

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.

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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.

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- Statutory blindness, except if due to cataracts or detached retina.
  - IQ 59 or less, established after attaining age 16.
  - 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 and his spouse and children under age 22 may be a separate AG, even if living with and purchasing and preparing food with others. The disability must be verified by a licensed medical professional, unless it is obvious to the Worker. See Section 12.15.

(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 over 50% of the time, except for an occasional shared meal. This occasional sharing of food does not interfere with his separate AG status.

EXCEPTION: The following individuals who live together must be in the same AG, even if they do not purchase and prepare meals together.

- Spouses

For these purposes, spouses are 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 trades people.

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Spouses who live together must be in the same AG. There are no exceptions. Couples who live together, but who are not married and do not hold themselves out to the community as husband and wife are not considered spouses.

- Children Under Age 18, Not Living With a Parent

Children under age 18 who live with and are under the parental control of an adult AG member who is not a parent, must be in the same AG as the member who exercises parental control.

- Children Under Age 22, Living With a Parent

Natural or adopted children and stepchildren who are under 22 years of age and who live with a parent must be in the same AG as that parent.

In the instance of shared custody, when the child is legally considered to reside with each parent equal amounts of time (50/50), the parents must decide where the child “lives”. If no one is receiving any benefits from the Department for the child, it is assumed that the living arrangements are not questionable and the child is added to the AG that wishes to add him. If the child is already listed in another AG or the other parent wishes to add the child to his AG, the parents must agree as to where the child “lives” and, ultimately, to which AG he is added. Where the child receives the majority of his meals is not relevant.

## 2. Who Cannot Be Included

The following individuals who reside with an AG are not considered AG members or are ineligible to be included in the AG. See item B below for treatment of these individuals’ income.

- a. 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 are not included in the AG. These individuals may apply as a separate

AG. However, the exceptions described in item 1,b(2) above must be considered.

b. Roomer

An individual or group of individuals to whom a household furnishes lodging for compensation, but not meals, is considered a roomer. This individual or group of individuals may be a separate AG.

c. Boarder

(1) Commercial Boarding Houses

Residents of commercial boarding houses that are licensed to offer meals and lodging for compensation with the intent of making a profit, are not eligible to participate in the Food Stamp Program.

(2) Household Boarding

An individual or group of individuals to whom a household furnishes lodging and meals and who pays a reasonable monthly payment for board, can not participate in the Food Stamp Program independently, but may receive Food Stamp benefits as part of the AG with which he lives, if the AG so requests. If the AG does not wish to include the boarders, they are considered non-AG members, and may not receive benefits as a separate AG.

To be considered 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.

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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 expenses are prorated according to Section 10.4. Eligibility** is determined for the remaining **eligible** AG members. See Chapter 18. **Once the Worker determines that the individual is an ineligible alien and would normally be included in the AG, no additional status, such as student or ABAWD, is determined.**

**EXAMPLE: An ineligible alien lives with her 15-year old child who was born in the U.S. and is a citizen. The alien is attending college and does not meet an exception to the student policy. Her countable income and assets are deemed according to the policy for ineligible aliens.**

## f. Students

Unless certain exemptions are met, **otherwise eligible** 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



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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.

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- 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.

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 (2) below to qualify for Food Stamp benefits.

## (2) 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 **or 80 hours a month**, 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 **at least** 20 hours a week **or 80 hours a month**, regardless of the amount of wages.

However, self-employed persons must be employed at least 20 hours per week **or 80 hours a month**, and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours **or monthly earnings equal to the federal minimum wage multiplied by 80 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.
- 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.

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- The Food Stamp Employment and Training Program (FSE&T)
  - Workforce Investment Act (WIA)
  - 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.
- The student has the principal responsibility for the care of a child who meets certain criteria. 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.

- The student is the natural, adoptive, or stepparent of and is responsible for the care of an AG member under the age of 6.
- The student is the natural, adoptive, or stepparent of and is responsible for the care of an 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.
- The student is the single parent (natural, adoptive, or stepparent), regardless of marital status, and is responsible for an AG member 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.

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<b>Student is Responsible for Child Age:</b>	<b>2 Parents in the AG</b>	<b>1 Parent in the AG</b>
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

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

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.

If no natural, adoptive or stepparent is in the AG with the child, another full-time student in the same AG as the child may qualify for this exception, if he has parental control over the child.

See item D,1 for examples of student AG composition.

### (3) 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 (2) above 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

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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

included in the AG, can only receive benefits when he is otherwise eligible and:

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

(1) Definition of ABAWD

An ABAWD is any individual who is 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.

(2) Exemptions

Food Stamps benefits received while exempt do 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 included 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 AG; or
- Is receiving UCI as the result of registering with BEP; this includes persons receiving benefits under the Trade Readjustment Act (TRA); or



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- 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 item f(2) above; 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.

These exemptions qualify the individual to participate immediately, if otherwise eligible, regardless of how many months of benefits he has already received. These exemptions are only from the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the Food Stamp work requirements in Chapter 13.

While the individual is exempt, he is not required to regain eligibility by completing any work hours to become eligible again. However, receiving Food Stamp benefits while meeting an exemption does 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, should he no longer meet an exemption.

(3) ABAWD Work Requirement

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

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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 or **80 hours a month; or**
- Participating in a work program such as, but not limited to, WIA or a refugee resettlement program, at least 20 hours per week **or 80 hours a month; or**
- **Participating in an FSE&T program the required number of hours. See Section 25.3.**

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.

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## (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	Jefferson	Morgan
Cabell	Kanawha	Preston
Hampshire	Marion	Raleigh
Harrison	Monongalia	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

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

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- 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 1<sup>st</sup>. He completes 80 hours of work between August 10<sup>th</sup> and August 31<sup>st</sup> and his temporary job ends. He reapplies September 1<sup>st</sup>. 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 8<sup>th</sup> and will not complete 80 hours of work until September 9<sup>th</sup>. He is not eligible to receive Food Stamp benefits until September 9<sup>th</sup>, 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

they have no money. Once they receive Food Stamp benefits, 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 Stamp benefits 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 Stamp benefits. 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.

**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 in item A,1,b(1)(c) are met, so two AG's are established: one for Mr. and Mrs. H and one for the elderly and disabled mother.

**EXAMPLE:** Same situation as the previous example, except that the assets of Mr. and Mrs. H exceed the limit. The elderly and disabled mother is still eligible to participate as a separate AG.

**EXAMPLE:** Same situation as the previous example, except that the assets and the income of Mr. and Mrs. H exceed the limits. Neither AG is eligible to participate.

**EXAMPLE:** Mr. I, age 25, lives with his parents and pays them a reasonable amount for room and board. Because of the parent/child relationship, Mr. I cannot be considered a boarder, even though he is over age 21, nor can he be a separate AG. He may be included in an AG with his parents if they so request.

**EXAMPLE:** Mr. L works out of state and comes home on weekends and holidays. When he returns to West Virginia, he stays with his wife and 3 children who receive Food Stamp benefits. He is not eligible to be included in the AG with his wife and children, because they do not consider that he lives with the AG while he is working. Only the amount of income he makes available to his family is counted as income.