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Informational Letter

Section 1

Transmittal:	01 INF 25
To:	Local District Commissioners
Issuing Division/Office:	Division of Temporary Assistance
Date:	November 21, 2001
Subject:	Treatment of Income/Resources of Participants in Operation Enduring Freedom
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Staff Development Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff CAP Coordinators HEAP Coordinators
Contact Person(s):	Central Team (TA) at 1-800-343-8859; extension 3-9344, Eastern Team (FS); extension 3-1469, Western Team (HEAP); extension 3-0332. Medicaid contacts: Local District Liaison at (518) 474-8216, or, for New York City, (212) 268-6855.
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.
		349.4 352.30(a) 370.4 360-4.2(c)(2)			GIS 01 TADC/042.

Section 2

I. Purpose

The purpose of this release is to follow-up on a GIS message released October 4, 2001. GIS 01 TADC/042, "The Impact of Operation Enduring Freedom", was released to provide districts with guidance in determining how to treat the needs, income and resources of those persons who are participating in this action when those household members remaining at home apply for Temporary Assistance (TA) benefits.

II. Background

U. S. Defense Secretary Donald Rumsfeld announced on September 25, 2001 that the U.S.-led global anti-terrorism campaign formerly known as "Infinite Justice" would now be known as "Operation Enduring Freedom".

An increasing number of National Guard and Reserve units have been called up for both overseas and domestic service since the September 11, 2001 World's Trade Center incident. This means that districts may experience an increase in the number of applications for recurring and short-term assistance by those remaining household members due to the loss of income and depletion of resources as National Guard Members and Reservists continue to participate in Operation Enduring Freedom.

III. Program Implications

For federal TA categories (Family Assistance and Safety Net Assistance-Federally Participating) of recurring assistance, persons who report for active duty during this Operation must be considered temporarily absent from the household. For TA, the needs, income and resources of the absent person are counted in full (Section 349.4). This remains true as long as the absent member does not intend to establish residence elsewhere. This remains true when he/she temporarily leaves New York State or the United States, or its territories. The expectation that the absent person will return is not time limited.

For State/local categories of assistance (cash and non-cash Safety Net Assistance-Non-Federally Participating), Section 370.4 requires that needs must be determined, resources explored and utilized, and the budgetary method applied as required by Part 352. Under Section 352.30(a), persons who are considered temporarily absent must be considered part of the TA household. Therefore, as with federal categories of assistance, persons considered temporarily absent from the household must have their full needs, income and resources considered when determining the eligibility of applying households.

Applicants for assistance to meet short-term emergency/immediate needs must have their eligibility for such assistance based on income and resources available to meet the emergency/immediate need at the time of application. This includes the availability of outside community and family resources. Each request for such assistance must be dealt with on a case-by-case basis with the worker initially determining if an emergency exists, whether the emergency is an immediate need and finally, to arrange for the disposition of the request.

Food Stamp (FS) Implications

The FS program does not employ the concept of temporary absence. Each household circumstance must be decided on a case by case basis.

With certain specified exceptions, food stamp regulations provide that a household shall consist of persons who live together and customarily purchase food and prepare meals together for home consumption. FS regulations also require individuals to live in the project area in which they are certified. Eligibility is determined on a monthly basis and household composition is an eligibility factor. Therefore, persons included in the household for any month must live with the household and purchase and prepare meals with the household for at least part of the month. When the individual lives with the household for only part of a month, the individual may be included in the food stamp household so long as there is no duplicate participation in another household. During months when the individual does not live with the household at all, the person cannot be considered a member of the household.

FS households with earnings, subject to six-month reporting rules, are not required to report the loss of the household member but doing so may increase their FS benefits if the absent individual is the principal wage earner and they verify the change in income. Any earnings the individual sends home as a contribution to the household are budgeted as earned income subject to the normal disregards. Even if earned income is totally lost due to the change, the household remains subject to six-month reporting rules until their next recertification, having to report changes only if their total income exceeds 130% of the poverty level for the re-budgeted household size.

Home Energy Assistance Program (HEAP) Implications

The HEAP program will follow the TA policy noted above in its treatment of households in which a member has been called up for duty in the National Guard or Reserves as part of Operation Enduring Freedom. Districts are reminded that, in determining eligibility for Emergency HEAP, the district must only count available income. Availability of income must be determined on a case-by-case basis.

Medicaid Implications

Medicaid policy regarding treatment of income and resources of individuals who are temporarily called to active duty parallels the policy described for cash assistance cases. In all categories, an individual who is temporarily absent from the household and who plans to return is considered part of the household. The income and resources of the temporarily absent individual are budgeted as if the person were present in the household. Regulatory authority for federal categories of Medicaid exists at 360-4.2(c)(2). Authority for singles/childless couples exists under 352.30(a).

Issued By

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