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**OFFICE OF TEMPORARY AND DISABILITY**  
**ASSISTANCE**  
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**David A. Paterson**  
*Governor*

### Administrative Directive

**Section 1**

<b>Transmittal:</b>	09-ADM-22
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports
<b>Date:</b>	November 9, 2009
<b>Subject:</b>	Food Stamp Transitional Benefit Alternative (TBA) for Households with Children Leaving Safety Net Assistance
<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors Employment Coordinators TOP Coordinators FEDS Coordinators Fraud Directors Staff Development Coordinators
<b>Contact Person(s):</b>	Food Stamp Bureau, (518) 473-1469
<b>Attachments:</b>	
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

**Filing References**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
01 ADM-16 02 ADM-07 03 INF-10 09 ADM-11 GIS 9TA/DC016			7 CFR 273.12(f)(4) P.L. 110-246, Food Conservation and Energy Act of 2008, Section 4106	FSSB, Section 6, pp. 146-148.	ABEL Transmittal 09-4 WMS/CNS Letter 1/31/04 04 TA-DC013 ABEL Transmittals 01-5, and 02-5 WMS CNS Letter 10-2-09

## Section 2

### I. Summary

- This Administrative Directive (ADM) extends eligibility for the Food Stamp Transitional Benefit Alternative (TBA) to all eligible food stamp households, with children, that are leaving **Safety Net Cash (SN-CSH) and Safety Net Federally Non-Participating (SN-FNP) Assistance.**
- In New York City WMS, Safety Net Cash Assistance (Case Type 16) is known as **SNCA**, and Safety Net Federally Non-Participating Assistance (Case Type 17) is known as Safety Net Non-Cash Assistance or **SNNC**. All references throughout this directive apply equally to SNCA and SNNC cases in New York City.
- **Beginning December 1, 2009**, TBA must be provided when closing the **SN-CSH (Case Type 16) or SN-FNP (Case Type 17)** case of households that, at the time of case closing, include in the WMS case record either:
  - A child under 18 years of age, or
  - A child under 22 years age living with his or her parent(s).
- **Systems support** to extend TBA to these households with children that are leaving Safety Net Assistance and that have a case closing date of November 30, 2009 or later **became available on October 19, 2009**. As of that date, the TBA budgeting process could be initiated at the time of the Safety Net case closing through either the auto-TBA process or the manual food stamp case separate determination process.
- As with TBA for households leaving TANF-funded cash assistance, Safety Net households with children who have a member participating in an employment program that provides wages that are funded or reimbursed, at least in part, through the diversion of the household's **entire** Temporary Assistance grant (\$0 cash grant case) are considered to have left cash assistance and are eligible for TBA. Please see either GIS 09TA/DC016 or 09 ADM-11 for further information regarding TBA and employment grant diversion programs.

### II. Purpose

**The purpose of this Administrative Directive (ADM) is to notify Local Social Services Districts (LSSDs) of the extension, beginning December 1, 2009, of the Food Stamp Transitional Benefit Alternative (TBA) to households with children leaving Safety Net Cash (SN-CSH) and Safety Net Federally Non-Participating (SN-FNP) Assistance.**

This directive describes and explains the criteria for authorizing TBA for this new population. The general rules and processes for authorizing TBA originally were described in 01 ADM-16 and ABEL Transmittals 01-5, Information #1. They were updated in 02 ADM-07 and ABEL Transmittal 02-5, Information #2, and are now being expanded to include households meeting the criteria described below.

### **III. Background**

The Food Stamp Program (FSP) was re-authorized as part of the Food, Conservation and Energy Act of 2008 (FCEA). The FCEA (P.L. 110-246) was enacted on June 18, 2008. Section 4001 of the FCEA re-named the Food Stamp Act of 1977 the Food and Nutrition Act of 2008 (FNA), and, on the federal level, re-named the FSP as the Supplemental Nutrition Assistance Program (SNAP). Section 4106 of the FCEA amended the FNA to give states the option to extend the TBA to households with children leaving state-funded cash assistance programs. In New York State, the state-funded cash assistance programs are collectively known and referred to as Safety Net Assistance (SNA).

The food stamp **Transitional Benefit Alternative (TBA)** is a federal option available to all states. Originally, it permitted states to provide three months of transitional food stamp benefits to certain families leaving cash assistance programs funded through the federal Temporary Assistance for Needy Families (TANF) program. In 2001, in order to support families' transition from TANF-funded cash assistance to work or other means of economic support, New York State became the first state to implement the TBA for eligible families leaving TANF-funded cash assistance programs. Prior to the implementation of TBA, many households, particularly those leaving assistance due to earnings, would lose eligibility for food stamp benefits when their cash assistance ended. The implementation of TBA permitted many of these households to receive three (now five) additional months of food stamp benefits that they otherwise would not have been eligible for, thereby easing the transition to the world of work and self-sufficiency. For other households, TBA has made them aware, or reinforced the awareness, that eligibility for food stamp benefits can continue after the end of eligibility for cash assistance.

The 2002 re-authorization of the Food Stamp Act further simplified the budgeting requirements for TBA and lengthened the TBA period from three to five months. All of these changes made the administration and automation of TBA easier for state and local agencies and simpler for participating households. Prior to the effective date of this directive, TBA has been open to **all** households (not just those leaving due to earnings) leaving TANF-funded assistance except for those who are specifically prohibited by federal law and regulation, and as outlined in OTDA Administrative Directives 01 ADM-16 and 02 ADM-07, from receiving TBA.

### **IV. Program Implications**

The extension of TBA to eligible households with children leaving SN-CSH and SN-FNP assistance will confer the same advantage as currently provided to eligible households leaving TANF-funded assistance. As noted and described in Sub-sections **V.** and **VI.** below, the procedures for authorizing TBA to eligible households whose SN-CSH or SN-FNP case is closing or remaining open with a zero TA budget deficit (grant diversion programs) are very similar to the procedures for authorizing TBA for households leaving TANF-funded assistance.

At the end of the five-month TBA period, households receiving TBA must recertify and be found eligible in order to continue receiving FS benefits. The extension of TBA to households with children leaving SNA may result in a very slight increase in the number of monthly FS recertifications.

## V. Required Action

Policy regarding providing TBA to households leaving TANF-funded assistance has not changed. Districts must continue to provide TBA to all qualifying households leaving TANF-funded programs including **Family Assistance (FA)** and **Safety Net Assistance Federally Participating (SNA-FP)**.

**Beginning December 1, 2009**, districts must provide TBA to otherwise qualified food stamp households **with children** leaving **Safety Net Cash and Safety Net Federally Non-Participating Assistance (Case Types 16 and 17)**. This policy must be applied to all otherwise qualified Case Type 16 and 17 households **having a closing date of November 30, 2009** or later that include either:

- A child under 18 years of age, or
- A child under 22 years age living with a parent(s).

A “child” is defined here according to the Food Stamp Program definition contained in the Food and Nutrition Act of 2008. In order to be eligible for TBA, a household leaving SN-CSH or SN-FNP assistance must include a child who is under 22 years of age and living with a parent, or a child who is under 18 years of age and under the parental control of an adult member of the household or who is a minor head of household at the time of the Safety Net case closing. The child/children do not need to be participating in either the Safety Net case or the food stamp case at the time of the Safety Net case closing. Otherwise qualified eligible households include households having:

- A child who is receiving SSI and FS, but not SNA benefits; or
- A child who is an ineligible immigrant for both the FS and SNA programs; or
- A child who is sanctioned for violations under the SNA program; or
- A minor head of household.

Children, however, must be identified in either the Safety Net or FS case record on WMS as either active (WMS individual disposition status code 07), sanctioned (WMS individual disposition status code 10) or inactive household members at the time of the Safety Net case closing in order for the household to be eligible for TBA. Households that have not reported and verified the residence of a child, as defined above, in the household at the time of Safety Net case closing will not be eligible for TBA.

As with households leaving TANF-funded assistance, FS households (with children) that are leaving SNA and that consist of both TA recipients and non-TA recipients can be eligible to receive TBA. As long as, at the time of SNA case closing, no household members are in receipt of any form of TA and the households meet all other TBA eligibility criteria, the household may receive TBA.

Households that do not receive food stamp benefits at the time of TA case closing, but subsequently apply for food stamp benefits, are not eligible for TBA.

**As with households leaving TANF-funded assistance, TBA may not be provided to a household leaving SNA if it includes a member who, at the time of the closing, has:**

- violated a TANF or SNA requirement and the local district is imposing a comparable food stamp sanction or closing (e.g., failed to provide or to fully cooperate with the application process for a social security number, or failed to recertify);
- violated a food stamp work requirement;
- committed a FA/ SNA or food stamp intentional program violation (IPV); or
- failed to comply with food stamp reporting requirements, (e.g., the local district discovered unreported income or resources through computer matching, indicating non-compliance with food stamp reporting requirements). When evaluating TBA eligibility, local districts are reminded to consider whether a FA/food stamp case that is subject to simplified (“six-month”) reporting requirements for food stamps has complied with the food stamp reporting requirements, even if it has not complied with a stricter standard of reporting requirements for FA or SNA. If such a household has complied with the food stamp reporting requirements, the household is eligible for TBA.

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

**Households that are not eligible for the TBA may still be eligible for food stamp benefits.**

Local districts must determine their continued eligibility based on normal food stamp separate determination procedures. Districts 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-08, 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.

**1. Processing the TBA case.** (Please note that the instructions below are consistent with the instructions originally provided for TBA in 01 ADM-16 and updated in 02 ADM-08.)

- Five-month Transition Period:** Transitional food stamp benefits are issued for a period of five months following the closing of the TA case. The TBA **always** must be issued for five months even if it results in an extension or shortening of a household’s certification period.
- Simplified Transitional Benefit Computation:** All transitional FS benefits will be calculated by removing the TA income (and only the TA income), including the TA grant amount diverted to employers for on-the-job training, from the pre-TA closing FS budget. No other changes or budget comparisons need to be made, and transitional benefits remain frozen at the set level until the household recertifies or resumes receipt of TA.
- Reporting Requirements:** Individuals who are receiving food stamps and are subject to ABAWD (able-bodied adult without dependents) requirements are required to report timely when monthly participation in employment or other work activities falls below 80 hours per month even during the TBA period. However, **households in receipt of TBA**

**are not required to report any other changes during the transition period.**

Households that have changes in circumstances that would result in benefit increases may request to be recertified before the expiration of the five-month transitional period, thereby ending their transitional period early. Households will be notified at the beginning of the TBA period that they may voluntarily report changes that may result in an increase in FS benefits, but that they must recertify to receive the increase and thereby must end their transitional benefit period.

- d. **Client-requested Recertifications for TBA Households:** Households in receipt of TBA must be allowed to file a client-requested recertification at any time during the transition period. Unless conducted on the same day as the recertification filing date, client-requested interviews must be scheduled as soon as possible, but no later than 10 days prior to the end of the month following the month in which the recertification is requested.
- 1) A TBA household that fails to show for a scheduled recertification interview must have their TBA benefits continued until the end of the five-month transition period.
  - 2) **Only changes** voluntarily reported and verified through a client-requested recertification **that will result in an increase in food stamp benefits “unfreeze” the TBA benefit.** TBA households reporting and verifying a change that would result in an increase in food stamp benefits will be recertified, and the increased FS benefit will be issued for the new certification period that will begin with the month following the month in which the household completes all recertification requirements.
  - 3) If a TBA household requests an early recertification, but fails to provide required verification or reports changes that result in a decrease in benefits, no action should be taken on the TBA case. The household should continue to receive its TBA unchanged until the end of the transition period.
- e. **Resumption of Receipt of TA Benefits:** Households in receipt of TBA benefits that have members who re-apply **and are found eligible** for TA benefits (either TANF-funded or Safety Net Assistance) lose their eligibility for TBA immediately following the resumption of receipt of TA benefits. The household must have their FS benefits adjusted to reflect the receipt of TA income and any other changed circumstances no later than the first month following the resumption of receipt of TA by any household member. The application and interview for TA constitute a recertification for FS, and the FS case should be assigned a new certification period commensurate with the case circumstances.
- f. **Recertification:** All transitional FS households must recertify in order to continue to receive FS after the five-month transitional period. In some instances, this will require districts to shorten or extend the original FS certification period. The authority to shorten the existing food stamp certification period for households receiving TBA is supported in federal law and regulation.

## **VI. Systems Implications**

### **Upstate WMS**

- Complete details of Upstate WMS automated processing for TBA are contained in the October 2, 2009 WMS CNS Coordinator Letter. The automated processing of TBA for Safety Net cases with children will begin with cases being closed with a FS Authorization Period 'TO' Date of 11/30/09 or later. TBA benefits for such cases will begin the month following closure of the TA case. For SNA cases with children that are closing and are eligible for TBA but that do not meet the criteria for automated TBA processing, TBA will have to be processed manually. Two examples of such cases are SNA cases with children that are in receipt of a \$0 cash grant due to full diversion of the SNA grant to subsidize employment; and FS-MIX cases with children where the associated TA case that is being closed is a SNA case.

### **NYC WMS**

- WMS has been programmed to automatically generate TBA when a case type 16 (SNCA) or case type 17 (SNNC) case is closed if it meets the program requirements detailed in this ADM. Cases closed using a Reason Code that provides TBA will receive their first month of TBA on the closed TA case. A NCA/FS case automatically will be opened for the remaining four month months of the TBA period. Forty-five (45) days before the end of the TBA period an automated FS recertification notice letter will be sent by CNS.
- SNCA and SNNC cases in which an adult is participating in the "Parks Program" (or other similar employment program) that includes grant diversion employment subsidies funded through the Transitional Employment Assistance Program (TEAP) can be eligible for TBA, even if the TA case remains open, if they are not in receipt of a TA grant (have a \$0 TA grant on budget) and meet the requirements otherwise detailed in this ADM. Workers must enter an earned income source code 37 (Earnings From Subsidized Private or Public Sector Employment PA Only), an Employment and Training Indicator (ETI) of "T", a Routing Code (RTG CD) of E500, and a Program Indicator of "P" on the budget to provide TBA for these cases.

## **VII. Effective Date:**

December 1, 2009

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### **Issued By**

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