

TO BE RESCINDED

5101:4-2-02 **Food stamps: categorically eligible assistance groups (AGs).**

(A) Categorically eligible Ohio works first (OWF) and supplemental security income (SSI) AGs

Categorical eligibility for AGs in which each member is considered a recipient of OWF and/or SSI was effective December 23, 1985.

- (1) For categorical eligibility purposes, an OWF or SSI recipient is any person who receives an OWF or SSI money payment, whose entire OWF or SSI grant is being recouped, whose OWF or SSI grant is in suspended status, to whom no actual OWF or SSI grant is issued because the monthly grant is below a minimum amount for a check to be issued, or for whom OWF or SSI has been authorized and notified of the decision but payment has yet to be received. Individuals not receiving OWF or SSI benefits who are entitled to medicaid only shall not be considered recipients.
- (2) Any AG, except those listed in paragraph (B) of this rule, in which all members receive or are authorized to receive OWF and/or SSI benefits shall be considered eligible for food stamp benefits because of their status as OWF and/or SSI recipients unless the entire AG is institutionalized as defined in rule 5101:4-2-03 of the Administrative Code or disqualified for any reason from receiving food stamp benefits.
- (3) Residents of public institutions who apply for SSI and food stamp benefits, prior to their release from the institution in accordance with rule 5101:4-2-03 of the Administrative Code, shall not be categorically eligible upon a finding by the social security administration (SSA) of potential SSI eligibility prior to such release. The individuals shall be considered categorically eligible at such time as a final SSI eligibility determination has been made and the individual has been released from the institution.
- (4) The eligibility factors that are deemed for food stamp program eligibility without the verification required in accordance with rule 5101:4-2-09 of the Administrative Code because of OWF/SSI status are the resource, gross and net income limits, social security number information, sponsored alien information, and residency.
- (5) If any of the following factors are questionable, the county agency shall verify, in accordance with rule 5101:4-2-09 of the Administrative Code, that the AG which is considered categorically eligible:

- (a) Contains only members who are OWF or SSI recipients;
 - (b) Meets the AG definition in rule 5101:4-2-03 of the Administrative Code;
 - (c) Includes all persons who purchase and prepare food together in one food stamp AG regardless of whether or not they are separate units for OWF or SSI purposes; and
 - (d) Includes no persons who have been disqualified as provided for in paragraph (B) of this rule.
- (6) No person shall be included as a member in any AG which is otherwise categorically eligible if that person is:
- (a) An ineligible alien as defined in rule 5101:4-3-07 of the Administrative Code;
 - (b) Ineligible under the student provisions in rule 5101:4-6-04 of the Administrative Code;
 - (c) An SSI recipient receiving his or her food stamp benefits under a cash-out system;
 - (d) Institutionalized in a nonexempt facility as defined in rule 5101:4-2-03 of the Administrative Code;
 - (e) Ineligible because of a failure to comply with a work requirement of rules 5101:4-3-11 and 5101:4-3-19 of the Administrative Code and the requirements of rule 5101:4-3-09 of the Administrative Code.
 - (f) 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
 - (g) Ineligible under the able-bodied adults without dependents provisions in rule 5101:4-3-20 of the Administrative Code.

(B) Exceptions to categorical eligibility for OWF and/or SSI AGs

Under no circumstances shall any AG be considered categorically eligible if:

- (1) Any member of that AG is disqualified for an intentional program violation (IPV) in accordance with division 5101:6 of the Administrative Code or any member of the AG has been disqualified from the program for any reason;
- (2) Any member of that AG is disqualified because of a voluntary quit or reduction of work effort sanction;
- (3) Any member of that AG is disqualified because of a failure to comply with the work requirements or requirements of the OWF self-sufficiency contract.

These AGs are subject to all food stamp eligibility and benefit provisions (including the provisions of rules 5101:4-6-13 and 5101:4-6-15 of the Administrative Code) and cannot be reinstated in the program on the basis of categorical eligibility provisions.

(C) Work registration

For the purposes of work registration, the exemptions in rule 5101:4-3-11 of the Administrative Code shall be applied to individuals in categorically eligible AGs. Any such individual who is not exempt from work registration is subject to the work requirements in rules 5101:4-3-11 and 5101:4-3-19 of the Administrative Code, or the requirements of rule 5101:4-3-09 of the Administrative Code.

(D) Categorically eligible disability financial assistance (DFA) and/or disability medical assistance (DMA) AGs

Effective February 1, 1992, AGs in which each member is considered a recipient of benefits from the DFA and/or DMA programs whose regulations are in accordance with Chapter 5101:1-5 and/or rule 5101:1-42-01 of the Administrative Code shall be categorically eligible for food stamp benefits in accordance with paragraphs (D) to (H) of this rule.

Effective August 1, 1992, AGs in which each member is considered a recipient of benefits from a local or state assistance program which meets the criteria in paragraph (E) of this rule for conferring categorical eligibility shall be categorically eligible for food stamp benefits in accordance with paragraphs (D) to (H) of this rule.

AGs in which each member receives benefits from the state DFA and/or DMA programs or a local or state assistance program which meets the criteria for conferring categorical eligibility in paragraph (E) of this rule shall be categorically eligible for food stamp benefits unless the individual or AG is ineligible as specified in paragraphs (G) and (H) of this rule.

For categorical eligibility purposes, a person is considered to be in receipt of DFA benefits if the person receives a money payment or receives only medical coverage under the DMA program, the person's entire DFA grant is suspended or recouped, or the person has been authorized for DFA and/or DMA and has been notified of the decision but has yet to receive benefits..

(E) Certification of appropriate programs

Other local or state assistance programs that meet the criteria of this rule shall be considered appropriate for conferring categorical eligibility upon recipients of benefits from the programs. If a program does not meet all of these criteria, the county agency may submit a program description to the Ohio department of job and family services (ODJFS), who in turn will submit it to the food and nutrition services (FNS) regional office for a determination. The request should contain, at a minimum, the type of assistance provided, the income eligibility standard, and the period for which the assistance is provided.

The program must have income standards which do not exceed the gross income eligibility standards. The rules of the local or state assistance program apply in determining countable income.

The program must provide benefits as defined in the definition of DFA and/or DMA in rule 5101:4-1-03 of the Administrative Code.

The program must provide ongoing benefits which are not limited to one-time emergency assistance.

(F) Deemed eligibility factors due to DFA and/or DMA status

When determining eligibility for a categorically eligible AG in which each member receives DFA and/or DMA, all food stamp program requirements apply except the following:

- (1) Resources. None of the provisions regarding resources of Chapter 5101:4-4 of the Administrative Code apply except language specific to categorical eligibility and the improper transfer of resources in accordance with rule 5101:4-4-09 of the Administrative Code.
- (2) Gross and net income limits. None of the provisions in rule 5101:4-4-31 of the Administrative Code relating to income eligibility standards apply to categorically eligible AGs except language specific to categorical eligibility.
- (3) Zero benefit AGs. A categorically eligible AG of three or more members entitled to no benefits because its net income exceeds the level at which

benefits are issued shall be denied in accordance with paragraph (L) of this rule. All categorically eligible AGs of one or two persons must be provided the minimum benefit as required by rule 5101:4-4-39 of the Administrative Code.

(4) Residency.

(5) Sponsored alien information.

(G) Ineligible DFA and/or DMA AG members

No person shall be included as a member of an otherwise categorically eligible DFA and/or DMA AG if that person is:

- (1) An ineligible alien as defined in rule 5101:4-3-07 of the Administrative Code;
- (2) An ineligible student as defined in rule 5101:4-6-04 of the Administrative Code;
- (3) Disqualified for failure to provide or apply for a social security number (SSN) as required by rule 5101:4-3-22 of the Administrative Code;
- (4) An AG member disqualified for failure to comply with a work requirement of rules 5101:4-3-11 and 5101:4-3-19 of the Administrative Code and the requirements of rule 5101:4-3-09 of the Administrative Code;
- (5) Disqualified for (IPV) as required by division 5101:6 of the Administrative Code or disqualified from the program for any reason;
- (6) An SSI recipient in a cash-out state or county;
- (7) An individual who is institutionalized in a nonexempt facility as defined in rule 5101:4-2-03 of the Administrative Code;
- (8) 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
- (9) Ineligible under the able-bodied adults without dependents provisions in rule 5101:4-3-20 of the Administrative Code.

(H) Ineligible DFA and/or DMA AGs

A DFA and/or DMA AG shall not be considered categorically eligible if:

- (1) It 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 5101:4-2-07 of the Administrative Code;
- (2) The AG is ineligible under the striker provisions of rules 5101:4-2-03 and 5101:4-6-07 of the Administrative Code;
- (3) The AG 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.

(I) Combination AGs

AGs consisting entirely of recipients of OWF, SSI, DFA, and/or DMA, or another local or state assistance program that meets the requirements of paragraph (E) of this rule shall be categorically eligible in accordance with the provisions of paragraphs (A) and (B) of this rule for members receiving OWF or SSI or the provisions of paragraphs (D), (G) and (H) of this rule for members receiving DFA and/or DMA.

(J) Categorically eligible prevention, retention, and contingency (PRC) AGs

Categorical eligibility for AGs in which a member is authorized to receive or receiving benefits or services under the PRC program is effective August 1, 2000. For purposes of conferring categorical eligibility to a food stamp AG in which a member has been authorized to receive a PRC benefit or service, authorization is defined as the date of approval and notification of the approval.

To meet the four purposes of the temporary assistance to needy families (TANF) block grant, Ohio administers the PRC program under title IV-A federal regulations, state law, and the Title IV-A state plan, as amended. The PRC program is designed to achieve these four purposes by providing assistance to needy families so that the children may be cared for in their own homes or in the homes of relatives; ending the dependence of needy parents on governmental benefits by promoting job preparation, work and marriage; preventing and reducing out-of-wedlock pregnancies; and encouraging the formation and maintenance of two-parent families.

- (1) Purposes one and two of the TANF program confer categorical eligibility for food stamp benefits to AGs in which any member of a family is transitioning

off OWF or to a low-income family not on OWF who is authorized to receive or is receiving PRC benefits or services under the county agency's PRC plan. For the purpose of conferring categorical eligibility to the food stamp AG, a family is defined as an AG which includes, at a minimum, a minor child or a pregnant individual. A minor child means an individual who has not attained eighteen years of age or has not attained nineteen years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training). Beyond the minimum requirements, PRC benefits and services may also be provided to other members of the household who could significantly enhance the family's ability to achieve economic self-sufficiency. In addition, PRC benefits and services may be provided to noncustodial parents of a minor child as defined in 45 CFR 260.30 (10/06).

- (2) To meet purposes three and four of the TANF program, effective September 30, 2001, categorical eligibility for food stamp benefits conferred to AGs in which any member is authorized to receive or is receiving benefits or services under the PRC program to assist them in the prevention and reduction of out-of-wedlock pregnancies or benefits or services which encourage the formation and maintenance of two-parent families must meet income eligibility criteria that requires the AG's gross monthly income to be at or below two hundred per cent of the federal poverty level according to their size AG.
- (3) An AG as defined in paragraph (J)(1) of this rule shall be categorically eligible for food stamp benefits only for the number of months any member of the AG is authorized to receive or is receiving PRC benefits or services. Certification periods for food stamp benefits shall continue to be assigned in accordance with rule 5101:4-5-03 of the Administrative Code.
- (4) If any member of the food stamp AG is authorized to receive or is receiving benefits or services, the AG is categorically eligible for food stamp benefits, if otherwise eligible. An ineligible member of the food stamp AG authorized to receive or receiving PRC benefits or services cannot be included in the food stamp AG 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.
- (5) PRC status deems the eligibility requirements of resource, gross and net income limits, social security number information, sponsored alien information, and residency. All earned and unearned income, social security number information, sponsored alien information, and residency of an AG determined to be categorically eligible due to the authorization or receipt of PRC benefits or services must be verified in accordance with rule 5101:4-2-09 of the

Administrative Code if these eligibility factors have not been documented and verified under the PRC application process. The PRC AG is not subject to the food stamp gross and net income standards or the resource limits. 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.

- (6) An AG of three or more members may not be entitled to an allotment because the net income exceeds the level at which benefits are issued. All categorically eligible AGs of one or two persons must be provided the minimum benefit as required by rule 5101:4-4-39 of the Administrative Code.
- (7) Any AG determined to be categorically eligible is subject to all other food stamp program eligibility and benefit determination requirements.
- (8) TANF funds transferred to Title XX or child care development block grant (CCDBG) for child care services are no longer considered funding under Title IV-A of the SSA, and are thus not subject to categorical eligibility. All other TANF funds are considered funded under Title IV-A of the SSA, regardless of which agency administers the funds and may confer categorical eligibility to AGs receiving benefits or services from these agencies in the same manner as described in paragraphs (J) (1) to (J)(7) of this rule.
- (9) Implementation and expansion of categorical eligibility under the PRC program does not change the policy and procedure in determining categorical eligibility for OWF/SSI/DFA and/or DMA AGs or combinations of OWF, SSI, DFA and/or DMA member AGs categorically eligible for food stamp benefits due to all members of the AG being authorized to receive or receiving OWF, SSI, DFA and/or DMA benefits.

(K) Categorically eligible Ohio benefit bank AGs

Categorical eligibility for AGs in which any member has been notified and authorized to receive Ohio benefit bank services is effective October 1, 2008.

- (1) The Ohio benefit bank is a TANF-funded service that offers application assistance and outreach for low and moderate income Ohioans for existing benefits and services, including cash assistance, food stamp benefits, medicaid, child care, income tax credits, student financial aid, and fatherhood programs.
- (2) All AGs who are authorized to receive Ohio benefit bank services are categorically eligible for food stamp benefits and are not subject to the

resource limits defined in rule 5101:4-4-01 of the Administrative Code.

- (3) All applicants and recipients are authorized and notified of the Ohio benefit bank services at application and reapplication by signing the printed copy of information (PCI) and through notification of approval for benefits. Both of these forms include a statement that the AG is authorized to receive Ohio benefit bank services and how they can access those services.
- (4) AGs shall pass the gross income test as defined in rule 5101:4-4-11 of the Administrative Code, to be authorized to receive Ohio benefit bank services. The gross income of AGs 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 AG size to be authorized to receive Ohio benefit bank services.
- (5) Any AG determined to be categorically eligible is subject to all other food stamp program eligibility and benefit determination requirements.
- (6) Exceptions to categorical eligibility for Ohio benefit bank AGs

Under no circumstances shall an AG be considered categorically eligible if:

- (a) Any member of that AG is disqualified for an IPV in accordance with division 5101:6 of the Administrative Code.
- (b) Any member of that AG is ineligible because of a failure to comply with a work requirement of rules 5101:4-3-11 and 5101:4-3-19 of the Administrative Code and the requirements of rule 5101:4-3-09 of the Administrative Code.

(L) Determining levels of benefits of categorically eligible AGs

The county agency calculates the net monthly income and issues benefits, if appropriate. If the AG size is one or two persons, the minimum benefit is issued, except in the first month of eligibility if proration is appropriate. For an eligible AG with three or more members that is entitled to no benefits (except because of the proration requirements and the provision precluding issuances of less than the minimum benefit in an initial month), the state agency shall deny the AG's application on the grounds that the AG's net income exceeds the level at which benefits are issued.

(M) Handling AGs with potential categorical eligibility

An AG is considered to have potential categorical eligibility if all members of the AG have applied for benefits that would make the AG categorically eligible. Residents of public institutions who apply for SSI and food stamp benefits prior to their release from the institution shall not be categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. The individuals shall be considered categorically eligible at such time as a final SSI eligibility determination has been made and the individual has been released from the institution. If eligible, these individuals shall be paid benefits from the date of their release from the institution.

If all the AG members have applied for benefits that will make the AG categorically eligible and the county agency determines that the AG is ineligible for foodstamp benefits because it does not meet the gross or net income tests, or exceeds the resource limits, the county agency shall pend the application/AG until it is established that all AG members have gained categorical eligibility. If categorical eligibility has not been established by the thirtieth day from the date of application, the county agency shall deny the application/AG the following day.

(N) Agency actions within thirty days after application: Categorical eligibility established

If the AG establishes categorical eligibility within the thirty days from the date of application, the agency shall determine level of benefits from the date of application. If the AG's net income is high enough to result in ineligibility for a monthly allotment, the county agency shall indicate on the CRIS-E generated denial notice, using the appropriate reason code, that the net income exceeds the level at which benefits are issued.

(O) Agency actions after thirtieth day: Categorical eligibility not established and application/AG denied

The AG shall be informed on the denial notice that its application can be reopened if changes make the AG eligible for a monthly allotment. The AG shall be provided a change reporting form (JFS 07443 "Food Stamp Change Report for Assistance Groups with No Earned Income at the Time of Application" (11/03) or JFS 04196 "Food Stamp Change Report for Assistance Groups with Earned Income" (11/03)) in accordance with rule 5101:4-7-01 of the Administrative Code to report required changes. If an application of a potentially categorical eligible AG was denied because of failure to meet the gross or net income tests, or being over resources, and the AG reports that all AG members have become recipients of benefits which make the AG categorically eligible, the county agency shall have the AG provide any required verification or information on AG circumstances which have changed since the previous application was completed, update the application and have the application signed again by an AG member or authorized representative. If the application was made via an interactive interview and the case is open with the FS

AG being denied, the county agency shall enter the reported changes on the appropriate CRIS-E screens, rerun ED/BC, update running record comments, and enter the new signature date on the AEFPY screen. A new interactive interview or JFS 7200 may be requested if deemed necessary by the eligibility worker but is not a requirement. If deemed necessary or if the case is closed (all AGs in the case are closed or denied), the AG must complete an interactive interview by the county agency invoking the reapplication sequence (AEORE). If the AG has not complied with the requirements listed above, the county agency shall issue a denial notice on the day after the AG was to have complied, and issue a new change report form if necessary.

For an AG that gains categorical eligibility status when a member gains OWF or SSI recipient status, restored benefits shall be paid from the beginning of the period for which OWF or SSI benefits are paid, the original food stamp application date, or December 23, 1985, whichever is later. For an AG that gains categorical eligibility status when a member gains DFA and/or DMA recipient status, restored benefits shall be paid from the beginning of the period for which the DFA and/or DMA benefits are paid, the original food stamp application date, or February 1, 1992, if the DFA and/or DMA benefits are from the statewide DFA and/or DMA program, or August 1, 1992, if the assistance is from a local or state assistance program, whichever is later. For an AG that gains categorical eligibility status when a member gains PRC status, restored benefits shall be paid from the beginning of the period for which PRC benefits are authorized, the original food stamp application date, or August 1, 2000, whichever is later. For an AG that gains categorical eligibility status as a result of being authorized to receive Ohio benefit bank services, restored benefits shall be paid from the beginning of the period for which Ohio benefit bank services are authorized, the original application date, or October 1, 2008, 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 respectively, 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 rule 5101:4-5-03 of the Administrative Code.

If an AG reports a change which results in the AG becoming program eligible, but the change does not result in categorical eligibility, the AG shall be advised it must file a new application before benefits can be approved.

- (P) Agency actions within thirty days after application: Categorical eligibility not established and food stamp benefits approved

If an AG is approved for food stamp benefits within the thirty-day processing time and later gains categorical eligibility, the AG may be eligible for restored benefits in a situation where an SSI recipient incurs excess medical expenses and shelter expenses. Restored benefits shall be paid from the beginning of the period for

which SSI benefits are paid, the original food stamp application date, or December 23, 1985, whichever is later.

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Certification

Date

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