

Add the determined amount to the current non-excluded income of the non-striking AG members. Eligibility and benefit level are determined as for any other AG and all appropriate deductions apply.

NOTE: Eligible strikers are subject to the work registration requirements detailed in Chapter 13, unless exempt for some reason other than employment.

10. Census Income

Wages paid directly by the Census Bureau for 2010 Census related activities are not counted. This income must be coded "E" on AFEI and Census Bureau listed as the employer.

Wages paid by private employers who contract with the Census Bureau are counted. This income must be coded "R" on AFEI and the employer's name must be added. This assures that the income is counted correctly.

11. Irregular Income

Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 per quarter, is excluded.

However, should an AG's receipt of irregular income continue over time, it must be anticipated and a determination of a countable amount be made according to the budgeting method outlined in this Section.

12. Lump Sum Payments

Recurring lump sum payments, received by an applicant in the month of application or by a recipient, are treated as unearned income and prorated over the period of time they are intended to cover.

Non-recurring lump sum payments are excluded as income, but are counted as assets. Refer to Chapter 11.

13. Unemployment Compensation Benefit Increase Exclusion

The Worker, Homeownership, and Business Assistance Act of 2009 excludes the \$25 a week increase in UCI benefits from the American Recovery and Reinvestment Act of 2009. The \$25 a week increase in UCI benefit exclusion is retroactive to November 1, 2009.

14. Withheld Income

a. From Earned Income

Earnings withheld to repay an advance payment are excluded, if they were counted in the month received. If not counted in the month received, the withheld earnings are considered income.

No other earned income is excluded from consideration just because it is withheld by the employer. This includes income garnishments, such as child support. See item B for allowable deductions.

b. From Unearned Income

Treatment of unearned income depends on the reason it is being withheld and the government program, if any, involved.

(1) Repayment

(a) Means-tested Programs

Means-tested programs include, but are not limited to, WV WORKS, SSI, HUD and PELL.

When a client's benefits under a federal or State means-tested program are reduced, due to the client's intentional misrepresentation, the amount being recouped from current benefits is counted as income.

When intentional misrepresentation cannot be documented by the means-tested program, the income is not counted. The Worker must accept the determination of the program which was reduced, suspended or terminated, as the final authority for the determination of intentional misrepresentation. If the determination is not specifically identified and documented by the other program, the policy in this section is not applied. The Worker must not make a judgment about whether or not the client's actions constitute intentional misrepresentation.

If the Worker is unable to obtain information from another program outside DHHR, the policy in this section must not be applied. The Worker must record efforts to obtain such information, with copies of

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appropriate correspondence, if any, filed in the case record. This is necessary to avoid QA errors for non-compliance with the policy.

Any other recoupment is not counted when voluntarily or involuntarily withheld to repay a prior overpayment received from that same source, if the income was counted or would have been counted in the month received.

EXCEPTION: Although RSDI and SSI are both paid by SSA, they are separate programs and not treated as from the same source for this policy.

EXAMPLE: The client is eligible for \$450 RSDI and \$187 SSI. SSA is withholding \$50 from the SSI to repay a prior RSDI overpayment. The countable SSI amount is \$187 since RSDI and SSI are different types of income.

(b) Non-means Tested Programs

Unearned income sources which are not means-tested include, but are not limited to, RSDI and Workers' Compensation.

Any recoupment is not counted when voluntarily or involuntarily withheld to repay a prior overpayment received from that same source, if the income was counted or would have been counted in the month received.

EXCEPTION: Although RSDI and SSI are both paid by SSA, they are separate programs and not treated as from the same source for this policy.

EXAMPLE: The client is eligible for \$450 from RSDI, however \$50 a month is withheld by SSA to repay a previous RSDI overpayment. The countable RSDI is \$400.

(2) Failure to Comply

See item 8,b above for WV WORKS income.

(3) Garnishment

Income that is withheld for any reason not listed above including, but not limited to, child support or legal fees is counted. See item B for allowable deductions.

EXAMPLE: The client is eligible for \$450 from RSDI, however \$50 a month is withheld by SSA and sent to BCSE to pay child support arrears. The countable income is \$450 and \$50 is given as a child support deduction.

15. Funds Diverted To A PASS

Funds diverted to a PASS account are excluded only when the PASS is established by SSA for an SSI recipient.

16. Unstated Income

There is no provision for counting unstated income.

17. Spenddown

There is no spenddown provision.

18. Unavailable Income

Income intended for the client, but received by another person with whom he does not live, when the individual receiving this income refuses to make it available, is excluded.

19. Income Received For A Non-Income Group Member

Income received by a member of the Income Group, which is intended and used for the care and maintenance of an individual whose income is not used in determining the eligibility or benefit level of the payee's AG, is excluded as income.

This includes SSI payees and other protective payees. This does not include child support payments and/or arrearages received by an AG member for a child who is not in the AG. In this situation, the child support is counted for the AG that receives the income, even when it is forwarded to and/or used for the child.

20. Income Received From Military Personnel Deployed to a Designated Combat Zone

Use the following steps to determine the amount of income to count for the AG when funds are provided by military service personnel while serving in a designated combat zone. A list of combat zones may be found at www.fns.usda.gov/fsp/government/certification_policy.htm

NOTE: The following steps apply to applicant households as well as recipients.

Step 1: Determine the amount of the military person's pay which was actually available to the household prior to deployment to a combat zone as follows:

- If the military person was a member of the SNAP AG or Income Group prior to deployment, the amount is his net military pay.
- If the military person was not a member of the SNAP AG or Income Group prior to deployment, the amount is the amount the person actually made available to the SNAP AG prior to deployment.

Step 2: Determine the amount of military pay the person makes available to the SNAP group while deployed to a combat zone.

Step 3: If the amount in Step 2 is equal to or less than the amount determined in Step 1, the Step 2 amount is counted. If the Step 2 amount is greater than the Step 1 amount, the Step 1 amount is counted.

EXAMPLE: A member of the Air National Guard receives notice that her unit has been activated and will be deployed. This is her only source of income and increases from her traditional ANG pay of \$400 a month to her new federalized pay of \$2,000 a month. She reports this change and her SNAP benefits are adjusted accordingly. She is then deployed to a designated combat zone and is expected to be away for at least 6 months. Her husband reports this change and she is removed from the AG due to her anticipated absence from the home. He also reports that she is making her entire income available to the AG and now grosses an additional \$1,000 a month.

- Step 1 The soldier's net income before deployment was \$1,500 a month.

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- Step 2 The amount made available to the household after deployment, including the additional income is now \$2,250 a month.
- Step 3 Since the amount made available to the AG after deployment is more, the additional amount is excluded. The \$1,500 determined in Step 1 is counted as unearned income for the AG.

EXAMPLE: A member of the Air National Guard receives notice that her unit has been activated and will be deployed. She is sent to Oklahoma for training. She is expected to be deployed to a combat zone, but has not been told when. Her husband applies for SNAP when she leaves for training in March. She is expected to be gone for at least a year. The application is approved without her in the AG. She sends the AG \$1,200 a month and this is counted as unearned income. The husband is also employed and the AG is certified for 6 months.

At the next redetermination, the husband reports that the wife was deployed to a designated combat zone sometime in the last 4 months and is now sending \$1,700 to the AG. The AG was not required to report this change during the certification period as the total income made available to the AG does not exceed the 130% FPL. The \$1,700 is compared to the \$1,200 and the additional \$500 is excluded. The pre-deployment amount of \$1,200 is still counted as unearned income.

EXAMPLE: Same situation as above except that the application was made in December before this policy was implemented. The entire amount made available to the AG was counted as unearned income including, the additional income due to combat pay. During the redetermination, the husband confirms that the wife was deployed to a designated combat zone in November. Benefits are restored retroactive to the December application date.

EXAMPLE: Same situation as above except that the information was reported before the next redetermination. Benefits are restored retroactive to the December application date.

EXAMPLE: An AG receives an allotment of \$700 from their son who is stationed in Delaware. Once he is deployed to a designated combat zone, he decreases the allotment to \$600. Since the amount after deployment is less, the \$600 is counted as unearned income for the AG.