

This Chapter contains the policy for Food Stamps, WV WORKS and all Medicaid coverage groups. It is used to determine who receives the benefit, whose income assets are counted and whose needs are considered. The income/assets of all persons in the Income Group (IG) is compared to the income/asset limits for the number of persons in the Needs Group (NG). This comparison determines if those in the Assistance Group (AG) are eligible to receive the benefit.

## 9.1 FOOD STAMP ELIGIBILITY DETERMINATION GROUPS

### A. THE ASSISTANCE GROUP (AG)

#### 1. Who Must Be Included

A Food Stamp AG may be composed of any of the following individuals or groups of individuals, provided that such individuals or groups who live together are not residents of institutions or boarding houses.

An individual cannot be a member of more than one Food Stamp benefit group in any month.

**EXCEPTION:** Shelters for battered women and children. See Chapter 14.

Throughout this Section the word customarily is used to mean over 50% of meals on a monthly basis. When a child is eligible for free or reduced-price meals at school, these meals are considered provided by the person with whom the child resides.

**NOTE:** For all the following possible AG, an individual who meets the definition of an ABAWD in item j below can only receive AG benefits when he is otherwise eligible and:

- Is meeting the work requirements outlined in item 2 below; or
- Is residing in a Non-Issuance Limited County (NILC); or
- Regains eligibility after meeting the ABAWD work requirement, becoming exempt, or moving to an NILC; or
- Is in the first or second 3-month limit period while not meeting the work requirement or being exempt.

The following shows the make-up of a Food Stamp AG.

#### a. Individuals Living Alone

These individuals are an AG.

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## b. Individuals or Groups of Individuals Living With Others

## (1) Purchase and Prepare Together

A group of individuals, for whom food is customarily purchased and prepared together is an AG.

## (2) Purchase and Prepare Separately

Individuals or groups of individuals living with others, but who customarily purchase food and prepare meals separately are an AG. Customarily purchasing and preparing food separately means that, during the certification period, the client actually purchases and prepares his food separately from the others in the household, except for an occasional shared meal. This occasional sharing of food does not interfere with his separate AG status.

## c. Exceptions

The following individuals living with others, or groups of individuals living together, must be considered as customarily purchasing food and preparing meals together, i.e., being in the same AG, even if they do not do so. Two of the following groups show exceptions to the general rule of being in the same AG.

## (1) Spouses

For these purposes, spouse means individuals:

- Who are married to each other under state law; or
- Who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors or tradespeople.

Spouses must be in the same AG. There are no exceptions.

## (2) Children Under Age 18, Not Living With a Parent

Children, under age 18, who are under the parental control of an adult AG member who is not a parent, and the member who exercises parental control, are assumed to purchase and prepare their food together and, therefore, must be in the same AG.

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## (3) Children Under Age 22, Living With a Parent

Parents living with their natural or adoptive children or stepchildren who are under 22 years of age and such children living with such parents are assumed to purchase and prepare their food together and, therefore, must be in the same AG.

## (4) Elderly and Disabled Individuals

Although a group of individuals living together and purchasing food and preparing meals together constitutes a single AG under item b,(1) above, an individual who meets all of the following criteria may have himself, his spouse and children considered a separate Food Stamp AG.

He is:

- At least 60 years old; and
- Is unable to purchase and prepare meals. He must be unable to purchase and prepare meals because he suffers from a disability listed below, or suffers from some other severe, permanent physical or mental disease or non-disease-related disability.
  - Permanent loss of use of both hands, both feet or one hand and one foot.
  - Amputation of leg at hip.
  - Amputation of leg or foot because of diabetes mellitus or peripheral vascular diseases.
  - Total deafness, not correctable by surgery or hearing aid.
  - Statutory blindness, except if due to cataracts or detached retina.
  - IQ 59 or less, established after attaining age 16.

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- Spinal cord or nerve root lesions resulting in paraplegia or quadriplegia.
- Multiple sclerosis in which there is damage of the nervous system because of scattered areas of inflammation which recurs and has progressed to varied interference with the function of the nervous system, including severe muscle weakness, paralysis and vision and speech defects.
- Muscular dystrophy with irreversible wasting of the muscles with a significant effect on the ability to use the arms and/or legs.
- Impaired renal function due to chronic renal disease, documented by persistent adverse objective findings, resulting in severely reduced function which may require dialysis or kidney transplant.
- Amputation of a limb, current age 55 or older and

The gross non-excluded income of the others with whom the individual resides, excluding the individual's own income and the income of his spouse and children, cannot exceed the amount shown in the E & D column of Appendix A of Chapter 10. The individual, his spouse and children are not included in the total count of those residing together, when comparing gross non-excluded income to the amount in column E & D. Only income, not normally excluded from consideration for the Food Stamp Program, is used to determine the gross income compared to the E & D column amount.

The individual, who meets these three requirements, his spouse and children may be a separate AG, even if living and eating with others. The disability must be verified by a licensed medical professional, unless it is obvious to the Worker. See Section 12.15.

## 2. Who Cannot Be Included

The following individuals who reside with an AG are not considered AG members. They are designated as non-AG members.

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## a. Roomer

An individual(s) to whom a household furnishes lodging for compensation, but not meals. This individual(s) may be a separate AG(s).

## b. Boarder

An individual(s) to whom a household furnishes lodging and meals and who pays a reasonable monthly payment for board, may receive Food Stamps as part of the AG with which he lives, if the AG so requests. The following individuals cannot be considered boarders and may not constitute a separate AG, except as specified in item 1,c,(2) and (3).

- The spouse of a member of the household
- Children and parents of a member of the AG, even if the child is age 22 or over
- Individuals furnished only meals and not residing with the household, regardless of the monthly payment made for these meals, may be a separate AG.
- Foster children are considered boarders. They may be included or excluded, depending upon the AG's wishes.
- Individuals furnished meals and lodging, but paying less than a reasonable amount. See item 3. These individuals are considered members of the same AG as the person who provides room and board.

## c. Live-in Attendants

Individuals who reside with an AG to provide medical, housekeeping, child care or other similar personal services may be a separate AG. If the live-in attendant is a relative, other than a parent or child, who moved in with the AG to provide these services, the individual is considered a live-in attendant. If the relative lived in the home prior to the need for these services or would live with the AG whether or not the services were provided, the attendant is considered a member of the AG.

**NOTE:** If the live-in attendant is a parent or child of a member of the AG containing the individual who needs the personal service, the parent/child policy in item 1,c,(3) takes precedence over the live-in attendant policy.

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**Eligibility Determination Groups**

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## d. Ineligible Aliens

Individuals who do not meet the citizenship or eligible alien status are ineligible to participate in the Program and may not be a separate AG. When a client indicates inability or unwillingness to provide documentation of alien status, that client is classified as an ineligible alien. Eligibility is determined for the remaining AG members. See Chapter 18.

## e. Students

Persons who meet the Food Stamp definition of a student are ineligible to participate in the Program and may not be a separate AG.

See item 4 below for the definition of a student and for exceptions to the restriction on student participation.

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f. Individuals Excluded by Law

Persons who are excluded by law as found below are ineligible and may not be a separate AG. The periods of ineligibility are as follows:

REASON FOR EXCLUSION	LENGTH OF EXCLUSION
Receipt of simultaneous multiple benefits as determined by an ADH or conviction in a state or federal court, due to a fraudulent statement with respect to identity or place of residence.	10 years
Fleeing to avoid prosecution, or custody/confinement after conviction, for a crime or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing	Ineligible while identified in this category
Violating a condition of probation or parole which was imposed under federal or state law.	Ineligible as long as the violation continues
Convicted on or after 8/23/96 of trafficking in Food Stamps involving \$500 or more. For a trafficking conviction prior to 8/23/96, an amount less than \$500, or when there is an agreement which results in a court finding, rather than a conviction, See items h and i below.	Permanent
Convicted of a felony offense which occurred on or after 8/23/96 which involved possession, use or distribution of a controlled substance as defined by section 102 (6) of the Controlled Substance Act	Permanent

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## g. IPV

Persons who have been found guilty of an IPV are ineligible as follows:

- 1st offense: 1 year
- 2nd offense: 2 years
- 3rd offense: Permanent

## h. Trafficking Food Stamps for Firearms, Ammunition or Explosives

Persons found by federal, state or local court to have exchanged Food Stamps for firearms, ammunition or explosives, when the trafficking offense does not meet the criteria in item f, as excluded by law, are disqualified permanently.

The penalty does not differ from the trafficking disqualification in item f above, but the different situations for which this penalty is applied are:

- The amount is less than \$500
- It may be imposed for a conviction, an agreement which results in a court finding or a signed disqualification agreement. The item f disqualification requires a conviction in a federal, state or local court.
- The conviction or court finding occurred prior to 8/23/96.

This penalty does not include trafficking in controlled substances.

## i. Trafficking Food Stamps for Controlled Substances

Persons found by a federal, state or local court to have exchanged Food Stamps for a controlled substances, when the trafficking offense does not meet the criteria in item f, as excluded by law, are subject to the following penalties.

The penalties are:

- 1st offense: 2 years
- 2nd offense: Permanent



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This penalty does not require a court conviction, but may also be imposed when there is an agreement which results in a court finding.

**NOTE:** A conviction for a felony offense which occurred on or after 8/23/96 which involved possession, use or distribution of a controlled substance as defined by section 102(6) of the Controlled Substance Act results in a penalty as described in item f above.

j. Enumeration

Persons who fail to meet the enumeration requirements as found in Chapter 8 are ineligible until compliance.

k. Unborn Children

The AG cannot receive Food Stamps for an unborn child.

l. Work Requirement Sanctioned Individuals

Persons against whom a sanction is imposed for failure to comply with work requirements found in Chapter 13 may not be separate AGs, even when living with others not affected by the sanction.

m. Those Who Do Not Purchase and Prepare Food Together

Other individuals who share living quarters with the AG, but who do not customarily purchase and prepare food with them. These individuals may apply as a separate AG. However, the parent/child/parental control relationship described in item 1,c,(2) and (3) must be considered.

n. Able-Bodied Adults Without Dependents (ABAWD)

**NOTE:** All work requirements in Chapter 13 also apply to ABAWDs.

(1) Definition of ABAWD

An ABAWD is any individual age 18 or over, but not yet age 50.

An individual who turns 18 becomes an ABAWD in the month following his birthday. An individual is no longer an ABAWD in the month of his 50th birthday.

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## (2) Exemptions

Receiving Food Stamps while exempt does not count toward the 3-month limit. An individual is exempt if he:

- Lives with an individual under age 18. The individual under age 18 does not have to be in the AG.
- Is responsible for the care of an incapacitated person, whether or not the person receiving the care resides with the client and whether or not the incapacitated person is a member of the Food Stamp AG; or
- Is receiving UCI as the result of registering with BEP; This includes persons receiving benefits under the Trade Readjustment Act (TRA); or
- Is medically certified as physically or mentally unfit for employment according to the provisions in Section 12.15; or
- Is a pregnant woman, regardless of the expected date of delivery; or
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program either on a resident or non-resident basis; or
- Is a student enrolled at least half-time in any recognized school, training program or institution of higher education. A student must meet one of the exceptions to the restriction on student participation listed in Chapter 9; or
- Resides in one of the following ILC's: Brooke, Doddridge, Hancock, Hardy, Marshall, Monroe, Pendleton, Putnam, Randolph, Taylor, Tyler; or
- Is hired for work at least 30 hours per week; or
- Is hired for work paying the equivalent of at least 30 hours times the minimum wage per week.

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Eligibility Determination Groups

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**NOTE:** The last 2 exemptions qualify the individual to participate immediately, if otherwise eligible. Because this is an exemption, the individual is not required to complete any work hours to become eligible again. However, these exemptions do not qualify the individual for the additional 3-month period specified in item (7) below until he has worked 80 hours in 30 days or participated in a work or training program for a month.

**EXAMPLE:** An ABAWD residing in an ILC is a recipient of Food Stamps on December 1, 1996 with a redetermination due in March, 1997. At the March redetermination, it is determined the individual did not meet the ABAWD work requirement and was not exempt during December, January and February. His eligibility ends effective March, 1997.

**EXAMPLE:** An ABAWD receives his first full month's benefits in March, 1997. His 36-month period begins March, 1997. He is certified through May, when it is determined he did not meet the ABAWD work requirement for March, April and May, 1997. His eligibility ends effective May, 1997.

**EXAMPLE:** The same individual in the example above moves to an NILC and applies for Food Stamps in August, 1997. If otherwise eligible, he may receive Food Stamps while he resides in the NILC or while the county remains an NILC.

**EXAMPLE:** An ABAWD receives Food Stamps in January and February, 1997 without meeting the work requirement. These are his first and second months of eligibility. He finds part-time employment of 20 hours per week in March. He is otherwise eligible and receives Food Stamps until October, 1997, when his job ends. He then receives Food Stamps in November 1997, his third month of eligibility without meeting the work requirements. November, 1997 is his last month of eligibility.

**EXAMPLE:** The same individual in the example above has worked 80 hours between January 1 and January 31, 1998. If otherwise eligible, he may receive Food Stamps starting in February. On May 20, 1998, he loses the job. If otherwise eligible, he is eligible for up to 3 consecutive months, June, July and August, without meeting the ABAWD work requirement or being otherwise exempt.

## Eligibility Determination Groups

## (3) ABAWD Work Requirement

An ABAWD must meet work requirements to be eligible. For ABAWD purposes only, work is defined as any activity performed for monetary compensation, for in-kind services, or unpaid work. All work hours must be verified, including in-kind services and unpaid work. See Section 4.2,E. As long as an ABAWD is exempt as found in item (2) above or meets either of the 2 requirements below, he may receive Food Stamps, if otherwise eligible. Otherwise, he is ineligible once he has received Food Stamps for 3 months without being exempt or meeting the work requirement. The 3 months need not be consecutive and includes Food Stamp benefits received from another state. The work requirement is met by either:

- Working at least 20 hours per week, averaged monthly; or
- Participating in a work program such as, but not limited to, WIA, FSE&T, or a refugee resettlement program, at least 20 hours per week, averaged monthly.

This does not include job search or job search training as part of a work program.

Months in which the client received prorated benefits do not count toward the 3-month limit. In addition, when circumstances change so that an ILC ABAWD, who has been exempt or meeting the requirement is no longer exempt or meeting the requirement, the month in which the change occurs is not counted toward the 3-month limit. This is true even if he has already received a full month's issuance for that month.

**EXAMPLE:** An ABAWD who works 25 hours per week loses his job the second week of February. February is not counted toward his 3-month limit.

**EXAMPLE:** An ABAWD applies on January 15 and is approved for a prorated allotment. January is not counted toward his 3-month limit.

## Eligibility Determination Groups

- (4) Issuance Limited Counties (ILC) and Non-Issuance Limited Counties (NILC)

The following are ILC counties and the only ones in which the 3-month limit applies.

Berkeley	Kanawha	Ohio
Cabell	Marion	Preston
Hampshire	Mercer	Raleigh
Harrison	Monongalia	Wayne
Jefferson	Morgan	Wood

All other counties are Non-Issuance Limited Counties (NILC) or are treated as such.

**NOTE:** When an NILC becomes an ILC, the first month of the client's 3-month limit is the month in which the county becomes an ILC.

- (5) Determining the 36-Month Period

The first 36-month period is determined as follows:

- For all individuals, regardless of the county or state of residence, the first 36-month period begins with the first month for which he receives full benefits.

Once the 36-month period begins, it remains fixed, regardless of the ABAWD's recipient status or the county or state of residence.

**EXAMPLE:** A non-exempt ABAWD resides in an ILC and was receiving benefits on December 1, 1996. His 36-month period begins December 1, 1996 and ends November 30, 1999. During this period, he is eligible to receive benefits for 3 months without meeting the work requirement.

**EXAMPLE:** A non-exempt ABAWD in an ILC applies and receives his first full month's benefits in March, 1997. His 36-month period begins March, 1997 and ends February, 2000. He meets the work requirement each month from March, 1997 through February, 1998. He does not meet the work requirement in March and April, 1998, but does meet it in May and June. He does not work in July, but receives full benefits. July is the 3rd of his 3-month eligibility period.

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**EXAMPLE:** An ABAWD resides in an NILC and received a full month's benefits in December, 1996. His 36-month period begins December 1, 1996. He moves to an ILC on September 15, 1997. He becomes subject to the work requirement and 3-month limit. September does not count toward the 3-month limit since he only lived in the ILC for a partial month. He participates for 3 months without meeting the ABAWD work requirement in October, November and December, 1997. His eligibility ends effective December, 1997. He moves back to an NILC in January, 1998 and becomes eligible. His 36-month period continues through November, 1999.

**EXAMPLE:** A married couple with two children are recipients on December 1, 1996. The 36-month period begins on December 1, 1996 although neither adult is an ABAWD. In June, 1997, the wife moves out, taking the children with her. If otherwise eligible, the husband is subject to the 3-month limit beginning July, 1997, since July is the first month of non-exempt ABAWD benefits in the 36-month period which began December, 1996.

(6) Regaining Eligibility

An individual whose benefits are denied or terminated under this policy can become eligible again when:

- He no longer meets the definition of an ABAWD; or
- He resides in an NILC; or
- He has met the ABAWD work requirement as specified in item (3) for a 30-day period. This does not have to be the 30 days immediately preceding the date of application; or
- He becomes exempt as specified in item (2) above; or

**NOTE:** Individuals who regain eligibility by one of the above methods must maintain eligibility monthly by meeting the ABAWD work requirement in item (2) above, by continuing to be exempt, by residing in an NILC or by continuing not to meet the definition of an ABAWD.

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- He has worked 80 hours in a 30-day period. This does not have to be the 30 days immediately preceding the date of application; or he participates for a month in employment or training activities.

**NOTE:** Only individuals who have regained eligibility in this manner qualify for the additional 3-month period described in item (7) below.

(7) Qualifying For An Additional 3-Month Period Without Meeting the Work Requirement or Being Exempt

When eligibility is regained by having worked 80 hours in a 30-day period, or by participating for a month in an employment or training program, the individual is eligible to receive FS for up to 3 consecutive months without meeting the work requirement or being exempt. Prorated months do not count toward the 3-consecutive-month limit. This is the last time in the 36-month period that he may be eligible without meeting the work requirement or being exempt. Prorated months do not count toward the 3 consecutive month limit. After this second 3-month limit expires, he may only become eligible again by complying with the work requirement each month, residing in an NILC, or becoming exempt as specified in item (2) above.

**EXAMPLE:** An ABAWD uses his 3 months of eligibility in May, June and July, 1997, without meeting the work requirement and his case is closed effective July. He completes 80 hours of work between August 10 and August 31. He reapplies September 1. If otherwise eligible, may participate and has gained eligibility for the additional period of up to 3 consecutive months while not meeting the work requirement.

**EXAMPLE:** Same as above example except that he reapplies August 8 and will not complete 80 hours of work until September 9. He is not eligible to receive Food Stamps until September 9, when he has completed 80 hours of work.

o. Individuals Absent or Expected to be Absent From the AG for a Full Calendar Month

When an individual, who is included in the AG, is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the AG, and must be removed after proper notice.

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**EXAMPLE:** A child is residing in West Virginia with his mother and is included in her Food Stamp AG. On June 22 he goes to Ohio to visit his father and will remain for an undetermined amount of time. As of July 31, he is still in Ohio. Notice is sent to remove him from his mother's AG.

**EXAMPLE:** A Food Stamp AG consists of a man and his wife who reside in West Virginia. His wife goes to Maryland on July 7 to receive medical treatment and is not sure how long she will stay. She returns home on August 29. Her eligibility to remain in the AG is unaffected.

**EXAMPLE:** A divorced man and woman both live in West Virginia. On May 15 the woman reports her oldest child will be visiting his father during summer vacation from June 11 to September 1. After proper notice, the oldest child is removed from the woman's AG for July and August, because he will be absent from the home for those two full calendar months. The father applies for FS for the child on July 1 and is denied, because the child's place of residence is still with the mother and he is only temporarily visiting his father.

### 3. The Determination Of A Boarder

**NOTE:** See item A,2 above to determine who cannot be considered a boarder.

Although boarders are considered non-AG members, they may not receive Food Stamps as a separate AG. They may, at the request of the AG, be included with them. To be a boarder, it is necessary to determine if an individual pays a reasonable monthly payment for board.

A reasonable monthly payment is defined as one of the following:

- More than two meals daily: An amount equal to or exceeding the maximum monthly coupon allotment for the appropriate size of the boarder AG; or
- Two meals or less daily: An amount equal to or exceeding two-thirds of the monthly coupon allotment for the appropriate size of the boarder AG.

**NOTE:** Foster children and children for whom guardianship payments are made under any state's demonstration project, are considered boarders, regardless of the amount of monthly payment.



#### 4. Student Eligibility

In applying the student policy, it is first necessary to determine if any member of the Food Stamp AG is a student. If so, whether or not the student policy applies must be determined as found below in item a.

Student participation in the Food Stamp Program is limited to individuals who meet the criteria in item b.

##### a. Determination of Applicability of the Student Policy

If a member of the Food Stamp AG is a student and meets any one of the following criteria, he is not considered a student for Food Stamp purposes, and eligibility is determined as for any other individual. He does not have to meet one of the exceptions to the restriction on student eligibility in order to qualify.

- He is under age 18.
- He is age 50 or over.
- He is physically or mentally disabled. See Section 12.15.
- He is attending high school.
- He is attending school less than half-time.
- He is enrolled full-time in a school or training program which does not meet the definition of an institution of higher education. Vocational schools which are a substitute for high school are not considered institutions of higher education.  

An institution of higher education is a business, technical, trade or vocational school that normally requires a high school diploma or its equivalent for enrollment in the curriculum or a college or university that offers degree programs whether or not a high school diploma is required for a particular curriculum. For this definition, a college includes a junior, community, 2-year or 4-year college.
- He is participating in an on-the-job training program. This does not include the practical experience requirements which may be part of some courses of study, i.e., student teaching, internships, etc.

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A person is considered to be participating in on-the-job training, and thus not considered a student, during the period of time that he is being trained by the employer. During the period of time that he is only attending classes, he is considered a student.

**EXAMPLE:** Mr. A is in a program which requires that he attend classes full-time at an educational institution for 10 weeks and then be trained by an employer for an additional 10 weeks. Mr. A is considered to be participating in on-the-job training only during the latter 10-week period. During the 10-week period Mr. A is only attending classes, he is considered a student.

Any other student must meet one of the exceptions to the restriction on student eligibility in item b to qualify for Food Stamps.

b. Students Eligible to Participate

Students who meet one or more of the following criteria are eligible to participate, provided all other eligibility factors are met:

- The student is employed at least 20 hours per week and is paid for the employment.

Unlike normal work registration, a student cannot substitute wages equivalent to 20 times the minimum hourly wage, but must actually work 20 hours, regardless of the amount of wages.

However, self-employed persons must be employed at least 20 hours per week and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

- The student is participating in a state- or federally-financed CWS program during the regular school year. Participation means that the student has been approved for CWS during the school term and anticipates actually working during that time. To qualify for this exception, the student must be approved for CWS at the time of application. The exception begins with the month in which the school term begins or the month CWS is approved, whichever is later. Once begun, the exception continues until the end of the month in which the school term ends, or it becomes known that the student refused an assignment. The exception is lost between school terms when there are breaks of a full month or longer for which CWS has not been approved.

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- The student is included in a WV WORKS payment.
- The student is assigned to or placed in an institution of higher education through one of the following. The exception is lost during summer breaks or any other time the student is not in school. The individual's status need not be mandatory for the exception to apply.
  - The Food Stamp Employment and Training Program
  - JTPA
  - Section 236 of the Trade Act of 1974
  - An employment and training program for low-income households that is operated by a state or local government when one or more of the program's components is at least equivalent to FSE&T.
- Students who are responsible for the care of children who meet certain criteria, may be eligible to participate even though they are students.

For the following three groups, responsible means having the principal responsibility for the care of a child. No more than one person may be responsible for the care of each child.

There are three separate exceptions detailed below and followed by a summary chart.

**NOTE:** The last exception only may apply to a non-parent.

- The student is the natural or adoptive parent or the stepparent of and is responsible for the care of a dependent AG member under the age of 6.
- The student is the natural or adoptive parent or the stepparent of and is responsible for the care of a dependent AG member between the ages of 6 and 12 and adequate child care is not available to enable the student to attend class and satisfy the 20-hour work requirement or participate in a state- or federally-financed CWS program during the regular school year.

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- The student is the single parent (natural, adoptive or stepparent), regardless of marital status, and is responsible for a dependent child under age 12, regardless of the availability of adequate child care, and is enrolled full-time, as defined by the institution.

This applies in situations where only one natural, adoptive or stepparent, regardless of marital status, is in the same AG with the child.

If no natural, adoptive or stepparent is in the AG with the child, another full-time student in the same AG as the child qualifies for this exception, if the other full-time student has parental control over the child and the student is not living with his spouse.

Responsible for Child Age:	2 Parents	1 Parent
Birth to 6	Eligible – Exception Met	Eligible – Exception Met
6-12, adequate child care not available	Eligible – Exception Met*	Eligible – Exception Met*
6-12, adequate child care is available	Ineligible – Exception Not Met	Eligible – Exception Met

Paternity does not have to be established to qualify as a father for these purposes. Only when the adults involved do not agree about the paternity of the child is any verification of paternity required.

\* The Worker must determine on a case-by-case basis whether or not the parent who is not a student is available to provide adequate child care.

c. Examples of Student Eligibility

**EXAMPLE:** A WV WORKS mother is a student. She has two children. The only income they receive for support is their WV WORKS check. The student qualifies for an exception to the restriction on student eligibility because she is a WV WORKS recipient.

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**EXAMPLE:** In a two-person AG, both the husband and wife are students. They meet none of the exceptions to the restriction on student eligibility, so they are not eligible.

**EXAMPLE:** A man and woman receive WV WORKS and have four children, one of whom is a 21-year-old college student who lives at home. The student meets none of the criteria for an exception to the student policy. The student cannot be included in the Food Stamp AG, but, if they are otherwise eligible, Food Stamp benefits can be approved for the husband, wife and the three other children.

**EXAMPLE:** The situation is the same as the previous example, except that the college student is 17 years old. He is eligible to be included in the Food Stamp AG because he is under age 18.

**EXAMPLE:** A woman, who is a student, wants Food Stamp benefits for herself and her 10-year-old child. While the student is at school, her mother who lives across town takes care of the child. The student has the responsibility for the care of a dependent child between the ages of 6 and 12. Adequate child care is available, but because the student is a single parent, she qualifies for participation.

**EXAMPLE:** A man, woman and their 10-year-old child apply for Food Stamp benefits. While the woman, who is a student, is in school, her mother, who lives across town, takes care of the child. She is only willing to keep her while she is in classes, but not while she works. The man works and there is no other available child care. The student qualifies to be included due to the lack of adequate child care.

**EXAMPLE:** Same situation as above, except that the grandmother is willing to keep the child for as long as necessary for the woman to work. The exception is not met, so the student cannot receive Food Stamp benefits.

**EXAMPLE:** A FS AG consists of a child (age 10), his mother and his stepfather. The stepfather is a full-time student and is primarily responsible for the care of the child due to the mother's disability. The mother is, however, able to look after the child when the stepfather is in school. The stepfather does not qualify for an exception to the student policy based on caring for a child. To be included he must meet another exception.

## Eligibility Determination Groups

**EXAMPLE:** Same situation as above except that the mother is not able to look after the child when the stepfather is in school. There is no other child care available. The stepfather qualifies for an exception based on having primary responsibility for the care of a child between 6 and 12 without adequate child care available.

**EXAMPLE:** A married woman separates from her husband and she and her daughter move out of the home. The woman is in college full-time, and her mother cares for her 10-year-old child while she goes to school. Because she is a single parent enrolled in school full-time, she qualifies for an exception to the student policy.

d. Definition of Enrollment and Participation

A student is considered to be enrolled the day he is scheduled to begin classes. Enrollment, for the purpose of being enrolled in an institution of higher education, is defined as continuing during periods of vacation or recess. Students eligible during the school year continue to be eligible, providing all other eligibility factors are met, during the summer months. Students not eligible during the school year remain ineligible during vacation periods, unless they actually obtain work or meet other criteria outlined in item b to determine student eligibility. Students who fail to maintain continuous enrollment status, or who do not intend to register for the normal school session, excluding summer school, lose their student status and have the same eligibility requirements as any other Food Stamp client.

5. Residents Of A Group Living Facility (GLF)

a. Who is An Eligible Resident

A resident of a GLF, as defined in Chapter 14, is eligible when he is:

- Blind; or
- Meets the Food Stamp program definition of disabled found in Section 12.15,B.

**NOTE:** Only the Food Stamp recipient must meet one of the above requirements, not all of the GLF residents.

## Eligibility Determination Groups

If a client receives RSDI, SSI or any other benefit based on age and wishes to receive Food Stamps, he is eligible only if:

- He also meets the definition of disabled found in Chapter 12; or
- It is a requirement that the resident be disabled or blind to reside in the GLF, and the GLF determined that the aged client meet its definition of disability or blindness; and
- He is a resident of a non-profit Adult Family Care or Personal Care Home approved by the Office of Community Support.

b. Determining the AG

The GLF may:

- Serve as the authorized representative for its residents; or
- Allow all or part of the residents to apply on their own behalf; or
- Allow all or part of the residents to apply through their own authorized representative.

The staff of the GLF determines if any individual or group of individuals may apply on their own behalf. In making this determination, the physical and mental capabilities of the individual(s) are considered, as well as the ability of the individuals to comprehend the application process and be responsible for their statements.

The residents of a GLF may each be a separate AG or may be combined in one AG, depending on the wishes of the GLF. When the GLF is the authorized representative, the individuals must be approved as one-person AGs.

B. THE INCOME GROUP (IG)

The income group includes all AG members and all individuals who are disqualified, including ineligible ABAWDs, or excluded by law, who live with the AG. See Section 10.4 to determine how to count the income.

**C. THE NEEDS GROUP (NG)**

The income limit for the number of people in the AG is used to determine eligibility and the amount of the benefit.

Normally all AG members are included in one case number. However, some Food Stamp AG members may be eligible for other benefits which, due to data system limitations, must be issued in another case number.

**D. EXAMPLES OF AG COMPOSITION**

**EXAMPLE:** Miss A, age 20, lives with her parents. She is unmarried, has no children and is employed. She purchases food and prepares her meals separately. Because she is under age 22, Miss A must be in an AG with her parents.

**EXAMPLE:** Miss B, age 25, lives with her mother. She purchases food and prepares meals separately. Because she is over age 21 and purchases and prepares meals separately she is a separate AG.

**EXAMPLE:** Same situation as the previous example, except that Miss B purchases food and prepares meals with her mother. Miss B and her mother must be in an AG together.

**EXAMPLE:** Joan C, age 17, is a high school student who is employed part-time. She lives with her aunt, age 36, who exercises parental control over her. Joan and her aunt must be included in an AG together.

**EXAMPLE:** Tom D, age 17, and Tim D, age 18, are brothers. Their parents are deceased and the brothers live together. They purchase and prepare meals separately. They each qualify as a separate AG as they do not live with a parent or any other adult who exercises parental control.

**EXAMPLE:** Helen E, age 27, with 2 children, ages 1 and 2, moves back in with her parents after she is divorced. The grandmother cares for the children and feeds them their meals. The daughter works at night and eats separately. The daughter and her children are an AG, but the grandmother wants the children included with her because she feeds them their meals. Children under age 22 and their parents must be in the same AG, so the two AGs are as follows: grandmother and grandfather in one; daughter and her children in another.



## Eligibility Determination Groups

**EXAMPLE:** Mr. F has been laid off. He and his family move in with friends. The friends are providing them all their meals since Mr. F and his family have no income. Mr. F indicates that the only reason they are not purchasing and preparing their food separately from their friends is that they have no money. Once they receive Food Stamps they will purchase and prepare meals separately. They qualify as a separate AG. The Worker may set a control to check with the clients after they begin receiving Food Stamps to confirm the situation.

**EXAMPLE:** Same situation as the previous example, except that the client indicates his family will continue to purchase and prepare food with his friends, even after receipt of Food Stamps. The F family and their friends must be in the same AG.

**EXAMPLE:** Mr. and Mrs. G, both age 35, live with Mr. G's mother. They purchase food and prepare meals separately from the mother. Separate AG status is approved. The assets of the mother make her ineligible for Food Stamps, but a case is approved for Mr. and Mrs. G.

**EXAMPLE:** Mr. and Mrs. H, ages 27 and 30, live with her elderly and disabled mother. They purchase food and prepare meals together. The elderly and disabled requirements are met, so two AG's are established: one for Mr. and Mrs. H and one for the elderly and disabled mother.

**EXAMPLE:** Mr. I, age 25, lives with his parents and meets the definition of a boarder. Because of the parent/child relationship, Mr. I. cannot be considered a boarder, even though he is over age 21. He may be included in an AG with his parents if they so request.

**EXAMPLE:** Mrs. J has two children, John and Jane. Jane attends school in another town where special education classes are taught. During the week she lives with Mrs. K and attends school, where she receives free breakfasts and lunches. Food for her is customarily purchased and prepared with Mrs. K. In order to receive FS, Jane must be included in an AG with Mrs. K. She cannot be included with her mother and brother because she customarily purchases and prepares food with Mrs. K.

**EXAMPLE:** Mr. L. works out of state and comes home on weekends and holidays. When he returns to West Virginia, he lives with his wife and 3 children who receive Food Stamps. He is not eligible to be included in the AG with his wife and children, because his food is not customarily purchased and prepared with his family's. Only the amount of income he makes available to his family is counted as income.