

106 CMR DEPARTMENT OF TRANSITIONAL ASSISTANCE

106 CMR 366.000: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: ADDITIONAL CERTIFICATION FUNCTIONS

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366.050: Introduction

When an applicant household is determined eligible to participate in the Supplemental Nutrition Assistance Program (SNAP), the household is assigned a certification period. The responsibility for ensuring the household's continuing eligibility during the certification period lies both with the client and the Department. The client must inform the Department of any changes in household circumstances that may affect household eligibility. The Department must act to ensure that the SNAP household receives the benefits to which it is entitled on time and in the right amount. The actions are called additional certification functions.

366.100: Changes During the Certification Period

When changes that occur within the certification period affect a household's eligibility or monthly allotment, action must be taken to adjust the household's eligibility or monthly allotment. The worker shall advise households of their responsibility to report changes in income and household status within the required time period and shall take timely action to adjust certification based on these changes. Recipient and Department responsibilities are outlined as follows.

When a household's circumstances change and a different eligibility standard applies, the worker shall apply the different standard at the next recertification or whenever the worker changes the household's eligibility, benefit level or certification period, whichever occurs first.

366.110: Household Reporting Responsibilities

Certified households are required to report certain changes within the time frames stated in 106 CMR 366.110.

The changes may be reported in person, by phone, by fax or by mail. The Department shall provide all certified households with a postage paid Change Report Form for reporting changes. The Change Report Form is given out at initial certification, whenever a Change Report Form is returned by a household, and at recertification, if the household needs a new form.

(A) Mandatory Change Reporting Requirements. 106 CMR 366.110(A)(1) through (2) do not apply to households subject to the reporting requirements at 106 CMR 366.110(B) and (C).

(1) The following changes must be reported to the Department within ten days of the date that the household receives the first payment of the new income:

- (a) A change in the amount of earned income of more than \$100.00 per month.
- (b) A change in the amount of unearned income of more than \$50.00 per month except changes in the PA grant.

(2) These following changes must be reported within ten days of the date the change becomes known to the household:

- (a) A change in the source of income including starting or stopping a job;
- (b) A change in household composition, such as addition or loss of a household member;
- (c) A change in residence which results in any change in shelter expenses;
- (d) A change in countable assets:
 1. For noncategorically eligible households with a household member 60 years of age or older or disabled, the value of cash on hand, stocks, bonds and money in bank accounts or savings institutions reaches or exceeds a total of \$3,250; and
 2. For all other noncategorically eligible households the value of cash on hand, stocks, bonds and money in bank accounts or savings institutions reaches or exceeds a total of \$2,000; and
- (e) Changes in the legal obligation to pay child support, including termination of the obligation when a child reaches the age at which child support is no longer legally obligated.

(B) Transitional Benefits Alternative (TBA) Change Reporting Requirements. The TBA household is not required to report or provide verification of any changes in household circumstances until the TBA period has ended. *See* 106 CMR 365.190: *Transitional Benefits Alternative* for a definition of TBA households.

(1) If the TBA household does report a change during the TBA period, the Department will recalculate the SNAP benefits only:

- (a) If the change results in a SNAP benefit amount that is less than the current TBA amount, and the TBA household has reported or the Department has learned that a member has moved out of the household and either has reapplied as a new household or is a new member of another household. In this instance the Department will pay the decreased amount.
- (b) If the change results in a SNAP benefit amount that is greater than the current TBA amount. The Department will:
 1. recertify the household; and
 2. pay the increased SNAP amount.

(2) If the Department receives an income change from another program, such as TAFDC or EAEDC, for the TBA household, the Department will recalculate the SNAP benefits.

- (a) If the change results in a SNAP benefit amount that is less than the current TBA amount, the Department will continue to pay the current TBA SNAP benefit amount for the remaining TBA period.
- (b) If the change results in a SNAP benefit amount that is greater than the current TBA amount, the Department will:
 1. recertify the household; and
 2. pay the increased SNAP amount.

(C) Simplified Reporting Requirements.

(1) Simplified Reporting is required for any Non-Public Assistance (NPA) household that has earned or unearned income with the following exceptions:

- (a) the NPA SNAP household is also a TBA SNAP household; or

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- (b) the NPA SNAP household is a Bay State CAP household.
- (2) Homeless SNAP households with or without income (or a history of income) must be on Simplified Reporting.
- (3) Simplified Reporting households are required to complete and submit an Interim Report three months into a six-month certification period, six months into a 12-month certification period, or 12 months into a 24-month certification period. If the household does not submit the Interim Report, the Department will terminate the SNAP benefits. Upon receipt of the Interim Report the Department will recalculate the SNAP benefits, if appropriate.
- (4) At any time during the Simplified Reporting period, the household must report the following changes within ten days of the change:
- (a) the household's income rises above the Gross Monthly Categorical Eligibility Income Standards found at 106 CMR 364.950: *Maximum Gross Monthly Income Standards* or 364.976: *Gross Monthly Categorical Eligibility Income Standards*;
 - (b) a person with income becomes part of the household, which causes the household's income to rise above the Gross Monthly Categorical Eligibility Income Standards found at 106 CMR 364.976; and
 - (c) for a household that includes an Able Bodied Adult Without Dependents (ABAWD):
 1. when the work hours of the ABAWD Work Program required person drops below 20 hours per week or 80 hours per month;
 2. when the participation of the ABAWD Work Program required person in a DTA-approved education or training program drops below 20 hours per week or 80 hours per month; and
 3. the number of hours the ABAWD Work Program required person participates in community service each month, if applicable.
- (5) The Simplified Reporting household may report other changes during the certification period.
- (a) If these changes are reported before the submission of the Interim Report or after the submission of the Interim Report, the Department will recalculate the SNAP benefits as follows:
 1. If the change results in a SNAP benefit amount that is less than the current Simplified Reporting amount, the Department will continue to pay the current benefit amount for the remainder of the certification period; and
 2. If the change results in a SNAP benefit amount that is greater than the current Simplified Reporting amount, the Department will pay the increased SNAP amount for the remainder of the certification period unless:
 - a. the household voluntarily requests that its SNAP case be closed; or
 - b. the Department receives information considered verified upon receipt about changes in the household's circumstances. The Department shall then recalculate the Simplified Reporting household's SNAP benefit amount and pay that amount. The Department considers information to be verified upon receipt when the information is not questionable and the provider is the primary source of the information. Examples of information considered verified upon receipt include, but are not limited to, certain data matches (*e.g.*, matches with the Social Security Administration showing income), changes in household composition as reported by the household and paystubs from an employer submitted by the client.
 - (b) If, during the certification period prior to the submission of the Interim Report or following the submission of the Interim Report the Department receives notice of a TAFDC or EAEDC income change for the Simplified Reporting household, the Department will recalculate the SNAP benefits and pay that amount for the remainder of the certification period.
- (D) Failure to Report Required Changes. If a household does not report a required change and as a result receives benefits to which it is not entitled, the worker must establish a claim against the household in accordance with 106 CMR 367.000: *Supplemental Nutrition Assistance Program: Violations, Hearings and Claims*. An individual's benefits shall not be terminated for not reporting a change unless the individual is disqualified through the disqualification process in accordance with 106 CMR 367.000.

366.120: Department Responsibility to Take Timely Action

The Department shall not impose any reporting requirements on households except as provided in 106 CMR 366.110. The Department shall act promptly on any reported change to determine if it affects the household's eligibility or monthly allotment. However, TBA households, with the exception of households described at 106 CMR 366.110(B)(1)(a), shall only have reported changes that increase their monthly allotment implemented. Simplified Reporting households, with the exceptions cited at 106 CMR 366.110(C)(3) through (5), shall only have reported changes that increase their monthly allotment implemented. Also, during the certification period, the Department shall not act on changes in the medical expenses of households eligible for the medical expense deduction that it learns of from a source other than the household and that to take action on would require the Department to contact the household for verification. The Department shall act only on those changes in medical expenses reported by the household or that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household.

Also, the worker must document the reported change in the case record listing the date the Change Report Form or other notification was received, provide the household another Change Report Form, and notify the household of the effect of the change, if any, on its benefits.

(A) Increases in Benefit Level Requiring Expedited Action. For certain reported changes, the worker must follow expedited issuance procedures to reflect the change in the household's monthly allotment.

(1) When a household reports a change in gross income or allowable deductions which reduces the household's net SNAP income to zero, the worker shall authorize a supplementary SNAP benefits for the month in which the change is reported.

(2) When a household reports the addition of a new household member who is not a certified member of another household, or reports a change in gross monthly income of \$50 or more, the worker must make the change effective in the first allotment issued ten days after the date the change was reported. In no event shall the change take effect any later than the month following the month of the reported change. If the change is reported after the 20th of the month and it is too late to adjust the next month's allotment, the worker must authorize a supplementary SNAP benefits to ensure that the household receives the increase in benefits by the tenth day of the following month, or the household's normal issuance date, whichever is later.

(B) All Other Increases in Benefit Level. For all other increases in a household's benefit level, the change shall be effective no later than the first allotment issued ten days after the date the change was reported to the Department.

(C) Decreases in Benefit Level. If a household's benefit level decreases or the household becomes ineligible as a result of a change, the Department shall issue a Notice of Adverse Action within ten days of the date the change was reported unless one of the exemptions listed in 106 CMR 366.210 and 366.215, applies. When a Notice of Adverse Action is used, the decrease in benefits shall be made effective no later than the next allotment following the month in which the advance notice period expires, provided a fair hearing and continuation of benefits have not been requested by the household. When a Notice of Adverse Action is not used due to one of the exemptions, the decrease shall be made effective no later than the month following the change.

(D) Verification of Reported Changes. Changes in income reported during a certification period must be verified. All other changes reported during a certification period are subject to the same verification requirements and procedures that apply at initial certification. Required verification must be obtained within certain time frames depending on whether the change results in an increase or decrease of the household's benefit level.

(1) Increase in Benefit Levels. When the reported change results in a higher monthly allotment, required verification must be obtained prior to the issuance of the second monthly allotment after the change is reported. If the household does not provide the verification, the worker shall reduce the household's monthly allotment to the original benefit level. These households are not entitled to an advance Notice of Adverse Action. If the worker determines that the household has refused to cooperate in providing the verifications, he or she must terminate SNAP benefits for refusal to cooperate (*see* 106 CMR 361.400: *Household Refusal to Cooperate*).

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(2) Decrease in Benefit Level. When the reported change results in a lower monthly allotment, required verification must be obtained before a household's next recertification of eligibility.

(E) Failure to Act on Reported Changes. If the worker does not take timely action on a reported change that would result in an increase in benefit level, lost benefits shall be restored to the household by a forward adjustment. If the worker does not take timely action on a reported change that would result in a decrease in benefit level, a claim determination must be established against the household to recover the overpayment.

366.130: Mass Changes

Certain changes initiated by the state or federal government may affect all or a significant portion of the caseload. These changes include, but are not limited to: annual adjustments to the maximum gross monthly income standards, maximum allowable monthly net income standards, the shelter deduction, the dependent care deduction, the standard deduction, the standard utility allowance deductions and the maximum monthly allotments; periodic cost-of-living adjustments in Social Security, SSI, and other federal benefits; periodic adjustments to PA grants; and other changes in the eligibility criteria based on legislative or regulatory amendments.

(A) Supplemental Nutrition Assistance Program Changes. Federal adjustments to eligibility standards, benefit levels, income deductions, and adjustments to the standard utility allowance shall be publicized through the news media, posters in certification offices, issuance locations, or other sites frequented by certified households, or by mailing general notices to households. A notice of adverse action shall not be used for these changes. The household shall be notified of the change in accordance with 106 CMR 366.130(D).

(B) Changes to Grant Amounts of PA Households. When the Department makes an overall adjustment such as a cost-of-living increase to public assistance grants, including EAEDC, corresponding adjustments in the household's SNAP benefits shall be handled as a mass change. The household shall be notified of the change in accordance with 106 CMR 366.130(D).

If the Department has at least 30 days advance knowledge of the amount of PA adjustments, SNAP benefits shall be recomputed and the new monthly allotment will be effective in the same month as the PA change. If the Department does not have sufficient notice, the SNAP change shall be effective no later than the month following the month the PA change was made.

(C) Changes in Federal Benefit Payments. Changes in federal benefits, such as Social Security, SSI, and Veterans' Administration benefits, shall be treated as a mass change.

The Department shall be responsible for automatically adjusting a household's SNAP benefit level. The change shall be reflected no later than the second allotment issued after the month in which the change becomes effective. Households shall be notified of the change in accordance with 106 CMR 366.130(D).

(D) Notice for Mass Changes.

(1) A Notice of Adverse Action is not required when a household's SNAP benefits are reduced or terminated as a result of a mass change in the public assistance grant. However, the Department shall send individual notices to households to inform them of the change. The notice shall inform the household of:

- (a) The general nature of the change;
- (b) The effect of the change on the household's allotment;
- (c) The month in which the change will take effect;
- (d) The household's right to a fair hearing;
- (e) The household's right to continue benefits and under what circumstances benefits will be continued pending a fair hearing;
- (f) General information on whom to contact for additional information; and
- (g) The liability the household will incur for any overissued benefits if the fair hearing decision is adverse.

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(2) The Department shall notify the household of the mass change no later than the date the household is scheduled to receive the allotment that has been changed. However, the Department shall notify the household of the mass change as much before the household's scheduled issuance date as reasonably possible, although the notice need not be given any earlier than the time required for advance notice of adverse action.

(3) The household shall be entitled to request a fair hearing when it is aggrieved by the mass change.

(4) A household that requests a fair hearing due to a mass change shall be entitled to continued benefits at its previous level only if the household meets the following three criteria:

- (a) The household does not specifically waive its right to a continuation of benefits;
- (b) The household requests a fair hearing in accordance with 106 CMR 366.220; and
- (c) The household's fair hearing is based upon improper computation of SNAP eligibility or benefits, or upon misapplication or misinterpretation of federal law or regulation.

366.140: Change Reporting Requirements for PA Households

PA households are subject to the same reporting requirements as all other SNAP households (in accordance with 106 CMR 366.110) and shall use the SNAP Change Report Form and postage-paid envelope provided by the Department. PA households that report a change in circumstances to the PA case manager shall be considered to have reported the change for SNAP purposes.

366.150: Department Action on Reported Changes

Action shall be taken on all changes reported during a household's certification period in accordance with the timeliness standards set forth in 106 CMR 366.120. Households shall be notified whenever their monthly SNAP allotment is changed as a result of changes in their public assistance grant or whenever their SNAP certification period is shortened to reflect changes in household circumstances (*see* 106 CMR 365.170: *Department Action on Reported Changes*).

In cases jointly processed by SSA and the Department (*see* 106 CMR 361.190: *Handling Applications for Pure SSI Households*) in which the SSI determination results in denial, the worker shall send the household a notice of termination if the worker believes the household's SNAP eligibility or benefit level may be affected. The notice shall advise the household that its certification period will expire in the month that follows the month in which the notice is sent and that it must reapply if it would like to continue to receive SNAP benefits. The notice shall explain that the household's certification period is expiring because of changes in circumstances and that it may be entitled to an out-of-office interview.

366.200: Notice of Adverse Action

Before taking action to reduce or terminate a household's benefits during the certification period, the worker shall, except as specified in 106 CMR 366.210, provide the household with advance notice of adverse action. The notice of adverse action shall be considered timely if it is mailed to the household at least ten days before the effective date of the proposed action, except as specified in 106 CMR 366.215.

366.210: Changes not Requiring Advance Notice

In the circumstances described 106 CMR 366.210(A) through (L), SNAP benefits may be terminated or decreased without providing the household advance notice of adverse action or the right to a pretermination or a prereduction hearing:

(A) The Department initiates a mass change as described in 106 CMR 366.130;

(B) The Department determines, on reliable information, that all members of the household have died;

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- (C) The household has been receiving an increased monthly allotment to restore lost benefits, the restoration is complete, and the household was previously notified in writing of when the increased allotment would terminate;
- (D) The household's allotment varies from month to month within the certification period to take into account changes anticipated at the time of certification and the household was so notified at the time of certification;
- (E) The household files a joint application for cash assistance and SNAP benefits, receives SNAP benefits pending the approval of the cash assistance grant and is notified at the time of certification that SNAP benefits will be reduced upon approval of the cash assistance grant;
- (F) A household member is disqualified due to an Intentional Program Violation, or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member. (The notice requirements for individuals or households affected by IPV disqualifications are explained at 106 CMR 367.825: *Results of an ADH-notification*);
- (G) The household's SNAP benefits are terminated or reduced as a result of the recertification process;
- (H) The household's benefits are increased as the result of a reported change and the household fails to provide verification of the reported change prior to the second monthly allotment after the change was reported;
- (I) The Department is terminating the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement because the facility has lost its state agency certification or has had its status as an authorized representative suspended due to disqualification by the United States Department of Agriculture;
- (J) The Department is reducing benefits to collect an Intentional Program Violation or an Unintentional Program Violation Claim for Inadvertent Household Error (in accordance with 106 CMR 367.490: *Claim Determinations*), and the reason is that the household has not made an agreed upon repayment;
- (K) The household voluntarily requests, in writing or in the presence of the worker, that its participation be terminated. If the household does not provide a written request, the Department shall send the household a letter confirming the voluntary withdrawal. Written confirmation does not entail the same rights as a notice of adverse action except that the household may request a fair hearing; and
- (L) The Department determines, based on reliable information, that the household will not be residing in the area and, therefore, will be unable to obtain its next allotment. The Department shall inform the household of its termination no later than its next scheduled issuance date. While the Department may inform the household before its next issuance date, the Department shall not delay terminating the household's participation in order to provide advance notice.

366.215: Exception to Ten-day Advance Notice Requirement

A household may be notified that its benefits will be reduced or terminated no later than the date the household receives, or would have received, its allotment, provided that the following conditions are met:

- (A) The household reports the information that results in the reduction or termination;
- (B) The reported information is in writing and is signed by the household;
- (C) Based solely upon the household's written information, as provided in 106 CMR 366.215(B), the Department can determine the household's allotment or ineligibility;

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(D) The household retains its right to a fair hearing as specified in 106 CMR 367.025 through 367.485;

(E) The household retains its right to continued benefits by requesting a fair hearing within the time period provided by the notice of adverse action in accordance with 106 CMR 366.220; and

(F) The Department continues the household's previous benefit level, if required, within five working days of the household's request for a fair hearing.

366.220: Continuation of Benefits Pending the Fair Hearing Decision

If, within the advance notice period, a household requests a fair hearing and does not waive continuation of benefits, the household's participation in the program shall be continued at the level authorized immediately prior to the Notice of Adverse Action. Benefits will continue until the Fair Hearing Decision is issued or the certification period expires, whichever occurs first. If a hearing request is not made within the advance period, the benefits shall be reduced or terminated as proposed. However, if the household establishes that its failure to make the request within the advance notice period was for good cause, the Department shall reinstate benefits to the prior level.

366.300: Recertification

A household's SNAP benefits shall not continue beyond the certification period unless the household has been recertified. To recertify, the household must submit a new application, be interviewed, and provide required verification in accordance with the timeliness standards set forth in 106 CMR 366.320. Those households that timely recertify and are found eligible shall be entitled to uninterrupted benefits.

The following sections list the responsibilities of the household and the Department in the recertification process.

366.310: Notification to Recertify

Households certified for one or two months shall receive, at the time of certification, a separate notice of recertification responsibilities entitled Notice of Expiration. Those households certified for three months or more (except public assistance households) shall receive a separate Notice of Expiration in the month prior to the last month of their certification period. This notice will be mailed by the Department no earlier than the first day of the next-to-last month of certification or no later than the last day of the next-to-last month of certification. The contents of the notice are set forth in 106 CMR 364.840: *Notice of SNAP Termination*.

Unless it has been 11 months since their eligibility was last determined, public assistance households shall not receive a separate notice of recertification responsibilities. These households are recertified for SNAP at the same time as their public assistance redetermination regardless of whether their SNAP certification period has expired.

366.320: Household Responsibilities

(A) Filing a Timely Application. Households that are issued a Notice of Expiration at the time of certification have 15 days from the date the notice is received to submit a timely application. The Department shall use the postmark on the notice, plus two days for mailing time, as an aid in determining if households were allowed adequate time. In cases of a dispute, households may demonstrate that the notice was not, in fact, received in a timely manner.

Households sent a separate notice during their certification period shall be considered to have timely reapplied if they file a new application by the 15th day of the last month of their certification period.

Households consisting solely of SSI applicants or recipients (pure SSI households) may make a timely application for recertification at a Social Security Administration (SSA) office. An application shall be considered filed for normal processing purposes when the signed application is received by the SSA. SSA will forward the completed application and all available verification to the Department.

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(B) Being Interviewed. The Department may schedule an interview prior to the date the application is timely filed, but cannot deny the household for failure to appear for that interview. The interview shall be scheduled on or after the date the application was timely filed, if the interview has not been previously scheduled, or if the household failed to appear for an interview scheduled prior to filing a timely application and has requested another interview. If the household does not appear for an interview scheduled in accordance with 106 CMR 366.320(B), the Department must notify the household that it missed the interview appointment and that the household is responsible for rescheduling the missed interview.

Households consisting entirely of SSI recipients are entitled to a waiver of the face-to-face interview if the household is unable to appoint an authorized representative. Pure SSI households that have completed the application for recertification at the SSA office shall not be required to appear at the Department local office for a second office interview, although a telephone interview may be conducted, if necessary.

(C) Providing Verification. The following verification requirements shall be met at recertification. (See 106 CMR 365.180: *Categorically Eligible Assistance Units* for verification factors that are deemed for categorically eligible households.) Verification that is submitted with a TAFDC Monthly Report, in the same month as the redetermination, shall meet the verification requirements for recertification. Additional verification is not required unless the information provided is questionable.

Time frames (at least ten calendar days from the date of the Department's initial request) may be established within which the household must submit any required verification requested to ensure its rights to uninterrupted benefits.

(1) Gross Countable Income. The amount of the household's gross countable monthly income, as defined in 106 CMR 363.200: *Income*, shall be verified prior to recertification. 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.

(2) Noncitizen Status. Noncitizen status shall be verified prior to recertification only when the household reports a change in the noncitizen status of a household member.

(3) 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 recertification if their use would result in a larger 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.

(4) Liquid Assets. The current value of the household's countable liquid assets, as defined in 106 CMR 363.100: *Assets*, shall be verified in accordance with 106 CMR 363.130: *Countable Assets* prior to recertification.

(5) Social Security Numbers. The Social Security number (SSN) of each household member shall be verified in accordance with 106 CMR 362.500: *Social Security Numbers*.

(6) Disability. The disability of a household member, as it pertains to household composition, shall be verified prior to recertification in accordance with 106 CMR 361.210: *Elderly or Disabled Individuals*.

(7) Legally Obligated Child Support Payments. The household shall be required to verify the amount of legally obligated child support a household member pays to a nonhousehold member prior to recertification.

(8) Additional Verification Requirements.

(a) All other eligibility factors, financial or nonfinancial, shall be verified prior to recertification when the information provided by the applicant is questionable and affects the household's eligibility or benefit level. Other eligibility factors include loans, residency, household composition, citizenship, student eligibility, circumstances related to work registration, and certain deductible expenses.

(b) These factors shall be verified prior to recertification when the Department decides to require verification of additional information. Such verifications must be required statewide and shall not be imposed on a case-by-case basis on particular households.

366.330: Department Responsibilities

When a household makes a timely application for recertification and fulfills its recertification responsibilities, the Department must certify or deny the application and send the household a notice of the eligibility determination by the end of the current certification period.

(A) Scheduling Interviews. The Department shall schedule a recertification interview in accordance with 106 CMR 366.320(B).

(B) Time Standards for Providing Benefits to Eligible Households. Households that timely reapplied after having been given a Notice of Expiration at the time of certification shall be notified of their eligibility or ineligibility and provided an opportunity to participate (if eligible) no later than 30 days after the household was last issued a SNAP allotment. All other households that timely recertify shall be provided with an opportunity to participate by their normal issuance date in the month following receipt of the application.

366.340: Failure to Recertify in a Timely Fashion

Any application for recertification not submitted in a timely fashion shall be treated as an application for initial certification. Also, a household that fails to submit a timely application, or appear for an interview scheduled after a timely application was submitted, or provide required verification by the last day of its current certification period shall lose its right to uninterrupted benefits.

If a household submits an application for certification prior to the expiration of its certification period, or within 15 days of the notice of termination in accordance with 106 CMR 366.320, and is found eligible for the month following the end of the certification period, the benefits for that month shall not be prorated.

Households that file a timely application but refuse to complete the recertification process shall have their applications denied.

366.450: Certification of Households Moving Within the State

The Department shall provide for continuous service to certified households that move within the State.

366.500: Restoration of Lost Benefits

If a household is found to be entitled to restoration of lost benefits, the amount due shall be restored to the household even if the household is currently ineligible.

366.510: Entitlement for Benefits Including Underpayments

A household is entitled to lost benefits only for those months the household was eligible to participate. In cases where there is no information in the household's case record to document that the household was actually eligible, the Department shall advise the household of what information must be provided to determine eligibility for these months. For each month that the household cannot provide the necessary information to demonstrate its eligibility, the household shall be considered ineligible for restoration of lost benefits. The Department shall restore to the household benefits that were lost because of:

(A) an agency error, such as an incorrect allotment, an incorrect denial or termination of benefits, agency delay in acting on a reported change, or failure to provide benefits for the month following the expiration of the certification period for households properly fulfilling the recertification process;

(B) a fraud disqualification penalty of a household member that is later reversed; and

(C) an error by the Department or by SSA through joint application processing. Such an error shall include, but is not limited to, the loss of an applicant's SNAP application after it has been filed with SSA.

Households are also entitled to lost benefits if a Department policy specifically provides for restoration of lost benefits.

366.520: Computing the Amount to be Restored

(A) Months of Restoration. Except when benefits are restored as the result of the reversal of a fraud disqualification penalty, benefits shall be restored for not more than 12 months prior to whichever of the following occurred first:

- (1) the month the household or another person or agency notified the Department verbally or in writing of the possible loss of benefits;
- (2) the month the Department discovered that a loss has occurred; or
- (3) the date the household requested a fair hearing to contest the adverse action that resulted in the loss.

(B) Computing the Amount to be Restored.

(1) If an incorrect allotment caused the loss to an eligible household, the loss of benefits shall be calculated only for those months the household participated. The Department shall calculate the allotment the household was eligible to receive during the months of entitlement. The amount to be restored is the difference between the actual allotment and the allotment the household was eligible to receive.

(2) If an incorrect denial, delay or termination of benefits caused the loss, the months affected by the loss are calculated as follows:

- (a) If an eligible household's application was erroneously denied, benefits will be restored back to the month of application. For an eligible household filing a timely reapplication, benefits shall be restored back to the month following the expiration of its certification period;
- (b) If an eligible household's application was delayed, the months for which benefits will be restored shall be calculated in accordance with 106 CMR 361.900 through 361.960; and
- (c) If a household's benefits were erroneously terminated, benefits will be restored back to the first month in which benefits were not received as a result of the erroneous action. After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible.

366.530: Notification of Restoration of Lost Benefits

When it is determined that a loss of benefits occurred, the Department shall automatically take action to restore those benefits to the household. No action by the household is necessary. The household shall be notified of its entitlement, the amount of benefits to be restored, any offsetting that was done, the method of restoration and the right to appeal through the fair hearing process if the household disagrees with any aspect of the proposed lost benefit restoration.

366.540: Disputed Benefits

A household may request a fair hearing within 90 days of the date it is notified of the Department's decision regarding lost benefits.

(A) When a household does not agree with the amount to be restored or any other action taken by the Department to restore lost benefits and requests a fair hearing prior to or during the time lost benefits are being restored, the household shall receive the lost benefits in the amount determined by the Department, pending the results of the fair hearing. If the fair hearing decision is favorable to the household, the Department shall restore the lost benefits according to that decision.

(B) If a household believes it is entitled to restoration of lost benefits, but the Department, after reviewing the case file, disagrees and informs the household in writing, the household has 90 days from the date of the determination to request a fair hearing. If the household requests a fair hearing and the fair hearing decision is favorable to the household, the Department shall restore the benefits lost up to 12 months prior to the date the Department was initially informed of the household's possible entitlement to lost benefits.

366.550: Offsetting Claims

If a claim against a household is unpaid, held in suspense or terminated, the amount to be restored shall be offset against the amount due on the claim before the balance is restored to the household. Offsetting shall not occur when a household is certified and receiving an initial allotment, even if the initial allotment is issued retroactively.

366.560: Individuals Disqualified for an Intentional Program Violation

Individuals disqualified for an intentional program violation are entitled to restoration of any benefits lost during the months they were disqualified only if the decision to disqualify is subsequently reversed. For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

366.570: Method of Restoration

Regardless of current eligibility, the Department shall restore lost benefits to a household by issuing an allotment equal to the amount of benefits that were lost. For currently eligible households, the lost benefits shall be issued in a lump sum separate from the household's current monthly allotment. The Department shall honor reasonable requests that the benefits be restored in monthly installments.

366.580: Changes in Household Composition

Whenever lost benefits are due because a household and the household's membership has changed, the Department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the Department cannot locate or determine the household that contains a majority of household members, it shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

366.600: Disaster Certification

After a disaster, the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture may specify a disaster area and the time period for which disaster SNAP benefits for eligible households may be given. The provisions of 106 CMR 366.600 cannot be used without the specific authorization of FNS following a declaration by the President of a major disaster and other disaster periods declared by FNS.

The authority for the issuance of disaster SNAP benefits is granted in the Disaster Relief Act of 1974 and the Food Stamp Act and its amendments.

366.610: Commonwealth of Massachusetts Disaster SNAP Plan

The Commonwealth of Massachusetts Disaster SNAP Plan is specifically designed to provide immediate relief to people in need of food assistance because of a disaster. Eligibility will be based on information from an application form prescribed by the Department. No additional data will be required to determine eligibility, but the statements of the applicant may be subject to review and verification by Quality Control. Households certified under the disaster eligibility standards shall be provided disaster SNAP benefits for the maximum allotment for the household size.

366.620: Eligibility and Certification

Due to emergency conditions, it is possible that more than one family will occupy a dwelling. Therefore, applicant groups or individuals sharing living quarters may be certified as separate households. The following eligibility requirements must be met for certification of households under the provisions of the Commonwealth of Massachusetts Disaster SNAP Plan. No other eligibility requirements will be imposed.

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(A) Eligibility Requirements.

(1) The household will be eligible for the Commonwealth of Massachusetts Disaster SNAP Plan benefits only once during the time period authorized by FNS. If a new period is authorized by FNS, the household must reapply. No disaster SNAP benefits shall be authorized or issued after the expiration of the authorized period.

(a) Ongoing households in the Supplemental Nutrition Assistance Program, even when the household received its SNAP benefits during the month in which the disaster occurs, shall not be precluded a second issuance in accordance with these procedures. A second issuance shall be made if it appears that due to the disaster the household is unable to make the previously authorized purchase or has lost stocks of food acquired through the use of its benefits and meets all other eligibility requirements.

(b) Applicants shall have their application for benefits processed in accordance with 106 CMR 366.620(A)(1)(b)1. through 5.:

1. Identity is the only required verification;
2. Household income, anticipated or received during the benefit period as well as all accessible liquid assets, less a deduction for disaster-related expenses, shall not exceed the disaster gross income limits. The formula for determining the disaster gross income limits is as follows:

the maximum net monthly income limit for the appropriate household size (See 106 CMR 364.975: <i>Standards for Special Circumstances Involving an Elderly and Disabled Individual</i>)	+	the current standard deduction (See 106 CMR 364.400: <i>Determining Deductions</i>)	+	the current shelter deduction (See 106 CMR 364.400: <i>Determining Deductions</i>)
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3. All other verifications as specified in 106 CMR 361.610: *Verification Requirements at Initial Certification* must be provided if available.
4. The household resides either temporarily or permanently within the geographical limits of the disaster area as specified by FNS.
5. The household is in need of SNAP assistance because of a reduction in or inaccessibility of income or cash.

(B) Certification Procedures.

(1) The household must complete and have the head of household, or spouse, or authorized representative sign the disaster benefit application prescribed by the Department. This application form also serves as a request for the maximum SNAP benefit for the household's size.

(2) The Department will review the application to determine if the applicant's statements meet the eligibility requirements of the Commonwealth of Massachusetts Disaster SNAP Plan.

(3) If the household fails to meet the disaster eligibility requirements, it must be given Notice of Denial and be advised that it may apply for SNAP assistance in accordance with ongoing Program requirements.

(4) If the household is determined to be eligible, the Department must provide:

- (a) an Electronic Benefit Transfer (EBT) Card;
- (b) disaster SNAP benefits for the maximum allotment for the household size for the period authorized by FNS; and
- (c) a Notice of Approval which informs the household where SNAP benefits may be used and that the benefit is only for the specified period. Further benefits can be given only as the result of an approval of a new application for a later time period. (If FNS extends the disaster period, the household will have to make a new application for further benefits.)

366.900: SNAP Applications Originating at the Social Security Administration

To facilitate the application process for SSI applicants/recipients, the United States Department of Agriculture granted waivers to certain standard policy items. The revised policy items, resulting from these waivers, apply only to one-person SNAP households who receive SSI benefits and differ depending on whether the household is a Commonwealth of Massachusetts Combined Application Project (Bay State CAP) household or a regular SNAP household. The waivers apply only to the policy items addressed in 106 CMR 366.910 and 366.920.

366.910: Bay State CAP Households

The Commonwealth of Massachusetts Combined Application Project (Bay State CAP) was developed through the cooperative effort of the Department of Transitional Assistance (DTA), the Social Security Administration (SSA), and the U.S. Department of Agriculture (USDA). Under Bay State CAP, information about SSI applicants and recipients gathered by SSA staff during the interview for an SSI application or redetermination is electronically transmitted to DTA through the State Data Exchange (SDX) system. SDX information is then used by DTA to issue Bay State CAP food assistance benefits for the applicant/recipient once SSI is approved or redetermined. Bay State CAP does not eliminate SSA's obligation to take a regular SNAP application, in accordance with 7 USC 2020(i).

(A) Bay State CAP Eligibility Criteria. To be eligible for Bay State CAP benefits, the following conditions must be met by the applicant. He or she:

- (1) must apply for food assistance benefits at SSA;
- (2) must be receiving SSI;
- (3) must not be permanently disqualified from receiving SNAP benefits;
- (4) must be unmarried (single, divorced or separated);
- (5) must have declared he or she purchases and prepares food separately from other individuals living in the same household;
- (6) must be 18 years of age or older;
- (7) must be a U.S. citizen or an eligible noncitizen in accordance with SNAP rules at 106 CMR 362.220: *Noncitizens*; and
- (8) must not have earnings, in accordance with SSA rules.

(B) The Bay State CAP Food Assistance Application.

- (1) Bay State CAP application can be made only through SSA.
- (2) The application interview for SSI benefits serves as the application interview for Bay State CAP benefits.
- (3) The SSA worker will ask three food assistance questions as part of the SSI application:
 - (a) Do you wish to participate in the Supplemental Nutrition Assistance Program?
 - (b) Do you purchase and prepare separately?
 - (c) Are your housing expenses (rent/mortgage) equal to or greater than \$453.00 per month?
- (4) The SSI applicant is not required to visit a DTA office or have a telephone interview.

(C) Verification Requirements. The SSI applicant does not have to verify additional information to complete the application process for Bay State CAP food assistance benefits. All information necessary to process the Bay State CAP household is created from SDX data and any existing data on the DTA computer system. All demographic and income information on the Bay State CAP household is updated using SDX data.

(D) Expedited Issuance.

- (1) Bay State CAP households are not eligible for expedited benefits.
- (2) The SSA worker will screen for expedited service and assist the applicant/recipient in completing the regular SNAP application if the applicant/recipient appears to qualify for expedited service. The SSA worker will fax the regular SNAP application to the Department.

(E) Establishment of the Bay State CAP Household. For newly approved SSI recipients reported by SSA as requesting Bay State CAP benefits and who meet the Bay State CAP eligibility criteria, DTA will take the following actions:

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- (1) Create a Bay State CAP household;
- (2) Calculate the monthly Bay State CAP benefit amount;
- (3) Certify the household for 36 months;
- (4) Issue the initial Bay State CAP benefit amount the month following receipt of the SSA approval information; and
- (5) Send a Bay State CAP approval notice.

(F) Bay State CAP Benefit Calculation. The SSI income of the recipient, as well as any other unearned income, as reported on the SDX, will be used to calculate the monthly Bay State CAP benefit amount.

- (1) Bay State CAP households receive the standard deduction for one person.
- (2) The shelter deduction for each Bay State CAP household is calculated as follows:
 - (a) During the SSI interview, households claiming monthly shelter expenses equal to or greater than the high shelter standard will receive the high shelter standard. This amount is determined using a methodology approved by the USDA. The high shelter standard is posted at www.mass.gov/dta. Paper copies are available upon request.
 - (b) During the SSI interview, households claiming monthly shelter expenses less than the high shelter standard will receive the low shelter standard. This amount is determined using a methodology approved by the USDA. The low shelter standard is posted at www.mass.gov/dta. Paper copies are available upon request.
 - (c) All Bay State CAP AUs will receive the Bay State CAP Standard Utility Allowance. This amount is determined using a methodology approved by the USDA. The Bay State CAP SUA is posted at www.mass.gov/dta. Paper copies are available upon request.
 - (d) One half of the household's adjusted gross income will be subtracted from the sum of the appropriate standard shelter expense and the Bay State CAP SUA. The difference is the shelter deduction for the household.
- (3) The shelter deduction will be subtracted from the household's adjusted gross income to determine the monthly net income.
- (4) The net monthly income will be used to determine the Bay State CAP benefit amount in accordance with 106 CMR 364.600: *Determining the Benefit Level*.

(G) Bay State CAP Reporting Requirements.

- (1) Bay State CAP households will be told to report the following household expenses to DTA:
 - (a) Increases in shelter costs (rent/mortgage);
 - (b) Payment of utilities separate from shelter costs;
 - (c) Medical expenses over \$35.00 per month;
 - (d) Dependent care costs; and
 - (e) Child Support payments for a nonhousehold member.
- (2) Other changes in circumstances must be reported to SSA in accordance with SSA rules.

(H) DTA Action on Reported Household Expense Information. The Department will act on reported household expenses when:

- (1) the information impacts the Bay State CAP food assistance benefit amount; or
- (2) the information would result in a higher regular SNAP benefit amount.

(I) DTA Action on SSA Reported Information.

- (1) Changes to the following SDX demographic data will result in the Bay State CAP household being updated on DTA's computer system. Demographic data includes name, SSN, address, gender, race and language.
- (2) Changes to the following SDX data will result in a request for benefit recalculation and may result in a food assistance benefit amount change, as follows:
 - (a) A change from the High Shelter Standard to Low Shelter Standard;
 - (b) A change from the Low Shelter Standard to High Shelter Standard; or
 - (c) A change in an SDX Unearned Income Amount.
- (3) The following SDX information will result in a switch from Bay State CAP benefits to regular SNAP benefits for three months:
 - (a) The individual requested Bay State CAP benefits to stop;
 - (b) SSI benefits have stopped for a reason not listed in 106 CMR 366.910(I)(4);

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- (c) The Federal Living Arrangement Code is no longer A;
 - (d) The State Living Arrangement Code is no longer A or B;
 - (e) The individual is married;
 - (f) The individual is younger than 18 years old; and/or
 - (g) The individual has had earnings for three months.
- (4) The following SDX information showing the following changes will result in the closing of the Bay State CAP case:
- (a) the individual is an ineligible noncitizen;
 - (b) the individual is a resident of a Public or Private Institution;
 - (c) the individual is no longer a Massachusetts resident;
 - (d) the individual is deceased;
 - (e) the individual's whereabouts are unknown;
 - (f) the individual did not cooperate with a fraud investigation;
 - (g) the individual is receiving assistance in another state; or
 - (h) the individual is a fleeing felon.
- (J) Recertification of Bay State CAP Benefits.
- (1) SSA will ask the food assistance questions during the SSI redetermination interview. SSA transmits the redetermination information to DTA through the SDX file.
- (a) Timely Recertification. If the SSI redetermination occurs during the Bay State CAP certification period, the household will be recertified for Bay State CAP purposes. A new 36-month certification period will be assigned and DTA will continue the Bay State CAP benefits using the information received through the SDX file. There will be no interruption in benefits.
 - (b) Untimely Recertification. If the SSI redetermination occurs after the Bay State CAP certification period expires, the household will be recertified for Bay State CAP purposes. A new 36-month certification period will be assigned and DTA will begin issuing Bay State CAP benefits the month after the redetermination information is received.
- (2) If an SSI case is not scheduled to be redetermined during the Bay State CAP certification period, DTA will mail out a redetermination package 45 days before the end of the certification period with a notice informing the household that benefits are due to end unless the household reapplies. DTA will process the redetermination forms.
- Any obligation attributed to SSA in 106 CMR 366.910(J)(2) is included for informational purposes only. Appeal rights regarding SSI eligibility or benefit level must be pursued through SSA. Appeal rights regarding Bay State CAP eligibility or benefit level must be pursued through DTA.

366.920: Regular SSI/SNAP Households

In accordance with 7 USC 2020(i) and SSA policy, SSA will take a regular SNAP application for pure SSI households who do not meet the Bay State CAP criteria or who meet Bay State CAP criteria but are subject to a disability determination that will take longer than 30 days to process. The SSA claims representative will also screen for expedited service. SSI applicants/recipients who qualify for expedited service may complete a SNAP application at SSA, the Department or online for regular SNAP benefits. Any obligation attributed to SSA in this section is included for informational purposes only. Appeal rights regarding SSI eligibility or benefit level must be pursued through SSA.

The following procedures shall apply for regular SSI/SNAP households served by the Department.

(A) Filing an Application. Assistance in completing SNAP applications will be available at SSA or the Department.

(B) Date of Application. If the application is filed at an SSA office, then the date of application shall be the date the identifiable SNAP application is faxed by SSA to the appropriate TAO.

If an application is filed at a TAO or online, the date of application shall be the date the identifiable SNAP application is received by the Department through the online application, the DTA Document Processing Center or at a Department local office. (*See 106 CMR 361.120: Date of Application.*)

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(C) Interviewing Households. At initial certification, if a pure SSI household files an application at an SSA office that is then forwarded to the Department, the households shall not be required to see a Department representative or be subject to an additional interview, in accordance with 106 CMR 361.190: *Handling Applications for Pure SSI Households*.

At initial certification and recertification, if the application is filed at a TAO or online, the household shall have a face-to-face interview in the TAO unless the office interview is waived, in accordance with 106 CMR 361.510: *Waiver of the Office Interview*.

(D) Verification at Initial Certification.

(1) If the application is filed at an SSA office, SSA will indicate what required verifications are on file at the SSA office. Unless the application is incomplete, mandatory verification is missing, or certain information on the application is questionable, no other verification shall be requested.

(2) If an application is filed at a TAO, available SDX data will be used to verify the assets, identity, residency, social security number and unearned income of the SSI recipient. Additional verification of these eligibility factors will be required only if the information supplied by the SSI recipient contradicts SDX data.

(3) Deductible expenses claimed by the applicant shall be verified in accordance with Department requirements.

(4) Noncitizen Status. Noncitizen Status will be verified through SDX. The applicant must meet an eligible noncitizen status in accordance with 106 CMR 362.220(B). The applicant will be denied if the noncitizen status on SDX is an ineligible status. Additional verification of noncitizen status will be required if the SDX information is questionable.

(5) Anticipating Income. At application or recertification, income listed on the SDX file shall be treated as the income anticipated to be received during the certification period.

(6) Certification Periods. These households may be certified for up to 24 months. The recertification will be conducted by mail with telephone follow-up, if necessary. Unemployable SSI households with stable income will be assigned certification periods of not less than six months. If all household members are elderly or disabled, the household can be assigned a certification period of up to 24 months.

(7) Asset Eligibility Initial Certification. SSI recipients shall be regarded as asset eligible at initial certification.

(8) Documentary Evidence. SDX data serves as documentary evidence of the income, assets, identity, residency, social security number, and noncitizen status of the SSI recipient.

REGULATORY AUTHORITY

106 CMR 366.000: M.G.L. c. 18, § 10.