5101:4-2-11   **Food stamps: timeliness standard.**

(A) General standards

(1) An assistance group's (AG's) eligibility shall be determined and eligible AGs given an opportunity to participate as soon as possible but in any event no later than thirty calendar days after the AG or its representative files the application except for residents of public institutions in accordance with paragraph (D) of rule 5101:4-2-01 of the Administrative Code.

AGs which apply for initial months benefits after the fifteenth day of the month under the normal processing timeframes who have completed the application and provided all required verification within thirty days of the date of application and have been determined eligible to receive benefits for the initial month of application and the next subsequent month, shall receive their prorated allotment for the initial month of application and their first full month's allotment at the same time.

(2) AGs found to be ineligible and therefore, denied shall be sent a notice of denial as soon as possible, but not later than thirty days following the date the application was filed. If the AG failed to appear for a scheduled interview and has made no subsequent contact with the county agency to express interest in pursuing the application, the county agency shall send the AG a notice of denial on the thirtieth day following the date of application. The AG must file a new application if it wishes to participate in the program.

In cases where the county agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed and no subsequent requests for verification have been made, the county agency may also deny the application on the thirtieth day if it has provided assistance to the AG in obtaining verifications, but the AG failed to provide the requested verification.

(3) Reapplication dates will no longer be determined for individual AGs in multiple AG cases independently of one another but will be assigned per each case. Each AG within a case will have the same reapplication date. When different reapplication dates are found within a case, the lowest reapplication date will become the date for all AGs in that case. For example, if a case contains Ohio works first (OWF), medicaid, disability financial assistance (DFA) and food stamp AGs, the OWF and DFA AGs reapply every six months, the medicaid AG once every twelve months and the food stamp AG has been assigned a six month reapplication date, all AGs in this case will be assigned the six month reapplication date and will be reviewed when the food stamp AG is reviewed. If a case consists of a food stamp AG in which all members are elderly or disabled and the AG is a stable, unemployable AG the reapplication date for

the food stamp AG will be twenty-four months. All categories of medicaid shall be handled in accordance with rule 5101:1-38-01 of the Administrative Code and OWF/DFA AGs shall be handled in accordance with rule 5101:1-2-10 of the Administrative Code.

(B) Standard for expedited service

AGs with little or no income shall be certified on an expedited basis.

AGs which apply for initial month's benefits after the fifteenth day of the month under the expedited service procedures who have completed the application and have been determined eligible to receive benefits for the initial month of application and the next subsequent month, shall receive their prorated allotment for the initial month of application and their first full month's allotment at the same time. If necessary, verification shall be postponed to meet the expedited timeframe.

(C) AGs not entitled to combined allotments

The combined allotment provisions set forth in paragraphs (A) and (B) of this rule do not apply to the following AGs:

(1) AGs whose initial month's prorated benefits are less than ten dollars.

(2) AGs determined ineligible to receive benefits for the initial month of application.

(3) AGs determined ineligible to receive benefits the month subsequent to the initial month's prorated benefits.

(4) AGs for which verifications which cannot be postponed have not been provided.

(D) Opportunity to participate

An opportunity to participate consists of authorizing and providing AGs with an electronic benefits benefits transfer (EBT) card. or other authorization and having a loading facility as defined in Chapter (1) of the "User's Guide to Food Stamp Delivery" open and available for the AG to obtain its allotment.

(E) Issuance - the first nineteen days of the month

Benefits that are authorized before the twentieth of the month shall expire the last day of the month in which the benefits were authorized. In a direct access system as defined in Chapter (1) of the "User's Guide to Food Stamp Delivery," the AG has

~~until the end of the calendar month to obtain its allotment when the benefit is authorized before the twentieth day of the month.~~ Food stamp benefits will be issued to AGs using a direct access system known as an EBT on-line system. An on-line system is one where benefits are stored in a central database and electronically accessed at the point-of-sale (POS) via reusable plastic cards with a magnetic stripe. AGs will be informed of the availability date to access their benefits in accordance with Chapter 5101:6-2 of the Administrative Code.

(F) ~~Issuance - on or after the twentieth of the month~~ Adjustments to benefits

~~For benefits authorized on or after the twentieth of the month, the period of intended use is through the end of the following calendar month. In a direct access system as defined in Chapter (1) of the "User's Guide to Food Stamp Delivery," the AG has until the end of the following calendar month to obtain its allotment when the benefit is authorized on or after the twentieth of the month.~~ The vendor under contract with the Ohio department of job and family services (ODJFS) may make adjustments to benefits posted to the AG accounts after the posting process is complete but prior to the availability date for AG access in the event benefits are erroneously posted.

(1) A vendor shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or POS device. These adjustments may occur after the availability date and may result in either a debit or credit to the AG.

(a) Client initiated adjustments. The vendor must act on all requests for adjustments made by the client AG within ninety calendar days of the error transaction. The vendor has ten business days from the date the AG notifies it of the error to investigate and reach a decision on an adjustment and move funds into the client account. This timeframe also applies if the vendor or entity other than the AG discovers a system error that requires a credit adjustment to the AG. Business days are defined as calendar days other than Saturdays, Sundays, and federal holidays.

(b) Retailer-initiated adjustments. The vendor must act upon all adjustments to debit an AG's account no later than ten business days from the date the error occurred, by placing a hold on the adjustment balance in the AG's account. If there are insufficient benefits to cover the entire adjustment, a hold shall be placed on any remaining balance that exists, with the difference being subject to availability only in the next future month. The AG shall be given, at a minimum, adequate notice in accordance with Chapter 5101:6-2 of the Administrative Code. The

notice must be sent at the time the initial hold is attempted on the AG's current month's remaining balance, clearly state the full adjustment amount, and advise the AG that any amount still owing is subject to collection from the AG's next future month's benefits.

(i) The AG shall have ninety days from the date of the notice to request a fair hearing.

(ii) Should the AG dispute the adjustment and request a hearing within fifteen days of the notice, a provisional credit must be made to the AG's account by releasing the hold on the adjustment balance within forty-eight hours of the request by the AG, pending resolution of the fair hearing. If no request for a hearing is made within fifteen days of the notice, the hold is released on the adjustment balance, and this amount is credited to the retailer's account. If there are insufficient funds available in the current month to cover the full adjustment amount, the hold may be maintained and settled at one time after the next month's benefits become available.

(G) Issuance and replacement of cards or personal identification numbers (PINs)

The vendor under contract with ODJFS shall permit food stamp AGs to select the PIN. PIN assignment procedures shall not be permitted.

(1) The vendor under contract with ODJFS shall replace EBT cards within five business days following notice by the AG to the vendor.

(2) The vendor shall ensure that a duplicate account is not established which would permit AGs to access more than one account in the system.

(3) An immediate hold shall be placed on accounts at the time notice is received from the AG regarding the need for card or PIN replacement. The vendor shall implement a reporting system which is continually operative. Once an AG reports that their EBT card has been lost or stolen, the vendor shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the AG. The vendor shall maintain a record showing the date and time of all reports by the AG that their card is lost or stolen.

Effective:

R.C. 119.032 review dates: 12/01/2009

_____

Certification

_____

Date

Promulgated Under: 111.15
Statutory Authority: 5101.54
Rule Amplifies: 329.04, 329.042, 5101.54
Prior Effective Dates: 6/2/80, 5/1/82, 6/17/83, 1/1/88 (Emer.), 2/26/88,
                            10/1/89 (Emer.), 12/21/89, 7/1/92, 2/1/93, 4/1/97
                            (Emer.), 6/6/97, 5/2/98, 5/1/00, 6/1/01 (Emer.),
                            8/27/01, 12/01/04, 08/01/05