

5101:4-2-02

Food assistance: categorically eligible assistance groups.

There are assistance groups that have eligibility factors waived due to receiving specific public benefits or services. These assistance groups are considered categorically eligible for the food assistance program. ~~If~~ When each assistance group member receives or is authorized to receive Ohio works first (OWF), supplemental security income (SSI), disability financial assistance (DFA) or a temporary assistance to needy families (TANF) funded service as defined in this rule, or any combination of these benefits the assistance group is categorically eligible.

(A) Who is considered an OWF or SSI recipient?

An OWF or SSI recipient is any person:

- (1) Who receives an OWF or SSI money payment;
- (2) Whose entire grant is being recouped;
- (3) Whose grant is in suspended status;
- (4) Who is eligible for the benefit but is not receiving it because the monthly grant is below a minimum amount for a check to be issued; or
- (5) Whose OWF or SSI has been authorized and the individual has been notified of the decision but payment has yet to be received.

(B) Who is considered a DFA recipient?

A person is considered to be in receipt of DFA benefits if:

- (1) The person receives a money payment;
- (2) The person's entire DFA grant is suspended or recouped; or
- (3) The person has been authorized for DFA and has been notified of the decision but has yet to receive benefits.

(C) Who is considered an assistance group receiving a TANF-funded service or benefit?

(1) Ohio benefit bank:

- (a) An assistance group in which any member has been provided information

of the services available through the Ohio benefit bank is categorically eligible for the food assistance program. The Ohio benefit bank offers application assistance and outreach for low and moderate income Ohioans for existing benefits and services, including cash assistance, food assistance, medicaid, child care, income tax credits, student financial aid, and fatherhood programs.

- (b) Assistance groups without an elderly or disabled member shall pass the gross income test as defined in rule 5101:4-4-11 of the Administrative Code to be authorized to receive information about Ohio benefit bank services. The gross income of assistance groups with an elderly or disabled member, as defined in rule 5101:4-1-03 of the Administrative Code, shall be at or below two hundred per cent of the federal poverty level according to their assistance group size to be authorized to receive information about Ohio benefit bank services.
- (c) All applicants and recipients are provided information about the Ohio benefit bank services on approval notices received at application and reapplication. The approval notice includes information about the services offered and how they can access those services.

(2) Prevention, retention, and contingency (PRC) benefits:

- (a) An assistance group in which any member is authorized to receive or is receiving benefits or services under the PRC program is categorically eligible for the food assistance program. An assistance group is considered authorized to receive PRC as of the date of approval and/or notification of approval.
- (b) An assistance group that is authorized to receive or receiving PRC benefits or services shall be categorically eligible for food assistance benefits only for the number of months any member of the assistance group is authorized to receive or is receiving PRC benefits or services. Certification periods for food assistance benefits shall continue to be assigned in accordance with rule 5101:4-5-03 of the Administrative Code.
- (c) An ineligible member of the assistance group authorized to receive or receiving PRC benefits or services cannot be included in the assistance group size when determining the benefit amount. The income and resources of the ineligible member shall be determined in accordance with rules 5101:4-6-13 and 5101:4-6-15 of the Administrative Code.

(3) Other TANF-funded services:

- (a) TANF funds transferred to Title XX or child care development block grant (CCDBG) for child care services are not considered funded under Title IV-A of the Social Security Act of 1935 as amended (SSA), and are thus not subject to categorical eligibility.
- (b) All other TANF funds are considered funded under Title IV-A of the SSA, regardless of which agency administers the funds and may grant categorical eligibility to assistance groups receiving benefits or services from these agencies.

(D) What eligibility factors are waived for assistance groups determined categorically eligible?

- (1) For an assistance group determined categorically eligible because of receipt of OWF, SSI, PRC or DFA the following factors are waived and do not require verification as ~~set forth~~ described in rule 5101:4-2-09 of the Administrative Code:
 - (a) Resources;
 - (b) Gross and net income limits;
 - (c) Social security number;
 - (d) Sponsored alien information; and
 - (e) Residency.
- (2) For an assistance group determined categorically eligible because of the notification of the Ohio benefit bank services the following factors are waived and do not require verification as ~~set forth~~ described in rule 5101:4-2-09 of the Administrative Code:
 - (a) Resources; and
 - (b) Net income limit.
- (3) Any other required verification such as allowable expenses and factors that are

questionable shall be verified in accordance with rule 5101:4-2-09 of the Administrative Code.

(E) What are the exceptions to categorical eligibility for OWF, SSI, PRC and Ohio benefit bank assistance groups?

(1) No person shall be included as a member in an assistance group which is otherwise categorically eligible ~~if~~ when that person is:

(a) An ineligible alien as defined in rule 5101:4-3-07 of the Administrative Code;

(b) An ineligible student as defined in rule 5101:4-6-04 of the Administrative Code;

(c) Institutionalized in a non-exempt facility as defined in rule 5101:4-2-03 of the Administrative Code;

(d) Ineligible because of violating a condition of probation or parole or fleeing to avoid prosecution, custody or confinement as defined in rule 5101:4-2-03 of the Administrative Code; or

(e) Ineligible under the able-bodied adults without dependents provisions in rule 5101:4-3-20 of the Administrative Code.

(2) Under no circumstances shall an assistance group be considered categorically eligible ~~if~~ when:

(a) Any member of the assistance group is disqualified for an intentional program violation in accordance with division 5101:6 of the Administrative Code;

(b) Any member of the assistance group is ineligible because of a failure to comply with an employment and training requirement of rules 5101:4-3-11.1 and 5101:4-3-19 of the Administrative Code and the requirements of rule 5101:4-3-09 of the Administrative Code.

(c) The assistance groups defined in paragraphs (F)(2)(a) and (F)(2)(b) of this rule are subject to all food assistance eligibility requirements and cannot be reinstated in the program on the basis of categorical eligibility.

(F) What are the exceptions to categorical eligibility for DFA assistance groups?

- (1) No person shall be included as a member of an otherwise categorically eligible assistance group ~~if~~ when that person is:
 - (a) An ineligible alien as defined in rule 5101:4-3-07 of the Administrative Code;
 - (b) An ineligible student as defined in rule 5101:4-6-04 of the Administrative Code;
 - (c) Disqualified for failure to provide or apply for a social security number as required by rule 5101:4-3-22 of the Administrative Code;
 - (d) An assistance group member disqualified for failure to comply with a work requirement as ~~set forth~~ described in rules 5101:4-3-09, 5101:4-3-11 and 5101:4-3-19 of the Administrative Code;
 - (e) Disqualified for an intentional program violation as required by division 5101:6 of the Administrative Code;
 - (f) An individual who is institutionalized in a nonexempt facility as defined in rule 5101:4-2-03 of the Administrative Code;
 - (g) Ineligible because of violating a condition of probation or parole or fleeing to avoid prosecution, custody or confinement as defined in rule 5101:4-2-03 of the Administrative Code; or
 - (h) Ineligible under the able-bodied adults without dependents provisions in rule 5101:4-3-20 of the Administrative Code.
- (2) Under no circumstances shall an assistance group be considered categorically eligible ~~if~~ when:
 - (a) The assistance group refuses to cooperate in providing information to the county agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility as described in rule 5101:4-2-01 of the Administrative Code;
 - (b) The assistance group is ineligible under the striker provisions of rules

5101:4-2-03 and 5101:4-6-07 of the Administrative Code;

- (c) The assistance group is ineligible because it knowingly transferred resources for the purpose of qualifying or attempting to qualify for the program as provided in rule 5101:4-4-09 of the Administrative Code.

(G) How is the monthly benefit determined?

Categorically eligible assistance groups shall have their level of benefits calculated using the method described in paragraphs (A) and (B) of rule 5101:4-4-39 of the Administrative Code using the assistance group's net monthly income.

(H) How is a potentially categorically eligible assistance group handled?

An assistance group is considered to have potential categorical eligibility if when all members of the assistance group have applied for benefits that would make the assistance group categorically eligible.

- (1) If When all the assistance group members have applied for benefits that will make the assistance group categorically eligible and the county agency determines that the assistance group is ineligible for food assistance benefits because it does not meet the gross or net income tests, or exceeds the resource limits, the county agency shall pend the assistance group until it is established that all assistance group members have gained categorical eligibility. If When categorical eligibility has not been established by the thirtieth day from the date of application, the county agency shall deny the assistance group the following day.
- (2) If When the assistance group establishes categorical eligibility within the thirty days from the date of application, the agency shall determine the level of benefits from the date of application. If When the assistance group's net income is high enough to result in ineligibility for a monthly allotment, the county agency shall indicate on the denial notice that the net income exceeds the level at which benefits are issued.

(I) What happens when a potentially categorically eligible assistance group is denied food assistance benefits?

- (1) A potentially categorically eligible assistance group shall be informed on the denial notice that its application can be reopened if when it gains categorical eligibility. The assistance group shall be provided a change reporting form in accordance with rule 5101:4-7-01 of the Administrative Code.

- (2) ~~If~~ When the application of a potentially categorical eligible assistance group was denied because of failure to meet the gross or net income test, or being over resources, and the assistance group later reports that all assistance group members have become recipients of benefits which make the assistance group categorically eligible the county agency shall have the assistance group update their application. The assistance group shall provide any required verification or information on the change since the previous application was completed and have the application signed again by an assistance group member or authorized representative.
- (3) ~~If~~ When the application was made via an interactive interview and there are open public assistance benefits with the food assistance benefit being denied, the county agency shall enter the reported changes on the appropriate ~~CRIS-E~~ statewide automated eligibility system screens and determine eligibility using the date the assistance group gained categorical eligibility as the signature date. A new interactive interview or JFS 07200 "Request for Cash, Food, and Medical Assistance" (~~rev. 12/12~~) (rev. 9/2014) may be requested ~~if~~ when deemed necessary by the eligibility worker but is not a requirement.
- (4) When an assistance group gains categorical eligibility status, restored benefits shall be paid from the date the assistance group was authorized to receive OWF, SSI, DFA, or TANF-funded services or benefits (e.g. Ohio benefit bank or PRC) or the date of the food assistance application whichever is later. See rule 5101:4-4-23 of the Administrative Code regarding SSI recipients who may be eligible for use of excess medical expenses and the uncapped shelter deduction in determining restored benefits. The county agency shall issue restored benefits within ten days, if necessary, and begin regular issuances. A certification period shall be established ~~in accordance with~~ as described in rule 5101:4-5-03 of the Administrative Code.
- (5) ~~If~~ When the assistance group has not complied with the requirements listed in paragraphs (I)(1) to (I)(4) of this rule, the county agency shall issue a denial notice on the day after the assistance group was to have complied, and issue a new change report form if necessary.
- (6) ~~If~~ When an assistance group reports a change which results in the assistance group becoming eligible for food assistance, but the change does not result in categorical eligibility, the assistance group shall be advised it must file a new application before benefits can be approved.
- (J) What happens when an assistance group is approved for benefits while awaiting a determination of categorical eligibility?

¶ When an assistance group is approved for food assistance benefits within the thirty-day processing time and later gains categorical eligibility, the assistance group may be eligible for restored benefits in a situation where an SSI recipient incurs excess medical expenses and/or shelter expenses. Restored benefits shall be paid from the beginning of the period for which SSI benefits are paid or the original food assistance application date, whichever is later.

Effective:

Five Year Review (FYR) Dates: 02/27/2015

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5101.54
Rule Amplifies: 329.04, 329.042, 5101.54
Prior Effective Dates: 1/16/87 (Emer.), 4/6/87, 1/1/88 (Emer.), 2/26/88,
1/5/90 (Emer.), 3/22/90, 1/1/91, 7/1/92, 8/1/92
(Emer.), 10/30/92, 5/1/95, 8/1/95 (Emer.), 10/13/95,
2/1/97 (Emer.), 4/13/97, 5/2/98, 7/15/99, 10/9/00,
9/30/01 (Emer.), 11/16/01, 7/1/03 (Emer), 7/10/03,
12/01/04, 11/01/08, 3/1/10, 3/1/11, 2/1/13