

Eligibility Determination Groups

school, lose their student status and have the same eligibility requirements as any other Food Stamp client.

g. 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
Trafficking in Food Stamp benefits prior to 8/23/96, for an amount less than \$500, which resulted in a conviction, an agreement which results in a court finding, rather than a conviction or a signed disqualification agreement. See item i below for trafficking Food Stamp benefits for a controlled substance.	Permanent
Convicted on or after 8/23/96 of trafficking in Food Stamp benefits involving \$500 or more.	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 802 (6) of the Controlled Substance Act	Permanent

h. Intentional Program Violation (IPV)

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

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

i. Trafficking Food Stamp Benefits for Controlled Substances

Persons found by a federal, state or local court to have exchanged Food Stamp benefits for a controlled substance, when the trafficking offense does not meet the criteria in item f, as excluded by law, are disqualified as follows:

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

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

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 Stamp benefits 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. Able-Bodied Adults Without Dependents (ABAWD)

For any AG listed above, any individual who meets the definition of an ABAWD below and who is normally required to be

Eligibility Determination Groups

An ABAWD must meet the following ABAWD work requirements in addition to the Food Stamp work requirements in Chapter 13 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 Stamp benefits, if otherwise eligible. Otherwise, he is ineligible once he has received Food Stamp benefits for 3 months without being exempt or meeting the ABAWD work requirement. The 3 months need not be consecutive and includes Food Stamp benefits received from another state. The ABAWD 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	Preston
Cabell	Marion	Raleigh
Hampshire	Mercer	Wood
Harrison	Monongalia	
Jefferson	Morgan	

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

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 a full month of benefits.

Once the 36-month period begins, it remains fixed, regardless of the ABAWD's recipient status or the county or state of residence. The Worker must ensure that the first month entered in RAPIDS is the first full month of participation in any state. This date cannot be changed in RAPIDS once entered.

(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 is currently meeting the ABAWD work requirement as specified in item (3); or

Eligibility Determination Groups

- 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 continuing to meet the ABAWD work requirement in item (2) above, by continuing to be exempt, by residing in an NILC or by failing to meet the definition of an ABAWD.

- He has worked 80 hours in a 30-day period or he participates for a month in employment or training activities. The 30-day period does not have to immediately precede the date of application, **but must begin sometime after the benefit denial or termination.**

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 Food Stamp benefits for up to 3 consecutive months without meeting the ABAWD work requirement or being exempt. This is the last time in the 36-month period that he may be eligible without meeting the ABAWD 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 ABAWD work requirement each month, residing in an NILC, or becoming exempt as specified in item (2) above.

n. Recipients in Another State

Individuals may only receive Food Stamp benefits from one state in any month. Therefore, individuals who have already received or will receive Food Stamp benefits in another state are ineligible to be included in a Food Stamp AG in WV for that same month.

3. Residents Of A Group Living Facility (GLF)

a. Who is An Eligible Resident

A resident of a GLF, as defined in Section 14.2, 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.

If a client receives RSDI, SSI, or any other benefit based on criteria other than disability, and wishes to receive Food Stamp benefits, he is eligible only if:

- He also meets the definition of disabled found in Section 12.15; or
- It is a requirement that the resident be disabled or blind to reside in the GLF, and the GLF has determined that the aged client meets 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 Division of Children and Adult Services.

b. Determining the AG

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. See Section 14.2.

4. Strikers

When the AG includes an individual who is on strike, the AG is ineligible for the duration of the strike unless:

- **The AG was eligible for or receiving Food Stamp benefits the day prior to the strike; or**

- **The individual who is participating in the strike is exempt from work requirements for any reason other than employment. Refer to Chapter 13.**

To determine if an AG containing a striker is eligible, it is necessary to determine pre-strike eligibility and current eligibility. See Section 10.4,D,9.

B. THE INCOME GROUP (IG)

The income group includes all AG members and all individuals who live with the AG and would otherwise be included in the AG if not ineligible, disqualified or excluded by law. This includes ineligible ABAWDs, ineligible aliens, those excluded by law, disqualified due to an IPV or trafficking FS for a controlled substance and those who fail to meet the enumeration requirement. See Section 10.4 to determine how to count the income and deductions.

Ineligible students **and individuals who are ineligible due to receipt in another state** are not included in the IG.

C. THE NEEDS GROUP (NG)

The income limit for the number of eligible individuals 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

1. Student Eligibility Examples

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

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 and not subject to the student policy restrictions.

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. The woman, who is a student, has principal responsibility for care of the child. While she 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 10-year-old child, 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 since adequate child care is available. To be included he must meet another exception.

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 principal 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.

2. ABAWD Examples

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

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

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 last month of his 3-month eligibility period.

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 husband and wife with two children are recipients on December 1, 1996. The 36-month period begins on December 1, 1996 although both adults are exempt. 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.

EXAMPLE: An ABAWD residing in an ILC is a recipient of Food Stamp benefits on December 1, 2005 with a redetermination due in May 2006. At the May redetermination, it is determined the individual did not meet the ABAWD work requirement and was not exempt during December, January and February. He is not currently meeting the ABAWD work requirement or an exemption. His eligibility ends effective May 2006.

EXAMPLE: The same individual in the example above moves to an NILC and applies for Food Stamp benefits in August 2006. 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 Stamp benefits 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 Stamp benefits until October 1997, when his job ends. He then receives Food Stamp benefits 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 **then began a job on January 1, 1998 and** worked 80 hours **by** January 31, 1998. If otherwise eligible, he may receive Food Stamp benefits starting in February. **His job continued until he was fired on** May 20, 1998. 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.

3. AG Examples

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. However, 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.

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