

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-5
DESTITUTE HOUSEHOLDS - FOOD STAMPS**

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1240-1-5-.01 DESTITUTE AND ZERO NET INCOME HOUSEHOLDS ELIGIBLE FOR EXPEDITED SERVICE. The following households shall have their eligibility determined on an expedited basis provided that their total liquid resources as defined in 1240-1-4-.07(l) do not exceed \$100.

- (1) Households with less than \$150 in countable monthly gross income.
- (2) Migrant or seasonal farmworker households who are destitute as defined in 1240-1-5-.04.

Authority: TCA §§14-27-104; 14-27-105; 14-27-106; 7 CFR 273.2 and 273.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983.

1240-1-5-.02 PRESCREENING. The county office's application procedures shall be designed to carefully identify immediately all households eligible for expedited service at the time the household requests assistance. For example, the receptionist, volunteer, intake worker or other employee shall be responsible for screening applications as they are filed or as individuals come in to apply or request information by telephone. In addition all such applicants shall be read their "rights" from the Guide for Pre-Screening.

Authority: TCA §§14-27-104; 14-27-105; 14-27-107; 7 CFR 273.2 and 273.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983.

1240-1-5-.03 MONITORING. The County Director and first line supervisor are responsible for designating an employee(s) to perform the initial prescreening task and shall insure that this function is carried out to the fullest extent with each and every Food Stamp inquiry. The County Director and first line supervisor shall also take steps to insure that all households filing an application and qualifying for expedited service are processed within the timeliness standards outlined in Section 1240-1-5-.05. In instances where non-compliance is noted, corrective action shall be taken immediately.

Authority: TCA §§14-27-104; 14-27-105; 14-27-107; 7 CFR 273.2 and 273.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983.

1240-1-5-.04 DEFINITIONS OF DESTITUTE MIGRANT OR SEASONAL FARMWORKER HOUSEHOLDS. Migrant or seasonal farmworker households may have little or no income at the time of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application. These households are considered destitute if they meet the criteria as defined in

(Rule 1240-1-5-.04, continued)

Section 1240-1-5-.03(a), (3) and (4). Households other than migrant or seasonal farmworker households shall not be classified as destitute.

- (1) **Source Of Income Defined.** A migrant or seasonal farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief. A migrant who moves from one grower to another is considered to have moved from a terminated to a new source.
- (2) **Destitute Households - Terminated Income Source.**
 - (a) Migrant or seasonal farmworker households whose only income for the month of application was from a terminated source and whose liquid resources do not exceed \$100 are considered destitute. Terminated source is defined as:
 1. Income was received prior to the date of application; and
 2. Income that is received monthly or more frequently will not be received again from the same source in the month of application or in the month following application; or
 3. Income that is normally received less often than monthly will not be received in the month the next payment is normally received.
 - (b) These households include migrant households which have received their last wages from a grower or farmworker's who have received expedited services because they may be without income for some time, and may not be able to wait as long as 30 days for food assistance.
- (3) **Destitute Households - New Source.**
 - (a) Migrant or seasonal farmworker households whose only income for the month of application is from a new source and whose liquid resources do not exceed \$100 are considered destitute. New source is defined as:
 1. Income of more than \$25 will not be received from the new source by the 10th calendar day following the date of application;
 2. Income that is normally received on a monthly basis or more frequently is considered as a new source if income of more than \$25 has not been received from that source within 30 days prior to the date the application was filed; or
 3. Income that is normally received less often than monthly is considered as new source if income of more than \$25 was not received within the last normal interval between payments.
 - (b) These households may expect to start receiving income from a new employer, but may be totally without income for a number of weeks before the new income begins. Therefore, they may be unable to meet current food needs.
- (4) **Destitute Households - Both Sources.** Households may receive income both from a terminated source prior to the date of application and income from a new source, after the date of application. Such households are considered destitute if they receive no other income in the month of application and income of more than \$25 from the new source will not be received by the 10th day after the date of application.

(Rule 1240-1-5-.04, continued)

Authority: TCA §§14-27-104; 14-277-105; 7 CFR 273.2 and 273.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983.

1240-1-5-.05 PROCESSING STANDARDS.

- (1) For households entitled to expedited service (including residents of drug addiction/alcoholic treatment centers and other group living arrangements), the county office will determine eligibility timely to assure that coupons are provided to the household on or before the seventh calendar day following the application date. Expedited service timeliness standards do not begin until the household files an application.
- (2) Late Determinations. If the pre-screening required in 1240-1-5-.02 failed to identify a household as being entitled to expedited service and the case manager subsequently discovers that the household is entitled to expedited service, the county must provide benefits to the household on or before the seventh calendar day following the date of discovery.

Authority: TCA §§4-5-202; 71-1-105; 71-3-157; 71-3-158; PL 104-193; CFR 273.2. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983. Amendment filed August 5, 1986; effective November 29, 1986. Amendment filed May 8, 1987; effective August 29, 1987. Amendment filed April 4, 1997; effective June 18, 1997.

1240-1-5-.06 DETERMINING ELIGIBILITY AND LEVEL OF BENEFITS.

- (1) Income Considered For Households With Less Than \$150 Monthly Gross Income. The eligibility and benefit level for all households with less than \$150 gross monthly income shall be calculated in the same manner as any other household.
- (2) Income Considered For Destitute Households. Households meeting the criteria in section 1240-1-5-.04(2), Destitute Households-Terminated Source, shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Households meeting the criteria in section 1240-1-5-.04(3), Destitute Households-New Source, shall have any income received after the date of application disregarded. Households meeting both source criteria is defined in section 1240-1-5-.04(4) shall have income considered if it is received between the first of the month and the date of application and shall have any income disregarded received after the date of application.
 - (a) *Exception-Travel Advances.* Some employers provide travel advances to cover the travel costs of new employees who must journey to the location of their new employment. To the extent that these payments are excluded as reimbursement, receipt of travel advances will not affect the determination of whether a household is destitute. However, if the travel advance is by written contract an advance of wages that will be subtracted from wages later earned by the employee, rather than a reimbursement, the wage advance shall count as income. In addition, the receipt of a wage advance for travel costs of a new employee shall not affect the determination of whether subsequent payments from the employer are from a new source of income, nor whether a household shall be considered destitute.
- (3) *Households which apply after the 15th of the month and are entitled to expedited service,* whether or not all verifications have been provided, shall have their benefits prorated from the day of application to the end of the application month and also will be certified for the following month with no proration of benefits. Benefits for the actual month of application and the next calendar month are

(Rule 1240-1-5-.06, continued)

issued simultaneously. However, the benefits for the next month shall not be issued until all necessary verification, not already provided, has been provided.

- (4) *When Expedited Procedures Apply.* The above procedures apply at initial application and at certification, but only for the first month of each certification period. At recertification, income from a new source is disregarded in the first month of the new certification period if income or more than \$25 will not be received from this new source by the 10th calendar day after the date of the household's normal issuance cycle. At recertification (timely reapplication), households are designated destitute solely to receive entitlement to special income calculation procedures (i.e. disregard of income from a new source in the first month of the certification period).
- (5) *Households which apply after the 15th of the month,* which are eligible for expedited service, and whose verification is not postponed must be issued their second month's benefits at the same time the initial month's benefits are issued.

Authority: TCA §§4-5-202; 71-1-105; 71-3-157; 71-3-158; PL 104-193; 7 CFR 273.2. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed March 28, 1983; effective April 27, 1983. Amendment filed April 4, 1997; effective June 18, 1997.

1240-1-5-.07 VERIFICATION FOR EXPEDITED SERVICE. In all cases, the applicant's identity (i.e. the identity of the person making the application) shall be verified through a collateral contact or readily available documentary evidence. Reasonable efforts shall be made to verify all other factors of eligibility within the expedited processing standards. However, verification of factors other than identity may be postponed to expedite certification.

Authority: TCA §§14-27-104; 14-27-108; 7 CFR 273.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 28, 1981; effective October 13, 1981. Amendment filed March 28, 1983; effective April 27, 1983.

1240-1-5-.08 CERTIFICATION PERIODS.

- (1) Normal Certification Periods. Households that are certified on an expedited basis and have provided all necessary verification required in rule 1240-1-16 prior to certification shall be assigned a normal certification period.
- (2) Households which apply after the 15th day of the month must be assigned a two month certification period if eligible for the month of application and the subsequent month.
- (3) Optional Certification Periods.
 - (a) If verification was postponed, the worker may certify these households for the month of application only. However, at the worker's option, a normal certification period may be assigned to those households which circumstances would otherwise warrant a longer certification period. However, in either case, benefits will not be continued past the month of application if verification continues to be postponed.
 1. These cases shall be held in a suspense file until verification is provided within the month of application. If verification is not provided by the TWISS computer cut-off date, the ATP card must be held and benefits terminated.

(Rule 1240-1-5-.08, continued)

2. If certified only for the month of application, the household must reapply and complete the certification requirements which were postponed.
3. If a certification period longer than one month is assigned, the worker shall notify the household using a designated document that no further benefits will be issued until the postponed verification is completed and that if the postponed verification is not completed within 30 days of the date of application, benefits will be terminated. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the worker shall act on those changes without an advance notice of adverse action.
 - (i) When households which apply for benefits after the 15th of the month provide the postponed verification, the second month's benefits shall be issued within five working days from receipt of the verification or the first of the second month, whichever is later.
 - (ii) Exception - migrant households eligible for expedited service and applying after the 15th of the month and which are assigned certification periods of no longer than one month, will be notified in writing that they shall provide postponed verification from sources within the state before a second month's benefits are issued and will provide all verification from out-of-state sources before being issued benefits for the third month. Migrants shall be entitled to postponed out-of-state verification only once each season. If a migrant household requesting expedited services has already received this exception during the current season, the county office shall allow the postponement of out-of-state verification only for the initial month's issuance.
- (4) Limit On Number Of Expedited Certifications. There is no limit to the number of times a household may be certified under the expedited procedures, so long as, prior to each expedited certification, the household either:
 - (a) Completes the verification requirements that were postponed at the last expedited certification; or
 - (b) Was certified under normal processing standards since the last expedited certification.
- (5) Ineligible For Expedited Service. Households requesting, but not entitled to, expedited service shall have their application processed according to normal standards.

Authority: TCA §§14-24-104 and 14-27-104; 7 CFR 273.2 and 273.10; PL 97-35. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed November 9, 1982; effective December 9, 1982.