

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

**CHAPTER 1240-1-15
INTERVIEWING FOR ELIGIBILITY**

TABLE OF CONTENTS

1240-1-15-.01	Reserved for Future Use	1240-1-15-.06	Waiver of Office Interview
1240-1-15-.02	Reserved for Future Use	1240-1-15-.07	General Intake Information
1240-1-15-.03	Mandatory Interviewing	1240-1-15-.08	Failure/Refusal to Cooperate in Eligibility
1240-1-15-.04	Scheduling Interviews		Process Food Stamps/AFDC
1240-1-15-.05	Single Interview		

1240-1-15-.01 RESERVED FOR FUTURE USE.

Authority: TCA §§14-8-106 and 14-8-109. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-15-.02 RESERVED FOR FUTURE USE.

Authority: TCA §§14-8-106 and 14-8-109. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-15-.03 MANDATORY INTERVIEWING. A face-to-face interview will be conducted with all applicant/recipient HH/AGs by a qualified eligibility worker prior to initial certification/approval; prior to recertification for Food Stamps; and at annual redetermination of eligibility for AFDC (twelve [12] month face-to-face review).

- (1) The interview will be conducted in the county Department of Human Services office or other Food Stamp certification (for Food Stamp purposes) site except when the office interview is waived.
- (2) The interview will be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy will be protected during the interview. Facilities will be of adequate size and layout to assure privacy and protect the confidentiality of the interview.
- (3) The person interviewed must be:
 - (a) Food Stamps. Head of household, spouse, any other responsible member of the household or an authorized representative who is an adult and who has knowledge of the household's circumstances.
 - (b) AFDC. The applicant/recipient. If the A/R has a guardian or designated agent this person must also be interviewed, but no grant can be approved/continued without contact with the A/R unless he/she is hospitalized.

Authority: TCA §§14-8-106(2); 14-8-109, and 14-24-104(2); 7 CFR 273.2(e). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 2, 1983; effective January 1, 1984.

1240-1-15-.04 SCHEDULING INTERVIEWS.

- (1) AFDC Only. The county will schedule face-to-face or out-of-office interviews as promptly as possible after the filing of applications in order to ensure that eligible AUs have an AFDC check mailed within forty-five days after the application is filed.
- (2) Food Stamp Only. The county will schedule face-to-face or out-of-office interviews as promptly as possible after the filing of applications in order to ensure that eligible HHs receive an opportunity to participate in the Food Stamp Program within 30 days after the application is filed. If a HH fails to appear for the first interview, the county shall attempt to schedule another interview during the application-processing period. The interview will be rescheduled by the county without requiring the HH to provide good cause for failing to appear. If the HH does not appear for the rescheduled interview, the county need not schedule any further interviews unless the HH requests that another interview be scheduled. A request for Food Stamps cannot be approved/continued until the HH has satisfied the interview requirements.

Authority: TCA §§14-8-106(2); 14-8-109, and 14-27-104(2); 7 CFR 273.2(e). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 2, 1983; effective January 1, 1984. Amendment filed May 8, 1987; effective August 29, 1987.

1240-1-15-.05 SINGLE INTERVIEW. When an HH/AG is applying for both Food Stamps and AFDC, a single intake or initial interview will be held to fulfill the requirements of both programs. More than one interview may be required in order to clarify information provided, resolve inconsistencies, view documents presented in support of the client's statements, etc. during the application or recertification/redetermination period. The additional interview(s) for these and similar purposes will not violate the "single interviews" requirements.

Authority: TCA §14-8-106. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-15-.06 WAIVER OF OFFICE INTERVIEW.

- (1) Food Stamp. The office interview shall be waived upon request by any household which is unable to appoint an authorized representative and which has no household members able to come into the Food Stamp Office because they are 65 years of age or older, or are mentally or physically handicapped. The office interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office. The county shall waive the office interview on a case by case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the Food Stamp office because of transportation difficulties or similar hardships which the county determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to: illness, car of a household member, prolonged severe weather, or work hours which preclude in-office interview. The county shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case filed why a request for a waiver was granted or denied.
 - (a) Telephone Interview and Home Visits. The county may offer households for whom the office interview is waived the alternatives of either a telephone interview or home visit. Home visits shall be used only if the time of the visit is scheduled in advance with the household.
 - (b) Verification of Out-of-Office Interviews. Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may also be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided. Waiver of the face-to-face interview shall not affect the length of the household's certification period.

(Rule 1240-1-15-.06, continued)

- (2) AFDC. It is preferred that the required face-to-face interview with the AFDC client be conducted in the county Department of Human Services office or in the client's home.
 - (a) Telephone Contacts. Telephone contacts are acceptable means of obtaining/transmitting information between redeterminations of eligibility, but are not acceptable as the only personal contact with a client prior to action on an AFDC application or at the time of redetermination of eligibility.
 - (b) Home Visits. It may sometimes be advisable in AFDC to contact the client in the home during the application/redetermination process, but there is no requirement that a home visit must routinely be made prior to case action. Home visits are to be made when the worker/supervisor believes one is necessary and when hardship circumstances require a home visit in order to fulfill the face-to-face interview requirement.

Authority: TCA §§14-8-106 and 14-8-109. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-15-.07 GENERAL INTAKE INFORMATION. In addition to the eligibility requirements for the Food Stamp/ AFDC programs, certain other information must be given an applicant during the initial interview. This information is to be given orally and in writing when written information is requested and/or deemed appropriate.

- (1) Food Stamps and AFDC.
 - (a) The client is to be informed that he/she is the first source of information concerning his eligibility, and that it is his/her responsibility to provide factual information which substantiates his/her statements about eligibility factors. He/She will be advised that if he/she is unable to secure the needed documentary evidence which may be required to establish his/her eligibility, and if the reason he/she is unable to secure this information is a valid one and he/she asks for assistance in gathering the necessary evidence, such help will be provided. He/She will also be advised that the Department must have substantiating information about certain factors of eligibility and will be making contacts with individuals and organizations in a position to know the facts of his/her circumstances in order to obtain this information. If there is some individual or organization he/she specifically does not wish the Department to contact, the name of such individual or organization must be entered on the release of information form. If it is found that this individual or organization is the only acceptable source for obtaining required information and he/she continues to refuse permission to contact, then his/her eligibility for assistance cannot be determined.
 - (b) That discrimination because of age, race, color, sex, handicap, religious creed, national origin, or political belief is unlawful.
 - (c) That information about his/her HH/AG is held in confidence with the agency.
 - (d) That the Federal Privacy Act can affect his/her HH/AG.
 - (e) That he/she has the right to appeal any agency action he/she believes to be discriminatory or unfair or when action on his/her request for assistance is not taken with reasonable promptness.
 - (f) That it is unlawful for anyone to charge, either directly or indirectly, for help to him/her in filing his/her application with the agency.
 - (g) That the agency has 30 days for Food Stamps and 45 days for AFDC in which to determine his/her eligibility and provide assistance with his/her help and cooperation (except when the HH/AG is entitled to expedited service for Food Stamps).

(Rule 1240-1-15-.07, continued)

- (h) That he/she has the responsibility to provide truthful information about his/her circumstances, substantiating information when requested, and if he/she is approved for assistance, to report any change in his/her circumstances within 10 days of the date the change becomes known to the HH/AG.
 - (i) That he/she is entitled to be referred to Social Services if he/she requests this and will be so referred if evidence of child neglect or abuse is observed.
- (2) Food Stamp Only. If an HH is applying for Food Stamps, the above explanations are to be given. In addition the HH will be informed:
- (a) That all unemployed HH members ages 18-59 who are not exempted, must register for and accept work and fulfill other work registration requirements.
 - (b) That Food Stamps may be used only to purchase eligible food items.
 - (c) That if his/her request is approved he/she will receive Food Coupons.
 - (d) That if he/she so requests his/her Food Stamps can be mailed to him/her (special provisions are made for Mail Issuance areas).
- (3) AFDC Only. If an A/R is applying for AFDC only, explanations listed under (1) above are to be given. In addition, he/she will be informed:
- (a) That he/she and each member of the AG must furnish or apply for Social Security Numbers.
 - (b) That he/she must assign child support rights to the Department of Human Services.
 - (c) That he/she may claim good cause for failure to cooperate with the Child Support Agency under specific circumstances.
 - (d) That any child support collected directly or through the Child Support Unit must be turned over to the Department of Human Services to reimburse the State for the AFDC payment.
 - (e) That all members of the AG ages 16 and over must register for WIN, unless exempt.
 - (f) That, if approved, he/she will receive a money payment assuming the grant is \$10 or greater.
 - (g) That, if approved, he/she may use his/her grant as he/she sees fit in order to meet the needs of his/her family.
 - (h) That approval and payment can be made only after he/she is found to meet all eligibility requirements.
 - (i) The availability of SSI (when age or disability is a factor).
 - (j) That if he/she might be eligible for other benefits (except SSI) he/she must apply for and accept the benefit.

Authority: TCA §§ 4-5-201 *et seq.*, 4-5-202, 4-5-209, 14-8-106, 14-27-104, 71-1-105, 71-3-152, 71-3-153 and 71-3-154; 71-3-158(d)(2)(D); 42 U.S.C. §§ 601 *et seq.*; 42 U.S.C. § 608(a)(6)(A); 45 C.F.R. § 206.10; Deficit Reduction Act 2005 (Pub. L. 109-171 § 7301, February 8, 2006); and 71 Federal Register 37454 (June 29, 2006); and Acts 2007, Chapter 31, 7 CFR 273.2; 45 CFR 206.10. **Administrative History:** Original rule filed August 15,

(Rule 1240-1-15-.07, continued)

1980; effective September 29, 1980. Public Necessity rule filed July 2, 2007; expired December 14, 2007. Amendment filed October 1, 2007; effective December 15, 2007.

1240-1-15-.08 FAILURE/REFUSAL TO COOPERATE IN ELIGIBILITY PROCESS - FOOD STAMPS/AFDC.

- (1) In order to determine eligibility, the information on the application must be complete and signed, the HH/AG must be interviewed, and information on the application and about family circumstances must be verified as required. The HH/AG will be informed that this agency cannot guarantee to complete the application within 30 days for Food Stamps and 45 days for AFDC unless he/she cooperates by supplying requested information promptly. The worker and client (guardian, agent, etc.) will come to an agreement as to what necessary information the client will supply and what information the worker will obtain.
 - (a) Refusal to Cooperate - FS/AFDC. If an HH/AG refuses to cooperate with the agency in the process of determining eligibility, either initial or continuing eligibility, the application will be denied or assistance discontinued at the time of refusal (whether or not 30/45 days have expired). It is important to differentiate between refusal and failure to cooperate. For a determination of refusal to be made, the HH/AG must be able to cooperate but clearly demonstrate that if he/she will not take actions that it can take and which are required to complete the application process. If there is any question as to whether HH/AG has merely failed to cooperate, as opposed to refused to cooperate, the request for assistance will not be denied or terminated, but the client will be given reasonable opportunity to cooperate. Once denied or terminated for refusal to cooperate, the HH/AG may reapply, but will not be determined eligible until full cooperation is given. This policy applies to applications and any subsequent review of eligibility, including regular redeterminations, recertifications, reviews generated by reported changes, and reviews by quality control staff.
 - (b) Refusal to Cooperate With Quality Control Reviewer - Food Stamps Only. If a household, which has been denied/terminated for refusal to cooperate with a state or federal quality control reviewer, reapplies within 95 days from the end of the annual review period for a state review, or seven months from the end of the annual review period for a federal review, the household must cooperate with the quality control reviewer and complete the review before it may be determined eligible. If such household reapplies after such 95 days or seven month period referenced above, it may be determined eligible without cooperating with the quality control reviewer, but must provide verification of all eligibility factors.
- (2) Failure To Cooperate - AFDC Only.
 - (a) Active Cases. Failure by the recipient to provide information within his/her competence or keep a scheduled appointment for continuing eligibility purposes or to contact the Department requesting help in securing information or rescheduling an appointment will be considered a refusal to cooperate. A ten-day advance notice of closure will be initiated in these instances.
 - (b) Applications. Denial of AFDC application for failure to provide requested information prior to the expiration of the 45-day time limit is possible if loss of contact has been established and documented or if the applicant fails to respond to a second request for information or fails to appear for a second scheduled interview. The client's failure to respond to either is considered a refusal to cooperate and is denied on that basis. If the client contacts the Department and provides the information needed to determine eligibility by the 45th day after the date of application or appears for another scheduled interview and is eligible, assistance will be provided as soon as possible retroactive to the date of application or date of eligibility. The case will not be considered overdue for processing since the client failed to provide information or be interviewed within time frames established by the Department.

(Rule 1240-1-15-.08, continued)

Authority: TCA §§14-8-106(2) and 14-27-104; 7 CFR 273.2; 45 CFR 206.10(c)(2)(ii) and 206.10(c)(3)(i).

Administrative History: Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 2, 1983; effective January 1, 1984. Amendment filed September 4, 1984; effective October 4, 1984. Amendment filed July 23, 1987; effective October 28, 1987.