STATE OF CALIFORNIA - HEALTH AND WELFARE AGENCY

PETE WILSON, *Governor*

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

May 14, 1997

ALL COUNTY LETTER 97-34

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

[ ] State Law Change
[ ] Federal Law Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

SUBJECT: **AUTOMATED SYSTEM FOR ACCESSING SOCIAL SECURITY ADMINISTRATION (SSA) INFORMATION FOR VERIFICATION OF WORK QUARTERS FOR LEGAL NON-CITIZEN FOOD STAMP APPLICANTS AND RECIPIENTS**

REFERENCE: FOOD STAMP MANUAL SECTION 63-405.22
ALL COUNTY LETTER (ACL) 96-51, ACL 96-68
DEPARTMENT OF HEALTH SERVICES (DHS) E-MAIL #97026

The purpose of this letter is to notify County Welfare Departments (CWDs) of the availability of the automated interface with the Social Security Administration (SSA) to be used in verifying work quarters for legal non-citizen food stamp applicants and recipients. This process, using the Income Eligibility Verification System (IEVS), became operational in California during April, 1997. Please refer to DHS E-Mail #97026 dated April 14, 1997 for information regarding accessing the automated system.

HISTORY

As you are aware, on August 22, 1996, Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 was enacted. As a result, only certain exempted categories of legal non-citizens are eligible for food stamp benefits. One of these exceptions is for non-citizens who are lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act who have worked or can be credited with 40 qualifying quarters of SSA coverage (QC). Under certain conditions, the quarters of the legal non-citizen's parents or spouse can also be credited to achieve the necessary 40 quarters.

SSA TERMINOLOGY

QUARTER:	A period of three calendar months ending March 31, June 30, September 30, or December 31.
QUARTER OF COVERAGE:	Credit for a requisite amount of covered earnings assigned to a calendar quarter.
QC HISTORY:	A display of quarters of coverage by quarter and year.
LAG QUARTERS:	Current year quarters and preceding year quarters which will not appear in the QC history because the employer report to SSA has not been processed. This could be as many as 7 quarters depending on when the request is processed.

INDIVIDUALS WHOSE QUARTERS MAY BE CREDITED AND CONDITIONS UNDER WHICH THEIR QUARTERS MAY BE CONSIDERED

Note: **Quarters earned subsequent to December, 1996 cannot be counted if the applicant/recipient, their spouse or parent received any federal means-tested public benefits during the period for which the quarter was credited.**

- The applicant/recipient, always.
- The applicant/recipient's natural parents (unless the child has been adopted), but only for those quarters earned by the parent when the applicant/recipient was under the age of 18.
- The applicant's adoptive parents, but only for those quarters earned by the parent while the child was under the age of 18.
- The applicant/recipient's step-parent, provided that the step-parent relationship still exists, unless terminated by the death of the step-parent. Consider only those quarters earned while the step-parent relationship was in existence and the applicant/recipient was under the age of 18 (the step-parent relationship exists only when the step-parent is married to the natural or adoptive parent. Upon divorce, the step-parent relationship ceases to exist).
- The applicant/recipient's current spouse, but only for the quarters earned during the spousal relationship.
- Individuals cohabiting and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople. Quarters cannot be counted if the relationship has terminated other than by death.
- The applicant/recipient's former spouse if the marriage ended by death, but only for those quarters earned during the marriage.

CONSENT FOR RELEASE OF INFORMATION

In all circumstances where an applicant/recipient is claiming quarters from any other person, an SSA 3288, Consent for Release of Information (refer to ACL 96-68, Attachment II) must be signed by the person whose quarters are being requested (i.e., a parent or spouse of the applicant/recipient). No consent form is required if the applicant is claiming their own quarters or claiming those of a deceased spouse or parent.

The parent or spouse completing the Consent for Release of Information must state their relationship to the applicant/recipient and must sign and date the form. The parent or spouse must indicate that the request authorizes release of their Social Security number, their identifying information, information about benefit payments, and other "Quarters of Coverage history". The completed consent form must be retained in the eligibility case file.

If the applicant/recipient cannot obtain the completed Consent for Release of Information from their parent or spouse, **do not** request the relevant information for that person through the automated system. In such instances, it will be necessary to manually request the information for the specific quarters needed, such as quarters earned by a parent while a child was under the age of 18 or those of a spouse during the marriage. The following information (for the person whose quarters are being requested) must be obtained; name, Social Security Number, relationship to applicant, month and year the relationship began, and the month and year of the last applicable quarter. This request must be mailed to:

SSA, OCRO
P.O. Box 17750
Baltimore, Maryland 21235-0001

Individuals whose eligibility requires verification of quarters of coverage through this manual system **cannot** receive benefits pending such verification. However, if subsequent to the review by SSA it is determined that the applicant was in fact eligible, retroactive benefits must be issued back to the original date of application.

LEGAL NON-CITIZENS CERTIFIED PENDING VERIFICATION

Prior to the availability of the automated interface with SSA, ACL 96-68, dated December 11, 1996, instructed CWDs to accept applicant's statements regarding having the required 40 quarters of work history, in combination with their spouses or parents, to qualify for food stamp benefits. All legal non-citizens so certified must have their quarters verified by accessing the automated system within 3 months of its becoming operational. Upon receipt of the printout, CWDs should proceed as follows:

- If the verification supports the recipient's claim of eligibility, file the documentation in the case record.

- If the verification does not support the recipient's claim of eligibility, provide the household with a notice of action terminating benefits for all legal non-citizens found ineligible. This notice must inform the household of the reason for the termination and of the availability of the review procedure available through SSA.

- If the legal non-citizen believes that the information provided by SSA is either incorrect or incomplete, they must contact SSA to begin the review process. SSA will provide such individuals with a document indicating that a review is being performed. SSA will only conduct such reviews of the quarters of the applicant, their deceased spouse, or parent(s). Individuals providing the CWD with this SSA document can continue to receive benefits for up to 6 months from the date of application or until SSA has completed its review, whichever is sooner.

- In cases in which individuals or households are found to have received benefits to which they were not entitled (either subsequent to the initial SSA response or subsequent to the appeal process), the CWD shall establish an inadvertent household error claim for the amount of the overissuance. If it can be determined that the individual or household knowingly provided false information to obtain benefits, an intentional program violation claim should be pursued.

APPLICANTS

The following process is to be used to establish eligibility or ineligibility based on the 40 work quarter exception for new food stamp applicants:

- During the interview, determine how long the applicant (and their parents or spouse, if necessary) has lived and worked in the United States.

- If necessary, determine whether the applicant (and his/her parents or spouse, if necessary) ever commuted to work in the United States from another country before coming to live in this country or worked for a United States company overseas and paid United States Social Security taxes.

- Determine how many years from the total above included earnings. Four quarters in each year can be credited to the applicant for each relevant individual (See Attachment I for the yearly incremental amounts required to credit a quarter of coverage).

- Always credit the applicant's own quarters first to simplify the verification process. Many applicants will have sufficient quarters on their own and there will be no need to request a QC History for their parents or spouse.

- If the results of the interview indicate that the applicant meets, may meet, or believes that they meet the 40 quarter requirement, proceed with requesting a QC History using the automated system for all relevant persons necessary in order to establish eligibility. If a QC History is needed for any other living individual (parents or spouse) you must obtain a Consent for Release of Information from that individual. If that person is unavailable or will not cooperate, do not request their QC History through the automated system. In such cases, use the manual process referenced above.

- Upon receipt of the QC History printout, proceed as follows:

  --- If the printout confirms that the applicant can be credited with 40 quarters, file the documentation in the case record.

  --- If the printout does not confirm that the applicant can be credited with 40 quarters, deny the application (or the individual) with appropriate notice of action, and file the documentation in the case record.

- If the denied applicant(s) believe that the information provided by SSA is either incorrect or incomplete, he/she must contact SSA to begin the review process. SSA will provide such individuals with a document indicating that a review is being performed. SSA will only conduct such reviews of the quarters of the applicant, their deceased spouse, or parent(s). Individuals providing the CWD with this SSA document can be certified to receive benefits for up to 6 months from the date of application or until SSA has completed its review, whichever is sooner.

- In cases in which individuals or households are found to have received benefits to which they were not entitled (either subsequent to the initial SSA response or subsequent to the appeal process), the CWD shall establish an inadvertent household error claim for the amount of the overissuance. If it can be determined that the individual or household knowingly provided false information to obtain benefits, an intentional program violation claim should be pursued.

LAG QUARTERS

SSA has indicated that due to normal processing of employer reports, the QC History will not contain quarters of coverage for the current or preceding calendar year, depending upon when the request for QC History is submitted. In circumstances where the applicant/recipient does not agree with the QC History provided by the automated inquiry and the problem is missing quarters during the lag period:

- Accept current employer-prepared wage statements, W-2 or W-2c forms, or a copy of the applicant's federal or state income tax return (with a copy of the W-2 form) as proof of earnings and credit a quarter for each increment as shown in Attachment I.

- Credit only those quarters in which the provided documentation submitted indicates the Social Security taxes were withheld.

- If quarters of coverage are needed for the lag period and the applicant cannot obtain documentary evidence as referenced above, that applicant must be denied benefits. Individuals so denied can contact the SSA for a review of their quarters and may be eligible (if they provide the SSA review verification form to the CWD) for a maximum of 6 months from the date of application or until the SSA review is completed, whichever is earlier.

If an applicant or recipient has any other inquiries regarding their QC history, they should be directed to the nearest SSA office or advised to call SSA at their toll-free telephone number.

NOTE

The California Department of Social Services (CDSS) has received preliminary information regarding quarters of noncovered employment. The possibility exists that in the near future, applicants will be able to be credited with quarters in which FICA payments were not made or were not required. SSA and the United States Department of Agriculture, Food and Consumer Service are currently developing policy and procedures in this regard. We strongly urge CWDs to flag any cases in which a household member is determined to be ineligible due to insufficient quarters of coverage as the likelihood exists that such cases will need to be reevaluated. CDSS will provide CWDs with any future developments as rapidly as possible.

If you need further Food Stamp Program information, please contact David Badal at (916) 654-1405. If you have any questions about the automated system, contact Marty Bornstein of the DHS, Data Systems Branch at (916) 657-0798. If you have any questions regarding IEVS, contact Gary Scriven of the CDSS Fraud Bureau at (916) 445-1851.

Sincerely,

Bruce Wagstaff

BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Attachment

ESTABLISHING QUARTERS

The term "quarter" means the 3 calendar month periods ending with March 31, June 30, September 30 and December 31 of any year.

Social Security credits (formerly called "quarters of coverage") are earned by working at a job or as a self employed individual.

For 1978 and later, credits are based solely on the total yearly amount of earnings. All types of earnings follow this rule. The amount of earnings needed to earn a credit increases and is different for each year. For 1978 through 1996, the amount of earnings needed for each credit is:

1978	$250	1988	$470
1979	$260	1989	$500
1980	$290	1990	$520
1981	$310	1991	$540
1982	$340	1992	$570
1983	$370	1993	$590
1984	$390	1994	$620
1985	$410	1995	$630
1986	$440	1996	$640
1987	$460	1997	$670

A current year quarter may be included in the 40 quarter computation. Use the current year amount as the divisor to determine the number of quarters available. DO NOT CREDIT CALENDAR QUARTERS THAT HAVE NOT ENDED.

If you need to use quarters from 1937 through 1977:

- A credit was earned for each calendar quarter in which an individual was paid $50 or more in wages (including agricultural wages for 1951-1955);
- Four credits were earned for each taxable year in which an individual's net earnings from self-employment were $400 or more; and/or
- A credit was earned for each $100 (limited to a total of 4) of agricultural wages paid during the year for years 1955 through 1977.

Note: No qualifying quarters may be credited prior to 1937.