

This Chapter contains the policy for Food Stamp benefits, 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

The Food Stamp AG must include all eligible individuals who both live together and purchase and prepare their meals together. Exceptions are listed below.

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

**EXCEPTION:** Residents of shelters for battered women and children. See Chapter 14.

**When an individual, who is included in an 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.**

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

#### a. Individuals Living Alone

These individuals are an AG.

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

##### (1) Purchase and Prepare Together

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

Customarily is used to mean over 50% of meals on a monthly basis. See item (2) below for exceptions.

Eligibility Determination Groups

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## (a) Boarders

If the AG so requests, an individual or group of individuals to whom a household furnishes lodging and meals and who pays a reasonable monthly payment for board (lodging and meals), may receive Food Stamp benefits as part of the AG with which he lives. See item 2,c below for determining boarder status.

An individual or group of individuals to whom a household furnishes lodging and meals, but who pays less than a reasonable amount is not considered a boarder and is included with the same AG as the person who provides the room and board.

## (b) Elderly and Disabled Individuals

Although a group of individuals living together and purchasing food and preparing meals together would constitute a single AG as defined in item (1) above, an individual who meets all of the following criteria may have himself, his spouse and children under age 22 considered a separate AG.

- At least one AG member 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.

Eligibility Determination Groups

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## (a) Foster Children

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. They may be included or excluded, depending upon the AG's wishes.

## (b) Those Who May Not Be Boarders

The following individuals cannot be considered boarders and may not constitute a separate AG.

- 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 meals and lodging, but paying less than a reasonable amount. These individuals are considered members of the same AG as the person who provides room and board.

The following individuals cannot be considered boarders, but may constitute a separate AG.

- Individuals furnished only meals and not residing with the household, regardless of the amount paid for meals.

## d. 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:** The exceptions in item 1,b(2) above take precedence over the live-in attendant policy.

## e. 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 an individual indicates inability or unwillingness to provide documentation of alien status, that client is classified as an ineligible alien. The income of the ineligible alien is deemed and eligibility is determined for the remaining AG members. See Chapter 18.

## f. Students

Unless certain exemptions are met, individuals who meet the Food Stamp definition of a student are ineligible to participate in the Program and may not be a separate AG.

It is first necessary to determine if any member of the Food Stamp AG is considered a student as found below in item (1).

For individuals determined to be students, participation in the Food Stamp Program is limited to those students who meet the criteria in item (2) below.

**NOTE:** Any student who lives in a dormitory operated by the school **and receives the majority of his meals from the school** is ineligible to participate in the Food Stamp Program regardless of whether or not **he meets an exception to the** policy in this item. See Section 8.2.

## (1) 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 item (2) below in order to qualify.

An individual is not considered a student if:

- He is under age 18.
- He is age 50 or over.
- He is physically or mentally disabled.  
See Section 12.15.