RULES

OF

TENNESSEE DEPARTMENT OF HUMAN SERVICES FAMILY ASSISTANCE DIVISION

CHAPTER 1240-1-17 TIMELINESS STANDARDS

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1240-1-17-.01 RESERVED FOR FUTURE USE.

Authority: TCA §§14-8-106 and 14-8-110; 45 CFR 206.10. Administrative History: Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.02 GENERAL TIMELINESS STANDARD. The process of determining eligibility for Food Stamps and AFDC shall proceed as promptly as possible after an application is filed. The standard of promptness for determining eligibility for Food Stamps is 30 days and for completing applications for AFDC shall be no later than 45 days from the date the HH/AG or its representative files the application.

- (1) Standard For Households With Zero Net Income And Destitute Households Food Stamps Only. Households with zero net income and households destitute of income shall be certified on an expedited basis as described in Section 1240-1-5.
- (2) Standards For Households Applying For Food Stamps And Public Assistance. Households applying for both Food Stamps and AFDC shall be processed as promptly as possible and in accordance with the timeliness standards for Food Stamps set forth in this section. If the household is applying for AFDC and its intention to apply for Food Stamps is unclear, the worker shall determine at the interview, or in other contact with the household, whether or not the household wants the PA Application processed for Food Stamp purposes.

Authority: TCA §§14-8-106 and 14-8-110; 45 CFR 206.10. Administrative History: Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.03 ACTION WHEN FOOD STAMP DETERMINATION PRECEDES AFDC DETERMINA-

TION. As a result of differences in Food Stamp and AFDC Application processing procedures, the worker may have to determine Food Stamp eligibility prior to determining eligibility for AFDC payments. Action on the Food Stamp portion of the application shall not be delayed nor the application denied on the grounds that the AFDC determination has not been made. If the worker can anticipate the amount and the date of receipt of AFDC payment but the payment will not be received until a subsequent month, the worker shall vary the household's Food Stamp benefit level according to the payment and notify the household. Portions of initial payments intended to retroactively cover a previous month shall be disregarded as a lump sum payment. If the amount or the month of receipt of the initial AFDC payment cannot be reasonably anticipated at the time of the Food Stamp eligibility

(Rule 1240-1-17-.03, continued)

determination, the payment shall be handled as a change in circumstances. The worker is required to send Notice of Disposition if the receipt of the AFDC grant reduces or terminates the household's Food Stamp benefits. However, the household is not entitled to a 10 day advance Notice of Adverse Action because the household was notified in advance on the Application Form for Assistance that its benefits could be reduced or terminated when the grant was received. Households whose AFDC applications are denied shall not be required to file a new Food Stamp Application but shall have their Food Stamp eligibility determined or continued on the basis of the original application filed jointly for PA and Food Stamp purposes and any other documented information obtained subsequent to the application which may have been used in the AFDC determination and which is relevant to Food Stamp eligibility or level of benefits.

Authority: TCA §§14-8-106 and 14-8-110; 45 CFR 206.10. Administrative History: Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.04 OPPORTUNITY TO PARTICIPATE.

- (1) Providing ATP Card And Issuance Facility Food Stamps. An opportunity to participate in the Food Stamp Program consists of providing households with an ATP card and having an issuance facility open and available for the household to obtain its allotment. If the ATP card or coupons are mailed, an opportunity to participate has been provided if the ATP or coupons are mailed at least two (2) days prior to the expiration of the 30-day processing standard. If the ATP card is mailed on the 28th day, an issuance office must be open on the 30th day in order for the ATP card to be transacted after it is received. The worker must ensure that the ATP card is mailed at least two (2) days in advance of the 30th day and assure that the ATP card can be transacted after it is received, but before the 30 day standard expires.
- (2) Providing AFDC Grant AFDC. An opportunity to participate in the AFDC Program consists of providing eligible aid groups with an AFDC grant within 45 days after a completed application is filed. An opportunity to participate has been provided, if the AFDC check is mailed prior to or on the 45th day after the application is filed.

Authority: TCA §§14-8-106 and 14-8-110; 45 CFR 206.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.05 PROVIDING NOTICES TO HOUSEHOLDS AND AID GROUPS - NOTICES OF ELIGIBILITY.

- (1) Initial Application Time Limit For Providing Notice Of Eligibility Food Stamps/AFDC. The worker shall provide applicants with a written notice, Notice of Disposition, as soon as a determination is made, but no later than 30 days after the date of the initial application for Food Stamps and 45 days for AFDC.
- (2) Contents Of Notice. Notice of Disposition must inform the HH/AG of the following information:
 - (a) The HH/AG must be informed of the amount of the benefits and of the variation in the benefit level based on changes anticipated at the time of approval. If the initial allotment/check contains benefits for both the month of application and the current month's benefits, the notice shall explain that the initial benefits include more than one month's benefits. It shall also indicate the monthly allotment and/or check amount for the remainder of the eligibility period assigned.
 - (b) The HH/AG must be informed of the beginning and ending date of the Food Stamp certification period and/or the month and year in which the AFDC grant will begin.

(Rule 1240-1-17-.05, continued)

- (c) The HH/AG must be advised of its right to a fair hearing and of the name and telephone number of the person to contact for additional information. If there is an individual or organization available that provides free legal representation, the HH/AG shall also be advised of the availability of the service.
- (d) The HH/AG who is a Food Stamp and Public Assistance recipient shall be informed that the certification period for Food Stamps will expire the month after the next review for AFDC eligibility or in one year, whichever comes first.
- (e) The HH/AG must be advised of other information which would be useful, such as a reminder to report changes in circumstances and the need to reapply for continued participation at the end of the certification period for Food Stamps and that the continued eligibility for AFDC will be redetermined by a review every six months.

Authority: TCA §§14-8-106, 14-8-111, 14-8-112, and 14-315; 45 CFR 206.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.06 NOTICES FOR SPECIAL CASES.

- (1) Expedited Applications Food Stamps. In cases where a household's application is approved on an expedited basis without verification and the application indicates the household is eligible in subsequent months, the Form HS-0751 (Notice of Disposition) shall explain that the household must complete the verification requirements that were postponed at the last expedited certification or have been certified under normal processing standards since the last expedited certification. If the eligibility worker has elected to assign a longer certification period to some households certified on an expedited basis, the notice shall also explain the special conditions of the longer certification period, and the consequences of failure to provide the postponed verification.
- (2) Notice For Recertification Food Stamps. The worker shall provide households that have filed an application by the 15th of the last month of their certification period with either a Notice of Eligibility or a Notice of Denial by the end of the current certification period. The worker shall provide households that have received a notice of denial not later than 30 days after the date the household had to obtain its last allotment.
- (3) Providing Notice Of Denial To Ineligible HH/AGs Food Stamps/AFDC. Each HH/AG denied eligibility shall be provided Notice of Disposition denying the case and explaining:
 - (a) The basis for the denial, including specific rule number used as the basis of denial for AFDC;
 - (b) The HH/AG's right to request a fair hearing;
 - (c) The telephone number of the Department of Human Services office;
 - (d) If possible, the name of the person to contact for additional information;
 - (e) If there is an individual or organization available that provides free legal representation the notice shall also advise the household of the availability of the service; and
 - (f) The right to apply at any time.

Authority: TCA §§14-8-106, 14-8-111, 14-8-112, and 14-315; 45 CFR 205.10; 206.10. **Administrative History:** Original rule filed August 15, 1990; effective September 29, 1980.

(Rule 1240-1-17-.07, continued)

1240-1-17-.07 TIME LIMIT FOR PROVIDING NOTICE OF DENIAL - FOOD STAMPS/AFDC. Households and Aid Groups that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date of application was filed for Food Stamps, or 45 days for AFDC. Information obtained during the intake interview in some instances is sufficient for the intake worker to determine that the applicant is ineligible at intake and therefore can be denied at that point.

Authority: TCA §§14-8-106 and 14-8-111; 45 CFR 206.10. Administrative History: Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.08 WHEN TO DENY AN APPLICATION AT THE END OF THE DAY WHEN APPLICANT FAILS TO SHOW FOR TWO SCHEDULED INTERVIEWS - FOOD STAMPS/AFDC. If the household has failed to appear for two scheduled interviews and has made no subsequent contact with the county to express interest in pursuing the application, the household is denied and sent a Notice of Disposition denying the case on the 30th day following the date of application for Food Stamps and 45 days for AFDC. The household must file a new application if it wishes to participate in the program.

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

1240-1-17-.09 FAILURE TO MEET TIMELINESS STANDARD - FOOD STAMPS ONLY. There are instances in which the worker will not have sufficient information to approve or deny an HH/AG. In such cases, action must be taken by the worker to determine the cause of the delay. The following action must be taken if timeless standards are not met.

- (1) Criteria For Denial And Initial Action Food Stamps. If the worker cannot make an eligibility determination within 30 days and cannot deny the household, the cause of the delay is determined and certain actions are taken to determine whether the delay was caused by fault of the household or the county office. The term "fault" is used only to determine the household's entitlement to benefits for the month's delay.
- (2) Determining Cause Of The Delay Food Stamps. The worker must first determine the cause of the delay using the following criteria:
 - (a) Household Caused Delay Food Stamps. The delay shall be considered the fault of the household if the household has failed to complete the application process when the worker has taken all the action he or she is required to take to assist the household. The worker must have taken the action in 1240-1-17-.09(3) below before a delay can be considered the fault of the household.
 - (b) County Caused Delay Food Stamps. A delay shall be considered the fault of the county office if the worker failed to take the actions below in §1240-1-17-.09(3). Further, the fault is the county office's if the household met its obligation in a timely manner but the county office failed to complete the application process by the 30th day.
- (3) Actions By The County Office. The worker must take the following actions and the household not take the counterpart action for a delay to be caused by the household.
 - (a) The worker must have offered or attempted to offer assistance in completion of the application for those households that have failed to complete the application form.

(Rule 1240-1-17-.09, continued)

- (b) The worker must have informed the household of the need to register for work, and given the household at least 10 days from the date of notification to register a household member for work, if one or more members of the household have failed to register for work.
- (c) The worker must have provided assistance when it is necessary for the household to provide documentary evidence to support its income statement and questionable information and must have allowed the household sufficient time prior to the 30th day of the application to provide the missing verification. Sufficient time is at least 10 days from the date of the county office's initial request for the particular verification that was missing.
- (d) The county office must have attempted to reschedule the initial interview within 30 days of the date the application was filed for all households that have failed to appear for an interview. However, if the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day. If the household has missed both scheduled interviews and requests another interview, any delay is then the fault of the household.
- (e) If the county office fails to provide required assistance in completion of the application form, required assistance in obtaining documentary evidence to support its income, medical expenses or questionable information, fails to give the household sufficient time, or fails to timely schedule the required interviews, the fault is then the county's.
- (f) When the delay was the fault of the county, the household's benefit level for the initial month of certification shall be based on the day of the month it filed its application for benefits.
- (4) Delays Caused By The Household.
 - (a) Benefit Entitlement. The household loses its entitlement to benefits if by the 30th day following the date of application the worker cannot take further action on the application due to the fault of the household.
 - (b) Notifying the Household at End of 30 Days for Household-Caused Delays. The worker shall send the household Form HS-0751 (Notice of Disposition), denying the household on the 30th day following the day application was filed. The notice should include what verification is needed to complete the application process and that the household should report any changes in circumstances.
 - (c) Reopening the Case After a Notice of Denial is Sent. If a Notice of Denial is sent and the household takes the required action within 60 days of the date the application was filed, the worker shall reopen the case without requiring a new application.
 - (d) Further Action by County After Notice of Denial is Sent. No further action by the worker is required after the Notice of Disposition denying the household is sent if the household fails to take required action within 60 days of the date the application was filed.
 - (e) Providing Benefits. The household is not entitled to benefits for the month of application when the delay was the fault of the household. However, if the household was at fault for the delay in the first 30-day period, but is found to be eligible during the second 30-day period, the worker shall provide benefits prorated from the day of the month that the eligibility determination is made.

(Rule 1240-1-17-.09, continued)

- (f) Delays Caused by the County in Initial 30 Days. Whenever a delay in the initial 30-day period is the fault of the county, the worker shall take immediate corrective action. A notice of pending status must be sent. A Notice of Denial cannot be sent for county caused delays.
- (g) Pending Application. The worker shall not deny the application if the delay was caused by the county, but shall instead notify the household by the 30th day after the application was filed that its application is being held pending. The worker shall also notify the household of any action it must take to complete the application process.
- (h) Action Taken During Second 30-Days. If the county caused the delay during the first 30 days and the household is found to be eligible during the second 30 day period, the household shall be entitled to benefits retroactive to the day it applied for benefits. If, however, the household is found to be ineligible, the worker shall deny the application.

(5) Delays Beyond 60 Days.

- (a) County Caused Delay All Information Received. If the county is at fault for not completing the application process by the end of the second thirty day period, and all the information necessary to complete the application has been received, the worker must continue to process the original application until an eligibility determination is made. If the household is determined eligible and the county was at fault for the delay in the initial 30 days, the household must receive its initial benefits retroactive to the day of the month it applied for benefits.
- (b) County Caused Delay Information Incomplete. If the county is at fault for not completing the application process by the end of the second 30 day period (60) days, but the case file is not complete enough to reach an eligibility determination, the worker should deny the case and notify the household to file a new application unless the original application can be processed immediately and the household notified of the action that will be taken.
- (c) Case Denied at End of Sixty Days. If the county is at fault and the case is denied, the household shall also be advised of its possible entitlement to benefits lost as a result of county caused delays.
- (d) County Caused Both Delays. If the county was also at fault for the delay in the initial (30) days, the amount of benefits lost would be calculated from the day of the month the application was filed.
- (e) Household Caused Delay in Second Thirty Days. If the household is at fault for not completing the application process by the end of the second 30-day period, the worker shall deny the application and require the household to file a new application if it wishes to participate.
- (f) Household/Aid Group Full Thirty Days. The worker cannot deny the HH/AG prior to the 30th day for failure to provide verification. The case file must be held open for the entire 30 days and the HH/AG given all that time to complete the application process.

Authority: TCA §§14-8-106, 14-27-104; PL 97-35; 7 CFR 273.2, 273.10; 45 CFR 233.20. Administrative History: Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 23, 1982.

1240-1-17-.10 SSI RECIPIENT.

(1) Reserved for Future Use.

(Rule 1240-1-17-.10, continued)

- (2) Definitions. For Food Stamp purposes, the following definitions will apply to SSI households:
 - (a) SSI means monthly cash payments made under the authority of Title XVI of the Social Security Act, as amended, to the aged, blind, and disabled.
 - (b) SSI recipient means an individual, or an individual and his/her eligible spouse, who receive(s) SSI
 - (c) Essential person means an individual who lives in the home of the recipient and his/her needs must have been considered in determining the grant of the eligible individual under the state PA plan in effect during December 1973. The essential person must not be eligible for SSI in his or her own right. In a cash-out state an essential person may be considered a household member.
 - (d) Cash-out State means a state designated by the Department of Health, Education and Welfare to have specifically included the bonus value of Food Stamps in its state supplemental payment. As of February 1, 1979, the cash-out States are California, Massachusetts, and Wisconsin.
- (3) Eligibility Standards SSI Recipients Food Stamps Only.
 - (a) General. SSI recipients, except those in cash-out states, may apply for and participate in the program and must meet all income and resource standards, as well as all nonfinancial eligibility criteria. The county office shall not require persons potentially eligible for SSI to make application for SSI benefits as a condition of Food Stamp eligibility.
 - (b) Reserved for Future Use.
 - (c) Reserved for Future Use.

Authority: TCA §§14-8-106 and 14-27-104; 7 CFR 273.2, 273.10; 45 CFR 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-17-.11 APPLYING FOR AFDC AND APPEARING POTENTIALLY ELIGIBLE FOR SSI - AFDC.

- (1) Parent or Other Relative Applying for AFDC and Appearing Potentially Eligible for SSI AFDC. When the parent or other relative who is making application for AFDC appears to be potentially eligible for SSI, the applicant will be asked whether application has been made for SSI. If application for SSI has not been made, a brief explanation of the program will be given and it will be suggested that application for SSI be made. Whether or not the aged, blind, or disabled person states that he has made or will make application for SSI, if the person wishes to be included in the AFDC aid group and is otherwise eligible as caretaker or second parent, he is included and all of his income and resources are taken into consideration. When notification of approval for SSI is received, the person will be removed from the AFDC aid group promptly. No advance notice is required since the person will be receiving assistance in another category.
- (2) Parent or Other Relative Included in SSI Determination and Wishing to Apply as AFDC Needy Caretaker. When a parent or other relative applies for AFDC after the other parent or the spouse of the other relative has applied for or received SSI benefits, the county department will let him/her know that he/she can make application for the children and for himself/herself to be included as needy caretaker, but that he/she cannot be considered in AFDC as long as he/she is included in the SSI determination. The worker will assist him/her in understanding the advantages and

(Rule 1240-1-17-.11, continued)

disadvantages of each provision and in making a choice. If the parent or other relative wishes to relinquish SSI involvement and be included in the AFDC budget, the worker will, on receipt of the notice from the SSI office, make the necessary change in the AFDC budget and payment, including Medicaid, to include the parent or other relative as a needy caretaker.

Authority: TCA §§14-8-106 and 14-27-104; 7 CFR 273.2, 273.10; 45 CFR 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.