

TABLE OF CONTENTS

SECTION

366.050	Introduction
366.100	Changes During the Certification Period
366.110	Household Reporting Responsibilities
366.120	Department Responsibility to Take Timely Action
366.130	Mass Changes
366.140	Change Reporting Requirements for PA Households
366.150	Department Action on Reported Changes
366.200	Notice of Adverse Action
366.210	Changes Not Requiring Advance Notice
366.215	Exception to 10-Day Advance Notice Requirement
366.220	Continuation of Benefits Pending the Fair Hearing Decision
366.300	Recertification
366.310	Notification to Recertify
366.320	Household Responsibilities
366.330	Department Responsibilities
366.340	Failure to Recertify in a Timely Fashion
366.450	Certification of Households Moving Within the State
366.500	Restoration of Lost Benefits
366.510	Entitlement
366.520	Computing the Amount to Be Restored
366.530	Notification of Entitlement
366.540	Disputed Benefits
366.550	Offsetting Claims
366.560	Individuals Disqualified for an Intentional Program Violation
366.570	Method of Restoration
366.580	Changes in Household Composition
366.590	Losses that Occurred Prior to the Elimination of the Purchase Requirement
366.600	Disaster Certification
366.610	Introduction
366.620	Eligibility and Certification
366.900	Food Assistance Applications Originating at the Social Security Administration
366.910	Bay State CAP Assistance Units
366.920	Regular SSI/Food Stamp Assistance Units

366.050: Introduction

When an applicant household is determined eligible to participate in the Food Stamp Program, the household is assigned a certification period. The responsibility for insuring the household's continuing eligibility during the certification period lies both with the recipient and the worker. The recipient must inform the worker of any changes in household circumstances that may affect household eligibility. The worker must act to insure that the food stamp household receives the benefits to which it is entitled on time and in the right amount. The actions the worker must take to accomplish this are called additional certification functions.

366.100: Changes During the Certification Period

When changes that occur within the certification period affect a household's eligibility or monthly allotment, action must be taken to adjust the household's eligibility. The worker shall advise households of their responsibility to report changes in income and household status within the required time period and shall take timely action to adjust certification based on these changes. Recipient and Department responsibilities are outlined below.

When a household's circumstances change and it becomes entitled to a different eligibility standard, the worker shall apply the different standard at the next recertification or whenever the worker changes the household's eligibility, benefit level or certification period, whichever occurs first.

366.110: Household Reporting Responsibilities

Certified households are required to report certain changes within the time-frames stated in this section.

The changes may be reported in person, by phone or by mail. The Department shall provide all certified households with a postage paid Change Report Form for reporting changes. The Change Report Form is given out at initial certification, whenever a Change Report Form is returned by a household, and at recertification, if the household needs a new form.

(A) Mandatory Change Reporting Requirements

These rules do not apply to AUs subject to the reporting requirements at 106 CMR 366.110 (B), (C), or (D) below.

- (1) The following changes must be reported within 10 days of the date that the AU receives the first payment attributable to the new income:
  - (a) A change in the amount of earned income of more than \$100.00 per month.
  - (b) A change in the amount of unearned income of more than \$50.00 per month except changes in the PA grant.
- (2) These changes must be reported within 10 days of the date the change becomes known to the AU:
  - (a) A change in the source of income including starting or stopping a job.
  - (b) A change in assistance unit composition, such as addition or loss of an assistance unit member.
  - (c) A change in residence which results in any change in shelter expenses.
  - (d) A change in countable assets:
    1. For noncategorically-eligible AUs with an AU member aged 60 or older or disabled, the value of cash on hand, stocks, bonds and money in bank accounts or savings institutions reaches or exceeds a total of three thousand dollars (\$3000).
    2. For all other noncategorically eligible AUs, the value of cash on hand, stocks, bonds and money in bank accounts or savings institutions reaches or exceeds a total of two thousand dollars (\$2000).
  - (e) Changes in the legal obligation to pay child support, including termination of the obligation when a child reaches an age at which child support is no longer legally obligated.

(B) Transitional Benefits Alternative (TBA) Change Reporting Requirements

The TBA AU is not required to report or provide verification of any changes in household circumstances until the TBA period has ended. See 106 CMR 365.190 for a definition of TBA AUs.

- (1) If the TBA AU reports a change during the TBA period, the Department will recalculate the food stamp benefits.
  - (a) If the change results in a food stamp benefit amount that is less than or equal to the current TBA amount, the Department will continue to pay the current TBA food stamp benefit amount for the remaining TBA period.
  - (b) If the change results in a food stamp benefit amount that is greater than the current TBA amount, the Department will:
    1. recertify the AU; and
    2. pay the increased food stamp amount.

**Food Stamp Program  
Additional Certification Functions**

- (2) If the Department receives an income change from another program for the TBA AU, the Department will recalculate the food stamp benefits.
  - (a) If the change results in a food stamp benefit amount that is less than or equal to the current TBA amount, the Department will continue to pay the current TBA food stamp benefit amount for the remaining TBA period.
  - (b) If the change results in a food stamp benefit amount that is greater than the current TBA amount, the Department will:
    1. recertify the AU; and
    2. pay the increased food stamp amount.

(C) Universal Semiannual Reporting Requirements

- (1) Universal Semiannual Reporting (USR) is required for any Non Public Assistance (NPA) AU that has earned or unearned income (or a history of income) with the following exceptions:
  - (a) the NPA FS AU has a related TAFDC Monthly Reporting AU;
  - (b) the NPA FS AU has a related TAFDC Extension AU;
  - (c) the NPA FS AU is a TBA FS AU;
  - (d) the FS AU contains a person who is Food Stamp Work Program Required;
  - (e) the FS AU contains a self-employed recipient; or
  - (f) all adult members of the FS AU are elderly or disabled and have no earned income.
- (2) Homeless FS AUs with or without income (or a history of income) must be on USR.
- (3) For all AUs subject to USR, the following changes must be reported 10 days following the month the change becomes known to the assistance unit:
  - (a) the AU's income rises above the Maximum Gross Monthly Income Standards found at 106 CMR 364.950 or 364.976; and
  - (b) a person with income enters the AU, which causes the AU's income to rise above the Maximum Gross Monthly Income Standards found at 106 CMR 364.950.
- (4) With the exception of 106 CMR 366.110 (C) (3) above, the USR AU may report other changes during the USR period.
  - (a) If the USR AU reports a change during the USR period, the Department will recalculate the food stamp benefits.
    - (1) If the change results in a food stamp benefit amount that is less than or equal to the current USR amount, the Department will continue to pay the current USR food stamp benefit amount for the remaining USR period.
    - (2) If the change results in a food stamp benefit amount that is greater than the current USR amount, the Department will pay the increased food stamp amount.

- b) If the Department receives an income change from another program for the USR AU, the Department will recalculate the food stamp benefits.
  - (1) If the change results in a food stamp benefit amount that is less than or equal to the current USR amount, the Department will continue to pay the current USR food stamp benefit amount for the remaining USR period.
  - (2) If the change results in a food stamp benefit amount that is greater than the current USR amount, the Department will pay the increased food stamp amount.

(D) TAFDC Monthly Reporting (MR) Change Reporting Requirement

TAFDC food stamp assistance units that are subject to TAFDC Monthly Reporting shall continue to be subject to the TAFDC Monthly Reporting requirements for food stamp purposes in accordance with 106 CMR 702.900, et. seq.

For TAFDC assistance units subject to TAFDC Monthly Reporting, the cash assistance grant for the payment month shall be used to calculate benefits in the payment month.

For TAFDC assistance units subject to TAFDC Monthly Reporting, income received in the budget month from a terminated source shall be disregarded when calculating benefits in the payment month provided:

- (a) the termination results in an increase in the TAFDC grant; and
- (b) the household timely reports the termination of income in its monthly report or by other means which allows sufficient time to process the change for the payment month as determined by the Department.

Additional, corrective or supplemental payments that are issued and received in the month of intended use shall be counted when calculating benefits for the corresponding payment month. Additional, corrective or supplemental payments that are received for a retroactive period shall be excluded as nonrecurring lump sum payments.

(E) Failure to Report Required Changes

If an assistance unit fails to report a required change and as a result receives benefits to which it is not entitled, the worker must establish a claim against the assistance unit in accordance with Chapter 367. An individual's benefits shall not be terminated for failure to report a change unless the individual is disqualified through the disqualification process in accordance with Chapter 367.

366.120: Department Responsibility to Take Timely Action

The Department shall not impose any reporting requirements on households except as provided in 106 CMR 366.110. The Department shall act promptly on any reported change to determine if it affects the household's eligibility or monthly allotment. However, TBA households shall only have reported changes which increase their monthly allotment implemented. USR households with the exceptions cited at 106 CMR 366.110 (C) (2) shall only have reported changes which increase their monthly allotment implemented. Also, during the certification period the Department shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which to take action would require the Department to contact the household for verification. The Department shall act only on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household.

Also, the worker must document the reported change in the case record listing the date the Change Report Form or other notification was received, provide the household another Change Report Form, and notify the household of the effect of the change, if any, on its benefits.

(A) Increases in Benefit Level Requiring Expedited Action

For certain reported changes the worker must follow expedited issuance procedures to reflect the change in the household's monthly allotment.

- (1) When a household reports a change in gross income or allowable deductions which reduces the household's net food stamp income to zero, the worker shall authorize a supplementary food stamp benefits for the month in which the change is reported.
- (2) When a household reports the addition of a new household member who is not a certified member of another household, or reports a change in gross monthly income of \$50 or more, the worker must make the change effective in the first allotment issued 10 days after the date the change was reported. In no event shall the change take effect any later than the month following the month of the reported change. If the change is reported after the 20th of the month and it is too late in that month to adjust the next month's allotment, the worker must authorize a supplementary food stamp benefits to ensure that the household receives the increase in benefits by the 10th day of the following month or the household's normal issuance date, whichever is later.

(B) All Other Increases in Benefit Level

For all other increases in a household's benefit level the change shall be effective no later than the first allotment issued 10 days after the date the change was reported to the Department.

(C) Decreases in Benefit Level

If a household's benefit level decreases or the household becomes ineligible as a result of a change, the Department shall issue a Notice of Adverse Action within 10 days of the date the change was reported unless one of the exemptions to the Notice of Adverse Action, listed in 106 CMR 366.210 and 366.215, applies. When a Notice of Adverse Action is used, the decrease in benefits shall be made effective no later than the next allotment following the month in which the advance notice period expires, provided a fair hearing and continuation of benefits have not been requested by the household. When a Notice of Adverse Action is not used due to one of the exemptions listed in 106 CMR 366.210 and 366.215, the decrease shall be made effective no later than the month following the change.

(D) Verification of Reported Changes

Changes in income reported during a certification period must be verified. All other changes reported during a certification period are subject to the same verification requirements and procedures that apply at initial certification. Required verification must be obtained within certain time frames depending on whether the change results in an increase or decrease of the household's benefit level.

(1) Increase in Benefit Levels

When the reported change results in a higher monthly allotment, required verification must be obtained prior to the issuance of the second normal monthly allotment after the change is reported. If the household fails to provide the verification, the worker shall reduce the household's monthly allotment to the original benefit level. These households are not entitled to advance Notice of Adverse Action. If the worker determines that the household has refused to cooperate in providing the verifications, he or she must initiate advance Notice of Adverse Action to terminate food stamp benefits for refusal to cooperate (see 106 CMR 361.400).

(2) Decrease in Benefit Level

When the reported change results in a lower monthly allotment, required verification must be obtained prior to a household's next recertification of eligibility.

(E) Failure to Act on Reported Changes

If the worker fails to take timely action on a reported change that would result in an increase in benefit level, lost benefits shall be restored to the household by a forward adjustment. If the worker fails to take timely action on a reported change that would result in a decrease in benefit level, a claim determination must be established against the household to recover the overpayment.

**Food Stamp Program  
Additional Certification Functions**

366.130: Mass Changes

Certain changes initiated by the state or federal government may affect all or a significant portion of the caseload. These changes include, but are not limited to, annual adjustments to the maximum gross monthly income standards, maximum allowable monthly net income standards, the shelter deduction, the dependent care deduction, the standard deduction, the standard utility allowance deduction(s) and the maximum monthly allotments; periodic cost-of-living adjustments in Social Security, SSI, and other federal benefits; periodic adjustments to PA grants; and other changes in the eligibility criteria based on legislative or regulatory amendments.

(A) Food Stamp Program Changes

Federal adjustments to eligibility standards, benefit levels, income deductions, and adjustments to the standard utility allowance shall be publicized through the news media, posters in certification offices, issuance locations, or other sites frequented by certified assistance units, or by mailing general notices to assistance units. A notice of adverse action shall not be used for these changes. The assistance unit shall be notified of the change in accordance with 106 CMR 366.130(D).

(B) Changes to Grant Amounts of PA Assistance Units

When the Department makes an overall adjustment such as a cost-of-living increase to public assistance grants, including EAEDC, corresponding adjustments in the assistance unit's food stamp benefits shall be handled as a mass change. The assistance unit shall be notified of the change in accordance with 106 CMR 366.130(D).

If the Department has at least 30 days' advance knowledge of the amount of PA adjustments, food stamp benefits shall be recomputed and the new monthly allotment will be effective in the same month as the PA change. If the Department does not have sufficient notice, the food stamp change shall be effective no later than the month following the month the PA change was made.

(C) Changes in Federal Benefit Payments

Changes in federal benefits, such as Social Security, SSI, and Veterans' Administration benefits, shall be treated as a mass change.

The Department shall be responsible for automatically adjusting an assistance unit's food stamp benefit level. The change shall be reflected no later than the second allotment issued after the month in which the change becomes effective. Assistance units shall be notified of the change in accordance with 106 CMR 366.130(D).

(D) Notice for Mass Changes

- (1) A Notice of Adverse Action is not required when a household's food stamp benefits are reduced or terminated as a result of a mass change in the public assistance grant. However, the Department shall send individual notices to households to inform them of the change. The notice shall inform the household of:
  - (a) The general nature of the change;
  - (b) The effect of the change on the household's allotment;
  - (c) The month in which the change will take effect;
  - (d) The household's right to a fair hearing;
  - (e) The household's right to continue benefits and under what circumstances benefits will be continued pending a fair hearing;
  - (f) General information on whom to contact for additional information; and
  - (g) The liability the household will incur for any overissued benefits if the fair hearing decision is adverse.
- (2) The Department shall notify the household of the mass change no later than the date the household is scheduled to receive the allotment that has been changed. However, the Department shall notify the household of the mass change as much before the household's scheduled issuance date as reasonably possible, although the notice need not be given any earlier than the time required for advance notice of adverse action.
- (3) The household shall be entitled to request a fair hearing when it is aggrieved by the mass change.
- (4) A household that requests a fair hearing due to a mass change shall be entitled to continued benefits at its previous level only if the household meets the following three criteria:
  - (a) The household does not specifically waive its right to a continuation of benefits;
  - (b) The household requests a fair hearing in accordance with Section 366.220; and
  - (c) The household's fair hearing is based upon improper computation of food stamp eligibility or benefits, or upon misapplication or misinterpretation of federal law or regulation.

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**Food Stamp Program  
Additional Certification Functions**

**Chapter 366  
Page 366.140**

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Rev. 11/95

366.140: Change Reporting Requirements for PA Households

Except for TAFDC, AFDC and RRP households subject to TAFDC/AFDC/RRP Monthly Reporting, and for changes in grant amounts, PA households are subject to the same reporting requirements as all other food stamp households (in accordance with 106 CMR 366.110) and shall use the Food Stamp Change Report Form and postage-paid envelope provided by the Department. PA households that report a change in circumstances to the PA worker shall be considered to have reported the change for food stamp purposes.

366.150: Department Action on Reported Changes

Action shall be taken on all changes reported during a household's certification period in accordance with the timeliness standards set forth in 106 CMR 366.120. Households shall be notified whenever their monthly food stamp allotment is changed as a result of changes in their public assistance grant or whenever their food stamp certification period is shortened to reflect changes in household circumstances (see 106 CMR 365.170).

**Food Stamp Program  
Additional Certification Functions**

In cases jointly processed by SSA and the Department (see Section 361.190) in which the SSI determination results in denial, the worker shall send the household a notice of termination if the worker believes the household's food stamp eligibility or benefit level may be affected. The notice shall advise the household that its certification period will expire in the month following the month in which the notice is sent and that it must reapply if it wishes to continue to participate. The notice shall explain that its certification period is expiring because of changes in circumstances and that it may be entitled to an out-of-office interview.

366.200: Notice of Adverse Action

Prior to taking action to reduce or terminate a household's benefits during the certification period, the worker shall, except as specified in 106 CMR 366.210, provide the assistance unit with advance notice of adverse action. The notice of adverse action shall be considered timely if it is mailed to the assistance unit at least ten (10) days prior to the effective date of the proposed action, except as specified in 106 CMR 366.215.

366.210: Changes Not Requiring Advance Notice

In the circumstances described below, food stamp benefits may be terminated or decreased without providing the assistance unit advance notice of adverse action or the right to a pretermination or a prereduction hearing:

- (A) The Department initiates a mass change as described in 106 CMR 366.130;
- (B) The worker determines, on reliable information, that all members of the assistance unit have died;
- (C) The assistance unit has been receiving an increased monthly allotment to restore lost benefits, the restoration is complete, and the assistance unit is previously notified in writing of when the increased allotment would terminate;
- (D) The assistance unit's allotment varies from month to month within the certification period to take into account changes anticipated at the time of certification and the assistance unit was so notified at the time of certification;
- (E) The assistance unit files a joint application for cash assistance and food stamp benefits, receives food stamp benefits pending the approval of the cash assistance grant and is notified at the time of certification that food stamp benefits will be reduced upon approval of the cash assistance grant;
- (F) An assistance unit member is disqualified due to an Intentional Program Violation, or the benefits of the remaining assistance unit members are reduced or terminated to reflect the disqualification of that assistance unit member. (The notice requirements for individuals or assistance units affected by IPV disqualifications are explained at 106 CMR 367.825);
- (G) The assistance unit's food stamp benefits are terminated or reduced as a result of the recertification process;

Food Stamp Program  
Additional Certification Functions

Rev. 5/98

- (H) The assistance unit's benefits are increased as the result of a reported change and the assistance unit fails to provide verification of the reported change prior to the second normal monthly allotment after the change was reported;
- (I) The Department is terminating the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement because the facility has lost its state agency certification or has had its status as an authorized representative suspended due to disqualification by the United States Department of Agriculture; or
- (J) The Department is instituting benefit reduction in order to collect an Intentional Program Violation or an Unintentional Program Violation Claim for Inadvertent Household Error (in accordance with 106 CMR 367.490 et seq.), and the reason is that the assistance unit has failed to make an agreed upon repayment.
- (K) The assistance unit voluntarily requests, in writing or in the presence of the worker, that its participation be terminated. If the assistance unit does not provide a written request, the Department shall send the assistance unit a letter confirming the voluntary withdrawal. Written confirmation does not entail the same rights as a notice of adverse action except that the assistance unit may request a fair hearing.
- (L) The Department determines, based on reliable information, that the assistance unit will not be residing in the area and, therefore, will be unable to obtain its next allotment. The Department shall inform the assistance unit of its termination no later than its next scheduled issuance date. While the Department may inform the assistance unit before its next issuance date, the Department shall not delay terminating the assistance unit's participation in order to provide advance notice.

366.215: Exception to 10-Day Advance Notice Requirement

An assistance unit may be notified that its benefits will be reduced or terminated no later than the date the assistance unit receives, or would have received, its allotment, provided that the following conditions are met:

- (A) The assistance unit reports the information that results in the reduction or termination;
- (B) The reported information is in writing and is signed by the assistance unit;
- (C) Based solely upon the assistance unit's written information, as provided in 106 CMR 366.215(B) above, the worker can determine the assistance unit's allotment or ineligibility;

**Food Stamp Program  
Additional Certification Functions**

**Rev. 6/87**

- (D) The household retains its right to a fair hearing as allowed in Sections 367.025 through 367.485;
- (E) The household retains its right to continued benefits by requesting a fair hearing within the time period provided by the notice of adverse action in accordance with Section 366.220; and
- (F) The Department continues the household's previous benefit level, if required, within five working days of the household's request for a fair hearing.

366.220: Continuation of Benefits Pending the Fair Hearing Decision

If, within the advance notice period, a household requests a fair hearing and does not waive continuation of benefits, the household's participation in the program shall be continued at the level authorized immediately prior to the Notice of Adverse Action. Benefits will continue until the Fair Hearing Decision is rendered or the certification period expires, whichever occurs first. If a hearing request is not made within the advance period, the benefits shall be reduced or terminated as proposed. However, if the household establishes that its failure to make the request within the advance notice period was for good cause, the worker shall reinstate benefits to the prior level.

366.300: Recertification

A household's food stamp benefits shall not continue beyond the certification period unless the household has been recertified. To recertify, the household must submit a new application, be interviewed, and provide required verification in accordance with timeliness standards set forth in Section 366.320. Those households that timely recertify and are found eligible shall be entitled to uninterrupted benefits.

This section lists the responsibilities of the household and the Department in the recertification process.

366.310: Notification to Recertify

Households certified for one or two months shall receive, at the time of certification, a separate notice of recertification responsibilities entitled Notice of Food Stamp Termination. Those households certified for three months or more (except public assistance households) shall receive a separate Notice of Food Stamp Termination in the month prior to the last month of their certification period. This notice will be mailed by the Department no earlier than the first day of the next to last month of certification or no later than the last day of the next to last month of certification. The contents of the notice are set forth in Section 364.840.

Unless it has been 11 months since their eligibility was last determined, public assistance households shall not receive a separate notice of recertification responsibilities. These households are recertified for food stamps at the same time as their public assistance redetermination regardless of whether their food stamp certification period has expired.

366.320: Household Responsibilities

- (A) Filing a Timely Application. Households that are issued a Notice of Food Stamp Termination at the time of certification have 15 days from the date the notice is received to submit a timely application. The eligibility worker shall use the postmark on the notice, plus two days for mailing time, as an aid in determining if households were allowed adequate time. In cases of a dispute households may demonstrate that the notice was not, in fact, received in a timely manner.

Households sent a separate notice during their certification period shall be considered to have timely reapplied if they file a new application by the 15th day of the last month of their certification period.

Households consisting of only SSI applicants or recipients (pure SSI households) may make a timely application for recertification at an SSA office. An application shall be considered filed for normal processing purposes when the signed application is received by the SSA. SSA will forward the completed application and all available verification to the appropriate local office.

- (B) Being Interviewed. The Department may schedule an interview prior to the date the application is timely filed, but cannot deny the household for failure to appear for that interview. The interview shall be scheduled on or after the date the application was timely filed, if the interview has not been previously scheduled, or if the household failed to appear for an interview scheduled prior to filing a timely application and has requested another interview. If the household does not appear for an interview scheduled in accordance with this section, the department must notify the household that it missed the interview appointment and that the household is responsible for rescheduling the missed interview.

Households consisting entirely of SSI recipients are entitled to a waiver of the face-to-face interview if the household is unable to appoint an authorized representative. Pure SSI households (i.e., consisting only of SSI applicants or recipients) which complete the application for recertification at the SSA office, shall not be required to appear at the local office for a second office interview, although an out-of-office interview may be conducted, if necessary.

(C) Providing Verification

The following verification requirements shall be met at recertification. (See 106 CMR 365.180 for verification factors that are deemed for categorically eligible households.) Verification that is submitted with a TAFDC Monthly Report, in the same month as the redetermination, shall meet the verification requirements for recertification. Additional verification is not required unless the information provided is questionable.

Time frames (at least 10 calendar days from the date of the Department's initial request) may be established within which the household must submit any required verification requested to ensure its rights to uninterrupted benefits.

(1) Gross Countable Income

The amount of the household's gross countable monthly income, as defined in 106 CMR 363.200, shall be verified prior to recertification unless the household is subject to TAFDC Monthly Reporting requirements. If all attempts to verify the gross countable income are unsuccessful because a third party has failed to cooperate, the worker shall determine the household's gross countable monthly income based on the best available information.

Noncountable income shall be verified only if the information provided by the household is questionable (106 CMR 361.620).

(2) Alien Status

Alien status shall be verified prior to recertification only when the household reports a change in the alien status of a household member.

(3) Medical Expenses

The amount of allowable medical expenses, including the amount of reimbursement (e.g., by a third-party insurer), shall be verified prior to recertification if their use would result in a larger deduction. Other factors related to the medical expenses, such as the type of service provided or the eligibility of the person incurring the cost, shall be verified only if the information provided by the household is questionable.

(4) Liquid Assets

The current value of the household's countable liquid assets, as defined in 106 CMR 363.100, shall be verified in accordance with 106 CMR 363.130 prior to recertification.

(5) Social Security Numbers

The social security number (SSN) of each household member shall be verified in accordance with 106 CMR 362.500(A), unless Good Cause for failure to furnish an SSN exists in accordance with 106 CMR 362.500(D).

(6) Disability

The disability of a household member, as it pertains to household composition, shall be verified prior to recertification in accordance with 106 CMR 361.210.

(7) Legally Obligated Child Support Payments

The household shall be required to verify the amount of legally obligated child support a household member pays to a nonhousehold member prior to recertification.

(8) Additional Verification Requirements

- a. All other eligibility factors, financial or nonfinancial, shall be verified prior to recertification when the information provided by the applicant is questionable and affects the household's eligibility or benefit level. Other eligibility factors include loans, residency, household composition, citizenship, student eligibility, circumstances relative to work registration and certain deductible expenses.
- b. All other eligibility factors, financial or nonfinancial, shall be verified prior to recertification when the Department elects to mandate verification of additional information. Such verifications must be required statewide or throughout a project area but shall not be imposed on a case-by-case basis on particular households.

366.330: Department Responsibilities

When an assistance unit makes a timely application for recertification and fulfills its recertification responsibilities, the worker must certify or deny the application and send the assistance unit a notice of the eligibility determination by the end of the current certification period.

(A) Scheduling Interviews

The worker shall schedule a recertification interview in accordance with 106 CMR 366.320(B).

(B) Time Standards for Providing Benefits to Eligible Assistance Units

Assistance units that timely reapplied after having been given a Notice of Food Stamp Termination at the time of certification shall be notified of their eligibility or ineligibility and provided an opportunity to participate (if eligible) no later than 30 days after the assistance unit had an opportunity to obtain its last food stamp allotment. All other assistance units that timely recertify shall be provided with an opportunity to participate by their normal issuance date in the month following receipt of the application.

366.340: Failure to Recertify in a Timely Fashion

Any application for recertification not submitted in a timely fashion shall be treated as an application for initial certification. Additionally, an assistance unit that fails to submit a timely application, or to appear for an interview scheduled after a timely application was submitted, or to provide required verification by the last day of its current certification period shall lose its right to uninterrupted benefits.

If an assistance unit submits an application for certification prior to the expiration of its certification period, or within 15 days of the notice of termination in accordance with CMR 366.320, and is found eligible for the month following the end of the certification period, the benefits for that month shall not be prorated.

Assistance units that file a timely application but refuse to complete the recertification process shall have their applications denied.

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**Food Stamp Program  
Additional Certification Functions**

**Chapter 366  
Page 366.450**

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Rev. 4/83

366.450: Certification of Households Moving Within the State

The Department shall provide for continuous service to certified households that move from one certification office to another within the State.

366.500: Restoration of Lost Benefits

The Department shall provide a system for restoring lost benefits. Once a household's entitlement to restoration of lost benefits is established, the amount due shall be restored to the household even if the household is currently ineligible.

Food Stamp Program  
Additional Certification Functions366.510: Entitlement

A household is entitled to lost benefits only for those months in which the household was eligible to participate. In cases where there is no information in the household's case record to document that the household was actually eligible, the worker shall advise the household of what information must be provided to determine eligibility for these months. For each month that the household cannot provide the necessary information to demonstrate its eligibility, the household shall be considered ineligible for restoration of lost benefits. The Department shall restore to the household benefits that were lost because of:

- (A) an agency error, such as an incorrect allotment, an incorrect denial or termination of benefits, agency delay in acting on a reported change, or failure to provide benefits for the month following the expiration of the certification period for households properly fulfilling the recertification process;
- (B) a Department policy that specifically states a household is entitled to lost benefits;
- (C) a reversal of the fraud disqualification penalty of a household member;
- (D) an error by the Department or by SSA through joint application processing. Such an error shall include, but is not limited to, the loss of an applicant's food stamp application after it has been filed with SSA.

366.520: Computing the Amount to be Restored

- (A) Months of Restoration Except when benefits are restored as the result of the reversal of a fraud disqualification penalty, benefits shall be restored for not more than 12 months prior to whichever of the following occurred first:
  - (1) the month the household or another person or agency notified the appropriate certification office verbally or in writing of the possible loss of benefits;
  - (2) the month the worker discovered that a loss has occurred; or
  - (3) the date the household requested a fair hearing to contest the adverse action that resulted in the loss.

(B) Computing the Amount to be Restored

- (1) If an incorrect allotment caused the loss to an eligible household, the loss of benefits shall be calculated only for those months the household participated. The worker shall calculate the allotment the household was eligible to receive during the months of entitlement. The amount to be restored is the difference between the actual allotment and the allotment the household was eligible to receive.

**Food Stamp Program  
Additional Certification Functions**

- (2) If an incorrect denial, delay or termination of benefits caused the loss, the months affected by the loss are calculated as follows:
- a. If an eligible household's application was erroneously denied, benefits will be restored back to the month of application. For an eligible household filing a timely reapplication, benefits shall be restored back to the month following the expiration of its certification period.
  - b. If an eligible household's application was delayed, the months for which benefits will be restored shall be calculated in accordance with 106 CMR 361.900 through 361.960.
  - c. If a household's benefits were erroneously terminated, benefits will be restored back to the first month in which benefits were not received as a result of the erroneous action. After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible.

366.530: Notification of Entitlement

When the worker determines that a loss of benefits occurred, s/he shall automatically take action to restore those benefits to the household. No action by the household is necessary. The household shall be notified of its entitlement, the amount of benefits to be restored, any offsetting that was done, the method of restoration and the right to appeal through the fair hearing process if the household disagrees with any aspect of the proposed lost benefit restoration.

366.540: Disputed Benefits

A household may request a fair hearing within 90 days of the date it is notified of the worker's decision regarding lost benefits.

- (A) When a household does not agree with the amount to be restored or any other action taken by the Department to restore lost benefits and requests a fair hearing prior to or during the time lost benefits are being restored, the household shall receive the lost benefits in the amount determined by the worker, pending the results of the fair hearing. If the fair hearing decision is favorable to the household, the worker shall restore the lost benefits according to that decision.

**Food Stamp Program  
Additional Certification Functions**

- (B) If a household believes it is entitled to restoration of lost benefits, but the worker, after reviewing the case file, disagrees and informs the household in writing, the household has ninety (90) days from the date of the worker's determination to request a Fair Hearing. If the household requests a Fair Hearing and Fair Hearing decision is favorable to the household, the worker shall restore the benefits lost up to twelve (12) months prior to the date the worker was initially informed of the household's possible entitlement to lost benefits.

366.550: Offsetting Claims

If a claim against a household is unpaid, held in suspense or terminated, the amount to be restored shall be offset against the amount due on the claim before the balance is restored to the household. Offsetting shall not occur when a household is certified and receiving an initial allotment, even if the initial allotment is issued retroactively.

366.560: Individuals Disqualified for an Intentional Program Violation

Individuals disqualified for an intentional program violation are entitled to restoration of any benefits lost during the months they were disqualified only if the decision to disqualify is subsequently reversed. For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

366.570: Method of Restoration

Regardless of current eligibility, the Department shall restore lost benefits to a household by issuing an allotment equal to the amount of benefits that were lost. For currently eligible households the lost benefits shall be issued in a lump sum separate from the household's current monthly allotment. The Department shall honor reasonable requests that the benefits be restored in monthly installments.

**Food Stamp Program  
Additional Certification Functions**

366.580: Changes in Assistance Unit Composition

Whenever lost benefits are due an assistance unit and the assistance unit's membership has changed, the worker shall restore the lost benefits to the assistance unit containing a majority of the individuals who were assistance unit members at the time the loss occurred. If the worker cannot locate or determine the assistance unit which contains a majority of assistance unit members, the worker shall restore the lost benefits to the assistance unit containing the head of the assistance unit at the time the loss occurred.

366.590: Losses that Occurred Prior to the Elimination of the Purchase Requirement

Assistance units assigned a purchase requirement that was too high or assigned an incorrect assistance unit size shall be entitled to restoration of lost benefits if the assistance unit received fewer bonus stamps as a result. The amount to be restored is equal to the difference between the bonus stamps the assistance unit received and the correct amount the assistance unit should have received. The Department shall restore the lost benefits in accordance with 106 CMR 366.500 through 106 CMR 366.580.

366.600: Disaster Certification

The authority for the issuance of disaster food stamp benefits is granted in the Disaster Relief Act of 1974 and the Food Stamp Act of 1977.

The provisions of this section cannot be used without the specific authorization of the Food and Nutrition Service of the U.S. Department of Agriculture following a declaration by the President of a major disaster and other disaster periods declared by Food and Nutrition Service. The authorization by FNS will specify the disaster area and the period for which disaster food stamp benefits for eligible assistance units may be given. That authorization must be officially communicated to the Transitional Assistance Office by the Central Office of the Massachusetts Department of Transitional Assistance. Only then can these provisions be used.

366.610: Commonwealth of Massachusetts Disaster Food Stamp Plan

The Commonwealth of Massachusetts Disaster Food Stamp Plan is specifically designed to provide immediate relief to people in need of food assistance because of a disaster. Eligibility will be based on information from an application form prescribed by the Department. No additional data will be required to determine eligibility, but the statements of the applicant may be subject to review and verification by Quality Control. Assistance units certified under the disaster eligibility standards shall be provided disaster food stamp benefits for the maximum allotment for the assistance unit size.

Food Stamp Program  
Additional Certification Functions

366.620: Eligibility and Certification

Due to emergency conditions, it is possible that more than one family will occupy a dwelling. Therefore, applicant groups or individuals sharing living quarters may be certified as separate assistance units. The following eligibility requirements must be met for certification of assistance units under the provisions of the Commonwealth of Massachusetts Disaster Food Stamp Plan. No other eligibility requirements will be imposed.

(A) Eligibility Requirements

(1) The assistance unit will be eligible for the Commonwealth of Massachusetts Disaster Food Stamp Plan benefits only once during the time period authorized by FNS. If a new period is authorized by FNS, the assistance unit must reapply. No disaster food stamp benefits shall be authorized or issued after the expiration of the authorized period.

(a) Ongoing assistance units in the Food Stamp Program, even when the assistance unit has already received its food stamp benefits during the month in which the disaster occurs, shall not be precluded a second issuance in accordance with these procedures. A second issuance shall be made if it appears that due to the disaster the assistance unit is unable to make the previously authorized purchase or has lost stocks of food acquired through the use of its benefits and meets the other eligibility requirements.

(b) Applicants shall have their application for benefits processed in accordance with the following rules:

(1) Identity is the only required verification;

(2) Assistance unit income, anticipated or received during the benefit period as well as all accessible liquid assets, minus a deduction for disaster-related expenses, shall not exceed the disaster gross income limits. The formula for determining the disaster gross income limits is as follows:

<b>the maximum net monthly income limit for the appropriate assistance unit size (See 106 CMR 364.975)</b>	+	<b>the current standard deduction (See 106 CMR 364.400)</b>	+	<b>the current shelter deduction (See 106 CMR 364.400)</b>
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(3) All other verifications as defined in 106 CMR 361.610 must be provided if available.

Food Stamp Program  
Additional Certification Functions

- (2) The assistance unit resides either temporarily or permanently within the geographical limits of the disaster area as specified by FNS.
- (3) The assistance unit is in need of food stamp assistance because of a reduction in or inaccessibility of income or cash.

(B) Certification Procedures

- (1) The assistance unit must complete and have the head of the assistance unit, or spouse, or authorized representative sign the disaster benefit application prescribed by the Department. That is the application form for the Commonwealth of Massachusetts Disaster Food Stamp Plan as well as the request for the maximum food stamp benefit for the assistance unit's size.
- (2) The worker reviews the application to determine if the applicant's statements meet the eligibility requirements of the Commonwealth of Massachusetts Disaster Food Stamp Plan.
- (3) When the assistance unit fails to meet the disaster eligibility requirements, it must be given Notice of Denial and be advised that it may apply for food stamp assistance in accordance with ongoing Program requirements.
- (4) When the assistance unit is determined to be eligible:
  - a. It must be given a Food Stamp Identification Card;
  - b. It must be given disaster food stamp benefits for the maximum allotment for the assistance unit size for the period authorized by FNS; or
  - c. It must be given a Notice of Approval which informs the unit where food stamp benefits may be used and that the benefit is only for the specified period. Further benefits can be given only as the result of an approval of a new application for a later time period. (If FNS extends the disaster period, the assistance unit will have to make a new application for further benefits.)

366.900: Food Assistance Applications Originating at the Social Security Administration

To facilitate the application process for SSI applicants/recipients, the United States Department of Agriculture granted waivers to certain standard policy items. The revised policy items, resulting from these waivers, apply only to one person food stamp assistance units in receipt of SSI benefits and differ depending on whether the assistance unit is a Commonwealth of Massachusetts Combined Application Project (Bay State CAP) Assistance Unit or a regular FS Assistance Unit. The waivers apply only to the policy items addressed in 106 CMR 366.910 and 366.920.

366.910: Bay State CAP Assistance Units

The Commonwealth of Massachusetts Combined Application Project (Bay State CAP) has been developed through the cooperative effort of the Department of Transitional Assistance (DTA), the Social Security Administration (SSA), and the U.S. Department of Agriculture (USDA). The information about SSI applicants and recipients gathered by SSA staff during the interview for application or redetermination of SSI benefits will be electronically transmitted to DTA through the State Data Exchange (SDX) system. SDX information will then be used by DTA to issue Bay State CAP food assistance benefits for the applicant/recipient once SSI is approved or redetermined. Bay State CAP does not eliminate SSA's obligation to take a regular FS application, in accordance with 7 USC 2020(i). Any obligation attributed to SSA in this section is included for informational purposes only. Appeal rights regarding SSI eligibility or benefit level must be pursued through SSA. Appeal rights regarding Bay State CAP eligibility or benefit level must be pursued through DTA.

A. Bay State CAP Eligibility Criteria

For an individual to be eligible for Bay State CAP benefits, the following conditions must be met:

1. The applicant must apply for food assistance benefits at SSA;
2. The applicant must be receiving SSI;
3. The applicant must not be permanently disqualified from receiving Food Stamp Program benefits;
4. The applicant must be unmarried (*single, divorced or separated*);
5. The applicant must declare to purchase and prepare food separately from other individuals living in the same household;
6. The applicant must be age 18 or older;
7. The applicant must be a U.S. citizen or an eligible noncitizen in accordance with Food Stamp Program rules at 106 CMR 362.220; and
8. The applicant must not have earnings, in accordance with SSA rules.

B. The Bay State CAP Food Assistance Application

1. A Bay State CAP application can be made only through SSA.
2. The application interview for SSI benefits serves as the application interview for Bay State CAP benefits.
3. The SSA worker will ask three food assistance questions as part of the SSI application:
  - a. Do you wish to participate in the Food Stamp Program?
  - b. Do you purchase and prepare separately?
  - c. Are your housing expenses (rent/mortgage) equal to or greater than \$450.00 per month?
4. The SSI applicant is not required to visit a DTA office or have a telephone interview.

C. Verification Requirements

The SSI applicant will not have to verify additional information to complete the application process for Bay State CAP food assistance benefits. All information necessary to process the Bay State CAP household will be created from SDX data and any existing data on the DTA computer system. All demographic and income information on the Bay State CAP household will be updated using SDX data.

D. Expedited Issuance

1. Bay State CAP households are not eligible for expedited benefits.
2. The SSA worker will screen for expedited service and assist the applicant/recipient in completing the regular FS application if the applicant/recipient appears to qualify for expedited service. The SSA worker will fax the regular FS application to the appropriate TAO.

E. Establishment of the Bay State CAP Household

For newly approved SSI recipients reported by SSA as requesting Bay State CAP benefits and who meet the Bay State CAP eligibility criteria, DTA will take the following actions:

1. Create a Bay State CAP household;
2. Calculate the monthly Bay State CAP benefit amount;
3. Certify the household for 36 months;
4. Issue the initial Bay State CAP benefit amount the month following receipt of the SSA approval information;
5. Send a Bay State CAP approval notice.

F. Bay State CAP Benefit Calculation

The SSI income of the recipient, as well as any other unearned income, as reported on the SDX, will be used to calculate the monthly Bay State CAP benefit amount.

1. Bay State CAP households will receive the standard deduction for one person.
2. The Shelter Deduction for each Bay State CAP household will be calculated as follows:
  - a. Households claiming shelter expenses equal to or greater than \$450 per month during the SSI interview will receive the high shelter standard of \$450.
  - b. Households claiming shelter expenses less than \$450 per month during the SSI interview will receive the low shelter standard of \$220.
  - c. All Bay State CAP AUs will receive the Bay State CAP Standard Utility Allowance of \$375.
  - d. One half of the household's adjusted gross income will be subtracted from the sum of the appropriate standard shelter expense and the Bay State CAP SUA. The difference is the shelter deduction for the household.
3. The shelter deduction will be subtracted from the household's adjusted gross income to determine the monthly net income.
4. The net monthly income will be used to determine the Bay State CAP benefit amount in accordance with 106 CMR 364.600.

**Food Stamp Program  
Additional Certification Functions**

Rev. 2/2005

(2 of 3)

**G. Bay State CAP Reporting Requirements**

1. Bay State CAP Assistance Units will be told to report the following household expenses to DTA.
  - a. Increases in shelter costs (rent/mortgage);
  - b. Payment of utilities separate from shelter costs;
  - c. Medical expenses over \$35.00 per month;
  - d. Dependent care costs; and
  - e. Child Support payments for a nonhousehold member.
2. Other changes in circumstances must be reported to SSA in accordance with SSA rules.

**H. DTA Action on Reported Household Expense Information**

The Department will act on reported household expenses when:

1. the information impacts the Bay State CAP food assistance benefit amount; or
2. the information would result in a higher regular food stamp benefit amount.

**I. DTA Action on SSA Reported Information**

1. Changes to the following SDX demographic data will result in the Bay State CAP Assistance Unit being updated on DTA's computer system. Demographic data includes: Name, SSN, Address, Gender, Race and Language.
2. Changes to the following SDX data will result in a request for benefit recalculation and may result in a food assistance benefit amount change:
  - a. A change from the High Shelter Standard to Low Shelter Standard;
  - b. A change from the Low Shelter Standard to High Shelter Standard; or
  - c. A change in an SDX Unearned Income Amount.
3. The following SDX information will result in a switch from Bay State CAP food Assistance benefits to regular Food Stamp Program benefits for three months.
  - a. The Assistance Unit requested Bay State CAP benefits to stop.
  - b. SSI benefits have stopped for a reason not listed in (4) below.
  - c. The Federal Living Arrangement Code is no longer A.
  - d. The State Living Arrangement Code is no longer A or B.
  - e. The Assistance Unit is married.
  - f. The Assistance Unit is under 18.
  - g. The Assistance Unit has had earnings for three months.
4. The following SDX information will result in the closing of the Bay State CAP Assistance Unit.
  - a. The Assistance Unit is an ineligible noncitizen.
  - b. The Assistance Unit is a resident of a Public or Private Institution.
  - c. The Assistance Unit is no longer a Massachusetts resident.
  - d. The Assistance Unit is deceased.
  - e. The Assistance Unit's whereabouts are unknown.
  - f. The Assistance Unit did not cooperate with a fraud investigation.
  - g. The Assistance Unit is receiving assistance in another state.
  - h. The Assistance Unit is a fleeing felon.

J. Recertification of Bay State CAP Benefits

1. SSA will ask the food assistance questions during the SSI redetermination interview. SSA will transmit the redetermination information to DTA through the SDX file.
  - a. **Timely Recertification:** If the SSI redetermination occurs during the Bay State CAP certification period, the Assistance Unit will be recertified for Bay State CAP purposes. A new 36-month certification period will be assigned and DTA will continue the Bay State CAP benefits using the information received through the SDX file. There will be no interruption in benefits.
  - b. **Untimely Recertification:** If the SSI redetermination occurs after the Bay State CAP certification period expires, the Assistance Unit will be recertified for Bay State CAP purposes. A new 36-month certification period will be assigned and DTA will begin issuing Bay State CAP benefits the month after the redetermination information is received.
2. If an SSI case is not scheduled to be redetermined during the food assistance benefits certification period, DTA will mail out a redetermination package 45 days before the end of the certification period with a notice informing the AU that benefits are due to end unless the AU reapplies. DTA will process the redetermination forms.

K. Conversion of Existing FS AUs

On or before the February 2005 food stamp issuance date, a Bay State CAP calculation will be performed on all active Food Stamp Assistance Units that meet the Bay State CAP eligibility criteria.

1. If the Food Stamp Assistance Unit's benefit amount would increase using the Bay State CAP calculation, DTA will do the following:
  - a. Convert the AU to Bay State CAP;
  - b. Send a Bay State CAP conversion notice to the AU;
  - c. Assign a certification period of up to 36 months; and
  - d. Create a transaction to notify SSA that the AU is now Bay State CAP.
2. If the FSP AU's benefit amount would remain the same or decrease using the Bay State CAP calculation, DTA will continue to issue regular food assistance benefits at the current benefit level.

366.920: Regular SSI/Food Stamp Assistance Units

In accordance with 7 USC 2020(i) and SSA policy, SSA will take a regular FS application for pure SSI households who do not meet the Bay State CAP criteria or who meet Bay State CAP criteria but are subject to a disability determination that will take longer than 30 days to process. The SSA claims representative will also screen for expedited service. SSI applicants/recipients who qualify for expedited service may complete a FS application at SSA or apply in person at the appropriate TAO for regular food stamp benefits. Any obligation attributed to SSA in this section is included for informational purposes only. Appeal rights regarding SSI eligibility or benefit level must be pursued through SSA.

A. SSI Recipients Serviced by a Regional SSI Office

SSI recipients living alone who are not eligible for Bay State CAP but who meet the rules for transfer into a Regional SSI Office will be serviced by the appropriate Regional SSI Office. The following policy items shall apply to regular SSI/FS Assistance Units serviced by a Regional SSI Office.

1. Filing an Application

Applications or recertifications may not be filed *in person* at the Regional SSI Office. Assistance in completing food stamp applications will be available at SSA or the TAO.

2. Date of Application

If the application is filed at an SSA office, then the date of application shall be the date the identifiable FS application is faxed by SSA to the appropriate TAO.

If an application is filed at a TAO, the date of application shall be the date the identifiable Food Stamp Program application is received by the appropriate TAO.

3. Interviewing Households

Interviews at initial certification or recertification will be conducted in accordance with 106 CMR 366.920(B).

4. Verification at Initial Certification

- a. If the application is filed at an SSA office, SSA will indicate what required verifications are on file at the SSA office. Unless the application is incomplete, mandatory verification is missing, or certain information on the application is questionable, no other verification shall be requested.
- b. If an application is filed at a TAO, SDX data will be used to verify the assets, identity, residency, social security number(s) and unearned income of the SSI recipient. Additional verification of these eligibility factors will be required only if the information supplied by the SSI recipient contradicts SDX data.
- c. Deductible expenses claimed by the applicant shall be verified only if the amount claimed is questionable and the deduction impacts the Assistance Unit's benefit amount.

5. Noncitizen Status

Noncitizen Status will be verified through SDX. The applicant must meet an eligible noncitizen status in accordance with 106 CMR 362.220(B). The applicant will be denied if the noncitizen status on SDX is an ineligible status in accordance with 106 CMR 362.220(B). Additional verification of noncitizen status will be required if the SDX information is questionable.

6. Anticipating Income

At application or recertification, income listed on the SDX file shall be treated as the income anticipated to be received during the certification period.

7. Certification Periods

These assistance units may be certified for up to 24 months. The recertification will be conducted by mail with telephone follow-up, if necessary.

8. Asset Eligibility - Initial Certification

SSI recipients shall be regarded as asset eligible at initial certification.

9. Documentary Evidence

SDX data serves as documentary evidence of the income, assets, identity, residency, social security number(s), and noncitizen status of the SSI recipient.

B. SSI Recipients Serviced by a Local Transitional Assistance Office (TAO)

SSI recipients who are living with others shall be serviced by a TAO. The following policy items shall apply to SSI assistance units serviced by a TAO.

1. Date of Application

If the application is filed at an SSA office, then the date of application shall be the date the identifiable FS application is faxed by SSA to the appropriate TAO.

2. Interviewing Households

At initial certification, if a pure SSI household (an assistance unit consisting of only SSI applicants/recipients) files an application at an SSA office that is then forwarded to the appropriate TAO, the assistance unit shall not be required to see a local office representative or be subject to an additional interview, in accordance with 106 CMR 361.190.

At initial certification and recertification, if the application is filed at a TAO, the assistance unit shall have a face-to-face interview in the TAO unless the office interview is waived, in accordance with 106 CMR 361.510.

3. Noncitizen Status

Noncitizen Status will be verified through SDX. The applicant must meet an eligible noncitizen status in accordance with 106 CMR 362.220(B). The applicant will be denied if the noncitizen status on SDX is an ineligible status in accordance with 106 CMR 362.220(B).

4. Certification Periods

Unemployable SSI Assistance Units with stable income will be assigned certification periods of not less than six months. If all Assistance Unit members are elderly or disabled, the assistance unit can be assigned a certification period of up to 24 months.

5. Verification at Initial Certification

- a. If the application is filed at an SSA office, SSA will indicate on a form attached to the application what required verifications are on file at the SSA office. Unless the application is incomplete, mandatory verification is missing, or certain information on the application is questionable, no other verification shall be requested.
- b. If the application is filed at the TAO, SDX data will be used to verify the identity, residency, social security number(s) and unearned income of the SSI recipient. Additional verification of these eligibility factors will be required only if this information contradicts information supplied by the SSI recipient.
- c. Deductible expenses claimed by the applicant shall be verified only if the amount claimed is questionable and the deduction impacts the Assistance Unit's benefit amount.

6. Transfer from a Local TAO to a Regional SSI Office

Assistance Units meeting the Regional SSI Office selection rules will be transferred to the appropriate Regional SSI Office. TAOs are responsible for providing certain services for these cases. All recertifications and changes are handled by the Regional SSI Office.