from their account following delivery of the order.

<b>Example 1</b>	Hannah calls the local grocery store to place a grocery order for pickup. Hannah cannot use a FoodShare EBT card to "pre-pay" for the groceries. However, when Hannah goes to the store to pick up the food, Hannah can use an EBT card to pay for eligible food items.
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<b>Example 2</b>	Sam places a grocery order online with Walmart for \$80. Sam is using FoodShare to pay for this order. Sam enters the information from their EBT card into the payment section. Sam's groceries are delivered two days later. Following the delivery of the grocery order, Sam's FoodShare account is debited \$80 for the cost of food purchased online through Walmart.
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**Advanced payment exception:** FoodShare benefits can be used to pay in advance when prior payment is for food purchased from a nonprofit cooperative food purchasing venture.

### 7.2.1.2 Authorized Buyers and Alternate Payees

Certain people can receive their own QUEST card to help members purchase food for the households. This includes legal guardians, conservators, powers of attorney, authorized representatives, authorized buyers, and alternative payees. To learn more (see [SECTION 3.22.1 DESIGNATED REPRESENTATIVES](#)).

#### Authorized Buyer

An authorized buyer is a person who is designated by the applicant, member, authorized representative, legal guardian, power of attorney, or conservator to purchase food for the member's household using their FoodShare benefits. An authorized representative cannot also be an authorized buyer. A person can only be an authorized buyer for one FoodShare household. To gain approval as an authorized buyer,

### 7.2.1 Wisconsin Quest Card

the designated individual is required to fill out and submit form [F-16004](#) to the agency of the applicant or member. A group living arrangement or facility-authorized representative cannot also be listed as an authorized buyer for anyone living in the facility.

Once approved, the authorized buyer receives a QUEST card in addition to the member, which allows them to purchase food for the member's household. The authorized buyer is limited to only using the FoodShare benefits and cannot report changes, access case information or any other benefits or services.

#### **Alternate Payee**

An Alternate Payee is a person designated by an applicant, member, authorized representative, legal guardian, power of attorney, or conservator to purchase food for the member's household using their FoodShare benefits. To become an alternate payee, complete and submit form [F-16004](#) to the applicant's or member's agency. They can only assist with the applicant or member's use of FoodShare benefits. Once appointed, the alternate payee will receive a QUEST card instead of the applicant or member. An authorized representative can be an alternate payee. A person cannot be an alternate payee and authorized buyer for the FoodShare household.

### 7.2.1.3 Temporary QUEST Cards

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A temporary QUEST card is for FoodShare members who need access to their benefits right away, including but not limited to:

- A new cardholder who meets expedited service requirements (see [SECTION 2.1.4 EXPEDITED SERVICE AT APPLICATION](#)).
- An existing cardholder whose permanent QUEST card has been damaged, lost, or stolen and who cannot wait until they receive a replacement card in the mail to access their benefits.

A temporary QUEST card can be obtained at the agency and, once activated and assigned a PIN, functions just like a permanent QUEST card. Like a permanent QUEST card, it can be used to purchase eligible food items at authorized SNAP retailers. However, a temporary QUEST card is only usable for 30 days or until the member assigns a PIN to their new permanent card, whichever is sooner.

#### **7.2.1.3.1 Requirement to Offer Opportunity to Receive a Temporary QUEST Card**

Members approved for expedited benefits must be offered the opportunity to receive a Temporary QUEST Card at an agency if they do not have an active QUEST card on file and available to them. This offer must be made by the worker on the same day the member is approved for expedited issuance or on the next business day after the member is approved for expedited issuance. This offer must be documented in the case file.

#### **7.2.1.3.2 Determining Eligibility to Receive a Temporary QUEST Card**

Eligibility for a temporary card must be determined by a worker at the time of the request.

To request a temporary card in both expedited and non-expedited situations, the Temporary QUEST Card Request Form ([F-02260A](#)) must be completed by the requestor and then submitted in person at the agency. This form asks the requester to share information about themselves and their relationship to

### 7.2.1 Wisconsin Quest Card

the case, provide information about the reason for their request, and acknowledge that they understand how temporary QUEST cards work and who can legally request and use them.

Once received, the worker will review the form, ask additional questions, and research the case further before determining whether a temporary QUEST card can be issued. Many factors are considered when determining if a person is eligible to receive a temporary QUEST card, such as:

- Their current benefit balance
- When benefits will next be issued to them
- How many temporary QUEST cards their case has received in the past 12 months
- When a new permanent card is expected to arrive in the mail

The requesting person will also be required to verify their identity at the time they are requesting the card, even if they have already verified their identity in CWW. This means the person will need to either confirm personally identifiable information (such as their Social Security number, date of birth, or address) or provide an ID document linking them to the FoodShare case (see [SECTION 1.2.6.1 REQUIRED VERIFICATION TO DETERMINE ELIGIBILITY](#) for a list of acceptable forms of identification).

All the information will be reviewed as part of the completion of the Temporary QUEST Card Issuance Worker Checklist ([F-02260](#)). This is a required checklist that the worker(s) must complete and scan into the Electronic Case File (ECF) when someone requests a temporary QUEST card, regardless of whether the request is approved or denied. This checklist can be completed by one worker (who both completes the checklist and issues the temporary card) or by two workers (one who completes the checklist and another who issues the temporary card). This decision may vary by agency.

#### 7.2.1.3.3 Separation of Duties

The Temporary QUEST Card Issuance Worker Checklist that determines eligibility for a temporary card must not be completed by the same worker who most recently approved the household for FoodShare benefits. Also, a temporary card must not be provided by the same worker who most recently approved the household for FoodShare benefits.

#### 7.2.1.3.4 Allowable Requestors

In addition to the primary person on a FoodShare case, other individuals with a relationship to the case may request a temporary QUEST card, including but not limited to:

- Other adult food unit members
- Authorized buyers
- Alternate payees
- Authorized representatives

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**Note** *To receive a temporary card, the requestor must be listed in CWW as either an adult food unit member or a representative of the case.*

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#### 7.2.1.3.5 Assistance with Activating the Temporary QUEST Card

When a person is determined eligible for and issued a temporary card, the agency must help them activate and add a PIN to the card. The temporary card is not ready-to-use until it has been activated and given a PIN. When a temporary card is issued, a new permanent QUEST card will be automatically sent to the household. This permanent card will be mailed via USPS to the cardholder's mailing address on file.

### 7.2.1 Wisconsin Quest Card

<b>Example 3</b>	Jonnie is Amanda’s authorized representative. Jonnie requests and receives a temporary card on behalf of Amanda. The permanent card will be mailed to Amanda, not Jonnie.
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#### 7.2.1.3.6 Temporary QUEST Card Limit

Agencies can provide a maximum of one temporary QUEST card per case per 12-month period. There are limited exceptions to this rule, which include:

- Expedited cases – Temporary cards provided when a case has recently been approved for expedited service do not count toward the temporary card limit.
- Extenuating circumstances – When a case has already reached the limit for allotted temporary cards in the past 12 months, the agency can provide an additional temporary card if all other temporary card eligibility criteria are met and if it is determined that there are extenuating circumstances present.

<b>Example 4</b>	Hannah, her husband, and three children are receiving FoodShare. One night, Hannah and her three children fled their home and went to a domestic abuse center. Hannah was unable to take their QUEST card when she left, but she needs to buy food for herself and her children. Hannah has an extenuating circumstance and would be eligible for a temporary EBT card.
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#### 7.2.1.3.7 Replacement Card Monitoring Requirement

DHS is required to monitor the total number of replacement QUEST cards each household is issued in a 12-month period. If four or more replacement QUEST cards are issued to a household in a 12-month period, the Office of the Inspector General may review their case for possible misuse of benefits.

After a person has been issued a temporary QUEST card, the permanent replacement card that is automatically mailed gets counted toward the four replacement card threshold. Each time a replacement card is issued (whether it is issued to the primary person on the case or another authorized cardholder), it is counted towards the four-card threshold.

The temporary QUEST card itself does not count toward the four replacement card threshold.

<b>Example 5</b>	The primary person on a FoodShare case is issued a temporary QUEST card on May 12. They receive a new permanent card in the mail on May 18. This permanent replacement card is counted as card one toward the four-card threshold. Then, on August 20, the authorized buyer on the same case requests a replacement QUEST card. They receive their new card in the mail on August 28. This permanent replacement card is counted as card two toward the four-card threshold.
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## 7.3.1 Calculating Overpayment Claim Amounts

### 7.3.1.1 Overpayment Claims Against Food Units

An overpayment, also known as an overissuance, occurs when an assistance group receives benefits they were not entitled to. An overpayment claim is the established amount that the member(s) must repay. With exceptions, a claim should be established against the adult members of any food unit that has received an overpayment.

#### Types of Overpayments

There are three types of overpayment claims: client error, non-client error, and Intentional Program Violation (IPV). A non-client error is sometimes referred to as an agency error.

Client Error	Non-Client Error	IPV
<p>A client error occurs when the food unit <b>unintentionally</b></p> <p>:</p>	<p>A non-client error occurs when the state or local agency:</p>	<p>An applicant or member commits an IPV when they <b>intentionally</b></p> <p>:</p>
<ul style="list-style-type: none"> <li>• Failed to provide correct or complete information,</li> <li>• Failed to report a required change in the change reporting timeframe (see <a href="#">SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS (SIMPLIFIED)</a>), or</li> <li>• Received FoodShare for which it was not entitled pending a fair hearing decision</li> </ul>	<ul style="list-style-type: none"> <li>• Takes an incorrect action on a FoodShare case,</li> <li>• Does not take prompt action on a change the food unit reported,</li> <li>• Fails to correct an action,</li> <li>• Incorrectly enters information or fails to include information that results in expedited eligibility,</li> <li>• Misapplies policy, or</li> <li>• System programming errors, such as failure to include a W-2 payment or SSI benefit increase.</li> </ul>	<ul style="list-style-type: none"> <li>• Make a false or misleading statement or misrepresent, conceal, or withhold facts, including but not limited to their identity, whom they are living with, or which state they live in, to become eligible or to remain eligible for benefits; or</li> <li>• Commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Supplemental Nutrition Assistance Program (SNAP) Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or</li> </ul>

### 7.3.1 Calculating Overpayment Claim Amounts

		trafficking of FoodShare benefits or QUEST cards.
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A FoodShare assistance group cannot receive commodities from a Tribal Food Distribution program (see [SECTION 3.11.1 FOOD DISTRIBUTION PROGRAM \(TRIBAL COMMODITIES\)](#)) and FoodShare at the same time. Make a claim against any group that receives FoodShare in the same month it also participates in a Tribal Food Distribution Program. If the group receives:

1. FoodShare and then receives Food Distribution Program commodities in the same month, the Food Distribution agency must process the claim.
2. Food Distribution Program commodities and then receives FoodShare in the same month, the FoodShare agency must process the claim.

### 7.3.1.2 Liability

7 CFR 273.16(b)(12)

7 CFR 273.18(a)(4)(i)

7 CFR 273.18(a)(4)(ii)

7 CFR 273.17(d)(4)

7 CFR 273.18(e)

All adults or emancipated minors who were included\*\* in the food unit or should have been included in the food unit at the time the overpayment occurred are liable for the repayment of the overpaid FoodShare benefits. If a liable member moves to another food unit, the responsibility of the overpayment is maintained and follows that member to the new food unit.

\*\*If someone was included in the food unit but should not have been included, they are not liable. An example may be a household reporting a change in household composition (someone moving out) and the agency failing to remove the person. The overpayment still exists, but the person who should have been removed would not be liable.

<b>Example 1</b>	Jack and Jake apply for FoodShare in January and include their 22-year-old son, Jeff, in their request. Their application is approved, and they receive the maximum monthly allotment for an assistance group of three. Jeff calls the agency in September to apply for FoodShare and is told he cannot receive the benefit because he is already receiving FoodShare on his parents' case. Jeff tells the worker that he just moved back to Wisconsin after graduating from college and has been out of state for the last four years. Once the IM worker determines that an overpayment exists, the worker will create an overpayment claim with Jack and Jake as the liable parties. Jeff is not liable because, although he was included in the assistance group, he did not reside in the household during the overpayment period and is not responsible for the overpayment.
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### 7.3.1 Calculating Overpayment Claim Amounts

<b>Example 2</b>	Susan is receiving FoodShare, and her 21-year-old daughter Jane lives with her. Because Jane is Susan's daughter, she must be included in the FoodShare determination with her mother (see <a href="#">SECTION 3.3.1.3 RELATIONSHIP RULES</a> ), but the agency failed to include her. The overpayment must be calculated using Jane's income and information. Both Jane and Susan are liable for the overpayment.
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<b>Example 3</b>	Ellen received FoodShare for herself and her two minor children. Ellen failed to report that the father of the children also lived in the home. The father had earned income, which caused an overpayment of FoodShare benefits. Since the father and his income should have been included in the FoodShare benefit determination (see <a href="#">SECTION 3.3.1.3 RELATIONSHIP RULES</a> ) he is equally liable for the overpayment of FoodShare benefits.
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Liability for a FoodShare overpayment is not split evenly among liable parties. Liable persons are responsible for 100% of the overpayment until the debt is repaid in full.

<b>Example 4</b>	Jessa and Abbey are roommates in the same food unit receiving FoodShare. In June, Jessa informs the IM agency that she received a raise. The IM worker does not take prompt action to process this change, leading to an overpayment of \$600. Together Jessa and Abbey are liable for the whole \$600 overpayment. In their repayment agreement, they decide to make monthly payments of \$40. They decide amongst themselves that Jessa will contribute \$30 while Abbey contributes \$10.
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A person connected to the household, such as an authorized representative or legal guardian, who actually trafficks or otherwise causes an overpayment is responsible and liable for a FoodShare overpayment in addition to the applicable food unit members. A connected person is only liable if they were responsible for the overpayment.

**Exception:** An authorized representative applying on behalf of a resident of a drug or alcohol treatment center or a group living arrangement (GLA), is responsible and liable for any FoodShare overpayments to the member due to misrepresentation or IPV which the authorized representative knowingly commits in the certification of treatment centers, GLA residents, or individual representatives. An authorized representative can be a person or an organization.

<b>Example 5</b>	Pat's appointed legal guardian, Nick, completed and signed a FoodShare application for Pat and completed the required FoodShare interview on Pat's behalf. Nick incorrectly reported that Pat was responsible for paying the total \$1000 monthly rent expense. Nick received rent assistance and was only responsible for paying \$200 per month in rent. This resulted in an overpayment on Pat's case. Because Nick acted on behalf of Pat and is responsible for providing the incorrect information, Nick is liable to pay back the overpayment along with Pat.
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<b>Example 6</b>	Jennifer receives FoodShare benefits as a household of one. Jennifer has an authorized representative, Karey, who can act on Jennifer's behalf. Jennifer completed the required SMRF and failed to report a new source of income which resulted in an overpayment. Karey did not complete the SMRF and therefore did not cause the overpayment. When the IM worker completes the overpayment, Jennifer is the only liable individual.
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When a person(s) is disqualified due to IPV, there may be other adult household members that are liable for repayment of any overpayment, even if they were not connected to the act of program violation.

#### 7.3.1.3 When to Establish an Overpayment Claim

7 CFR 273.18(g)(3)

### 7.3.1 Calculating Overpayment Claim Amounts

An overpayment claim, even if under \$500, must be established in the following circumstances.

- FoodShare overpayment discovered through a State Quality Control (QC) review. Federal regulations require that corrective action must be taken to establish a claim for any error discovered through a QC review, regardless of the size of the error. Overpayments as a result of QC are not subject to claim thresholds, regardless of the type of error. Failure to take timely corrective action may result in liquidated damages against the agency in the amount of \$250 or more. Overpayment claims found through a Quality Control review must be established following the procedures outlined in 7.3.1.5.
- FoodShare overpayments related to a member receiving duplicate benefits.
- FoodShare IPV claims

With exceptions, a claim should be established against the adult members of any food unit that has received an overpayment.

Do not establish a claim if:

- The agency did not ensure that a food unit signed the application form, or the signature received was not from a responsible adult household member (or someone authorized to act on their behalf).
- The overpaid month(s) occurred after a renewal or SMRF was due and appropriate notice of a renewal or SMRF requirement was not sent due to an incorrect certification period in CARES Worker Web.
- Incorrect expedited benefits were issued resulting from a non-client error.
- Benefits are issued solely because the 10-day negative notice requirement cannot be or has not been met.
- The overpayment occurred because of incorrect Social Security, SSI, or Wisconsin Unemployment, data exchange payment information. These are trusted third-party data sources and cannot be recovered.
- The overpayment occurred because of incorrect SAVE, Wisconsin Vital Records, or other non-financial data sources that are considered verified on receipt. These are trusted third-party data sources and cannot be recovered.
- The claim is a client or non-client error, and the total overpayment claim is less than \$500.

<b>Example 7</b>	Mary called the IM agency and requested to apply for FoodShare over the phone. Mary completed the FoodShare interview with the IM worker, but the call was disconnected prior to completing a telephonic signature. The IM worker inadvertently updates the case to reflect a signature was collected and confirms Mary open for FoodShare benefits without a signed application at \$281 per month. Four months later, the IM agency discovers the error. An overpayment claim is not established because Mary did not sign the FoodShare application.
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<b>Example 8</b>	Lex applied for FoodShare and reported no income. Lex was confirmed eligible for benefits at \$281 per month. At SMRF, the IM worker discovers that Lex was actually working at application and inadvertently failed to report income. Had Lex reported appropriately, Lex would have received \$251 per month in FoodShare. Lex received \$30 more than entitled to receive for a total of six months, or \$180. Since the total amount overpaid was less than \$500, no overpayment claim is established.
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### 7.3.1 Calculating Overpayment Claim Amounts

<b>Example 9</b>	Misha receives FoodShare benefits. Misha’s case was randomly selected for a QC review in June. The QC reviewer determines that Misha was overpaid \$150 in FoodShare benefits. Although the total claim amount is under \$500, the error was found during a QC review and therefore a claim is established.
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#### 7.3.1.4 Calculating the Overpayment Claim

7 CFR 273.18(c)

Calculating an overpayment claim involves determining the correct amount of benefits for each month in which a food unit received more FoodShare benefits than they were entitled to receive. The correct amount of benefits is the amount the food unit would have received had the information used in the eligibility determination been accurate at the time of the determination.

##### 7.3.1.4.1 Calculating a Claim

For the overpayment period, use the correct, converted, prospective income. This is the income that should have been budgeted at the time of the original determination for each month of the overpayment period. Overpayment calculations follow the same budgeting method as eligibility determinations.

Prospective budgeting is calculated by converting a weekly, bi-weekly, or semi-monthly payment into a monthly amount. This is the income an applicant or member is expected to receive during the current and future months. Income prospectively budgeted over the claim period should use converted monthly income and expenses (weekly multiplied by 4.3, biweekly multiplied by 2.15, and semi-monthly multiplied by 2) when applicable. Do not use the actual income to calculate the claim, even if all information is received for the entire overpayment claim period.

When calculating the overpayment, consider the food unit’s reporting requirements.

<b>Example 10</b>	Nehemiah applied for FoodShare on October 1. Nehemiah reported no income and was confirmed open for FoodShare. On February 25 the IM worker discovers that Nehemiah has been working since the previous August. The IM worker uses the four weekly paystubs that Nehemiah received in September to calculate prospective income since this is the verification that would have been available as of October 1 when Nehemiah applied. The average of the four weekly paystubs is multiplied by 4.3 to determine the monthly amount used to calculate the overpayment.
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##### 7.3.1.4.2 What Household Information is Appropriate to Calculate a Claim

Only use the income and expenses reported or required to be reported for each month of the overpayment period. Do not use income or expenses, or changes in income and expenses that were not reported and were not required to be reported.

When a food unit member should have been ineligible, their income and expenses must be deemed following the appropriate deeming standard.

The ineligible person is not counted as part of the assistance group in calculating the overpayment claim (see [SECTION 4.7.5 PRORATED DEEMING](#) and [SECTION 4.7.6 GROSS DEEMING](#)).

##### 7.3.1.4.3 Verification and Calculating the Claim

Eligibility verification requirements apply to determining overpayments (see [SECTION 1.2 VERIFICATION](#)). The food unit has the primary responsibility for providing documentary evidence to support statements

### 7.3.1 Calculating Overpayment Claim Amounts

in the case record and to resolve any questionable information. The worker must assist the household in obtaining this verification provided the food unit is cooperating with the agency.

The agency may contact the employer directly for verification. It is not necessary to contact the food unit before contacting the employer; both contacts can be completed at the same time.

The food unit must be given a reasonable opportunity to submit verification.

Members must be given 30 days to provide required verification unless it is determined that additional time is necessary in order to collect and submit the verification requested. If more than 30 days are allowed for verification by the member, document the number of days allowed and the reason.

Employers should be given 20 days to verify.

For Earned Income, verification may include:

- Dated check stubs
- Earnings reports, a statement from the employer, or EVF forms, signed by the employer
- Tax filings, Self-Employment Income Report Forms, or other business records for self-employment businesses.
- Tax filing records from the IRS or Wisconsin Department of Revenue (DOR) for self-employment businesses.

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*Income Eligibility Verification System (IEVS) may indicate that income was earned from an employer*  
**Note** *sometime during three months of the work quarter. Do not use IEVS in calculations and overpayments unless no other information is received verifying the earned income and best information available must be used.*

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#### 7.3.1.4.4 Failure to Obtain Verification

When all attempts to obtain needed verification are unsuccessful the worker must use the best available information to determine the monthly income amount for purposes of the overpayment calculation.

When the food unit fails or refuses to provide income information needed to calculate the claim and no other information is available, there is no overpayment. If the relevant information is later provided by the food unit, the claim should be recalculated with the new information factored into calculating the monthly eligibility and benefit amount that should have been received.

When no other form of verification is available, then SWICA information is considered the best available information and should be used to calculate an overpayment.

Document clearly in case comments the unsuccessful requests for verification from the household and the employer, and the reason for using a SWICA match as the best available verification of monthly income. Also clearly document how the income amount was calculated from the SWICA match.

#### 7.3.1.4.5 Offsetting Agency Caused Underissuance

If while calculating an overpayment claim, it is found that there was an underissuance that was a result of agency error and the underissuance is within the last 12 months, the amount of the underissuance must be offset against the total claim amount (if a claim is established) or a supplemental issuance should occur if there is no overpayment claim established.

#### 7.3.1.4.6 Assistance Group Size and Income Change Reporting Threshold

7 CFR 273.12(a)(5)(v)

### 7.3.1 Calculating Overpayment Claim Amounts

When determining if an overpayment occurred due to an unreported increase in total gross monthly income, compare the total actual unconverted income amount to the income reporting limit for the FoodShare assistance group size to determine if the income should have been reported. Use the monthly gross income limit for the household size that should have existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

<b>Example 11</b>	Craig applies for and receives FoodShare as a household of six. A SWICA match for Craig with significant wages is discovered midway through his certification period and a worker investigates for a potential overpayment. During the investigation, it is found that two of Craig's friends that had been in the household moved out in month two, but it hadn't been reported or updated on the case. Even though Craig's household size was 4 at the time employment started, Craig's reporting requirement would be if the household income increased over 130% of the FPL for a household of six, since that was the household size the last time the case was certified.
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#### 7.3.1.4.7 When to Count and Disallow or Disregard Income or Expenses

In overpayment calculations, do not apply the 20% earned income disregard to earned income that was required to be reported but was not reported timely.

Disregard income that was not previously reported and was not required to be reported due to reduced reporting requirements.

If during an investigation it is found that expenses were reported correctly at the time of the overpayment, use those same expenses when calculating the overpayment. If expenses were incorrectly reported, and subsequently verified (for example, the expense was considered questionable and the IM worker requested and received verifications, or the expense was verified through a QC review or a WHEAP data exchange, etc.) use the verified amount in the overpayment calculation. If the IM worker knows the expense is incorrect and verification was requested but was not received, do not allow the expense in the overpayment calculation.

<b>Example 12</b>	Lizzie received FoodShare from April through September. On the application, Lizzie reported no employment income. In October, the IM worker is investigating a potential overpayment. The IM worker verifies that Lizzie was working at the time of application and failed to report the income. When determining the overpayment amount, the IM worker does not allow the 20% earned income disregard because Lizzie failed to appropriately report employment income at the time of application.
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<b>Example 13</b>	Sam is receiving FoodShare. A fraud report is received that indicates Sam has a roommate and is only responsible for \$500 monthly in rent. Sam's FoodShare case reflects a \$1000 per month rent obligation. The IM agency investigates and finds that Sam misrepresented the rent obligation at time of application and receives verification that Sam's monthly rent obligation is \$500. When calculating the overpayment, the IM agency uses the verified correct amount of rent, \$500.
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### 7.3.1.5 Dates and Timeframes Associated with Overpayment Claims

7 CFR 273.18(d)(2)

#### Date of Discovery

### 7.3.1 Calculating Overpayment Claim Amounts

The date of discovery is the date the overpayment claim is established. This is the date that a claim is created, and a notice is triggered to be sent to the liable persons. The date of discovery is used to establish the look back period.

The date the claim is mailed or otherwise delivered to the food unit is considered the date of establishment of the claim for tracking purposes, including establishing delinquency for the purposes of tax intercept.

## Look Back Period

7 CFR 273.18(c)(1)

The look back period is the period of time preceding the date of discovery during which a claim can be established if an overpayment occurred. Different types of errors have different look back periods.

### ***Non-Client Error***

The look back period for non-client errors begins with the date of discovery and extends backward to the most recent of the following:

- Twelve months, or
- To the month the error was effective had the change been acted on timely

<b>Example 14</b>	<p>At Jeff's renewal on June 5, he verified income of \$800 per month. His IM worker miscalculated Jeff's income and budgeted \$400 per month instead of the \$800 per month that Jeff verified. When Jeff submits his SMRF on December 5, the IM worker discovers her error and corrects the case effective January 1. The IM worker determined an overpayment of more than \$500 exists and processes the overpayment that same day.</p> <p>To calculate the overpayment, the IM worker budgets the correct income amount of \$800 from the job Jeff verified.</p> <ul style="list-style-type: none"><li>• The date of discovery is December 5.</li><li>• Had the June change been acted on accurately the change would have been effective July therefore the overpayment period is July 1 through December 31.</li></ul>
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### ***Client Error***

The look back period for client errors begins with the date of discovery and extends backward to the most recent of the following:

- 72 months for duplicate participation,
- 12 months for all other client errors excluding duplicate participation, or
- The month the change would have been effective had the food unit timely reported it

The overpayment period begins with the first month eligibility would have been impacted or changed had the change been reported timely and would have been effective up to the month prior to when the case and benefits were corrected.

The month the change would have been effective cannot be more than two months after the change in circumstance actually occurred.

### 7.3.1 Calculating Overpayment Claim Amounts

<b>Example 15</b>	<p>Matt submitted a complete SMRF on August 4. On August 8, Matt's IM worker discovers that Matt started a job on April 5, and Matt received income in April that exceeded 130% of the FPL threshold. The income is sufficient that Matt is ineligible for FoodShare benefits. The new income should have been reported by the 10th of May. The IM worker corrects the case and closes it effective August 31. Matt's IM worker creates a claim the same day for the overpaid benefits.</p> <p>The date of discovery is August 8.</p> <p>Had the April income change been reported timely, the case would have closed as of May 31. Therefore, the overpayment period is June 1 through August 31. <a href="#">SECTION 6.1.1 CHANGE REPORTING FOR ALL FOOD UNITS (SIMPLIFIED)</a> applies, and the change must be reported by the 10th of the month following the month in which the total income exceeded 130% of the FPL.</p>
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#### ***IPV, Trafficking, and Duplicate Participation Claims***

The look back period for IPV, trafficking, and duplicate participation claims begins with the date of discovery and extends back up to 72 months, or the oldest month in when benefits were overpaid, whichever is more recent.

### 7.3.1.6 IPV

7 CFR 273.16(a)(1)

7 CFR 273.16(b)(12)

Establish a claim due to an Intentional Program Violation (IPV) (see [SECTION 3.14.1 INTENTIONAL PROGRAM VIOLATION \(IPV\) DISQUALIFICATION](#)) only when one of these conditions exists. The food unit member:

1. Signs a disqualification consent agreement after being referred for prosecution
2. Is convicted of a FoodShare felony or found guilty of IPV in an Administrative Disqualification Hearing or judicial proceeding

For trafficking-related claims, establish the claim as determined by either:

1. The person's admission.
2. The amount ordered through adjudication, or
3. The documentation that forms the basis for the trafficking charge.

When investigating an IPV and there is sufficient evidence to pursue it in court or an administrative disqualification hearing, do not establish an overpayment claim until the hearing concludes or signs the disqualification consent form.

If there is not sufficient evidence to establish that a claim resulted from an IPV, the claim would be established as either a non-client error or client error claim based on the circumstances surrounding the overpayment. Most often, claims that were pursued for IPV and determined to be a valid overpayment, but lack sufficient evidence to establish an IPV will be client errors.

If an IPV is established, only establish a claim if there are overpaid or trafficked benefits in the previous 72 months. There is no time limit for establishing an IPV, but claims resulting from IPV's may only be established for overissuances or trafficking that occurred within the 72 months that precede the date of discovery.

### 7.3.1.7 Notice of Overissuance (Overpayment) and Repayment Agreement

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7 CFR 273.18(d)

A Notice of FoodShare Overissuance ([F-16028](#)), a completed FoodShare Wisconsin Under/Overissuance Worksheet or FoodShare Wisconsin Overpayment Calculator worksheet, ([F-16030A](#)) and a FoodShare Repayment Agreement ([F-16029](#)) must be sent to the member for all types of claims. The Notice of FoodShare Overissuance must show how the claim was calculated.

When claims are established in BRITS, normal operation should result in the Notice of FoodShare Overissuance being generated and mailed the following business day. The FoodShare Repayment Agreement will be generated and mail on the first business day of the month following the Notice Date of the claim ). Failure to ensure these notices are sent may result in the claim being invalid or could require it to be recalculated based on when notice is correctly sent to the liable individuals.

Mail all correspondence to the last known address reported to the agency, unless through investigation it is verified that they no longer reside at that address. In this instance, agencies must demonstrate and document the due diligence process in obtaining the best-known address for the liable individuals.

Attempt a personal contact with the food unit in the initial collection efforts. The agency may request the repayment be brought before the court or addressed in an agreement reached between the prosecutor and accused person.

All Repayment Agreements (RPA) are due by the last working day of the month in which they are sent. In all cases, if the FoodShare assistance group is receiving FoodShare benefits, recoupment will take place. If the liable individual(s) signs and returns the repayment agreement, they may make a monthly repayment in addition to the recoupment from the FoodShare benefit allotment.

If FoodShare benefits are not being recouped and the liable individual(s) does not sign and return the FoodShare Repayment Agreement, the overpayment claim may be considered delinquent. The State of Wisconsin Public Assistance Collection Section will pursue collection action.

If a liable individual fails to make a scheduled payment or underpays, the overpayment claim may be considered delinquent as of the date of the missed payment.

Once a claim is delinquent, it is always delinquent.

## 7.3.2 Repayment of Claims

### 7.3.2.1 Repayments

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7 CFR 273.18(e) (4) and (5)

A liable person who makes a repayment agreement may not be subject to tax intercept so long as they are meeting the conditions of the agreement. Failure to sign and return a repayment agreement by the due date may result further delinquency collection action. When a repayment agreement is broken, the delinquency date would be the date the payment was due (unless the claim was already delinquent when the repayment agreement was completed). A repayment agreement is considered established when it is signed and returned by a liable individual.

The policies for monthly repayments are listed on the repayment agreements. Claims must be repaid within three years, but repayment can be negotiated to as low as \$20 per month per liable individual.

If more than one claim is established for a liable individual, the additional claim(s) will not be delinquent so long as the other claim(s) are being currently paid through an installment agreement or allotment reduction. Collection on the additional claim(s) are expected to begin once the prior claim is settled.

If the liable individual has a previous agreement based on a court-ordered amount, they must repay according to that agreement. They must also still sign and return the repayment agreement to avoid further collection action.

A claim awaiting a fair hearing decision must not be considered delinquent, unless it was considered delinquent prior to the fair hearing being granted.

A claim awaiting a fair hearing decision must not be considered delinquent.

If a new overpayment claim occurs for a liable individual and they already have a delinquent claim, the new claim will be determined delinquent unless it is paid in full by the due date listed on the repayment agreement.

### **Collection**

Collect repayment for all existing claims with a balance, including all types of errors, regardless of when the claim was created. Only collect up to the amount of the claim. If the liable person wishes to pay the whole claim at once, they may do so.

Pursue collection of FoodShare claims even if the liable individual(s) moves out of a county/tribal area or out of Wisconsin.

The agency that overpaid benefits has the first opportunity to create an overpayment. If the agency does not act promptly to create the overpayment, and the group moves, the new agency can create the claim. The new agency must contact the agency that overpaid the benefits to see if they intend to create the claim.

### 7.3.2.2 Allotment Reduction

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7 CFR 273.16(g)(1)

### 7.3.2 Repayment Of Claims

An overpayment due to any type of error will be recovered from a FoodShare assistance group participating in the program by reducing their allotment. This will occur even if a signed and completed FoodShare Repayment Agreement is returned.

The type of error determines the amount that will be recovered each month.

1. Client/non-client error: CARES will reduce the allotment by the greater of 10% of the FoodShare assistance group's monthly allotment or \$10 each month. The minimum benefit level for one or two person groups applies before CARES reduces the allotment.
2. IPV: CARES will reduce the allotment by the greater of 20% of the group's monthly entitlement or \$20 each month. The entitlement is the amount of benefits the group would have received if not for the disqualification of a FoodShare group member. The minimum benefit level for one or two person groups applies before CARES reduces the allotment.

CARES will not allow workers to reduce the recovery amount to less than \$10 for client/non-client and less than \$20 for an IPV.

The FoodShare Repayment Agreement allows a participating member to opt to have more than the base recoupment amount withdrawn from the FoodShare issuance if they choose.

<b>Example 1</b>	Luther failed to report income for FoodShare and was found liable for a \$2,000 overpayment claim. Luther receives the FoodShare Repayment agreement and commits to repaying \$30 per month. Luther is still eligible for FoodShare and receives the maximum benefit but does not use his entire benefit. In addition to choosing to repay \$30 per month, Luther also indicates he wants \$40 per month taken from his FoodShare benefit via allotment reduction. Luther has agreed to a total of \$70 to be repaid each month, \$30 direct payment and \$40 via allotment reduction.
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CARES will not reduce the initial allotment when the food unit is first certified unless they agree to a reduction.

### 7.3.2.3 Collecting Client and Non-Client Error Claims Against Participating Food Units

7 CFR 273.17(d)(4)

7 CFR 273.18(e)

A participating food unit is one that is still open and receiving FoodShare benefits.

Establish collection of overpayment claims against participating food units unless claims are protected by the Federal Bankruptcy Code.

Do not charge any interest on the claim.

Food units must be allowed to voluntarily pay towards an overpayment claim(s) by reducing the issued benefits from the EBT account. Written permission must be obtained for this to occur which can be completed with the Request to Reduce Quest Card Balance ([F-19002](#)) form. If oral permission is instead obtained for a one-time reduction, a receipt showing the reduction must be sent to the food unit within 10 days.

Expunged benefits will be automatically applied to an outstanding claim balance.

### 7.3.2 Repayment Of Claims

If the member wishes to pay the whole claim at once, they may do so.

#### 7.3.2.4 Offsetting an Established Claim Amount

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7 CFR 273.18(g)(3)

Offset an existing FoodShare overpayment (claim) with the calculated FoodShare underpayment (supplement) amount when both situations exist. Offset the claim against any amount that has not been supplemented to the FoodShare assistance group. An IM worker may offset a suspended or terminated claim amount against an underpayment amount.

An initial allotment and a DSNAP benefit allotment must not be reduced to offset a claim. This includes retroactive initial allotments.

Person Adds are not initial allotments and person add benefit supplements can offset an overpayment claim(s). Offset the entire supplement if the claim balance is more than the supplement. If the claim balance is less than the supplement, CARES will correctly apply the amount of supplement that will zero out the claim and issue the remainder of the supplement as a benefit to the member.

#### 7.3.2.5 Tax Intercept

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7 CFR 273.18(g)(8)

The State of Wisconsin Public Assistance Collections Section (PACS) uses tax intercept from both state and federal tax refunds and credits to recover overpayment claims from anyone who has become delinquent in repayment of a claim. To use tax intercept, the overpayment must be considered delinquent.

Delinquency is defined as follows:

- Delinquency prior to establishing a repayment agreement is defined as a failure to establish an agreement and make a payment by the due date.
  - Once the repayment agreement due date passes, the claim is considered delinquent.
  - The repayment agreement due date is the delinquency date.
- Delinquency after a repayment agreement is established is defined as failing to make the monthly payment by the due date.
  - When a payment has been missed, the delinquency date is the date the payment was due, unless the claim was already delinquent prior to entering into the repayment agreement.

Delinquency can occur if:

- A signed repayment agreement is not returned with payment by the date listed on the agreement.
- Monthly payments stop or are not made in accordance with the completed repayment agreement.
- Received payment is less than the amount agreed to in the repayment agreement.
- The liable person already has existing overpayments which are delinquent.

To be certified for State and/or Federal intercept, the overpayment must meet all six of the criteria below:

### 7.3.2 Repayment Of Claims

	State Debt Criteria	Federal Data Criteria
1	Valid and legally enforceable	Valid and legally enforceable
2	All error types	All error types
3	\$20	\$25
4	At least 30 days after the notification of the tax intercept.	At least 120 days from the date of delinquency.
5	Free from any current appeals.	Free from any current appeals.
6	Incurred by someone who is not currently in bankruptcy.	Incurred by someone who is not currently in bankruptcy.

### Notice and Review

State tax intercept notices include a 30-day fair hearing right. The Division of Hearings and Appeals conducts the fair hearing. Federal intercept notices have a 60-day administrative review process. The State of Wisconsin Public Assistance Collection Section conducts the federal administrative desk review. The liable individual must provide evidence showing the claim is not past due or is not legally enforceable. If the liable individual cannot provide that evidence, the claim will be sent for intercept.

The claim is not subject to the state tax intercept while under appeal with the Division of Hearings and Appeals. A State fair hearing has no effect on a Federal Tax Intercept Action. A Federal desk review does not stay a Federal tax intercept action.

### 7.3.2.6 Overpaid Claims

7 CFR 273.18(h)

The Department of Children and Families Bureau of Finance, Public Assistance Collections Section (PACS) monitors and processes all refunds centrally at the State level. This section monitors all accounts for refunds. If a refund is due on a FoodShare overpayment and the FoodShare case is open, the PACS will contact the appropriate agency to issue a FoodShare supplement benefit in the amount of the refund due. If an agency notices that a refund has not been processed, the agency can contact the PACS at [dwspace@wisconsin.gov](mailto:dwspace@wisconsin.gov).

### 7.3.2.7 15% Local Agency Retention

When the cause of overpayment is client error, the local agency that establishes the claim may keep 15% of any collection that is made against the claim.

When the cause of overpayment is an IPV, the local agency may, in some circumstances, keep 15% of any collection against the claim.

When the cause of the overpayment is a non-client, also known as agency, error, the local agency cannot retain any portion of any collection that is made against the claim.

Repayment of overpayment claims through expungement does not allow for local agency retention.

### 7.3.2.8 Writing Off Claims Against Non-Participating Food Units

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7 CFR 273.18(e)(8)

Claims against non-participating food units and FoodShare assistance groups may be written off if reasonable collection efforts have been made and the debt is determined to be uncollectable.

Claims that have been referred to and or have resulted in a successful tax intercept should not be written off but should remain open until paid in full.

Recommendation to write-off can be made if proper documentation is submitted to demonstrate that the claim meets any of the following criteria:

1. It is found to be invalid in a fair hearing, administrative or judicial decision.
2. It is against a food unit in which all adult members are deceased, and the State does not plan to pursue collection against the estate.
3. It has been discharged through bankruptcy or a bankruptcy stay is in effect.
4. It cannot be substantiated from case records.
5. The state agency has determined, after exhausting collection efforts, that it is not cost-effective to collect the claim. If the request to write off the claim is made on this basis, the following criteria should be used:
  - a. The outstanding claim balance is \$24 or less and has been past due for 90 days or more.
  - b. The outstanding claim balance is from \$26 to \$499 and:
    - i. Three past due notices have been sent, and
    - ii. It has been past due for at least three years, and
    - iii. There have been no successful tax intercepts.
  - c. The outstanding claim balance is from \$500 to \$4,999 and:
    - i. Three past due notices have been sent, and
    - ii. It has been past due for at least five years, and
    - iii. There have been no successful tax intercepts, and
    - iv. It has been considered for referral to a collection agency or credit bureau.
  - d. The outstanding claim balance is \$5,000 or greater and:
    - i. Three past due notices have been sent, and
    - ii. It has been past due for at least 10 years, and
    - iii. There have been no successful tax intercepts, and
    - iv. It has been considered for referral to a collection agency or credit bureau.

Documentation of the following information is required:

1. The age of the claim(s),
2. Actions taken to collect, and
3. Documents relevant to the specific claim (for example, death certificates, bankruptcy discharge orders, and administrative or judicial decisions).

Recommendations for the writing-off of claims must be submitted to the Public Assistance Collection Section (PACS) by mail or email:

### 7.3.2 Repayment Of Claims

Public Assistance Collection Section  
PO Box 8938  
Madison, WI 53708-8938

[dwspace@wisconsin.gov](mailto:dwspace@wisconsin.gov)

## 7.3.3 Overpayment Claims Compromise

### 7.3.3.1 Introduction

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An overpayment occurs when a FoodShare household receives more benefits than they were entitled to. An overpayment is a federal debt and Wisconsin is required to recover these debts. Persons liable for an overpayment can request to reduce the debt to an amount which they can repay within three years. This process is called an overpayment claim compromise. The compromise determination process factors the liable persons' current financial circumstances and the reason the overpayment was originally established.

If the compromise request is approved, the debt is reduced to an amount that can be repaid in three years.

If the compromise request is denied, the debt will not be reduced.

The compromise process never increases debt above the amount originally owed at the time of the request for the compromise.

Previous debt payments are not refunded since it was a valid, existing debt at time of collection. This is true for both voluntary (repayment plan or direct payment to the Public Assistance Collection Section (PACS)) or involuntary debt payments (allotment reduction, tax intercept, etc.).

The compromise process is used to determine if the overpayment claim balance can be reduced. Persons believing that they should not have an overpayment or disagree with the overpayment claim amount may request a fair hearing (see [SECTION 6.4.1 FAIR HEARINGS](#)).

Requesting a compromise does not affect the obligation to repay the debt; the household continues to repay the debt during the compromise request process. When a compromise is requested, delinquency and collections (including allotment reduction for actively participating households) are not placed on hold.

### 7.3.3.2 Overpayment Claims Eligible for Compromise

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Overpayments due to agency error or client error are eligible for compromise. This includes claims that result from a Quality Control (QC) review.

An overpayment must be established into a claim before it can be compromised. The compromise process is not used as a factor to determine whether a claim meets the \$500 minimum overpayment claims establishment threshold (see [SECTION 7.3.1.3 WHEN TO ESTABLISH AN OVERPAYMENT CLAIM](#)).

FoodShare overpayment claims with an outstanding balance may be compromised unless the claim resulted from an Intentional Program Violation (IPV) or a fraud conviction.

### 7.3.3.3 Overpayment Claims Not Eligible for Compromise

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Overpayments that result from duplicate participation (resulting from agency or client error) or that result from an IPV or fraud conviction are not eligible for compromise.

Compromise requests are not considered if there is an active fair hearing process or during the 90-day fair hearing window. Compromise requests received during the fair hearing process or 90-day fair

### 7.3.3 Overpayment Claims Compromise

hearing window must be denied. A new request for compromise can be submitted and evaluated after the fair hearing process is complete or the fair hearing window closes.

#### 7.3.3.4 Compromise Request

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The date the signed compromise request is received by the agency will start the 30-day period in which most compromise decisions must be completed. Once all information is received, the request must be approved or denied. If a compromise request is received by the Central Document Processing Unit (CDPU), Milwaukee Document Processing Unit (MDPU), or an agency that should not process the request, the compromise request is forwarded to the agency that owns the claim. The received date is the date the form is received at the correct agency.

Compromises are requested in writing by one of the persons liable for the overpayment ([F-03266](#)). Verbal requests for compromises are not valid. For claims where multiple people are liable, only one person is required to request a compromise. The compromise request form is signed by the person requesting the compromise or by a designated representative. The compromise request form is signed by the person requesting the compromise or by a designated representative (see [SECTION 3.22.1 DESIGNATED REPRESENTATIVES](#)):

- Authorized representative
- Conservator
- Durable Power of Attorney of Finance
- Guardian of the estate
- Guardian of the person and the estate
- Guardian in general
- Attorney representing the requester

If the request form is not signed or does not have a valid signature, the agency must send a compromise verification request asking for a valid signature. If a valid signature is not received by the due date, the compromise request is denied.

The same general rules for a signature to be valid at application, renewal, or six-month report form (SMRF) apply for the compromise request (see [SECTION 2.1.3.3 SIGNATURE](#)). The person requesting the compromise must be familiar with the household circumstances as they are attesting to the nonfinancial and financial information for the household. An individual declared incompetent by a local, state, or federal court cannot sign a compromise request. Their representative or guardian will need to complete and request. Only the individual's representative or guardian can complete and sign the request. A request signed by a designated guardian (guardian of the estate, guardian of the person and the estate, or guardian in general) will not be considered a valid signature.

If the form is signed by a person claiming to be the requester's authorized representative, durable power of attorney, or guardian, documentation verifying this status must be provided to the agency. If the documentation was not previously verified and is not provided with the compromise request, the agency must send a compromise verification request. The Appoint, Change, or Remove an Authorized Representative form ([F-10126](#)) is also sent, when applicable. If no documentation is provided by the due date, the compromise request is denied.

<b>Example 1</b>	Colin and Chris are married and jointly liable for an overpayment. Colin completes the compromise request form and mails it to their agency. Chris does not also have to request a compromise. If granted, the compromise would be applied to both liable individuals.
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### 7.3.3 Overpayment Claims Compromise

Some overpayment claims and compromise requests contain multiple people who are no longer living in the same household. In these instances, the requesting person is asked to provide, if known, the address and phone number for the other liable person(s). When the other liable person(s) is contacted, they are asked to provide their household and financial information for a separate compromise calculation. Each liable person on the overpayment maintains equal liability for the full amount of the overpayment (see [SECTION 7.3.1.2 LIABILITY](#)); however, the current person or household whose calculation results in the lowest amount expected to repay will result in the claim being reduced to that lowest amount.

In the instance that other liable person(s) does not respond or refuses to cooperate, information from the initial requesting person is used for determinations. The agency can attempt to get information about other liable persons using State systems, data exchanges, and other available information.

<b>Example 2</b>	<p>Ria is liable for an overpayment that occurred when she was married to Gerald. They have since divorced and do not live together. Ria completes the compromise request form with the financial information for her current household. She also provides Gerald's contact information. The agency reaches out to Gerald, and he provides them the financial information for his current household.</p> <p>The agency completes the compromise process, calculating what each household would be able to repay. The agency finds that Ria's household could pay \$35 per month over three years and the Gerald's household could pay \$30 per month over three years. Gerald's expected repayment amount is lower than Ria's, so the overpayment claim for both Gerald and Ria who are equally liable for the claim will be compromised based on the expected repayment of \$30 per month over three years.</p>
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Compromises cannot be reviewed or approved until the fair hearing window has closed or until an ongoing fair hearing or court case linked to the overpayment is resolved. Since all newly established overpayment claims have the right to request a fair hearing for 90 days following creation, an overpayment claim will be 90 days old or older before a compromise can be evaluated. If a compromise is requested during the fair hearing period, it is denied. If a fair hearing is granted when claims are being evaluated for compromise, the compromise request is denied. A new compromise can be requested after the hearing concludes or the hearing window closes, whichever is later.

If the requesting household or other liable persons refuse or fail to provide information about liable persons outside of the requesting household, the compromise is not denied. If the other household is asked to submit verification or information and fail or refuse to do so, the compromise will not be denied.

#### 7.3.3.5 Compromise Calculation

The compromise calculation takes the current total balance of client and agency error FoodShare overpayment claims and compares them against a household budget formed through the request process. The household budget is prospectively calculated, resulting in an amount the household could pay monthly over a 36-month period. In instances where the amount that a household can repay is less than the total balance of the overpayment, the claim(s) is compromised to the amount that the household can repay over a 36-month period.

Use the current balance of the claim(s), not the amount when established, when determining if a compromise is appropriate.

To determine the anticipated amount that can be repaid in three years, the household of the liable person requesting the compromise must be evaluated for income, expenses, and assets. Do not use previously verified income and expense information (unless it was verified within the last 30 days) as it

### 7.3.3 Overpayment Claims Compromise

does not accurately represent the household's current circumstances. A current snapshot of household circumstances is used to determine repayment.

When a compromise is requested, use the FoodShare Household/Food Unit/Assistance Group (HUG) concepts (see [SECTION 3.3.1 FOOD UNIT/FOODSHARE ASSISTANCE GROUP/RELATIONSHIPS](#)). The compromising household is what would normally make up a food unit. If an active FoodShare program participant requests a compromise, their current food unit for benefit issuance is considered the household.

The compromise calculation is completed with the Overpayment Claim Compromise Worksheet. Income and expenses reported on the overpayment claim compromise request form is compared to the current sum of all FoodShare overpayment claims eligible for compromise.

If the person requesting a compromise is receiving FoodShare at the time of the request, 10% of their current monthly allotment is multiplied by 36. The final compromise calculation compares the recoupment amount to the amount expected to be repaid from the household income and expenses. The greater of the two is used to determine what can be repaid.

<b>Example 3</b>	Matilda requested a compromise on her FoodShare overpayment claim with an outstanding balance of \$1,000. Based on the income and expenses she reported during the compromise request, it is anticipated that she can repay \$15 a month, or \$540 in 36 months. Since \$540 is less than the outstanding balance of \$1,000, the compromise is approved, and the claim is compromised down to \$540.
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<b>Example 4</b>	Sameer has two FoodShare overpayment claims – one with a balance of \$300 and one with a balance of \$400. The total amount is \$700. He requested a compromise on these claims. Based on the income and expenses he reported during the compromise request, it is anticipated that he can repay \$25 a month, or \$900 in 36 months. Since \$900 is more than the \$700 total outstanding balance of the claims, the compromise is denied.
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<b>Example 5</b>	<p>Cynthia requests a compromise on her FoodShare overpayment claim with a balance of \$1,200. Based on her income and expenses, it is anticipated she can repay \$13 per month, or \$468. Cynthia also receives FoodShare with a monthly benefit of \$250. Ten percent of \$250 is \$25, or \$900. Since \$900 is less than \$1,200, the compromise is approved, and the claim is compromised down to \$900.</p> <p>Ten percent of the FoodShare allotment is used for this compromise since it is the greater of the two amounts when comparing against the income and expenses reported by the household.</p>
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#### 7.3.3.5.1 Asset Limit

Households with more than \$100,000 in available liquid assets are not eligible for compromise, regardless of monthly income and expenses. Persons requesting a compromise will self-declare if their assets exceed the compromise limit.

<b>Example 6</b>	Winston requested a compromise on his FoodShare overpayment claim with an outstanding balance of \$1,000. He reports that he has \$110,000 in stocks, his current monthly income is \$500, and he has
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### 7.3.3 Overpayment Claims Compromise

	monthly expenses totaling \$600. Since his available liquid assets are above the \$100,000 asset limit, his compromise request is denied.
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#### 7.3.3.5.2 Monthly Income

Count monthly household income, both earned and unearned. Earned income includes self-employment. For self-employment, the monthly income is the business income minus business expenses. Losses from a self-employment business will not offset other income and any loss will be considered \$0 income in the compromise calculation.

All income received by the household is counted in the compromise calculation, including income normally disregarded for FoodShare program eligibility.

Monthly household income, both earned and unearned, must be verified.

When calculating prospective monthly income and budget, include income amounts that may vary. For example, seasonal increases or decreases in hours.

#### 7.3.3.5.3 Monthly Expenses

Reported expenses, with the exception of utility expenses, must be verified. Reported utility expenses only require verification if questionable. If reported expenses have a monthly or expected amount to repay, this amount is used in the monthly calculation, rather than the total amount of the expense.

Allowable deductions and expenses include:

- Housing (mortgage, rent, property taxes, home assessment fees, etc.)
- Utilities (gas, electric, water, trash, phone, internet, etc.) Optional services like cable/satellite tv, streaming/subscription services, etc. are not allowed
- Health or medical costs, such as medications, copays, etc.
- Insurance (home, car, rental, health, dental, premiums, deductibles, etc.)
- Debt payments (credit cards, student loans, etc.)
- Financial support to and for others (child support, alimony, child care or elder care costs, etc.)
- Transportation and maintenance costs (auto lease, gasoline, bus pass, etc.)
- Adult education expenses (tuition, books, registration fees, etc.)
- Earned income deduction for households with earned income (deduction is automatically given when earned income is verified)
- A standard deduction representing average expenses most households would have for things like food, transportation, personal care, and regular household costs (deduction is automatically given since it is assumed all individuals have basic monthly expenditures)

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**Note** *Some expenses fit under more than one category. Include a reported expense only once in the compromise determination to avoid counting duplicate expenses.*

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<b>Example 7</b>	Beverly requested a compromise on her FoodShare overpayment claim. She reported that she owes \$3,000 for dental services she previously received and that she set up a payment plan with her dental clinic to pay \$50 a month toward this bill. The worker must use the \$50 monthly payment when calculating the compromise, not the \$3,000 total amount.
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### 7.3.3 Overpayment Claims Compromise

Only include verified expenses in the compromise calculation. If a reported expense is not verified, the compromise calculation must be completed with the non-verified expense excluded from the calculation. A compromise may not be denied due to lack of verification of a reported expense.

#### 7.3.3.6 Compromise Decision

Compromise request decisions must be made within 30 days of receipt. If additional information is needed, 20 additional days are allowed for the information to be provided. If the member requests help, agencies must assist with obtaining information, verification, or documentation. Best available information is used when it fairly represents the household’s circumstance. Incomplete compromise requests must be denied if they are not completed within 60 days of the request date. Once 60 days have passed from the request date, household submitted information may no longer accurately represent the household and their ability to repay their debt.

Once all information is received or the verification due date has passed, a decision must be made to approve or deny the request for compromise. Documentation received during the compromise request must be scanned into the case record through the Document Upload and Tracker page in the OCC tool.

<b><i>If the amount that can be repaid is less than the claim balance</i></b>		<b><i>If the amount that can be repaid is greater than the claim balance</i></b>
<p>The compromise is approved.</p> <p>Approved compromise requests are sent to and completed by DCF PACS. When more than one claim is involved in a compromise request, some or all of the claims may need to be reduced to a \$0 balance. This is based on what can be repaid, as calculated using the compromise worksheet.</p>		<p>The compromise is denied.</p> <p>If the requester does not provide sufficient household and financial information to calculate the compromise, the compromise request is denied.</p>

Each liable person must be sent a written notice of the decision (Compromise Claim Approval Notice) when a compromise is approved, including requests containing multiple liable people in the same household. All liable persons, including anyone that lives outside of the requester’s household must receive written notice that the balance of their overpayment claim has changed.

If a request for compromise is denied, the requester must be sent a written notice of decision (Compromise Claim Denial Notice) informing them the compromise has been denied. If liable parties outside the requesting household engage in the compromise process and provide information for the compromise determination, a denial notice must also be sent to them. Liable persons living outside of

### 7.3.3 Overpayment Claims Compromise

the current household who did not respond to or provide information for the compromise determination do not receive a notice of denial.

No refunds will be issued for payments made on a claim prior to the compromise decision. This includes direct payments, FoodShare recoupments, and money collected through tax intercepts or other collection methods.

The liable people on the claim continue to be responsible for paying any remaining balance after the claim is compromised.

A compromise is not removed from a claim once completed unless the compromise was made in error, a court or administrative law judge orders it, or the person requesting the compromise misled, abused, or failed to disclose information relevant to the compromise determination. Failing to repay or becoming delinquent does not affect a completed compromise and the compromise is not removed.

When a compromise is approved based on a false or misleading request or because of misrepresented, concealed, or withheld information (see [SECTION 3.14.1 INTENTIONAL PROGRAM VIOLATION \(IPV\) DISQUALIFICATION](#)):

1. The compromise should be removed with any compromised claims restored to the correct balance of the claim prior to the compromise, minus any additional payments that have since been made.
2. An IPV should also be pursued if there is clear and convincing evidence that the person intentionally violated program rules.

Approval or denial of a compromise has no impact on a household's current FoodShare eligibility. When information previously unknown to the agency information is reported through the compromise process, it should be considered a reported change known to the agency.

#### 7.3.3.7 Privacy and Disclosure of Information

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Information about a claim or compromise request can only be shared with a person outside of the current household if they were a part of the household when the overpayment occurred or if they are acting in a representative role during the compromise process. Only case and case file specific information relevant to the liable person during the overpayment period may be disclosed to that person. Case information cannot be disclosed to liable parties for time periods in which they were not a member of the household. Current household information reported as a part of the compromise request or used in the compromise determination cannot be shared with any liable persons that are not part of the current household.

When an overpayment claim is compromised, it is compromised for all liable persons, even if that liable party is no longer in the household.

#### 7.3.3.8 Requesting a Review of a Compromise Decision

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The escalation process is a review process to ensure compromise decisions were correctly determined. Compromise requests must go through the compromise process before going through escalation.

If there is disagreement with the final compromise decision, the requester may ask their agency to have the compromise reviewed. Requests for escalation can be verbal or in writing. The agency will review and evaluate the compromise to determine that correct notices were sent, policy was followed, and in

### 7.3.3 Overpayment Claims Compromise

instances of a denial, the compromise denial was correct. The denial is communicated through the IM Escalation Denial Letter. When the escalation is approved, the IM Escalation Approval Letter is sent to all liable parties the compromise request.

If after the escalation review, the requester still disagrees with the agency decision, the claim can be escalated to DHS to ensure the compromise determination was correct. The compromise will go through a similar review process with a DHS Escalation Approval or Denial Letter sent communicating the escalation decision.

Once the compromise is completed, the escalation process is the only recourse for review of the compromise determination. Sole authority to approve or deny compromises rests with DHS and the income maintenance agencies. Fair hearing rights do not apply to claims compromise decisions.

When DHS completes a claims compromise review using the escalation process, the decision is final, and cannot be appealed further.

Each escalation process should be completed within 30 days of the escalation request.

#### 7.3.3.9 Requesting a New Compromise

Liable persons who have had their request for compromise denied are only eligible for another compromise determination when a significant household change affects their ability to repay. If the reason for the denial was a failure to verify, a new request may be submitted and will be considered for compromise.

In instances where the household is over the asset limit and the request is denied, the liable person(s) may not have a new compromise considered for 18 months. The only exception to this 18-month restriction is a significant household change which affects their ability to repay. The requester must provide adequate documentation to corroborate their reported change.

Claims are typically compromised only once. If there is significant change in the household's circumstances, the claims should be reevaluated for compromise if a compromise is requested after one was previously granted. Compromised claims are to be paid in full before any new compromise requests are considered for newly established overpayment claims. Compromise requests cannot be reviewed or approved for claims not yet created.

<b>Example 8</b>	Felicity requested a compromise on her FoodShare overpayment claim in March. The compromise was denied due to the calculation determining that the amount she can repay over the next 36 months is greater than the remaining balance of the overpayment claim. Later in the year, Felicity's spouse developed a long-term medical condition that limits their ability to work for the foreseeable future. Due to this, Felicity's household income decreased significantly. Felicity re-requests a compromise in November. Based on the household's current income and expenses, a compromise was approved.
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#### 7.3.3.10 Delinquent Claims

Compromise requests do not stop or prevent claims from becoming delinquent. Households are expected to set up a payment plan or repay claims once they are established. Failure to do so results in the claim becoming delinquent, even if compromise has been requested or is pending a decision.

### 7.3.3 Overpayment Claims Compromise

Claims that are delinquent or in tax intercept can be compromised. Once the debt has been certified as collectible to the Wisconsin Department of Revenue or the U.S. Department of the Treasury, the amount of the debt that was certified to those agencies might still be collected depending on when the compromise is requested and approved.

Collection actions are not placed on hold during the compromise request process.

In instances where a claim has become delinquent and has been sent to collections, no refund is to be issued for any amount that was paid towards the claim, even when a compromise was being determined at or around the same time as the collection.

<b>Example 9</b>	<p>Darren is liable for an overpayment with an outstanding balance of \$3,000. He set up a payment plan, but he missed three months of payments. Due to the missed payments, Darren receives a notice in December that the State of Wisconsin will intercept his state tax return to pay toward his overpayment.</p> <p>In March, Darren completes his annual tax return filing and is set to receive a \$1,000 state tax return. Once he files, his state tax return is intercepted to pay toward his overpayment claim. Around the same time Darren files his taxes, he also contacts his agency to request a compromise on his overpayment claim.</p> <p>Based on Darren's income and expenses, the compromise is approved. The compromise calculation showed that he is anticipated to be able to pay \$0 toward the overpayment claim, so the remaining balance of the claim is compromised down to \$0. This process takes several days and the same day the compromise is approved, the tax return is intercepted due to the delinquent debt. Although the compromise was approved, the debt was certified as valid and collectible to the Wisconsin Department of Revenue.</p> <p>No money will be refunded from what was intercepted. The remaining balance of the overpayment will be compromised to \$0.</p>
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#### 7.3.3.11 DHS Compromised Claims

DHS will compromise qualifying overpayment claims on the basis that they will not be repaid in a three-year period. DHS will determine the eligibility for, and which claims qualify for compromise.

## 7.4.1 Benefit Underpayment

### 7.4.1.1 Supplement Benefits Due to Underpayment

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7 CFR 273.17 (a) and (b)

7 CFR 273.17(e)

Supplement FoodShare benefits when a FoodShare food unit received fewer benefits than it was entitled to receive. Only supplement benefits if the food unit did not cause the underpayment. Do not supplement benefits if the underpayment occurred more than 12 months before the month the underpayment is discovered.

IM workers must issue the appropriate supplement benefit as soon as possible, but always by the 10th day of the month the increase in benefits is effective. Issuing supplemental benefits prior to the QC sample pull (1st Saturday of each month) may result in the case being correct for a QC review rather than in error.

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**Note** *Federal regulations require that corrective action must be taken to restore lost or under-issued benefits for errors discovered through a Quality Control (QC) review, except for client caused under-issuances, which are not to be supplemented. Failure to take timely corrective action may result in liquidated damages against the agency in the amount of \$250 or more.*

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Supplement benefits even if the FoodShare assistance group is currently ineligible. The food unit does not need to request the supplement. Supplement benefits as soon the underpayment is discovered.

The local agency servicing the FoodShare case handles the correction if the case is receiving FoodShare. If the case is closed, the local agency that last serviced the case corrects the error.

Supplement benefits for a member disqualified due to an IPV only if the disqualification is reversed. Compare the allotment the FoodShare assistance group received with what it would have received if the disqualified member had participated and supplement the difference.

IM workers must issue the appropriate supplement benefit as soon as possible, but always by the 10th day of the month the increase in benefits is effective. Issuing supplemental benefits prior to the QC sample pull (1st Saturday of each month) may result in the case being correct for a QC review rather than in error. If a member is already getting benefits and requests a hearing before the benefits change, the assistance group can keep getting the same benefits until the hearing officer makes a decision. If the hearing officer decides that the agency was right, the assistance group may need to return the extra benefits received after the benefits were supposed to change.

### 7.4.1.2 Calculating the Amount of the Underpayment

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7 CFR 273.17(d)

When a benefit underpayment is identified, supplement the difference between the issued allotment and the correct allotment. Issue the supplemental benefits in addition to the FoodShare assistance group's regular allotment. Consider the food unit's reporting requirements when calculating the underpayment. Do not use income, expenses, or changes in income and expenses that were not reported and were not required to be reported.

The system will allow a worker to offset the supplement amount, as long as it is not an initial allotment.

### 7.4.1 Benefit Underpayment

If the FoodShare assistance group was eligible but received an incorrect allotment, calculate the underpayment amount (supplement) only for those months the group was participating in the program.

If the FoodShare assistance group was found erroneously, determine the date the ineligibility began based on the following:

Incorrect Action Taken	Underpayment Month(s) Outcome
Incorrect denial or delayed application	Use the application month
Terminated erroneously	Use the month the loss first occurred
Incorrect denial of renewal	Use the month following the expiration of the certification period

Calculate the underpayment amount for each month the FoodShare assistance group was, or should have been, eligible. Use the food unit's income and expenses reported or required to be reported for each month of the adjustment period. Benefits cannot be supplemented beyond 12 months from the month the underpayment is discovered.

<b>Example 1</b>	On May 22, 2022, an IM worker discovers that benefits had been underpaid since February 2021. The IM worker counts back 12 months from May 2022 and supplements benefits from June 1, 2021 to May 31, 2022.
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To calculate an underpayment:

1. Review the income and/or expenses in error. Do not review income and/or expenses that were not the cause of the error.
2. Use only the income and/or expenses that were reported or were required to be reported.
3. Request any verification necessary to determine correct eligibility and benefit amounts. Do not re-verify income and/or expenses that were not found in error. If requested verification is not provided in 20 days, do not issue a supplement for the months the requested verification would have impacted eligibility or benefit amounts.

<b>Example 2</b>	On June 10, Brian's IM worker discovers that she did not allow Brian the full dependent care deduction that he was eligible to receive since February 1. The IM worker uses the full dependent care deduction of \$200 per month to determine the difference between what Brian received and what he should have received from February to June. The IM worker does not request verification of Brian's income and other expenses because they were not found in error.
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### 7.4.1.3 Notice of Underpayment

CARES will issue a notice to food units at the time a supplement has been issued. The notice will include:

1. The reason for the supplemented or replaced benefits,
2. The supplemental benefit amount,
3. Any amount of the supplement that was applied to offset an overpayment claim,
4. The remaining amount of supplemental benefits the assistance group will be issued on the QUEST card after the offset has been applied,

### 7.4.1 Benefit Underpayment

5. Information regarding the QUEST card,
6. A list of key contacts,
7. Information regarding the food unit's right to request a fair hearing.
8. FoodShare rights and responsibilities, and
9. USDA nondiscrimination statement.

If the documents to support eligibility for supplemental benefits are not obtained, the food unit may provide an affidavit explaining why it is eligible. The affidavit is signed under penalty of perjury. The local agency, a food unit member, or the food unit member's designee may draft the affidavit.

#### 7.4.1.4 Method of Supplementing

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7 CFR 273.17(f) and (g)

Issue a supplemental benefit allotment to correct the underpayment, regardless of current eligibility. If the FoodShare assistance group's composition has changed, supplement benefits to the group containing the most FoodShare assistance group members when the loss occurred. If you cannot find or determine the group with the largest number, supplement benefits to the primary person at the time of the loss.

Document your calculations and the reason for issuing a supplement in the case comments.

## 7.5.1 Emergency Allotments

Emergency allotments were an extra monthly benefit issued as a supplement to open FoodShare households. Emergency allotments were authorized under the Families First Coronavirus Response Act. These benefits were sunset following the February 2023 issuance by the Consolidated Appropriations Act of 2023.

March 2020 through March 2021, the amount of the emergency allotment benefit issued brought each household up to the maximum allotment for their household's assistance group size. During this period, member's already receiving the maximum allotment for their household size did not receive an emergency allotment payment.

Starting in April 2021, the emergency allotment amount issued was the difference between a household's allotment and the maximum allotment for open a FoodShare household's assistance group size, or \$95, whichever was more.

FoodShare households that receive zero benefits for their first month due to proration and then receive FoodShare benefits in subsequent months were considered FoodShare recipients and were entitled to emergency allotments beginning in the initial month. The emergency allotment amount was based on the total ongoing monthly benefit amount for which the household was eligible, and not the pro-rated amount of the initial application month.

The emergency allotment amount was calculated based on what the FoodShare assistance group was eligible for, not what was received. Assistance groups with a recoupment had their emergency allotment benefit determined based on the monthly entitlement (the amount before the recoupment was taken out).

Following the sunset of emergency allotments, the continuation of emergency allotments was not allowed pending a fair hearing.

## 8.1.1 Income Limits

### 8.1.1.1 Monthly Income Limits

Effective October 1, 2024, through September 30, 2025.

	<b>Categorical Eligibility Income Limit</b>	<b>Elderly &amp; Disabled Separate Assistance Group</b>	<b>Income Change Reporting Threshold and Gross Income Limit for Non-Categorically Eligible Assistance Groups</b>	<b>Net Income Limit</b>	<b>Monthly Maximum FoodShare Allotment *</b>
<b>FoodShare Assistance Group Size</b>	<b>Gross Monthly Income Limit (200% FPL)</b>	<b>Gross Monthly Income Limit (165% FPL)</b>	<b>Gross Monthly Income Limit (130% FPL)</b>	<b>Gross Monthly Income Limit (100% FPL)</b>	
<b>1</b>	\$2,510	\$2,071	\$1,632	\$1,255	\$292
<b>2</b>	\$3,408	\$2,811	\$2,215	\$1,704	\$536
<b>3</b>	\$4,304	\$3,551	\$2,798	\$2,152	\$768
<b>4</b>	\$5,200	\$4,290	\$3,380	\$2,600	\$975
<b>5</b>	\$6,098	\$5,030	\$3,963	\$3,049	\$1,158
<b>6</b>	\$6,994	\$5,770	\$4,546	\$3,497	\$1,390
<b>7</b>	\$7,890	\$6,510	\$5,129	\$3,945	\$1,536
<b>8</b>	\$8,788	\$7,249	\$5,712	\$4,394	\$1,756
<b>9</b>	\$9,686	\$7,989	\$6,295	\$4,843	\$1,976
<b>10</b>	\$10,584	\$8,729	\$6,878	\$5,292	\$2,196

### 8.1.1.1 Income Limits

<b>Each additional member</b>	\$898	\$740	\$583	\$449	\$220
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*Note* The minimum allotment for one- and two-person assistance groups is \$23.

### 8.1.1.2 Regular SNAP Program Monthly Income Limits

Effective October 1, 2024 through September 30, 2025.

FoodShare Assistance Group Size	EBD Non-Categorically Eligible	Regular SNAP	
	Net Monthly Income Limit (100% FPL)	Gross Monthly Income Limit (130 % FPL)	Net Monthly Income Limit (100% FPL)
1	\$1,255	\$1,632	\$1,255
2	\$1,704	\$2,215	\$1,704
3	\$2,152	\$2,798	\$2,152
4	\$2,600	\$3,380	\$2,600
5	\$3,049	\$3,963	\$3,049
6	\$3,497	\$4,546	\$3,497
7	\$3,945	\$5,129	\$3,945
8	\$4,394	\$5,712	\$4,394
9	\$4,843	\$6,295	\$4,843
10	\$5,292	\$6,878	\$5,292
<b>Each additional member</b>	\$449	\$583	\$449

8.1.1 Income Limits

### 8.1.1.3 Asset Limits

Effective October 1, 2024, through September 30, 2025.

<b>Regular SNAP Rules Food Unit Type</b>	<b>Asset Limit</b>
<b>Elderly, Blind, or Disabled (EBD) and EBD over 200% FPL</b>	\$4,500
<b>Non-EBD</b>	\$3,000

	<b>Asset Limit</b>
<b>Substantial Lottery or Gambling Winning</b>	\$4,500

## 8.1.2 Allotment for Monthly Net Income and FoodShare Assistance Group Size

### Current Allotment Table

- [1-10 persons](#)
- [11-20 persons](#)

Allotment by monthly net income effective October 1, 2024, through September 30, 2025.

### Prior Years' Allotment Tables

Allotment by monthly net income and FoodShare group size effective dates:

Start Date	End Date
<b>October 1, 2023</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2024
<b>October 1, 2022</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2023
<b>January 1, 2021</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2022*
<b>October 1, 2020</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	December 31, 2020
<b>October 1, 2019</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2020
<b>October 1, 2018</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2019
<b>October 1, 2017</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2018

8.1.2 Allotment For Monthly Net Income And FoodShare Assistance Group Size

<b>October 1, 2016</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2017
<b>October 1, 2014</b> <a href="#">1-10 persons</a> <a href="#">11-20 persons</a>	September 30, 2016
<a href="#">November 1, 2013</a>	September 30, 2014
<a href="#">October 1, 2013</a>	October 31, 2013
<a href="#">October 1, 2012</a>	September 30, 2013
<a href="#">October 1, 2011</a>	September 30, 2012
<a href="#">October 1, 2009</a>	September 30, 2011
<a href="#">April 1, 2009</a>	September 30, 2009
<a href="#">October 1, 2008</a>	March 31, 2009
<a href="#">October 1, 2007</a>	September 30, 2008

\*The January 1, 2021, tables were initially applicable only through June 30, 2021, but were extended through September 30, 2021.

## 8.1.3 Deductions

Effective October 1, 2024.

Deduction Type	Amount
<b>Standard</b>	
For groups with 1-3 people	\$204
For groups with 4 people	\$217
For groups with 5 people	\$254
For groups with 6 or more people	\$291
<b>Dependent Care</b>	Use the out-of-pocket amount the food unit is obligated to pay. This is the amount not paid by a third party.
<b>Utility Allowances</b>	
HSUA (Heating Standard Utility Allowance)	\$538
LUA (Limited Utility Allowance)	\$375
EUA (Electric Utility Allowance)	\$151
WUA (Water and Sewer Utility Allowance)	\$103
FUA (Cooking Fuel Allowance)	\$47
PUA (Phone Utility Allowance)	\$30
TUA (Garbage and Trash Utility Allowance)	\$27
<b>Shelter Maximum Deduction (non-EBD households)</b>	\$712
<b>Homeless shelter deduction</b>	\$190
<b>Medical Allowance</b>	Expenses over \$35

#### 8.1.4 Disqualification For Divestment

## 8.1.4 Disqualification for Divestment

Use this table for divestments.

<b>Divested Assets Over the Group's Asset Limit</b>	<b>Number of Months Disqualified</b>
\$>0 - \$249.99	One (1)
\$250 - \$999.99	Three (3)
\$1,000 - \$2,999.99	Six (6)
\$3,000 - \$4,999.99	Nine (9)
\$5,000 or more	Twelve (12)

### 8.1.5 Eligible Food Items

## 8.1.5 Eligible Food Items

A list of [eligible food items](#) is found on the Supplemental Nutrition Assistance Program (SNAP) website. This website shows what food items may be purchased using FoodShare benefits.

People receiving their nutrition through Total Parenteral Nutrition (TPN) may be eligible for FoodShare benefits. TPN formulas are an eligible food item.

## 8.1.6 System Generated Payments

# 8.1.6 System Generated Payments

### Caretaker Supplement

\$250 per month for the first eligible child

\$150 per month for each subsequent eligible child

### Wisconsin Works

First W-2 payment monthly amount needs to be manually budgeted and count only for that month.

W-2 Placement Type	Gross Monthly Payment
CSJ	\$653
1/3 CSJ	\$218
1/2 CSJ	\$327
2/3 CSJ	\$435
W-2 T	\$608
CMC	\$673
ARP	\$673
CMF+	\$50

## 8.2.1 Worksheets and Forms

All Department of Health Services eligibility management forms (including FoodShare Wisconsin applications, forms, and worksheets) are found in the [Income Maintenance Forms library](#).

# Glossary

ABAWD

Able Bodied Adult Without Dependent

address

Address refers to the actual place where the household resides. • An address is required to be provided unless a household is homeless, a migrant, or newly arrived in Wisconsin. Verification of address is not required. • A household does not have to reside in a permanent dwelling. • A household may use a general delivery address when it applies. Contrast this with "residence" in the glossary.

adult

A person who is 18 years old or older

AP

Absent Parent (also known as the NCP- Non-Custodial Parent)

C-Supp

Caretaker Supplement for Children

CAF

Combined Application Form

CARES

Client Assistance for Reemployment and Economic Support

CBRF

Community Based Residential Facility

CFR

Code of Federal Regulations

child

A person's biological, step, or adopted son or daughter, regardless of age. If a child is adopted, the adoption severs the biological tie to the parent.

COFAS

Citizens of Freely Associated States

controlled substance

Illegal or unauthorized medicines, inhalants, drugs or narcotics including but not limited to: Marijuana, Opiates, Cocaine, Ecstasy, Barbiturates, and Amphetamines. The term does not include distilled spirits, wine, malt beverages, caffeine or tobacco.

CP

Custodial Parent

CS

Child Support

CSA

Child Support Agency

CSJ

Community Service Job

CWW

CARES Worker Web

deem

Deem means allocate income, assets, and/or expenses to the food group from an individual not in the food group

DHS

Wisconsin's Department of Health Services. Until July 1, 2008, it was known as the Department of Health and Family Services.

direct-marketing farmers

Farmer-producers who sell their own agricultural products directly to the general public, particularly fresh fruits and vegetables (but also meat products, dairy, and grains).

disregard

means do not count, exempt, or exclude

DVR

Division of Vocational Rehabilitation

EBD

Elderly, Blind, or Disabled

eFunds

eFunds is the current EBT vendor for Wisconsin.

EITC

Earned Income Tax Credit

emancipated minor

A married, widowed, or divorced person who is at least 16 years old, a minor who has given birth, a minor emancipated by court order, a minor emancipated by parental consent or a minor living on their own who is not supported by parents.

EP

Employment Plan

EPP

Error Prone Profile

ESS

Economic Support Specialist

FMHA

Farmer's Home Administration

FNS

Food and Nutrition Service

FPL

Federal Poverty Level

FSET

FoodShare Employment and Training

FSH

FoodShare Wisconsin Handbook

General Relief

A program administered by counties and paid for jointly by counties and the state. This program provides monthly cash grants and medical services.

GR

General Relief

homeless

An individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is: 1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter), 2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized, 3) A temporary accommodation for not more than 90 days in the residence of another individual, or 4) A place not designed for, or ordinarily used as a regular sleeping accommodation for human beings (for example, a hallway, bus station, a lobby, or similar places).

HSED

High School Equivalency Diploma

HUD

U.S. Department of Housing and Urban Development

IA

Interim Assistance: Payments made to an individual who has applied for SSI. These payments are considered a loan and must be repaid to the local agency upon receipt of the individual's initial lump sum SSI payment.

IMM

Income Maintenance Manual

INS

Immigration and Naturalization Service

Interim Assistance

Payments made to an individual who has applied for SSI. These payments are considered a loan and must be repaid to the local agency upon receipt of the individual's initial lump sum SSI payment.

IPV

Intentional Program Violation

IRIS

Include, Respect, I Self-Direct

JAL

Job Access Loan

JS

Job Service

KIDS

Kids Information Data System

LIHEAP

Low Income Home Energy Assistance Program

LRR

Legally Responsible Relative

MA

Medical Assistance, also known as Medicaid or Title 19

migrant

any person who temporarily leaves a principal place of residence outside of his state and comes to this state for not more than 10 months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state

minor

Someone less than 18 years old who is under the parental control of an adult food unit member

NCP

Non-Custodial Parent

NLRR

Nonlegally Responsible Relative

NMCP

Nonmarital Coparent

non-participating household

a food unit or AG that is closed and not receiving FS benefits.

OASDI

Old Age, Survivor and Disability Insurance

P&P

Purchase and Prepare

parent

A person's biological, step, or adoptive mother or father regardless of age. Parenthood doesn't have to be verified

parental control

An adult providing parental control acts as a parent would toward the minor child. A minor child is considered under parental control if the child is financially or otherwise dependent on a member of the household. Foster care providers do not meet the parental control definition.

participating household

a food unit or AG that is still open and receiving FS benefits

postal holiday

New Year's Day (January 1); Martin Luther King Jr Day (third Monday in January); President's Day (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day Observed (second Monday in November); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25)

PWE

Primary Wage Earner

QA

Quality Assurance

QC

Quality Control

qualified organization

A qualified organization must be a community -based nonprofit social service agency which is bonded or licensed in each State in which it serves as representative payee. A qualified organization may not collect a total fee for expenses of more than the lesser of 10% of the monthly benefit amount or \$25 per month.

Residence

Residency refers to Wisconsin residency and not the mailing address. Contrast this with address in the glossary.

residency

Residency refers to Wisconsin residency and not the mailing address. Contrast this with address in the glossary.

RFA

Request For Assistance

RNIP

Relief for Needy Indian Persons

RRB

Railroad Retirement Board

SEIRF

Self-employment Income Report Form

service animal

An animal must be individually trained to perform tasks that relate directly to the disability. This does not include animals which solely provide emotional support or comfort.

sibling

A brother, sister, half-brother, half-sister, stepbrother, stepsister, and siblings related through adoption

SMRF

Six Month Report Form

SNAP

Supplemental Nutrition Assistance Program

spouse

A person recognized by Wisconsin law as another person's legal husband or wife. Wisconsin does not recognize common law marriage.

SSA

Social Security Administration

SSI

Supplemental Security Income

SSN

Social Security Number

stepparent

The spouse of a person who is the biological parent of a child. A stepparent that is divorced from a biological parent is no longer considered a stepparent.

SUA

Standard Utility Allowance

TANF

Temporary Assistance for Needy Families

TLB

Time-Limited Benefits; non-exempt ABAWDs will only be allowed to receive up to three months of Time-Limited FoodShare benefits in a 36-month period

TLBs

Time-Limited Benefits; non-exempt ABAWDs will only be allowed to receive up to three months of Time-Limited FoodShare benefits in a 36-month period

TPL

Third Party Liability

UC

Unemployment Compensation

USCIS

United States Citizenship and Immigration Services

USDA

United States Department of Agriculture

VA

Veterans Affairs

VISTA

Volunteers In Service To America

W-2

Wisconsin Works

W-2T

W-2 Transition employment position

WHEAP

Wisconsin Heating Energy Assistance Payment

WIC

Women, Infant's, and Children Supplemental Food Program

WIOA

Workforce Innovation and Opportunity Act

