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361.050: Introduction

The application process begins with a household's request for an application and ends with the Department's decision on eligibility. The process requires actions such as:

(A) Making applications available;

(B) Assisting a household to complete its application;

(C) Interviewing a member of the household or an authorized representative;

(D) Performing necessary collateral contacts and verifications; and

(E) Preparing necessary documents to authorize the issuance of SNAP benefits for eligible households.

361.080: Prompt Action

Eligible households must be given an opportunity to participate in the Supplemental Nutrition Assistance Program (SNAP) no later than 30 calendar days following their date of application. An opportunity to participate consists of the Department's issuing SNAP benefits through the EBT system before the 30-day processing standard expires. Expedited service shall be provided to households in accordance with 106 CMR 365.800, et seq. Benefits must be provided retroactively to the date of application for households that complete the application process within the required time frame and are eligible to receive benefits in the month of application.

361.100: Filing an Application

Households who want to participate in SNAP must submit an identifiable SNAP application. An identifiable SNAP application contains the applicant's name and address and is signed by a responsible member of the household or the household's authorized representative. The application may be submitted in person by the applicant or an authorized representative or by mail, fax or the online application.

The application form used by the Department must contain or be accompanied by the following information:

(A) A statement that the information provided by the applicant on the application will be subject to verification by federal, state, and local officials to determine whether such information is factual and that if any material part of that information is incorrect, SNAP benefits may be denied and the applicant may be subject to criminal prosecution for knowingly providing incorrect information;

(B) A description of the civil and criminal provisions and penalties for violations of the Food Stamp Act and its amendments; and

(C) A statement to be signed by one adult household member that certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and noncitizen status of all household members.

361.110: Where to File

The application must be filed with the Department and may be submitted in person by the applicant~~,~~ or by an authorized representative, or by mail, fax or the online application.

Households consisting only of SSI applicants or recipients may file a SNAP application at an SSA office in accordance with 106 CMR 361.190.

361.120: Date of Application

For households consisting only of SSI applicants or recipients that apply for SNAP benefits at an SSA office, the household's date of application is the date the signed SNAP application is received by the SSA office. The SSA office shall date stamp each application on the date it is received to document the household's date of application.

For all other households, the household's date of application is the date an identifiable SNAP application is received by the Department through the online application, the DTA Document Processing Center or at a Department local office, except that when an application is not received by 5:00 pm on a business day or is received on a weekend or holiday, the application date will be the next business day. The Department shall date stamp each application on the date it is received to document the household's date of application.

361.130: Household Right to Same Day Filing

Households shall be advised of their right to same day filing of the application. Each office shall post signs that explain the application processing standards and the household's right to same day filing. In addition, the household shall be informed that it does not have to be interviewed before filing its application and that it may file an incomplete application as long as the form contains the applicant's name and address and is signed by a responsible member of the household or the household's authorized representative.

Department staff shall encourage households to file an application the same day the household or its representative contacts the Department in person or by telephone and expresses an interest in obtaining SNAP benefits.

361.140: Mailing Applications to Households

If the household contacts the Department by telephone but does not wish to come to a local office to file an application that same day and instead prefers receiving an application through the mail rather than applying online, the Department shall mail the application form to the household on the same day as the telephone request. If a household makes a written request for SNAP assistance, the Department shall mail the application form to the household on the same day as the written request for SNAP assistance is received.

361.150: Withdrawal of Application

The household may voluntarily withdraw its application at any time before the determination of eligibility. The worker shall document in the case file the reason for withdrawal, if given, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time.

361.160: Handling Applications for Public Assistance (PA) Households

To facilitate their participation in SNAP, households in which all members are applying for cash assistance shall be allowed to apply simultaneously for SNAP benefits. However, the household's SNAP eligibility and benefit level shall be based solely on SNAP eligibility criteria. The household shall be certified in accordance with the SNAP notice and processing standards even when these standards are different than those of the cash assistance program. See 106 CMR 365.100 through 365.180 for special procedures for taking and processing SNAP applications for these households.

361.170: Handling Applications for Non-Public Assistance (NPA) Households

NPA households are defined as follows:

(A) households in which no member is a recipient of cash assistance; and

(B) households in which some members, but not all, are applicants for or recipients of cash assistance.

361.180: Handling Applications for Expedited Service Households

Each office shall designate staff to identify households eligible for expedited certification and issuance. The designated staff shall screen applications as they are filed or as individuals come into the office to apply.

361.190: Handling Applications of SSI Households

Households of only SSI applicants or recipients may, if they choose, apply for SNAP benefits at a Social Security Administration (SSA) office. SSA shall handle applications of SSI households that have not applied for SNAP benefits in the previous 30 days and that do not have SNAP applications pending.

SSA shall inform SSI applicants and recipients of the availability of benefits under the SNAP and the availability of a SNAP application at SSA offices whenever SSI applicants or recipients conduct business at an SSA office. An SSA office is not required to accept SNAP applications or to conduct interviews for SSI applicants or recipients who are not members of households in which all members are SSI applicants or recipients. SSA shall refer non-SSI households to the Department.

SSA shall accept and complete SNAP applications filed at the SSA office by SSI households and shall forward them to the Department within one working day after receipt of the signed applications. On a form attached to the application, SSA will indicate required verifications that are on file at the SSA office. Items verified and on file at the SSA office are considered verified for SNAP purposes. An application shall be considered filed for normal processing standards on the date the identifiable application is received by the SSA office. For expedited service, processing time standards begin the date the Department receives the application. SNAP eligibility shall be based solely on SNAP eligibility criteria.

At initial application, SSI households that have applied at the SSA office shall not be subject to an additional interview at the Department. The worker shall not contact the household to obtain information for certification for SNAP benefits, unless the application is improperly completed, mandatory verification is missing, or the worker determines certain information on the application is questionable. In no event shall the applicant be required to appear at the local office to finalize the eligibility determination.

SSI households are considered categorically eligible for SNAP benefits in accordance with 106 CMR 365.180.

361.200: Household Concept/Definition

A SNAP household is defined as:

- an individual who lives alone;
- an individual living with others who purchases food and prepares meals separately; or
- a group of individuals living together who purchase food and prepare meals together.

(A) The following individuals living with others or groups of individuals living together shall be considered as purchasing food and preparing meals together even if they do not do so unless an exception applies:

(1) Spouse Rule

An individual living with his or her spouse must be in the same SNAP household as the spouse. Spouses shall not be granted separate household status.

Spouse is defined as either of two individuals who are legally married to one another, or who are living together and holding themselves out to the community as husband and wife by representing themselves as spouses to relatives, friends, neighbors, or tradespeople;

(2) Parental Control Rule

A child under age 18, except for a foster care child (as defined in 106 CMR 361.240(F)), who is living with an adult household member (not the child's parent) and under the parental control of the adult household member, must be in the same SNAP household as the adult household member.

Parental control means providing financial support or supervision, or both, to an individual under age 18; and

(3) Parent/Child Rule

A child under age 22 living with his or her natural, adopted or stepparent(s) must be in the same SNAP household as the parent(s).

(B) The following individuals living with others or groups of individuals living together shall be considered as purchasing food and preparing meals separately even if they do not do so.

(1) An individual, with or without children, residing in a drug or alcohol treatment center shall be one SNAP household separate from the other residents. See 106 CMR 365.600 through 365.690.

(2) A blind or disabled resident of a group living arrangement (106 CMR 365.600 through 365.690) who applies through the use of the facility's authorized representative shall be one SNAP household separate from the other residents. If a blind or disabled resident applies on his or her own behalf, the household size must be determined following the household concept rules defined in this section.

(3) An individual, with or without children, residing in a shelter for battered individuals and their children shall be one SNAP household separate from the other residents. See 106 CMR 365.550.

(4) An individual who is both age 60 or older and disabled, as defined below, may be a separate SNAP household when living with others who purchase food and prepare meals for such individuals, if both the following conditions are true:

a. The individual is unable to purchase food and prepare meals for himself or herself because s/he suffers from a disability considered permanent under the Social Security Act, or suffers from a non-disease-related, severe, permanent disability. If this disability is not obvious to the Department, verification of the disability is required. The verification shall be a statement from a physician that the individual is unable to purchase food and prepare meals because of the disability. Individuals meeting the disabled definition in 106 CMR 361.210 shall also be considered unable to purchase food and prepare meals for themselves.

b. The gross income of the others, excluding the individual and (a) his or her spouse, (b) his or her natural, adopted or stepchildren under age 22, or (c) ~~a~~ children under age 18 living under his or her parental control, if applicable, in accordance with 106 CMR 363.220, does not exceed 165 percent of the net income eligibility standard for a household of the appropriate size. See 106 CMR 364.975 for these eligibility standards. Such income must be verified in accordance with 106 CMR 363.210.

An elderly and disabled individual who meets the two conditions in 106 CMR 361.200(B)(4) and lives with his or her spouse, natural, adopted or stepchildren under age 22, or children under age 18 living under his or her parental control must be in the same household as the spouse, natural, adopted or stepchildren, or children living under his or her parental control in accordance with 106 CMR 361.200(A).

361.210: Elderly or Disabled Individuals

Individuals meeting the following requirements are entitled to special treatment including waiver of the in-office interview (see 106 CMR 361.510); the gross income standard exception (see 106 CMR 364.370); a maximum asset limit of $3250 (see 106 CMR 363.110(A)); the excess medical deduction (see 106 CMR 364.400(C)); an uncapped shelter deduction (see 106 CMR 364.400(G)) and the 165% Income Standard for Elderly and Disabled Individuals (see 106 CMR 361.200).

(A) To be considered an elderly individual, he or she must be at least 60 years old by the last day of the month of application. A disabled individual is someone who meets one of the following requirements:

(1) Receives or is certified to receive Supplemental Security Income (SSI) benefits (Title XVI), or disability or blindness payments under Titles I (Old Age Assistance), II (Retirement, Survivor and Disability Insurance [RSDI]), X (Aid to the Blind), XIV (Aid to the Permanently and Totally Disabled) or XVI of the Social Security Act; or
Receives or is certified to receive federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act or receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93–66;

(2) Receives disability-related medical assistance under Title XIX of the Social Security Act (MassHealth);

(3) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(4) Is a veteran with a service-connected or nonservice-connected disability rated or paid as total by the Veterans' Administration (VA) under 38 USC;

(5) Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under 38 USC;

(6) Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under 38 USC;

(7) Is a surviving spouse or surviving child of a veteran receiving or approved by the VA to receive compensation for a service-connected death or pension benefits for a nonservice-connected death under 38 USC and has a disability considered permanent under section 221(i) of the Social Security Act; or

(8) Receives an annuity payment under~~:~~ section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used in determining eligibility for SSI.

(B) The requirements in 106 CMR 361.210(A)(1), (2), (4), (5), (6), and (8) shall be verified in all cases. The requirements in 106 CMR 361.210(A)(3) and (7) regarding a disability considered permanent shall be verified only if the disability and its permanence are not obvious to the Department. The requirements listed above are verified as follows.

(1) 106 CMR 361.210 (A)(1): the household shall provide proof that the disabled individual is receiving or is certified to receive SSI benefits or disability or blindness payments under RSDI.

(2) 106 CMR 361.210 (A)(2): the household shall provide proof that the disabled individual is receiving or is certified to receive MassHealth on the basis of disability or blindness criteria used under title XVI of the Social Security Act, if the Department is unable to do so.

(3) 106 CMR 361.210 (A)(4): the household must present a statement from the VA that clearly indicates the disabled individual is receiving VA disability benefits for a service-connected or nonservice-connected disability rated as total or paid at the total rate by the VA.

(4) 106 CMR 361.210 (A)(5) and (6): proof by the household that the disabled individual is receiving VA disability benefits is sufficient verification of disability.

(5) 106 CMR 361.210 (A)(3) and (7): the Department shall use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the Social Security Act. If it is obvious to the worker that the

individual has one of the listed disabilities, the household shall be considered to have verified the disability. If the disability is not obvious to the worker, the household shall verify the disability by providing a statement from a physician or a licensed or certified psychologist certifying that the individual has one of the nonobvious disabilities listed.

(6) 106 CMR 361.210(A)(8), the household shall provide proof that the individual receives a Railroad Retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare.

361.220: Head of Household

Primary responsibility for designating the head of household for SNAP purposes rests with the household. The head of household may be any adult member of the household, except that if there is a minor child, the head of household must be an adult who has parental control of the child. The worker may assist in the determination of head of household. If the household does not designate a head of household, DTA may make the designation. Any adult in the household, whether or not that person is the head of the household, may apply for benefits and may conduct business with DTA on behalf of the household.

The household may select its head of household at initial certification and at each subsequent recertification. It may not change the designation during a certification period unless there is a change in the household composition, including a change due to death or institutionalization of a household member. For purposes of determining head of household in regard to compliance with the General SNAP Work Requirements at 106 CMR 362.310 or when a voluntary quit is established in accordance with 106 CMR 362.340, the head of household shall be determined as follows.

(A) The head of household shall be the household member (including any sanctioned or disqualified member~~s~~) who earned the greatest amount of income in the two months before the date of the application or month of the violation (i.e., the principal wage earner), unless the household contains more than one adult parent of children. This “principal wage earner” provision applies only if the employment involves 20 hours or more per week or provides weekly earnings at least equivalent to the federal minimum wage multiplied by 20 hours.

(B) A household that has more than one adult parent of children shall be given the option of selecting its head of household when all adult household members agree to the selection. The household may select its head of household at initial certification and at each subsequent recertification. It may not change the designation during a certification period unless there is a change in the composition of the household.

If the household is not eligible to select its head of household, or an eligible household does not choose to select its head of household, the head of household shall be determined in accordance with 106 CMR 361.220(A). If there is no principal wage earner in the household, the household member documented in the case record as the head of the household at the time of the violation shall be considered the head of household. Designation of head of household, in accordance with 106 CMR 361.220 (A) or (B), whichever is applicable, shall take precedence over a previous designation of head of household at least until the period of ineligibility has ended.

361.230: Nonhousehold Members

In some cases individuals residing within a household cannot be considered SNAP household members. Such persons are termed nonhousehold members. Except for disqualified individuals described in 106 CMR 361.230(D), the nonhousehold member's income and resources shall not be considered in determining the household's eligibility and benefit level. Nonhousehold members who are otherwise eligible may participate in the program as separate households. Nonhousehold members include:

(A) Roomers

Roomers are individuals to whom the household furnishes lodging, but not meals, for compensation.

(B) Live-In Attendants

Individuals who reside with a household to provide medical, housekeeping, child care, or other similar personal services to household members.

(C) Students

Individuals enrolled in an institution of higher education who are ineligible because they fail to meet the eligibility criteria found at 106 CMR 362.400.

(D) Disqualified Individuals

Disqualified individuals are people who have been disqualified for any of the reasons described in 106 CMR 367.800 or other sections specified below:

(1) because they failed to comply with the SNAP Work Program;
(2) because they failed to comply with the requirement to provide and verify a Social ~~s~~Security number at 106 CMR 362.500;
(3) because they have an undetermined noncitizen status, nonimmigrant noncitizen status, or illegally residing noncitizen status as described in 106 CMR 362.220; or
(4) because they are legal noncitizens ineligible for federal SNAP benefits as described in 106 CMR 362.220.

(E) Others

Other individuals, with the exception of spouses, parents and their children under age 22, and children under age 18 living under parental control of an adult household member in accordance with 106 CMR 361.200, who share living quarters with the household but do not purchase food and prepare meals with the household.

361.240: Ineligible Households

(A) Residents of Commercial Boarding Houses

Residents of commercial boarding houses are not eligible to participate in the Supplemental Nutrition Assistance Program. A commercial boarding house shall be defined as an establishment that is licensed as a commercial enterprise, and offers meals and lodging for compensation. In cities and towns without licensing requirements, a commercial boarding house shall be defined as a commercial establishment that offers meals and lodging for compensation with the intent of making a profit. The number of boarders residing in a boarding house shall not be used to determine if a boarding house is a commercial enterprise. The household of the owner of a boarding house may participate in SNAP as a household separate and apart from the residents of the boarding house, if the owner's household meets all SNAP eligibility requirements.

(B) Residents of Institutions

Individuals shall be considered residents of institutions when the institution provides them with the majority of their meals as part of normal services. A majority of meals is over 50 percent of three meals daily. Residents of institutions are not eligible for participation in SNAP, with the following five exceptions:

(1) Residents of federally subsidized housing for the elderly built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act. Eligible residents do not have to be elderly to receive SNAP benefits;

(2) Residents, with or without their children, of a drug or alcohol treatment center as defined in 106 CMR 365.610;

(3) Residents of a group living arrangement (see 106 CMR 365.620) who are blind or disabled and receiving benefits under Title I, Title II, Title X, Title XIV, or Title XVI of the Social Security Act (see 106 CMR 361.210);

(4) Residents of shelters for battered individuals and their children as defined in 106 CMR 365.550; and

(5) Residents of public and private nonprofit homeless shelters, if otherwise eligible.

(C) Reserved

(D) Boarders Who Are Not Residents of Commercial Boarding Houses

Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals. In determining whether the individual is paying reasonable compensation, only the amount paid for meals shall be used, as long as the amount paid for meals is distinguishable from the amount paid for lodging. Reasonable compensation for meals is one of the following:

(1) An amount equal to or above the maximum SNAP benefit for the appropriate boarder household size, if the boarder is provided with more than two meals a day; or

(2) An amount that equals or exceeds two-thirds of the maximum SNAP benefit for the appropriate boarder household size, if the boarder is provided with only one or two meals per day.

Individuals who pay less than reasonable compensation are not boarders and must be members of the household providing the lodging and meals.

Boarders are ineligible to participate separately from the household providing lodging and meals. Boarders may participate as members of the household providing these services and at the request of the providing household.

If the household providing lodging and meals has not requested that its boarders be included in its household, none of the income and resources of the boarders are to be considered available to the household except that the payment of the boarder to the household shall be treated in accordance with 106 CMR 365.200.

(E) Strikers

(1) Definition

A striker is an individual involved in a strike or concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement, and any concerted slowdown or other interruption of operations by employees.

The following individuals are not considered strikers:

(a) An employee affected by a lockout. A lockout is the closing of a workplace by an employer to resist the demands of employees;

(b) An employee not participating in a strike who is unable to work as a result of striking employees;

(c) An employee who is not part of the bargaining unit on strike and who does not want to cross a picket line due to fear of personal injury or death; and

(d) An individual who was, on the day before the strike, exempt from the Work Requirements described at 106 CMR 362.300, et seq., on any basis other than employment as defined in 106 CMR 362.310(B)(10).

(2) Eligibility

A household with a member on strike is ineligible unless all of the following are true:

(a) the household was participating or was eligible to participate in SNAP on the day before the strike;

(b) the household is otherwise currently eligible. The greater of the following two amounts shall be added to the nonstriking members' current income to determine if the household is currently income eligible: the striker's monthly income on the day before the strike; or the striker's current monthly income. A household containing a striking member shall not receive an increased allotment as the result of a decrease in the income of the striking member.

Net income shall be determined on the basis of the household's current circumstances in accordance with 106 CMR 364.500; and

(c) the striker complies with the Work Requirements described at 106 CMR 362.300, et seq., unless exempt.

(F) Foster Care Children and Foster Care Adults

Foster care children and adults are those placed in the home of relatives or non-relatives by a federal, state or local government foster care program. A foster care household provides foster care to these children and adults. Neither foster care children nor adults are required to be included in the foster care household's SNAP household. If foster care children and adults are not included in the household, the following shall apply:

(1) no portion of the government based foster care payments shall be counted in determining the eligibility and benefit level of the foster care household; and

(2) foster care children and adults are ineligible to participate as a separate SNAP household from the foster care household.

The foster care household has the option of including the foster care children and adults in its SNAP household; however, the foster care payments shall then be counted as unearned income in determining the eligibility and benefit level of the foster care household.

361.300: Authorized Representatives

(A) An authorized representative is someone designated by the head of a household, spouse or other responsible household member to act on behalf of the household in applying for SNAP, obtaining SNAP benefits and/or purchasing food. An organization or institution conducting a drug addiction or alcohol treatment and rehabilitation center in accordance with 106 CMR 365.610 or nonprofit group living arrangements may also serve in this capacity.

(B) An authorized representative is designated to enable a household to participate in SNAP when the head of the household, spouse or other household member is unable to make an application to obtain SNAP benefits, maintain SNAP benefits and/or purchase food.

361.310: Authorized Representative to Make Application

When the head of household, spouse or other household member cannot apply for the household, an authorized representative may be designated for that purpose.

(A) Requirements

The authorized representative must be:

(1) Designated in writing by the head of the household, the spouse, or other responsible household member; and

(2) An adult who is sufficiently aware of relevant household circumstances to represent the household.

Exception: In the event the only adult member of a household is classified as a non-household member (see 106 CMR 361.230), that person may be designated as the authorized representative for household members who are minors.

(B) Household Liability

Except as provided in 106 CMR 365.650, the household shall be held liable for any over issuance that results from erroneous information given by the authorized representative. Therefore, it is important that the head of household, spouse or other responsible household member prepare and review the SNAP application whenever possible, even though the authorized representative will be the person interviewed. If it is determined that a household member collaborated with the authorized representative to commit fraud, the household member is subject to fraud hearing procedures. If a finding of fraud is made at the hearing, the household member would be disqualified from receiving SNAP benefits and a fraud claim established against the household.

361.320: Authorized Representative to Obtain SNAP Benefits

The designation of an authorized representative shall be made at any time during the application process or certification period. The authorized representative shall be named on the Mass EBT Card. The authorized representative designated to obtain the SNAP benefits may be the same individual designated to make an application for the household or may be another individual. Even if a household member is able to make application and obtain SNAP benefits, the household should be encouraged to name an authorized representative for obtaining SNAP benefits in case of illness or other circumstances that may result in the household to be unable to obtain SNAP benefits.

361.330: Authorized Representative to Purchase Food

The authorized representative may use SNAP benefits to purchase food for the household's consumption with the full knowledge and consent of the household. The authorized representative must have a Mass EBT Card in his or her own name when purchasing food with SNAP benefits.

361.340: Reserved

361.350: Drug and Alcohol Treatment Centers and Group Living Arrangements as Authorized Representatives

A designated employee of a drug and alcohol treatment center or group living arrangement may act as the authorized representative for residents of the facility (see 106 CMR 365.600, et seq).

361.360: Restrictions on Authorized Representatives

(A) Department employees involved in the certification or issuance processes and retailers authorized to accept SNAP benefits may act as authorized representatives only with the written approval of the Local Office Director when s/he determines that no one else is available to serve.

(B) Individuals disqualified for fraud shall not act as authorized representative~~s~~ during the period of disqualification, unless s/he is the only adult member of the household able to act on its behalf and the worker has determined that no one else is available to serve. The worker shall separately determine whether the disqualified person is needed to apply for SNAP on behalf of the household, to obtain SNAP benefits, and to purchase food. For example, the household may have an authorized representative who is not able to purchase food regularly with the SNAP benefits. If the worker cannot locate anyone else to serve as an authorized representative to purchase food regularly with the SNAP benefits, the disqualified member shall be allowed to do so.

361.370: Documentation and Control of Authorized Representatives

The worker shall ensure that authorized representatives are properly designated. The name of the authorized representative shall be contained in the household's case file. Limits shall not be placed on the number of households an authorized representative may represent. In the event that a single authorized representative has access to a large number of SNAP benefits, such as an employer of migrant or seasonal farm workers who is designated as an authorized representative for several households, the worker should exercise caution that:

(A) The household has freely requested the assistance of the authorized representative;

(B) The household's circumstances are correctly represented and the household is receiving the correct amount of SNAP benefits; and

(C) The authorized representative is properly using the SNAP benefits. Except in cases of drug and alcohol treatment centers and group homes, the Department may disqualify the authorized representative from participating as an authorized representative for up to one year if the Department has obtained evidence that the authorized representative has misrepresented a household's circumstances and has knowingly provided false information about the household, or has made improper use of SNAP benefits. The Department shall notify the household and the authorized representative in writing 30 days before disqualification. The notice shall include the proposed action; the reason for the proposed action; the household's right to request a fair hearing; and the appropriate Department telephone number; and the name of the person to contact for additional information.

361.400: Household Refusal to Cooperate

To determine eligibility, the information on the application must be complete and the application signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the worker in completing this process, the application shall be denied at the time of refusal.

For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, refusal to be interviewed shall result in a denial; failure to keep an appointment for an interview shall not automatically result in a denial. If there is any question as to whether the household has merely failed to cooperate as opposed to refused to cooperate, the household shall not be denied.

The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a Quality Control review.

Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates.

361.500: Interviewing Households

At initial certification, an interview shall not be conducted with SSI households that have filed an application at an SSA office. (See 106 CMR 361.190.)

All other applicant households, including those submitting applications by mail, fax or through the online application shall be scheduled for a face-to-face interview in the local office unless the office interview requirement is waived as provided in 106 CMR 361.510. The applicant household must be notified of the date and time when the original interview appointment is scheduled. If the household does not appear for the interview appointment, the worker must notify the household that it missed a scheduled interview and that it is the household's responsibility to contact the local office to reschedule a missed interview. The interview shall be conducted by the worker prior to initial certification and at all recertifications. The individual interviewed may be the head of household, spouse, other responsible member of the household, or the household's authorized representative. The applicant may bring any individuals s/he chooses to the interview.

361.510: Waiver of the Office Interview

The households in 106 CMR 361.510(A) and (B) shall not be required to complete a face-to-face interview in the local office. For these households the interview must be conducted by telephone or home visit. However, home visits shall be used only if the time of the visit is scheduled in advance with the household. Households who have been certified for 24 months shall have a telephone interview at the end of the 24-month period. (See 106 CMR 366.920.)

(A) Waiver Granted upon Request

Any household which is unable to appoint an authorized representative and has no household member able to come into the office because they are elderly or disabled as defined in 106 CMR 361.210 shall be granted a waiver of the office interview.

(B) Waiver Granted on Case-by-Case Basis

A waiver of the office interview requirement shall be granted on a case-by-case basis to any household which is unable to appoint an authorized representative and has no household member able to come into the office because of transportation difficulties or similar hardships. Hardship conditions include, but are not limited to: illness; care of a household member; prolonged severe weather; or work hours which preclude an office interview. Mere inconvenience (i.e., for the client, it is easier to be interviewed by telephone or to have the worker make a home visit than to go to the office) is not sufficient reason to waive the office interview. The worker shall determine if the transportation difficulty or other hardship reported by the client warrants a waiver of the office interview requirement and shall fully document in the case record why a request for a waiver was granted or denied.

361.520: Verification When Office Interview is Waived

Waiver of the office interview does not exempt the household from the verification requirements described in 106 CMR 361.600 through 106 CMR 361.660. However, special procedures may also be used to permit the household to provide verification and thus obtain its benefits in a timely manner. For example, the worker may substitute a collateral contact in instances where documentary evidence would normally be provided.

361.530: Length of Certification When Office Interview is Waived

Waiver of the office interview shall not affect the length of the household’s certification period.

361.540: Scheduling Interviews

The worker shall schedule face-to-face or out-of-office interviews as promptly as possible to ensure that eligible households are able to obtain SNAP benefits within 30 calendar days following the date the application is filed. If a household fails to appear for the first interview, the worker must notify the household that it missed the interview appointment and that it is the household's responsibility to contact the Department to reschedule the missed interview. The household may reschedule a missed interview without providing good cause for failing to appear for the first interview.

361.550: Content of Interviews

The interview is an official and confidential discussion of household circumstances with the applicant. The applicant should be made to feel at ease during the interview and the confidentiality of the information provided by the applicant must be protected. The scope of the interview may not extend beyond an examination of household circumstances which directly relate to the determination of household eligibility and benefit level.

The purpose of the interview is to establish to the satisfaction of the worker that the actual facts of the case are consistent with the information on the application or on previous applications and with other information known to the worker concerning household income and circumstances and to establish, subject to subsequent verification, whether or not the household is eligible for SNAP assistance. To accomplish this purpose, the worker shall use interview techniques that explore and resolve with the household unclear and incomplete information. Merely reviewing the application for completeness is no substitute for a complete interview.

During the interview, the worker shall fully advise the household of its rights and responsibilities, including an explanation of the application processing standards and the household's responsibility to report changes.

At the interview an applying household must report changes related to eligibility which have occurred since the application was filed. Changes listed in 106 CMR 366.110 which occur after the interview but before the date of the notice of eligibility must be reported within 10 days of the date of the notice.

361.600: Verification

Verification is the use of third-party information or documentation to establish the accuracy of the information provided by the applicant. Sections 106 CMR 361.600 through 361.660 describe the requirements for verification. Application of these requirements to each eligibility factor is discussed in the sections dealing with the particular eligibility factor. (See 106 CMR 365.180 for verification of factors that are deemed for categorically eligible households.)

361.610: Verification Requirements at Initial Certification

(A) Gross Countable Income

The amount of the household's gross countable monthly income, as defined in 106 CMR 363.200, shall be verified before initial certification. The verification requirements of 106 CMR 365.800, et seq., shall be followed for households entitled to expedited service. If all attempts to verify the gross countable income are unsuccessful because a third party has failed to cooperate, the Department 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 as described in 106 CMR 361.620.

(B) Noncitizen Status

Any household member identified as a noncitizen on the application shall verify his or her noncitizen status before initial certification in accordance with 106 CMR 362.200, et seq.

(C) Utility Costs for Certain Homeless Households

Households in which all members are homeless individuals and reside in someone else's home (see 106 CMR 360.030) must verify actual shelter and/or utility expenses greater than $143 per month to be eligible for the shelter deduction and the applicable Standard Utility Allowance.

(D) 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 initial certification if their use would result in a 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 (see 106 CMR 361.620).

(E) Liquid Assets

The current value of the household's countable liquid assets, (see 106 CMR 363.100), shall be verified prior to certification.

(F) Social Security Numbers

The Social Security number (SSN) or the application for an SSN shall be verified in accordance with 106 CMR 362.500(A) or (B) prior to initial certification.

When a household member does not furnish an SSN which can be verified in accordance with 106 CMR 362.500(A), and does not have Good Cause for not providing an SSN, as specified in 106 CMR 362.500 (C), the household member is ineligible and shall be considered a disqualified nonhousehold member in accordance with 106 CMR 365.520.

(G) Identity

The identity of the applicant and any authorized representative applying on behalf of the household shall be verified prior to initial certification. Identity may be verified through documentary evidence that is readily available to the applicant or representative. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license; a work or school ID; an ID for health benefits or for another assistance or social service program; a voter registration card; wage stubs or a birth certificate. Any documents which reasonably establish identity must be accepted, and no requirement for a specific type of document may be imposed. In the absence of documentary evidence, identity shall be verified by collateral contact in accordance with 106 CMR 361.640.

(H) Residency

Residency shall be verified before initial certification except in unusual cases (such as homeless households, certain migrant farm-worker households, or households that have just arrived in the state) where verification of residency cannot reasonably be accomplished. To the extent possible, documents used to verify rent or mortgage payments, utilities or identity shall be used to verify residency. If such documentation does not verify residency, the Department shall use any documents, collateral contact, or home visits (see 106 CMR 361.640) that reasonably establish the applicant's residency. No requirement for a specific type of verification may be imposed, and no durational or fixed residency requirement shall be established. An otherwise eligible household shall not be required to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. The worker shall not limit verifications to a specific document and must assist the household in obtaining verification, when necessary, as discussed in 106 CMR 361.650.

(I) Disability

The disability of a household member, as it relates to household composition, shall be verified before initial certification in accordance with 106 CMR 361.210.

(J) Legal Obligation and Actual Child Support Payments

The household's legal obligation to pay child support, the amount of the obligation and the monthly amount of child support the household actually pays shall be verified before initial certification. The household is responsible for providing verification of the legal obligation, the obligated amount, and the amount paid. The Department shall accept any document that verifies the household's legal obligation to pay child support, such as a court or administrative order, or legally enforceable separation agreement.

The Department shall accept documentation verifying a household's actual payment of child support including, but not limited to, canceled checks, wage withholding statements, verification of withholding from unemployment compensation or statements from the custodial parent regarding direct payments or third party payments the noncustodial parent pays or expects to pay on behalf of the custodial parent. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments.

In addition to requiring verification from the household, the Department shall be responsible for obtaining verification of the household's child support payments if the payments are made to the State's Title IV-D agency, the Department of Revenue (DOR). The Department shall use the information in determining the household's entitlement to a deduction in the new certification period. The household shall be given an opportunity to resolve any discrepancy between household verification and the Title IV-D agency records.

(K) Additional Verification Requirements

1) All other eligibility factors, financial or nonfinancial, shall be verified before the initial certification when the information provided by the applicant is questionable and affects the household's eligibility or benefit level. Other eligibility factors include loans, household composition, citizenship, student eligibility, circumstances relative to work registration, and certain deductible expenses.

2) All other eligibility factors, financial or nonfinancial, may be verified before the initial certification 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 selective case-by-case basis on particular households.

361.620: Questionable Information

To be considered questionable, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous applications, or inconsistent with other information known or reported to the Department. When determining if information is questionable, the worker must review each household's individual circumstances. For example, if a household reports expenses that exceed income, the worker may determine that further verification is required. This circumstance is not, in and of itself, grounds for denial. Instead, the worker must explore with the household how it is managing its finances, whether the household has resources or excluded income and how long the household has managed under these circumstances.

No group shall be required to provide more intensive verification of questionable information due to their race, religion, ethnic background, or national origin, such as, but not limited to, migrant farmworkers, American Indians or sponsored noncitizens.

361.630: Contradictory Information

When information from another source or on the application contradicts statements made by the household, either orally or in writing, the worker must give the household a reasonable opportunity to resolve the discrepancy before making an eligibility determination.

361.640: Sources of Verification

Sources of verification include documentary evidence, collateral contacts or home visits. In all cases the source of the verification must be documented in the case record.

(A) Documentary Evidence

Workers shall use documentary evidence as the primary source of verification for all items except household size which may be verified by collateral contact. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence shall include~~:~~ wage stubs, SDX data, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any specific type of document and may be obtained through the household or other source. Workers shall use an alternate source of verification such as collateral contact or home visit, when documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level.

When the verification is an original document, a photocopy of the document must be made, if possible. If circumstances prevent the photocopying of a document and a copy is not available, the worker must record the source and date of the document. The household must be permitted to keep the original document.

(B) Collateral Contact

A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The acceptability of a collateral contact shall not be restricted to a particular individual but may be anyone who can be expected to provide accurate third-party verification of the household's statements. Examples of acceptable collateral contacts are employers, landlords, social service agencies, migrant service agencies, and neighbors of the household. The worker shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The worker is responsible for obtaining verification from acceptable collateral contacts and is not required to use a collateral contact designated by the household if it cannot be expected to provide accurate third-party verification. When the collateral contact is unacceptable, the worker shall either ask the household to designate another collateral contact or substitute a home visit.

SDX documents are not considered collateral contacts and therefore need not be designated by the household.

(C) Home Visit

Home visits shall be used as verification only if documentary evidence cannot be obtained or is insufficient to make a determination of eligibility or benefit level, and the visit is scheduled in advance with the household.

361.650: Responsibility for Obtaining Verification

The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information, provided that nothing in this section shall limit the ability of the Department to verify information from other government agencies or from banks. Households may supply documentary evidence in person, through the mail, or through an authorized representative. The worker shall consider any reasonable documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, or the household has presented insufficient documentation, the worker shall either offer assistance to the household in obtaining the documentary evidence, except when verification of shelter or utility costs for unoccupied homes would have to be obtained from a source outside the State, or shall use a collateral contact or home visit. The worker shall not require the household to present verification in person at the local office.

361.660: Documenting Verification

Case records must be documented to support eligibility, ineligibility, and benefit level determinations. The documentation shall be in sufficient detail to permit a Quality Control reviewer to determine the reasonableness and accuracy of the determination. If verification was required to resolve questionable information, the worker shall document why the information was considered questionable and what documentation was used to resolve the questionable information. The worker shall also document the reason why an alternate source of verification, such as a collateral contact or home visit, was needed and the reason a collateral contact was rejected and an alternate requested.

361.700: Timeliness Standards for Processing

The worker shall determine the household's eligibility as soon as possible after the household or its authorized representative files the application. An application is filed the day the Department, or in the case of certain SSI households, the date the SSA office, receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative in accordance with 106 CMR 361.120. See 106 CMR 365.180 for processing standards for categorically eligible households and 106 CMR 365.120 for processing standards for PA households.

(A) Eligible Assistance Units

Households that are found to be eligible must be provided an opportunity to participate within 30 calendar days following the date of application. An opportunity to participate consists of the Department's issuing SNAP benefits via the EBT system before the 30-day processing standard expires. When the Department misses this timeliness standard and the household is eligible for SNAP benefits in the month of application, SNAP benefits must be provided retroactive to the date of application.

(B) Denying the Application

Households found ineligible shall be sent a Notice of Denial as soon as possible, but no later than 30 days after the application was filed.

(1) If the household fails to appear for one scheduled interview, the worker must notify the household that it missed a scheduled interview appointment and that it is the household's responsibility to reschedule that interview. If the household makes no subsequent contact with the Department to reschedule the missed interview, the application shall be denied no later than 30 days after the application was filed. When an application is denied for this reason, the household must file a new application to participate in the program.

(2) In cases where the interview was conducted and all necessary verification was requested on the same day the application was completed, a notice of denial may be sent no sooner than the 10th day nor later than the 30th day if the household did not provide the requested verification as long as:

(a) the household received a statement of required verification and was notified of the date they must be submitted; and

(b) the Department offered to help the household obtain needed verification as required in 106 CMR 361.650.

If the household complies after the 10th day but before the 30th day, benefits must be provided back to the date of application for eligible households. Delays beyond 30 days must be handled in accordance with 106 CMR 361.900, et seq.

361.800: Expedited Processing

Applicant households identified in the application screening process as eligible for expedited service shall be provided expedited service in accordance with 106 CMR 365.800, et seq.

361.900: Delays in Processing

If an eligible household is not provided an opportunity to participate within 30 days or an ineligible household is not denied within 30 days, the worker must determine the cause of the delay. In the sections below, the word “fault” is used as an administrative term to establish the household’s entitlement to retroactive benefits.

361.910: Household Caused Delay

A delay is considered the fault of the household if the household has failed to complete the application process even though the worker has taken all the action required to assist the household. The worker must have taken the actions in 106 CMR 361.920 before a delay can be considered the fault of the household.

361.920: Department Caused Delay

A delay shall be considered the fault of the Department if the household has met all its obligations in a timely manner, but the worker has failed to complete the application process in the appropriate time frames, or when the worker has failed to take the following actions:

(A) For households that have failed to complete the application form, the worker must have offered or attempted to offer the household help in completing it.

(B) If one or more members of the household have failed to register for work (see 106 CMR 362.300, et seq.), the worker must inform the household of the need to register for work and give the household at least 10 days from the date of notification to register these members.

(C) In cases where verification is incomplete, the worker must have provided assistance when required in 106 CMR 361.650 and allowed the household sufficient time to provide the missing verification. Assistance includes informing the household of all the verifications required as well as the alternative forms of verification accepted and assisting the household in obtaining these verifications. Sufficient time is at least 10 days from the date of the initial request for the particular verification that was missing.

(D) For households that have failed to appear for the first interview but have contacted the worker to reschedule the missed interview, the worker must have attempted to reschedule the interview within 30 calendar days following the date the application was filed. However, if the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the household. If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

361.930: Notification of Pending Status

If the worker cannot make an eligibility determination within 30 calendar days as specified in 106 CMR 361.700, he or she shall send the household a Notice of Pending Status on the 30th day. The Notice of Pending Status will inform the household that its application has not been completed and is being processed. If some action by the worker is needed to complete the application process, he or she shall take immediate corrective action.

If some action by the household is needed to complete the application process, the notice shall also explain what action the household must take and that its application will be denied if the required action is not taken within 60 calendar days following the date the application was filed. If the pending status is the result of lack of verifications needed to make a determination of eligibility, the written notice must also contain a statement advising the household of the missing verifications and the option to contact the worker for assistance. The worker shall inform the household of the alternative verifications that are acceptable and the time frame for submitting the verifications. No further action is required by the worker after the Notice of Pending Status is sent if the household fails to take the required action within 60 calendar days following the date the application was filed.

361.940: Providing Benefits to Eligible Households

If the delay in the first 30-day period is considered to be the fault of the Department and the household was eligible for the month of application, benefits will be provided retroactively to the date of application. If the delay in the first 30-day period is considered to be the fault of the household, benefits are provided beginning with the month in which the household completes the application process.

361.950: Notice of Denial to Ineligible Households

If the household is found ineligible during the second 30-day period, the worker shall send a Notice of Denial to the household. If the denial is a result of lack of verifications needed to make a determination of eligibility, the written notice shall inform the household of their right to reapply at any time and shall also contain a statement advising the household of the missing verifications and the option to contact the Department for help.

361.960: Delays Beyond 60 Days

If an eligibility determination is not made by the 60th day following the date the application was filed, the worker must ensure that the application process is completed.

(A) Case Information and Verification Complete

When the worker has received all needed case information and verifications, the household has met all its obligations. The worker must continue to process the application until the household is found eligible or ineligible~~:~~.

(1) Retroactive benefits are provided to eligible households in accordance with the provisions of 106 CMR 361.940.

(2) If the household is found ineligible, the worker must send a Notice of Denial to the household.

(B) Case Information or Verification Incomplete Department Fault

When the case information or verification is incomplete and the Department is at fault at the end of the second 30-day period, the worker must continue to process the application until the household's eligibility is determined.

(1) Retroactive benefits are provided to eligible households in accordance with the provisions of 106 CMR 361.940, above.

(2) If the household is found ineligible, the worker must send a Notice of Denial to the household.

(C) Case Information or Verification Incomplete - Household Fault

When the case information or verification is incomplete and the household is at fault at the end of the second thirty (30) day period, the application must be denied.

(1) If the household is also at fault for the delay in the first 30-day period, the application is denied with no further notice to the household.

(2) If the Department is at fault for the delay in the first 30-day period, the worker must send a Notice of Denial to the household. In these cases the household is not entitled to Lost Benefits for the first 30-day period.