

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, 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 SNAP 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 SNAP AG is considered a student as found below in item (1).

For individuals determined to be students, participation in the SNAP 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 SNAP 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 SNAP AG is a student and meets any one of the following criteria, he is not considered a student for SNAP purposes, and eligibility is determined as for

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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.

## 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 SNAP Benefits for Controlled Substances

Persons found by a federal, state or local court to have exchanged SNAP 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 SNAP 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.

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## m. Recipients in Another State

Individuals may only receive SNAP benefits from one state in any month. Therefore, individuals who have already received or will receive SNAP benefits in another state are ineligible to be included in a SNAP 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 SNAP program definition of disabled found in Section 12.15,B.

**NOTE:** Only the SNAP 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 SNAP 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.

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## 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 SNAP 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.

## 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 ineligible aliens, those excluded by law, disqualified due to an IPV or trafficking SNAP 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 SNAP 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 SNAP AG, but, if they are otherwise eligible, SNAP 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 SNAP AG because he is under age 18 and not subject to the student policy restrictions.

**EXAMPLE:** A woman, who is a student, wants SNAP 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 SNAP 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 SNAP benefits.

**EXAMPLE:** A SNAP 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. 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 SNAP 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 SNAP 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 SNAP 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 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:** Grandmother reports that she has moved in with her grandson. He has a good job and does not receive SNAP benefits. She states that she purchases and prepares her meals separate from her grandson. She prepares her meals in the kitchen but takes her meals in her living area.

In the example above, grandmother customarily purchases and prepares her food separate and apart from others. She is a separate AG.

**EXAMPLE:** Same scenario as above but grandmother becomes ill. She can no longer do her own shopping and cooking. She meets the definition of elderly and disabled according to policy. She must depend on her grandson and the housekeeper to purchase and prepare her meals for her. They use her SNAP benefits and money to purchase her food and they prepare her meals. She continues to take her meals in her living area.

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Although grandmother is now dependent on her grandson and the housekeeper to purchase and prepare her meals, she can continue to be a separate AG for SNAP purposes, regardless of the grandsons income, because she had previously established that she customarily purchases and prepares her food separate and apart from others and she continues to do so.

**EXAMPLE:** Same scenario as the first example except that grandmother decided that she liked someone else doing the shopping and cooking and she likes spending meal time with her grandson. Since she no longer purchases and prepares her own meals and she takes most of her meals with her grandson, she no longer meets the criteria of purchasing and preparing her food separate and apart from others.

Under this scenario if grandmother decides that she wants to receive SNAP benefits under the elderly and disabled policy as a separate household, then the Worker must determine if the grandson's income exceeds 165% FPL. If it does then grandmother cannot be considered a separate household for SNAP purposes.

**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 SNAP 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.

**DUE TO THE DELETION OF**

**MANUAL MATERIAL,**

**PAGES 22 THROUGH 25**

**HAVE BEEN REMOVED.**