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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 99 LCM-1

Date: January 22, 1999

Division: Temporary Assistance

TO: Local District Commissioners

SUBJECT: Food Stamp Program: Clarification of Definition of Disability

ATTACHMENTS: None

The purpose of this memorandum is to clarify two issues regarding the definition of disabled as it applies to the Food Stamp Program. The current definition is found in Department Regulation 387.1(m) and Food Stamp Source Book (FSSB) Section V-A-6.1-6.3.

1. Interim Assistance

As part of the definition of a disabled individual, federal Food Stamp regulations include a recipient of interim assistance benefits pending the receipt of Supplemental Security Income (SSI), PROVIDED THAT THE ELIGIBILITY TO RECEIVE THESE BENEFITS IS BASED UPON DISABILITY CRITERIA WHICH ARE AT LEAST AS STRINGENT AS THOSE USED UNDER TITLE XVI OF THE SOCIAL SECURITY ACT (SSA). For purposes of this part of the Food Stamp definition of disabled, interim assistance means any public assistance given to individuals applying for SSI.

In New York State, interim assistance is issued to eligible individuals pending receipt of SSI. However, there is no requirement that a determination of disability be done as a condition of receiving the interim assistance. Since these individuals can be referred to SSI without a thorough disability determination, or have applied on their own without a local district review of their disability, they do not meet the definition of disabled while receiving interim assistance payments.

However, in certain circumstances a determination of disability using criteria as strict as required by the SSA is done for interim assistance recipients before the SSI determination is completed. In such situations, the person is considered disabled while receiving interim assistance. It is anticipated that one group this provision may apply to would be individuals in receipt of the emergency shelter allowance for persons with AIDS or HIV-related illness.

2. Medical Assistance Disability Indicator

We want to remind local districts that, as outlined in the FSSB, Section V-A-6.2-6.3, individuals receiving authorization of MA based upon disability or blindness qualify as being disabled. In New York State, these MA recipients are those who have been certified by MA as blind, disabled or SSI-related in accordance with Title XVI of the SSA. Therefore, individuals with the MA disability indicator are considered disabled for Food Stamp purposes. These individuals are identified by WMS individual categorical code "11-Blind" or "12-Disabled" on Screen 3 of the WMS medical assistance case record. An X should be entered in the Aged-Disabled indicator on the Food Stamp ABEL budget if the individual category code is "11" or "12".

We will be updating the above Section V-A-6.1-6.3 of the FSSB in the near future to reflect the interim assistance clarification. Any questions regarding this Food Stamp policy clarification may be directed to your Division of Temporary Assistance regional representative.

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance