



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001

Brian J. Wing
Commissioner

Administrative Directive

Section 1

Transmittal:	01 ADM 16
To:	Local District Commissioners
Issuing Division/Office:	Division of Temporary Assistance
Date:	November 7, 2001
Subject:	Transitional Benefit Alternative: Transitional Food Stamp Benefits for Family Assistance Leavers
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors CAP Coordinators TOP Coordinators Staff Development Coordinators
Contact Person(s):	Food Stamp Policy - Eastern Regional Team at 800-342-8859, extension 3-1469
Attachments:	None
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
01 ADM 2 01 ADM 8 01 ADM 9 01 ADM 13 01 ADM 14			7 CFR 273.12 (f)(4)		FSSB VI-B-3.1 ABEL Transmittal 01-5 (10/31/01) CNS Migration Letter 10/31/01

Section 2

I. Purpose

The purpose of this directive is to notify social services districts (SSDs) of implementation of the food stamp Transitional Benefit Alternative (TBA).

II. Background

The TBA was made available to states as an option under federal food stamp rules and waiver authority. New York has opted to implement TBA to ease families' transition from cash Family Assistance (FA) to work.

Current policy requires SSDs to separately determine food stamp eligibility when a temporary assistance (TA) case closes. For some households, this has resulted in a reduction or termination of food stamp benefits. To further support welfare reform goals and transitional supports for working families, TBA freezes food stamp benefits at the pre-TA closing amount or higher for households leaving FA. This freeze will last for up to three months, depending on the period of time since the household's last recertification. TBA is not available to households that, at case closing, fail to comply with certain food stamp program requirements, or to households leaving Safety Net Assistance (SNA) or converting from FA to SNA.

III. Program Implications

Implementation of TBA will enhance program access and increase food stamp program participation for low income families that are transitioning to self-sufficiency. TBA will provide a critical work support by providing a stable amount of nutrition assistance while a household transitions from cash assistance. In addition, households that qualify for TBA will be less burdened during the transition period because they will not be required to report changes. Districts must, however, process changes that are voluntarily reported and verified if they result in increased benefits. Providing TBA will encourage program participation by reinforcing, both for recipients and SSD staff, the fact that food stamp program participation is separate from, and not dependent upon, eligibility for cash assistance.

IV. Required Action

A. Eligibility for TBA

Food stamp households that will be entitled to TBA are limited to recipients leaving FA (Case Type 11), including CAP recipients, and Federally Participating Safety Net recipients (Case Type 12). Eligible households will include those consisting of FA recipients and non-FA recipients (Upstate Food Stamp Mixed case type) whose FA cases are closing, as long as the households no longer receive TA benefits and the households meet all other TBA eligibility criteria. FA time-limit cases that are closing for failure to respond to a FA reassessment or SNA application call-in, or fail to sign a SNA repayment agreement or earnings assignment, will qualify for TBA unless they fall under the TBA exceptions listed below. Households that do not receive food stamp benefits at the time of FA case closing, but subsequently apply for food stamp benefits, are not eligible for TBA. Households leaving Safety Net Cash (Case Type 16) or Safety Net Non-Cash (17) are not eligible for TBA.

SSDs must provide the TBA to all families who leave FA, except those noted below.

SSDs must not provide the TBA to a household leaving FA if it includes a member who, at the time of the closing, has:

- violated a TANF requirement and the SSD is imposing a comparable food stamp sanction or closing, e.g., failed to provide a social security number or to recertify;

- violated a food stamp work requirement;
- committed a FA or food stamp intentional program violation (IPV); or
- failed to comply with food stamp reporting requirements, e.g., the SSD discovered unreported income or resources through computer matching, indicating noncompliance with food stamp reporting requirements. When evaluating TBA eligibility, SSDs are reminded to consider whether a FA/food stamp case that is subject to six-month reporting requirements for food stamps has complied with food stamp reporting requirements, even if it has not complied with a higher standard of reporting requirements for FA.

Households that have a member who incurred **and completed** a sanction or IPV disqualification prior to the closing of the FA case, if otherwise qualified, are eligible for the TBA. SSDs must ensure that TA staff carefully evaluate the TA category of assistance and reason for the FA closings to determine TBA eligibility.

Households that are not eligible for the TBA may still be eligible for food stamp benefits. SSDs must determine their continued eligibility based on normal food stamp separate determination procedures. SSDs are reminded that this must be accomplished without shortening the certification period or requiring households to report for an in-office interview. Instead, as instructed by 01 ADM 8, when information is needed during the certification period, districts must send the LDSS-4573 "Request for Contact Notice" and allow households at least ten days to submit the required information.

B. Determining the TBA Amount

Under the provisions of TBA, SSDs must freeze the food stamp benefit amounts of households leaving FA for up to three months, depending on the period of time since the household's last recertification. Households that qualify for TBA will begin their transition period and benefits on the first of the month following the last month of FA.

The TBA amount will be frozen at the pre-FA closing amount unless circumstances reported and verified at the time of the FA closing would result in an increase in food stamp benefits. If new information is available, the district must calculate a new allotment and compare it to the last allotment that was received while the household was receiving FA. The higher of the pre-closing allotment or the new calculated amount is authorized as the "frozen" TBA amount. For example, if the household is losing income as a result of leaving FA, then the food stamp budget must be recalculated without the TA income to determine the TBA amount. If there is not enough information on hand to calculate the new benefit, the district must freeze the TBA benefit at the old level. The TBA benefit amount remains unchanged for the TBA period unless a change is reported and verified that results in an increase in the allotment.

C. Determining the Transition Period

SSDs are required to freeze the food stamp benefit amount for households that qualify for TBA, for up to three months following the month of FA closing. This is the household's transition period. The original food stamp certification period must be preserved or extended to allow the three-month extension. For example, earned income households subject to food stamp six-month reporting rules that are in the 5th or 6th month of their six-month certification periods must be extended beyond the six months in order to receive their full three months of TBA. However, SSDs must not extend the certification period beyond the twelve-month maximum for non-elderly/non-disabled households. This twelve-month limit starts with the first month of the

certification period established at the last FA/food stamp recertification. Households whose certification period cannot be extended due to this twelve-month limit will be required to recertify prior to the completion of the three-month period. Therefore, households that qualify for TBA that are in the 10th, 11th or 12th month of their certification periods will not receive the full three months of TBA.

Households in receipt of TBA that reapply and are found eligible for TA will lose their TBA eligibility, and must have their food stamp benefit amount predetermined for the month following the reopening of their TA case.

D. Notification of TBA Eligibility

SSDs must notify a household when it is determined to be eligible for TBA, and provide the following information:

- that it is eligible for Transitional Food Stamp Benefits;
- the transition period;
- that its food stamp benefit amount will remain the same as when it was receiving cash assistance, **or** that the district has adjusted the food stamp benefit amount if the household's income is decreasing as a result of leaving cash assistance;
- that it is not required to report any changes in household circumstances during the transition period, but that it may voluntarily report and verify changes that would result in an increased benefits; and
- that the SSD must reevaluate their food stamp eligibility prior to the end of the three month transition period.

In Upstate WMS, this notification will be accomplished by using CNS codes for separately determining food stamp eligibility. For TA/food stamp cases, CNS Codes B10, L10, L11, L13 and, for Food Stamp Mixed cases, B20 and B24 will generate the appropriate TBA language when a "T" is entered in the "SD" input field of the ABEL budget to calculate TBA benefits.

E. Reporting and Processing Changes During the Transition Period

Households are not required to report changes during the TBA period. TBA households that are subject to six-month reporting rules are **not** required to during the TBA period even if their gross monthly income exceeds 130 percent of their poverty level. SSDs must, however, adjust a household's benefit amount if a reported and verified change would result in an increase in the benefit amount during the transition period. Changes that are voluntarily reported or discovered by the SSD during the transition period that would result in a decrease in benefits are postponed until the end of the transition period. If the household requests to have its food stamp case closed during the TBA period, however, the SSD will close the case.

TBA households are not subject to sanctions for instances of non-compliance with food stamp employment and training requirements that occur during the TBA period.

When a TBA household moves to another district during the TBA period, the "from" SSD must continue the TBA case to the end of the TBA period. Changes reported and verified during the TBA period that will result in an increase in food stamp benefits must be processed by the "from" district. When an active TBA household applies for food stamp benefits in a new SSD, the WMS clearance report for Upstate SSDs will reflect an active food stamp case. The presence

of a "T" in the "SD" (Separate Determination) field of the ABEL food stamp budget will identify a case as TBA.

F. Continued Eligibility for Food Stamp Benefits After the TBA Period

At least thirty days before the end of the TBA period, SSDs must issue the LDSS-4573 Request for Contact Notice (RFC) to request verification of current circumstances for households whose certification periods extend beyond their TBA period. Anticipated Future Action (AFA) codes should be used to facilitate timely issuance of the RFC. A household must be allowed at least ten days to report and verify any changes in income, household composition or allowable costs. The SSD must process any changes and, before the end of the transition period, notify the household of its new benefit amount. Timely notice must be provided before reducing or terminating benefits during the certification period.

If a TBA household fails to respond to the RFC, or fails to provide all of the information requested and necessary to determine the continuing food stamp eligibility and benefit level for the household, the SSD must issue a timely notice of adverse action and close the food stamp case at the end of the TBA period.

At the end of the TBA period, the SSD may extend the household's certification period beyond that originally authorized. SSDs should assign each household the longest certification period possible, consistent with its circumstances, not to exceed the twelve month limitation between recertifications. SSDs are reminded that they must have OTDA approval to extend six-month change reporting households to twelve month certification periods.

If a TBA household's certification period is expiring at the end of its TBA period, the SSD must provide a recertification call-in notice. For these TBA households, postponed information will be requested and processed at recertification.

V. Medicaid Implications

Recipients who lose FA benefits may also be eligible for Transitional Medical Assistance (TMA). The appropriate closing codes will automatically extend Medicaid (MA) for the appropriate length of time. MA will be extended six months if all the appropriate criteria is met for TMA. After the initial six months of guaranteed MA, recipients may continue to receive MA if they qualify using more generous budgeting methodology (90 ADM 30). Cases that do not meet the TMA criteria, or the criteria for the four-month MA extension for increased child support, may have Medicaid generated for one month so that ongoing Medicaid eligibility can be redetermined (Rosenberg). The use of appropriate closing codes will ensure that the correct extension policy is implemented.

VI. Systems Implications

Upstate WMS instructions were transmitted in ABEL Transmittal 01-5 on October 31, 2001 and the October 31, 2001 "Dear WMS/CNS Coordinator" letter. To set the TBA benefit amount, the comparison of the pre-FA closing and new food stamp calculation is accomplished by entering a "T" in the "SD" (Separate Determination) input field of the new ABEL food stamp budget. SSDs must input "N" in the "CE" field of the ABEL food stamp budget because TBA cases are not categorically eligible for food stamps.

NYC WMS instructions will be transmitted under separate cover.

VII. Additional Information

The following examples will help to illustrate which households are eligible for TBA, and how the TBA period and benefit amount are determined.

1. Ms. Smith and her three children are receiving FA, Medicaid and food stamps. Her FA and food stamp certification period is from 7/1/01 to 12/31/01. At her 9/15/01 reassessment interview, Ms. Smith learned that she has used 54 months of her FA time limit and is concerned about reaching her 60 month time limit. She is going to request more hours at work and asks that her FA case be closed 9/30/01 in order to save her FA months. She wants to continue her food stamp and MA case. She is currently sanctioned for failure to sign a lien.
 - The reason for the TA closing is Client Request-Verbal- Earned Income (CNS code M93). The category of assistance is FA.
 - The TA worker must also consider the sanction and determine if the TA closing is a result of the sanction, and if the reason for the sanction is a condition of eligibility for food stamp benefits. The sanction was incurred prior to the closing and is not an eligibility requirement for food stamps; therefore, the household is eligible for TBA. TBA is authorized from 10/1/01 to 12/31/01.
 - The TBA amount would be determined after removing the TA income from the food stamp budget. An Upstate food stamp ABEL budget would be calculated by entry of a T in the SD input field. This amount will remain the same for the TBA period unless any changes reported and verified would result in a higher allotment.
 - In this example, the agency would not have to send an RFC by 12/1/01 requesting verification of any changes, because the household is due to recertify in December.

2. Susan is receiving FA and her two children are on SSI. The household has a separate food stamp case. At the FA recertification interview on 9/10/01, Susan reports that she has started a temporary job. Her income from wages exceeds 185% of the state standard of need for a FA household of one, but the household remains eligible for food stamp benefits. Susan also reports that a support order has been established through family court and the first support payment will start next month.
 - The reason for the FA closing is excess income (CNS code E30/E31). The category of assistance is FA.
 - This household is eligible for TBA. The TBA amount must be determined by doing a food stamp budget with the new income from wages and support and comparing it to the pre-closing food stamp budget. An Upstate food stamp ABEL budget would be calculated by entry of a T in the SD input field. The benefits will be frozen at the higher amount - in this case, the pre-closing amount, with verification of the changes postponed until the end of the transition period.

3. Tonya is employed part-time and is receiving FA for her four children. She is disqualified from FA and food stamps for committing an IPV. Her case closes 9/30/01 for failure to submit a quarterly report.

Although quarterly reporting is not a requirement for food stamp eligibility, Tonya has an IPV disqualification at the time of her case closing. This household is not eligible for TBA.

4. Mr. And Mrs. Johnson are receiving FA and their son, who is four years old, is on SSI. They have an ongoing Food Stamp Mixed case. Mr. Johnson is under a sanction from FA and food stamps for failing to comply with work requirements. Mrs. Johnson was promoted at her job and is reporting her increased earnings. Her income has made the household ineligible for FA.

The reason for the FA case closing is excess income. When the FA case closes, Mr. Johnson is exempt from food stamp work registration because he is the caretaker of a child under age six. Mr. Johnson's sanction will end and the household is eligible for TBA.

5. Sarah is on FA, Medicaid and food stamps with her two children. She fails to recertify for all three programs.

The reason for the TA closing is failure to recertify. This household is ineligible for TBA.

6. Mr. Brown and his son have received 59 months of FA. Mr. Brown is attending out patient treatment and working part time. After being reassessed and determined able-bodied, Mr. Brown is sent a SNA call-in notice. He fails to respond to the call-in notice and his FA case is closed at the end of his 60 months of FA.

This household remains eligible for food stamps for the remainder of the food stamp certification period and is eligible for TBA for the first three months after the FA case closing. A "T" would be entered in the "SD" input field of the ABEL food stamp budget, and the TA income would be removed from the ABEL food stamp budget before freezing the TBA benefit.

7. Mrs. Smith and her three children have received 58 months of TANF assistance. At the required reassessment interview, it is determined that Mrs. Smith is able-bodied and does not qualify for a time limit exemption. The household subsequently responds to the SNA call-in notice and applies for SNA. Mrs. Smith has complied with all eligibility requirements for SNA, except she refused, without good cause, to accept a bona fide offer of a job.

The SNA application is denied and the FA case is closed. In addition, Mrs. Smith's failure to comply with this FA eligibility requirement, is also a violation of a food stamp work requirement. The household is not eligible for TBA. The TA worker will separately determine the household's food stamp eligibility for the remainder of the certification period by imposing a sanction on Mrs. Smith and without freezing the food stamp benefits.

8. An FA recipient is notified by the SSD that they have discovered unreported income from unemployment insurance benefits which began five months ago. The recipient responds to the SSD's request for verification and submits all her UIB statements. The household does not qualify for TBA and is over income for FA and food stamps. The agency closes the FA and food stamp case.

VIII. Effective Date

SSDs must follow the new requirements for food stamp TBA beginning November 15, 2001. FA cases closing November 30, 2001 that meet the eligibility criteria for TBA will receive TBA beginning in December 2001.

Issued By

Name: Patricia A. Stevens

Title: Deputy Commissioner

Division/Office: Division of Temporary Assistance