
**FOOD STAMP REGULATIONS
ELIGIBILITY STANDARDS**

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63-401	RESIDENCY	63-401
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- .1 A household must be living in which it files an application for participation.
- .2 No individual may participate as a member of more than one household, or in more than one county in any month except for eligible residents of shelters for battered women and children (see Section 63-503.46) who were program participants in dwelling of the abuser.
- .3 The CWD shall not interpret residency to mean domicile which is sometimes defined as a legal place of residence or principal home.
- .4 The CWD shall not impose any durational residency requirements.
- .5 The CWD shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require to intent to reside permanently in the county. Persons in a county solely for vacation purposes shall not be considered residents.
- .6 The CWD shall not require the otherwise eligible household to reside in the county which is providing the food stamp benefit if the household is participating in the GAIN Work Supplemental Program; the CWD providing the AFDC benefits to these households shall also provide food stamp benefits to them.

63-402	HOUSEHOLD CONCEPT	63-402
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- .1 Household Definition

A household may be composed of any of the following individuals or groups of individuals, provided that such individuals or groups are not residents of an institution, except as otherwise specified in Section 63-402.4, residents of a commercial boarding house, or boarders, except otherwise specified in Section 63-402.31:

- .11 An individual living alone;
- .12 An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others except as otherwise specified in Section 63-402.14.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

- .13 A group of individuals who live together and customarily purchase food and/or prepare meals together for home consumption.
 - .131 Customarily purchasing and preparing meals together as a Food Stamp household is to do so usually or as a matter of course.
- .14 Separate household status shall not be granted to:
 - .141 A child under 18 years of age, living with and under the parental control, as defined in Section 63- 102(p), of a household member who is not his or her parent;
 - (a) A foster child placed by a federal, state, or local government program in the private home of a relative, or other individual or family, shall be considered a boarder. Such a boarder may participate in the Food Stamp Program only by request of the household providing boarder services, and only as a member of that household.
 - .142 Parents living with their natural, adopted or step children, or children living with their natural, adopted, or stepparents unless:
 - (a) a child is:
 - (1) 22 years of age or older and purchases food and prepares meals for home consumption separately from his/her parents; or
 - (2) participating in the other parent's Food Stamp household.
 - .143 An individual living with the household who is a spouse of a member of the household (as defined in Section 63-102(s));
 - .144 A boarder, as defined in Section 63-402.3;
 - .145 Repealed by Manual Letter FS-94-06, effective 9/1/94.

63-402	HOUSEHOLD CONCEPT (Continued)	63-402
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- .146 Children of narcotic addicts of alcoholics who reside at a treatment center as specified in Section 63-402.4
- .15 A parent who shares joint physical custody of children on a 50/50 basis and in whose household the CWD has determined that the children are able to participate. The CWD shall insure that duplicate participation does not occur.
 - .151 When the living arrangements are such that the child lives with each parent an equal number of days per month, the CWD shall determine Food Stamp household composition based upon, but not limited to:
 - (a) When it can be established that the child eats more meals with one parent. The child may participate with the custodial parent providing the majority of the meals in a given month.
 - (b) When a child eats a number of meals with each parent, the first custodial parent to apply may participate with the child, unless the two custodial parents mutually agree otherwise.
 - (c) When custodial parents mutually agree with whom the child participate. The child may participate with that parent regardless of where the majority of meals are taken in any given month.

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63-402 HOUSEHOLD CONCEPT (Continued) 63-402

- .16 A woman or women with children who are temporary residents of a shelter for battered women and/or children.
- .17 An individual who is 60 years of age or older living with others (and the spouse of such individual) who is unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act or suffers from a nondisease-related, severe, permanent disability. However, the income (all income included under Section 63-502.1 of the others with whom the individual resides (excluding the income of such individual's spouse) cannot exceed 165 percent of the federal poverty guidelines, see Section 63-1001.10, Income Standard for Elderly and Disabled Separate Household Status.

.2 Nonhousehold and Excluded Household Members

.21 Nonhousehold Members

For purposes of defining a household, the following individuals shall not be included as a member of the household, unless included as a household member as specified in Sections 63-402.13, .14, or .15. Such individuals shall not be included as a member of the household for the purpose of determining household size, eligibility or benefits level. The income and resources of such individuals shall be handled in accordance with Section 63-503.45. Nonhousehold members who are otherwise eligible may participate in the Food Stamp Program as separate households.

.211 Roomers

Individuals to whom a household furnishes lodging, but not meals, for compensation.

63-402	HOUSEHOLD CONCEPT (Continued)	63-402
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.212 Live-In Attendants

Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services

.213 Others

Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

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- (a) For example, if the applicants household shares living quarters with another family but does not purchase and prepare food together with the family, the members of the other family are not members of the applicants household.

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.22 Excluded Household Members

The following individuals residing with a household shall be included as a member of the household for the purpose of defining a household under Section 63-402.1. However, such individuals shall be excluded from the household for the purpose of determining household size, eligibility or benefit level, or when determining categorical eligibility in accordance with Sections 63-301.7 and .82. The income and resources of excluded household member(s) shall be handled in accordance with Sections 63-503.44 and 63-503.45 as appropriate. Excluded household members shall not participate in the Food Stamp Program as separate households.

.221 Ineligible Aliens

Individuals who do not meet the citizenship or eligible alien status in Section 63-403 or the eligible sponsored alien requirements in Section 63-403.33

.222 SSN Disqualified

Individuals disqualified for refusal or failure, without good cause, to provide or obtain an SSN as required in Section 63-404.4

.223 Intentional Program Violation Disqualified

Individuals disqualified for committing act(s) of intentional Program violation, as set forth in Section 63-805.

63-402	HOUSEHOLD CONCEPT (Continued)	63-402
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- .224 Fleeing Felons and Probation/Parole Violators
- (a) Individuals who are fleeing felons as specified in Section 63-102f.(4) and/or
 - (b) Persons in violation of their probation or parole as specified in Section 63-102p.(2).

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(1) Regarding Violations of the Conditions of Parole

CDSS recommends that eligibility workers limit their verification of parole violations to those violations which have already been investigated and officially established by parole authorities in accordance with the formal processes of those parole authorities for making such determinations. Limiting verification to parole authority established violations is recommended because it is both cost effective and best insures that the civil rights of food stamp applicants and recipients are protected.

(2) Regarding Violations of Conditions of Probation

CDSS recommends that eligibility workers limit their verification of probation violations to those violations which have already been investigated and officially established by the courts responsible for supervision of probation in accordance with the formal processes of those courts for making such determinations. Limiting verification to court established violations is recommended because it is both cost effective and best insures that the civil rights of food stamp applicants and recipients are protected.

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63-402 HOUSEHOLD CONCEPT (Continued)**63-402****.225 Workfare Sanctioned**

Individuals sanctioned by a CWD while a participating member of household disqualified for failure to comply with the requirements of the CWD's Workfare Program operated in accordance with Section 63-407.91

.226 SSI/SSP Recipients

No person receiving Supplemental Security Income/ State Supplementary Program (SSI/SSP) payments is eligible to receive food stamp benefits. Under the provisions of PL 95.458: 1) most California SSI/SSP recipients receive as part of their SSI/SSP benefit a cash amount in lieu of food stamp benefits; 2) all SSI/SSP recipients in California are ineligible to receive food stamps. A person must actually receive, not merely have applied for, SSI/SSP benefits to be determined ineligible for the Food Stamp Program. If the CWD provides payments at least equal to the level of SSI/SSP benefits to persons who have been determined eligible for SSI/SSP awaiting receipt of SSI/SSP benefits, receipt of these substitute payments will terminate Food Stamp Program eligibility. Once receiving SSI/SSP benefits, the person will remain ineligible for food stamp benefits until actually terminated from the SSI/SSP Program; periods of nonreceipt or suspension of SSI/SSP payments do not restore food stamp eligibility.

.227 Ineligible Students

Persons enrolled in an institution of higher education who are ineligible because they fail to meet the eligibility criteria set forth in Section 63-406.2.

.228 Work Requirements Disqualified

Individuals disqualified for noncompliance with the work requirements of Section 63-407.4.

.229 Convicted Drug Felon

An individual who has been convicted in a state or federal court of a felony that has as an element, the distribution of a controlled substance or other disqualifying conviction consisting of any of the elements listed in Section 63-402.229(a) or (b). The conviction must be for conduct occurring after August 22, 1996. Controlled substance is defined in Section 102(6) of the Controlled Substances Act [21 U.S.C. Section 802(6)].

- (a) Unlawfully transporting, importing into this state, selling, furnishing, administering, giving away, possession for sale, purchasing for purposes of sale, manufacturing a controlled substance, possessing precursors with the intent to manufacture a controlled substance, or cultivating, harvesting, or processing marijuana or any part thereof pursuant to Section 11358 of the Health and Safety Code.

63-402 HOUSEHOLD CONCEPT (Continued) 63-402

- (b) Unlawfully soliciting, inducing, encouraging, or intimidating a minor to participate in any activity in Section 63-402.229(a).

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- (c) The term "convicted" also includes a plea of guilty or nolo contendere.

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.3 Boarders

- .31 For Food Stamp Program purposes, boarders are defined as either, foster children as specified in Section 63-402.322, or individuals or groups of individuals residing with the household and paying reasonable compensation to the household for lodging and meals, excluding residents of a commercial boarding house. A reasonable monthly payment shall be either of the following:
 - .311 Where board arrangement is for more than two meals a day a boarder shall pay an amount which equals or exceeds the monthly coupon allotment at zero net income for the appropriate number of boarders, as specified in the Table of Coupon Issuance, Handbook Section 63-1101, or;
 - .312 Where board arrangements is for two meals or less per day a boarder shall pay an amount which equals or exceeds the two-thirds of the monthly coupon allotment at zero income for the appropriate number of boarders, as specified in the Tables of Coupon Issuance, Handbook Section 63-1101.
- .32 Boarders are ineligible to participate in the Food Stamp Program independent of the household providing the board. The household with which the boarder resides (including the household of the proprietor of a boarding house) may participate in the Program, if the household meets all the eligibility requirements for Program participation. A boarder may participate as a member of the household at the household's request. If an applicant household identifies any individual in the household as a boarder, the following provision applies:
 - .321 Such individuals shall not be considered a member of participant or applicant household, nor shall the income and resources of boarders be considered available to such households. However, the amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the household. The procedures for handling self-employment income from boarders (other than such income received by a household that owns and operates a commercial boarding house) are specified in 63-503.42. The procedures for handling income from boarders by a household that owns and operates a commercial boarding house are as specified in 63-503.41.
 - .322 Foster children placed by a federal, state, or local foster care program, in the home of relatives or other individuals or families shall be considered boarders.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

- (a) The federal, state, or local government, or court-ordered, foster care payments received by the household for a foster care boarder shall not be considered income to the household
 - (b) Foster care boarders may participate in the Food Stamp Program as members of the household providing boarder services, at the household's request. If the household chooses this option, foster care payments received by the household shall be considered unearned income to the household and counted in their entirety in determining the household's income eligibility and benefit level.
- .33 Except for residents of a commercial boarding house and foster children as specified in Section 63-402.322, an individual furnished both meals and lodging by the household, but paying compensation of less than a reasonable amount, is considered a member of the household which provides the meals and lodging.
- .331 When payments for the room are distinguishable from payments for the meals, only the amount paid for meals will be evaluated to determine if reasonable compensation is being paid for meals. The reasonable monthly payment for meals shall be paid in cash.
- .322 When payments for the room are indistinguishable from payments for meals, the amount to be considered a payment for the meals will be
- (a) The total payment, if the total payment is equal to , or less than the monthly coupon allotment at zero net income for the appropriate number of boarders, or
 - (b) That portion of the total payment that is equal to the monthly coupon allotment at zero net income for the appropriate number of boarders.
- .34 The following persons shall not be considered boarders:
- .341 Children under 18 years of age, except for foster children, as specified in Section 63-402.322 under parental control, as defined in Section 63-102p., of a member of the household,
 - .342 parents living with their natural, adopted, or step children or children living with their natural, adopted, or step parents, even if one of the parents is elderly or disabled,
 - .343 a spouse of a member of the household,
 - .344 Siblings living with their natural, adopted, half or step brothers and sisters, even if one of the siblings is elderly or disabled, except foster child(ren) as specified in Section 63-402.322.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402****.4 Residents of Institutions**

Individuals shall be considered residents of an institution when the institution provides them with the majority of the meals as part of the institution's normal services. Residents of institutions are not eligible for participation in the Food Stamp Program. As commercial boarding houses fall under this category, residents of commercial boarding houses are not eligible for participation in the Food Stamp Program. The following individuals shall not be considered as residents of institutions:

- .41 Residents of any federally subsidized housing for the elderly.
- .42 Narcotic addicts or alcoholics who, for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program, reside at a treatment center. An individual must be a resident of the center and participating in the treatment or rehabilitation program to qualify for the Food Stamp Program as outlined in Section 63-503.47. In addition, children of narcotic addicts or alcoholics, residing in centers providing meals, shall qualify for the Food Stamp Program as specified in Section 63-503.47.
 - .421 If the spouse and/or family members (other than the children of the narcotic addict or alcoholic reside at the treatment or rehabilitation center, but do not receive treatment and the center customarily provides meals for residents, the spouse and/or family members are residents of an institution and are not eligible for food stamp benefits. If the treatment or rehabilitation center does not provide meals to the spouse and/or family members residing at the center, the spouse and/or family members are roomers and may participate in the Food Stamp Program as separate households if otherwise eligible as specified in Section 63-402.2.
- .43 Disabled or blind individuals who are residents of group living arrangement as defined in Section 63-102g, and who receive benefits under Title II of the Social Security Act.
- .44 A woman or woman with children temporarily residing in those shelters for battered women and children that provide meals shall be considered individual households for purposes of applying for and participating in the Food Stamp Program.
- .45 Residents of foster family settings shall be considered as members of the household providing foster care. For the purpose of this section, foster family settings shall include any facility licensed to provide foster care. However, residents of CDSS licensed group homes are only eligible if they qualify under Section 63-402.43.
- .46 Residents of public or private nonprofit shelters for homeless persons.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402****.5 Head of Household**

The CWD shall permit the household to designate a responsible household member to serve as head of household. The head of household classification shall not be used to impose special requirements on the household, such as requiring the head of household, rather than another responsible member of the household, appear at the certification office to make application for benefits.

.6 Authorized Representatives

.61 The head of the household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in one or all of the following capacities:

.611 Making application for the program. When the head of household or the spouse cannot make application, another household member may apply or an adult nonhousehold member may be designated as the authorized representative for that purpose. The head of household or the spouse should prepare or review the application whenever possible, even though another household member or the authorized representative will actually be interviewed. The CWD shall inform the household that the household will be held liable for any overissuance which results from erroneous information given by the authorized representative, except as provided in Section 63-503.476. Adults who are nonhousehold members may be designated as authorized representatives for certification purposes only under the following conditions:

- a. The authorized representative has been designated in writing by the head of household, or the spouse, or another responsible member of the household; and
- b. The authorized representative is an adult who is sufficiently aware of relevant household circumstances.

.612 Obtaining benefits

An authorized representative may be designated to obtain benefits. These designations shall be made at the time the application is completed and any authorized representative shall be named on the ID card.

- (a) The authorized representative for coupon issuance may be the same individual designated to make application for the household or may be another individual.
- (b) Even if a household member is able to make application and obtain benefits, the household should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in an inability to obtain benefits.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402****.613 Using the coupons**

A household may authorize any household member or a nonmember to use its ID card and coupons to purchase food or meals for the household. Individuals disqualified from the Food Stamp Program because of their commission of an intentional Program violation may act as an authorized representative only if no other representative can be found.

.614 Emergency authorized representative for obtaining benefits.

A household shall be permitted to designate an emergency authorized representative to obtain the household's allotment for a particular month when none of the persons specified on the ID card is available.

(a) A household member named on the ID card shall designate the emergency authorized representative. The designation authorizing the issuance of the household's benefits to the emergency authorized representative shall include the signature of the emergency authorized representative and the signature of that household member. The signature of the household member shall attest to the validity of the signature of the emergency authorized representative.

(1) The designation may be made on the ID card, authorization document or a separate form developed by the CWD for this purpose.

or

(2) A separately written and signed statement from the head of household or his/her spouse, also signed by the emergency authorized representative, may be used by the household.

(b) The household shall not be required to travel to food stamp office to execute an emergency designation.

(c) The emergency authorized representative shall present the signed designation and the household ID card in order to obtain the allotment.

(d) A separate written designation is required each time an emergency representative is authorized.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

- .62 Drug addict/alcohol treatment centers and group living arrangements as authorized representatives. Narcotic addicts or alcoholics who regularly participate in a drug or alcoholic treatment program on a resident basis and disabled or blind residents of group living arrangements as defined in Section 63-102g(2) who receive benefits under Title II or Title XVI of the Social Security Act may elect to participate in the food stamp program. However, if per Section 63-402.2, Title XVI recipients are ineligible for food stamps, this ineligibility shall apply to Title XVI (SSI) recipients residing in group living arrangements.
- .621 The residents of drug or alcoholic treatment centers shall apply and be certified for Food Stamp Program participation through the use of an authorized representative who shall be an employee of and designated by the institution that is administering the treatment and rehabilitation program.
- (a) The institution shall receive and spend the coupon allotment for food prepared by and/or served to the residents of the center who are participating in the Food Stamp Program.
 - (b) Each resident participating in the treatment program, together with his/her children, shall be certified as an individual household without regard to a spouse and/or family members (other than the children of the narcotic addict or alcoholic) who may or may not reside at the treatment center.
- .622 Residents of group living arrangements (GLA) shall apply and be certified through use of an authorized representative employed and designated by the GLA or apply or be certified on their own behalf or through an authorized representative of their own choice. The GLA shall determine if any resident may apply for food stamps on his/her own behalf; the determination should be based on the resident's physical and mental ability to handle his/her own affairs. The GLA is encouraged to consult with any other agencies of the state and/or county providing other services to individual residents prior to a determination. All of the residents of the GLA do not have to be certified either through an authorized representative or individually in order for one or the other method to be used.
- (a) If the residents apply on their own behalf, the household size must be in accordance with Section 63-402.1. The CWD must certify those residents using the same provisions that apply to other households.
 - (b) If the residents apply through the use of the GLA's AR, their eligibility must be determined as a one-person household.

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63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

- (c) If a resident applies through the facility as the authorized representative, the head of the GLA may either receive and spend the coupon allotment for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his/her own behalf.
- (d) If the residents are certified on their own behalf, the coupon allotment may either be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents; used by eligible residents to purchase and prepare food for their own consumption; and/or to purchase meals prepared and served by the GLA.
- (e) In any case, the GLA is responsible for complying with the requirements set forth in Section 63-503.48. If the GLA has its status as an authorized representative suspended by FNS (as discussed in Section 63-503.478), residents applying on their own behalf shall still be able to participate if otherwise eligible.

.63 Restrictions

The following restrictions apply to authorized representatives:

- .631 In the event the only adult living with a household is classified as a nonhousehold member, that individual may be the authorized representative for the minor household members.
- .632 CWD employees who are involved in the eligibility determination and/or issuance processes and employees of authorized food firms and meal services that are authorized to accept food coupons may not act as authorized representatives unless the CWD determines that no one else is available to serve as an authorized representative.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

- .633 An individual disqualified for an intentional Program violation shall not act as an authorized representative during the period of disqualification, unless the individual is the only adult member of the household and the CWD has determined that no other representative is available.
- (a) The CWD shall separately determine whether these individuals are needed to apply on behalf of the household, to obtain coupons, and to use the coupons to purchase food for the household.

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- (b) For example, the household may have an authorized representative designated to obtain its coupons each month, but not be able to find anyone to purchase food regularly with the coupons. If the CWD is also unable to find anyone to serve as the household's representative, the disqualified member shall be allowed to serve as a representative and purchase food for the household using its coupons.

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- .634 Meals providers for the homeless shall not be allowed to act as authorized representatives for homeless food stamp recipients.
- .64 CWD Responsibilities
- .641 The CWD shall insure that authorized representatives are properly designated.
- .642 The name of the authorized representative shall be contained in the household's case file.
- .643 Limits shall not be placed on the number of households an authorized representative may represent.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

.644 In the event employers, such as those that employ migrant or seasonal farmworkers, are designated as authorized representatives or that a single authorized representative has access to large number of authorization documents, access devices or coupons, the CWD should exercise caution to assure that.

- (a) Each household has freely requested the assistance of the authorized representative;
- (b) Each household's circumstances are correctly represented and the household is receiving the correct amount of benefits; and
- (a) The authorized representative is properly using the coupons.

.65 Disqualification

.651 CWDs which have obtained evidence that an authorized or emergency representative has misrepresented a household's circumstances and knowingly has provided false information pertaining to the household, or has used coupons improperly, may disqualify that representative from participating as a representative in the Food Stamp Program for up to one year, except as specified in Section 63-402.652 for treatment centers and group living arrangements. The CWD shall send written notification to the affected households and representative 30 days prior to the date of disqualification. The notification shall include:

- (a) The proposed action;
- (b) The reason for the proposed action;
- (c) The household's right to request a state hearing;
- (d) The telephone number of the office; and
- (e) If possible, the name of the person to contact for additional information.

63-402 HOUSEHOLD CONCEPT (Continued)**63-402**

.652 Drug and alcoholic treatment centers and the heads of those group living arrangements which act as authorized representatives for their residents, and who intentionally misrepresent households' circumstances, are not disqualified but may be prosecuted under applicable State fraud statutes for their acts. (See Section 63-503.477 for provisions regarding the misuse of coupons by drug and alcohol treatment centers.)

.7 Food Distribution Program

No household shall be allowed to participate simultaneously in the Food Stamp Program and the Food Distribution Program.

.8 Participation of Strikers

.81 A striker is defined as anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) or any concerted slowdown or interruption of operations by employees.

.811 The following persons shall not be considered strikers:

- (a) Employees whose workplace is closed by an employer in order to resist demand of employees (e.g., a lockout);
- (b) Employees unable to work as a result of striking employees;
- (c) Employees not wanting to cross a picket line due to fear of personal injury or death;
- (d) Individuals exempted from work registration by Section 63-407.2 on the day prior to the strike, other than those exempt solely on the grounds that they are employed.
- (e) Employees whose employers have hired permanent replacements for the striking employees' jobs. The fact that the striking employees are offered other jobs does not affect their status as they must be able to return to the same job.

63-402	HOUSEHOLD CONCEPT (Continued)	63-402
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- .82 Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible one day prior to involvement in the strike action and on the date of application. The CWD shall perform two separate eligibility determinations.
 - .821 To determine pre-strike eligibility, consider the day prior to the member's involvement in the strike as the day of interview and assume the strike did not occur.
 - .822 To determine eligibility, compare the striking member's income before the strike to the striker's income which can be anticipated with reasonable certainty during the strike, (e.g., income from the receipt of strike benefits or temporary employment during the strike). The higher of the two amounts shall be added to the income of nonstriking members during the month of application.
 - .823 To determine benefits, deductions shall be calculated for the month of application as for any household. Whether the striker's prestrike income or income during the strike is used, the earned income deduction shall be allowed if applicable. Benefit level of an eligible striker household is based on current circumstance except for income as specified above.
- .83 CWDs shall use the method as specified in Section 63-402.82 in determining benefits and eligibility for continuing households when a member becomes involved in a strike. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household.
- .84 The household's income immediately prior to the involvement in the strike action at the date of application shall be verified at the time of application. Any anticipated income during the strike shall also be accounted for at this time. It is the responsibility of the household to provide the CWD with verification of such income for the purpose of determining eligibility and benefit levels in accordance with Section 63-300.5.
- .85 Strikers shall be subject to the work registration requirements unless exempt under Section 63-407.2.

NOTE: Authority cited: Sections 10554, 18901.3, and 18904, Welfare and Institutions Code. Reference: Sections 10554, 11251.3, 11486.5, 18901.3, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.1(a)(1) through (a)(2)(ii) through (b)(2)(iii), (c), (c)(1) and (6), (d)(1) and (2), (e)(1), and (g); 7 CFR 273.2(j)(4); 7 CFR 273.9(b)(2)(ii); 7 CFR 273.10(c)(1)(i); 7 CFR 273.11, .11(b)(1) and (f); 7 CFR 274.5; and 7 CFR 274.10; Public Law (P.L.) 100-77, Section 802; P.L. 103-66; USDA Food and Nutrition Service (FNS), Administrative Notice (AN) 89-65; AN 94-39; AN 98-43; USDA FNS Policy Memo 89-11 and 89-12; 7 U.S.C. 2015(d)(1), P.L. 104-193, Sections 115, 803, 815, and 821 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and the Balanced Budget Act of 1977 (Sections 5516 and 5518).

63-403 CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP)**63-403****.1 Noncitizen Eligibility**

Certain legal noncitizens of the United States (U.S.) shall be eligible for CFAP if they are not eligible for federal Food Stamp (FS) benefits, based solely on their immigration status under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended by the Food Stamp Reauthorization Act of 2002. Legal presence can be verified through USCIS at application [i.e. Systematic Alien Verification for Entitlements (SAVE) System]. Legal noncitizens whose time limit has expired for the federal program but would otherwise remain eligible for federal benefits are eligible for CFAP.

.11 Victims of trafficking, domestic violence, or other serious crimes.

Welfare and Institutions Code Section 18945 established eligibility for this group of noncitizens. Eligibility rules are outlined in Sections 42-431.23, .3, .4, .5, and .6. Examples of documentation to be considered in determining an applicant's experience with human trafficking, domestic violence, or other serious crimes can be found in Sections 42-431.4, .5 and .6.

.2 Application of Existing Regulations

Current federal FSP regulations contained in the State FSP Manual (Division 63 of the CDSS Manual of Policies and Procedures) will apply to the CFAP and its participants unless otherwise stated. For CFAP recipients who do not meet exemptions from deeming, the period for deeming of a sponsor's income and resources shall be three years from the date of the sponsor's execution of the 213A Affidavit of Support. Victims of abuse by their sponsor or sponsor's spouse shall be exempt from deeming.

.21 Existing federal FSP regulations apply to victims of human trafficking, domestic violence, or other serious crimes, except where otherwise indicated.

.211 As a condition of eligibility, when the noncitizen victim of human trafficking, domestic violence, or other serious crimes does not have permission to work in the United States and the Social Security Administration will not issue a social security number, this requirement is suspended until such time as the individual's ability to obtain a social security number changes.

63-403 CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) (Continued) 63-403

.3 CFAP work requirements are provided in Section 63-411.

.31 Trafficking, domestic violence, or other serious crime applicants shall not be subject to food stamp work requirements. This includes the Able-Bodied Adult Without Dependents (ABAWD) work requirement, and requirements for food stamp work registration and participation in the Food Stamp Employment and Training (FSET) program. In addition, recipients shall not be subject to penalties for voluntary quit and reduction of hours worked. However, this group may participate in other education or training to the extent such participation is permissible.

.4 Combined Households

For CFAP purposes, combined households are those which contain participants of the federal FSP and CFAP. No household shall receive more food stamp benefits under CFAP than it would have received if all members had remained eligible for the federal FSP.

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 11320.3, 11495.12, 18930 through 18934, and 18945, Welfare and Institutions Code (as amended by AB 1111, Chapter 147, Statutes of 1999 and AB 429, Chapter 111, Statutes of 2001); 7 CFR 273.4; Federal Register, Vol. 61, No. 202, dated 10/17/96; Federal Register, Vol. 52, No. 103, dated May 29, 1987; USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997; and Section 4401(a) of the Food Stamp Reauthorization Act of 2002, P.L. 170-171 [8 U.S.C. Section 1612(a) and [8 U.S.C. Section 1613(c)].

63-404 SOCIAL SECURITY NUMBERS**63-404**

- .1 Applicant or recipient households shall provide the CWD with the social security number (SSN) of each household member or shall provide verification of application for an SSN prior to certification. If individuals have more than one number, all numbers shall be required.
- .11 The CWD shall explain to applicants and recipients that refusal or failure without good cause to provide or apply for an SSN shall result in disqualification of the individual for whom the SSN is not obtained. The CWD shall send the household a notice of action explaining the effect of the disqualification on the eligibility and allotment of the remaining household members.
- .12 For those individuals who provide SSNs prior to certification, recertification, or at any office contact, the CWD shall record the SSN and verify in accordance with Section 63-404.6.

63-404 SOCIAL SECURITY NUMBERS (Continued) 63-404

- .13 Household members who do not have an SSN and who apply for an SSN or provide good cause for failure to apply shall be allowed to participate in accordance with Section 63-404.3.
- .2 Exemption for Expedited Processing Applicants
 - .21 Households entitled to expedited service shall not be required to furnish or apply for an SSN until after they have received their first allotment. However, these households shall be required to furnish or apply for an SSN before their next issuance in accordance with 63-301.543 and .544.
- .3 Obtaining the Social Security Number
 - .31 Whenever an individual indicates he/she does not have an SSN, or is otherwise unable to provide one, the household member shall complete the application for SSNs provided by the CWD, and apply directly to the Social Security Administration (SSA).
 - .32 The CWD shall inform the household member where to apply and what information will be needed.
 - .33 The CWD shall inform the household member that proof of application from the SSA will be required prior to certification.
 - .34 Once the household member has filed an application for an SSN and continue to meet all other eligibility requirements, that member shall be permitted to continue to participate pending notification of the CWD through IEVS of the household member's verified SSN.
- .4 Failure to Comply
 - .41 If the CWD determines that a household member has failed without good cause to provide or apply for an SSN that individual shall be ineligible to participate until he/she complies. This disqualification will apply only to the individual for which the SSN is not provided and not to the entire household.
 - .42 Income of the disqualified individual shall be treated as outlined in Section 63-502.14. Resources of the disqualified individual shall be treated as outlined in Section 63-501.9.
- .5 Good Cause Determination
 - .51 In determining if good cause existed for failure to comply with the SSN requirement to apply for or provide the CWD with an SSN, the CWD shall consider information provided by the household member and SSA. Documentary evidence or collateral information that the household member has applied for an SSN or made every effort to supply SSA with the necessary information to complete and application for an SSN shall be considered good cause for not complying timely with this requirement.

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- .511 Good cause does not include delays due to illness, lack of transportation, or temporary absences.
 - .52 If the household member(s) can show good cause why an application for an SSN has not been completed in a timely manner, that household member shall be allowed to participate for one month in addition to the month of application. Thereafter, for a household member to continue to participate, good cause shall be shown monthly.
 - .53 If the household member applying for an SSN has been unable to obtain the documents required by SSA, the CWD should make every effort to assist the individual in obtaining these documents.
- .6 Verification
- .61 The CWDs shall submit SSNs through IEVS to SSA for verification.
 - .62 The application for a SSN shall be verified by obtaining the CDSS approved documentation of application from SSA. Approved documentation includes, but is not limited to, the MC-194, the SSA 5028 or the hospital issued SSA-2853-OP4.
 - .63 Certification for or issuance of benefits shall not be delayed to an otherwise eligible household solely because an SSN has not been verified.
 - .64 Once an SSN has been verified through IEVS, the EW shall annotate the casefile accordingly to prevent the need for future reverification.

.7 Ending Disqualification

The disqualified household member may become eligible upon providing the CWD with his/her SSN, providing verification of application for an SSN, or showing good cause why an application for an SSN cannot be completed

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: 7 CFR 273.2(j)(3) and (4), 7 CFR 273.10(b), 7 CFR 273.6, and Sections 10554 and 18904, Welfare and Institutions Code.

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS 63-405

CWDs shall limit participation in the Food Stamp Program to individuals who are either United States (U.S.) citizens or eligible noncitizens.

For the purpose of qualifying as a U.S. citizen, the U.S. shall be defined as the 50 states and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Additionally, citizens of American Samoa, Swain's Island and the Northern Mariana Islands who reside in the U.S. shall be considered to have met the citizenship eligibility requirements.

- .1 A noncitizen who is a lawful resident of the U.S. and meets any of the following requirements is eligible for participation in the federal Food Stamp Program (FSP):

Section 63-405.11 qualified noncitizen and Section 63-405.12 Indefinite Eligibility

or

Section 63-405.2 Indefinite Eligibility

.11 A QUALIFIED NONCITIZEN IS:

- .111 A person who is lawfully admitted to the U.S. for permanent residence under the Immigration and Nationality Act (INA).
- .112 A refugee under Section 207 of the INA.
- .113 An asylee under Section 208 of the INA.
- .114 A noncitizen who had deportation withheld under Section 243(h) of the INA (before April 1, 1997, or under Section 241(b)(3) of the INA on or after April 1, 1997).
- .115 A Cuban or Haitian entrant as defined in 501(e) of the Refugee Education Assistance Act of 1980.
- .116 A conditional entrant under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- .117 A parolee under Section 212(d)(5) of the INA for at least one year.
- .118 An abused/battered spouse and/or unmarried dependent child and/or child of an abused/battered parent and/or parent of an abused/battered child as specified in Section 63-405.5.

63-405	CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued)	63-405
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- .12 INDEFINITE FOOD STAMP ELIGIBILITY CRITERIA. The following noncitizens are eligible indefinitely, provided they are one of the qualified noncitizens specified in Section 63-405.11:
- .121 Who is lawfully admitted to the U.S. for permanent residence and can be credited with 40 qualifying quarters of coverage as specified in Section 63-405.4
 - .122 An active member of the U.S. armed forces or an honorably discharged veteran of the U.S. armed forces, including their spouse or unmarried dependent child, or un-remarried surviving spouse of a deceased veteran, as specified in Section 63-405.3.
 - .123 Is under 18 years of age regardless of the date of entry into the U.S.
 - .124 Who is disabled or blind as specified in Section 63-102(e)(1)(B) through (K), regardless of date of entry. Must show verification of disability benefits.
 - .125 Was lawfully in the U.S. and 65 years or older on August 22, 1996.
 - .126 He lawfully resided in the U.S. for five years beginning on the date of entry.

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- (a) The five-year period begins on the date the immigrant obtains status as a qualified non-citizen through the INS. In cases where the INS grants qualified status retroactively, the CWD shall use the date that INS grants qualified status. For example, a non-citizen enters the country on January 1, 1996, but INS does not complete paperwork until January 1, 1997, and subsequently grants qualified status effective January 1, 1996. The CWD shall begin counting the five-year qualifying period on January 1, 1996.

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- .2 The following noncitizens are eligible for food stamp benefits for an indefinite period of time, even if they are not qualified noncitizens as specified in Section 63-405.11.
- .21 An individual who:

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued) 63-405

- .211 Was a member of a Hmong or Highland Loatian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101) and is lawfully residing in the U.S.

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Documentary evidence of Hmong or Highland Loatian tribe member includes:

- (a) Was born in Laos [or another country with Hmong or other Highland Loatian populations and can give a reasonable explanation as to why he/she was not born in Laos (the countries include Thailand, Cambodia, China, Vietnam, Philippines, Indonesia, Hong Kong, Malaysia, and Singapore)];
- (b) Has a refugee code RE1, RE2, RE3, RE6, RE7, R86, IC6, or IC7, or can give a reasonable explanation of his/her immigration to the U.S. (for example, sought asylum in another country and later immigrated to the U.S.);
- (c) Entered the U.S. in April 1975 or later (or can give a reasonable explanation for having entered before that, such as came here as a student, for military training, to escape the war, and so on);
- (d) Signs an affidavit swearing under penalty of law that he/she was a member of a Hmong or Highland Loatian tribe between August 5, 1964 and May 7, 1975. [If a food stamp worker has access to the Refugee Data Center (RDC) list of eligible Hmong and Highland Loatian refugees who entered the U.S. after 1979, and the name or alien number of the person claiming membership in a tribal group appears on the list, there is no need for the affidavit. However, the worker must not deny eligibility for food stamps simply because the RDC list is unavailable or the applicant's name or alien number does not appear on it.]; and
- (e) Presents other information/documentation establishing that the tribal member was part of a Hmong/Highland Loatian Tribe between August 5, 1964 and May 7, 1975.

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63-405	CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued)	63-405
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- .212 Is the spouse, unmarried dependent child or unremarried surviving widow or widower of a deceased Hmong or Highland Laotian tribal member and verifies his/her status as a member of the tribal member's family.

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- (a) Divorced spouses do not qualify as family members.
- (b) A member of the family of a deceased tribal member need not show that the deceased tribal member legally resided in the U.S..
- (c) A child means the legally adopted or biological child of the Hmong or Highland Laotian described in Section 64-405.211.
- (d) An unmarried dependent child of a Hmong or Highland Laotian described in Section 63-405.21, is under the age of 18, or a full-time student under the age of 22, an unmarried child under the age of 18 or if a full-time student under the age of 22 of a deceased Hmong or Highland Laotian provided the child was dependent upon him or her at the time of his/her death, or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday.

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.22 An individual who is:

- .221 A member of an Indian tribe (as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) who is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

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- (a) This includes, but is not limited to, Native Americans who are entitled to cross the border into the U.S. from Canada or Mexico, the St. Regis Band of the Mohawk in New York State, the Micmac in Maine, the Abanaki in Vermont, and the Kickapoo in Texas.

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63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued) 63-405

- (b) Applicants shall provide a membership card or other tribal document demonstrating membership in an Indian tribe. If the applicant has no membership documentation, the CWD shall contact the Indian tribe for verification.

- .222 An American Indian born in Canada to whom the provisions of Section 289 of the INA (8 U.S.C. 1359) apply.

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Documentary evidence of Section 289 status is:

- (a) An unexpired Alien Registration Receipt Card or Permanent Resident Card with the code S13; or

- (b) An unexpired temporary I-551 stamp in a Canadian passport or on the Arrival-Departure Record with the code S13; or

- (c) A letter or tribal document certifying at least 50% Indian blood as required by Section 289 of the Act and a birth certificate or satisfactory evidence of birth in Canada.

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- .3 A veteran or a person on active duty in the U.S. armed forces is eligible. The spouse, or unmarried dependent child, or unremarried surviving spouse of a deceased veteran or active duty person is also eligible.
 - .31 For purposes of this section, "veteran" means:
 - .311 Has been honorably discharged for a reason other than on account of alienage as documented by a DD Form 214 or other acceptable verification; and
 - .312 Has met the minimum active-duty service requirements (24 months or the period for which the person was called to active duty).
 - .313 An individual who served before July 1, 1946, in the organized military forces of the Government of Commonwealth of the Philippines.

63-405	CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued)	63-405
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- .32 For purposes of this section, “surviving spouse of a deceased veteran or individual on active duty” means:
 - .321 The spouse has not remarried and the marriage fulfilled these requirements (married for at least one year, or married before the end of a 15-year time span following the end of the period of military service in which the injury or disease was incurred or aggravated, or married for any period if a child was born of the marriage or was born before the marriage);

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- .33 For purposes of this section, “Unmarried dependent child” means:
 - .331 Legally adopted or biological child of a person described in Section 63-405.31.
 - .332 Under the age of 18.
 - .333 Under the age of 22 and a student who is otherwise eligible as specified in Section 63-406.2.
 - .334 Eighteen (18) or older if the child was/is disabled and dependent prior to turning 18.

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- .4 A noncitizen who can be credited with 40 quarters (10 years) of qualifying employment; or can be credited with such qualifying credits of employment through parents (up through the quarter the applicant turned 18, including credits earned before the child was born) and/or spouse (for work performed during their marriage and the noncitizen remains married to such spouse or such spouse is deceased) is eligible. One credit equals one calendar quarter of qualifying employment. Beginning with the first quarter of 1997, no credit shall be countable if the individual who earned it received any federal means-tested public benefits. Qualifying credits of employment shall be verified.
 - .41 At the eligibility interview the CWD shall ask the following questions about any noncitizen whose eligibility needs to be determined.

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(Continued)

- .411 How long has the applicant noncitizen, and if necessary, the applicant noncitizen's parents (up through the quarter the applicant turned 18, including credits earned before the child was born) and/or spouse (for work performed during their marriage and the noncitizen remains married to such spouse or such spouse is deceased) lived in the United States? If the period of time is more than 10 years, it is not necessary to ask question B (Section 63-405.412). Skip to question C (Section 63-405.413). However, if the period of time is less than 10 years, question B (Section 63-405.412) shall be asked.
- .412 Did the applicant noncitizen, the applicant noncitizen's parents (up through the quarter the applicant turned 18, including credits earned before the child was born) and/or spouse (for work performed during their marriage and the noncitizen remains married to such spouse or such spouse is deceased) ever perform work for a United States business or the U.S. government, while not residing in the United States? If so, for how many calendar quarters or years? If an applicant noncitizen neither lived in the U.S. at least 10 years, or worked for a United States business or the U.S. government while living in another country; or if the combination of years lived in the United States and worked for a United States business or the U.S. government while living in another country totals less than 10 years, then the applicant noncitizen shall be denied food stamps. If the total is at least 10 years, then question C (Section 63-405.413) shall be asked.
- .413 In how many of the years reported in answer to question A (Section 63-405.411) did the applicant noncitizen, the applicant noncitizen's parents (up through the quarter the applicant noncitizen turned 18, including credits earned before the child was born) and/or spouse (for work performed during their marriage and the noncitizen remains married to such spouse or such spouse is deceased) earn money through work? If the answer is at least 10 years, or if the answer combined with the answer to question B (Section 63-405.412) is at least 10 years, then the earnings of the noncitizen whose eligibility is in question shall be verified before eligibility is established, except as specified in Section 63-405.112(g)(2). If the total is less than 10 years, then the applicant noncitizen shall be denied food stamps.

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS
(Continued)**63-405**

- .42 The preferred method of verifying qualifying credits of employment is through the Social Security Administration's (SSA's) automated system. However, the automated system may not always verify that the earnings requirement is met. If the noncitizen believes that the records provided by the automated system are incorrect, the CWD shall inform the noncitizen of the option of challenging SSA's records. The person whose work history is in question can visit the nearest SSA office and request a review to determine if the qualifying quarters are met. A document from SSA indicating that a determination of work credits is under review must be provided to the CWD. If for some reason the person whose work history is in question is unable or unwilling to appear in person to request an investigation of SSA's records, they can be requested for that person through the mail. A noncitizen disputing SSA's findings, and requesting a review through SSA's manual system, shall be allowed to participate until SSA completes its investigation, or for a maximum of six months from the date of the original determination of insufficient quarters.

All or part of the qualifying credits of employment may be verified by information provided by the household. The CWD shall accept employer-prepared wage statements, W-2 or W-2c forms, a copy of the federal or state income tax return, etc., as proof of earnings. The normal application processing time frames apply if the CWD is obtaining verification of work credits from the household.

- .43 After all the earnings are obtained for or on behalf of the noncitizen whose eligibility is in question, the CWD shall use the "ESTABLISHING QUARTERS" chart below to determine if the amount of earnings is sufficient to establish the required number of credits.

HANDBOOK BEGINS HERE**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. A maximum of 4 credits can be earned each year.

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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 forward, the amount of earnings needed for each credit is:

1978 \$250	1989 \$500
1979 \$260	1990 \$520
1980 \$290	1991 \$540
1981 \$310	1992 \$570
1982 \$340	1993 \$590
1983 \$370	1994 \$620
1984 \$390	1995 \$630
1985 \$410	1996 \$640
1986 \$440	1997 \$670
1987 \$460	1998 \$700
1988 \$470	1999 \$740
	2000 \$780

A current year quarter may be included in the 40 quarter computation.

To determine the number of credits, divide the individual's total yearly earnings by the amount shown above for that year. For example, earnings of \$1360 in 1982 results in four credits (\$1360 divided by 340). **DO NOT CREDIT CALENDAR QUARTERS THAT HAVE NOT ENDED.**

If you need to use quarters before 1978:

- A credit was earned for each calendar quarter in which an individual was paid \$50 or more in wages (including agricultural wages for 1951-1954);
- 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.

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- .44 If upon further review SSA cannot establish additional earnings and the noncitizen does not have at least 40 qualifying credits, the CWD shall establish an inadvertent household error claim for over issuance for the months food stamps were received.

63-405 CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS
(Continued)**63-405**

.5 The following are the abused/battered noncitizens who may be considered qualified as specified in Section 63-405.118:

.51 A noncitizen who has been abused:

.511 In the U.S. by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the noncitizen and the spouse or parent consented to, or acquiesced in, such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

.512 Who has been approved by INS or has a petition pending with INS which sets forth a prima facie case for:

- (a) Status as a spouse or a child of a U.S. citizen pursuant to clause (ii), (iii), or (iv) of Section 204(a)(1)(A) of the INA;
- (b) Classification as a spouse or child of a noncitizen lawfully admitted for permanent residence (LPR) in the U.S. pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA;
- (c) Suspension of deportation and adjustment of status pursuant to Section 244(a)(3) of the INA as in effect prior to April 1, 1997;
- (d) Status as a spouse or child of a U.S. citizen pursuant to clause (i) of Section 204(a)(1)(A) of such Act, or as a spouse or child of an LPR pursuant to clause (i) of Section 204(a)(1)(B) of the INA; or
- (e) Cancellation of removal pursuant to Section 240A(b)(2) of the INA.

.52 A noncitizen whose child has been abused:

.521 In the U.S. by a spouse or a parent of the noncitizen (without the active participation of the noncitizen in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the noncitizen and the spouse or parent consented or acquiesced to such battery or cruelty, and the noncitizen did not actively participate in such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

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(Continued)

- .522 Who meets a requirement as specified in Section 63-405.512.
- .53 A noncitizen child who resides in the same household as a parent who has been abused:
 - .531 In the U.S. by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and
 - .532 Who meets a requirement as specified in Section 63-405.512.
- .54 These sections shall not apply to a noncitizen during any period in which the individual responsible for such abuse/battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such abuse/battery or cruelty.

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- .55 The following list includes, but is not limited to, circumstances which may demonstrate a substantial connection between the abuse/battery or extreme cruelty suffered by the applicant and the need for the benefit sought. A connection exists if the benefits are needed to enable the noncitizen, the noncitizen's child, and/or (in the case of a noncitizen child) the noncitizen's parent to:
 - .551 Become self-sufficient following separation from the abuser;
 - .552 Escape the abuser and/or the community in which the abuser lives, or ensure safety from the abuser;
 - .553 Fulfill a financial need due to loss of financial support resulting from separation from the abuser;
 - .554 Fulfill a financial need caused by the loss of a job because of the circumstances of the abuse;

HANDBOOK CONTINUES

63-405 (Cont.)	FOOD STAMP REGULATIONS ELIGIBILITY STANDARDS	Regulations
63-405	CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS (Continued)	63-405

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- .555 Provide or seek medical attention or mental health counseling, or health services due to disability resulting from the battery or extreme cruelty;
- .556 Fulfill a financial need because of the loss of a dwelling or source of income or fear of the abuser which, following separation from the abuser, jeopardizes the applicants' or the parents' ability to care for his or her children;
- .557 Alleviate nutritional risk or need resulting from the abuse or following separation from the abuser;
- .558 Provide or seek medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with the abused noncitizen and/or care for any resulting children; or
- .559 Replace medical/health care services which were provided when living with the abuser.

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.6 Other noncitizen provisions and procedures not superseded by Section 63-405 remain in effect.

.7 Responsibilities of Sponsored Noncitizens

The sponsored noncitizen shall be responsible for the following:

- .71 Obtaining the cooperation of his/her sponsor.
- .72 Providing the CWD at the time of application and at the time of recertification with any information and/or documentation necessary to determine the deemed income and resources of the noncitizen's sponsor as specified in Section 63-503.49.
- .73 Providing the names (or other identifying factors) of other noncitizens for whom the noncitizen's sponsor has signed an agreement to support.