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United States
Department of
Agriculture

Food and
Nutrition
Service

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Alexandria, VA
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SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Policy Guidance -
Questions and Answers - FY 2012 Negative Review Procedures

TO: All Regional Directors
Supplemental Nutrition Assistance Program

This memorandum addresses certain questions arising from Food and Nutrition Services' (FNS) publication of new negative action quality control procedures. On June 11, 2010, FNS published in final the rule entitled "Supplemental Nutrition Assistance Program: Quality Control Provisions of Title IV of Public Law 107-171". The rules affecting negative action quality control reviews were to be implemented effective October 1, 2011.

Access to SNAP and better customer service for SNAP recipients motivated the change to the regulations in reviewing negative actions. An improperly executed negative action can result in misinformation to the household, which may block access to the SNAP program for the household. Untimely negative actions result in poor customer service. Correct negative actions result in enhanced customer services since the household receives accurate, timely and easily understood information. This results in improvements in the quality and efficiency of operations and decreases barriers to participation. FNS now reviews negative actions for their accuracy, understandability, and completeness including informing a household of all rights and responsibilities regarding the decision. Negative action reviews and the resulting findings will assist State agencies in identifying any problem areas and then implementing any improvements necessary to reach the goals of the SNAP program. As with any new rule, questions arose regarding the accuracy of the Quality Control (QC) review process. In some cases clarification of the certification policy rules were necessary to accurately report the findings for the QC Review.

This is the first in a series of releases of those questions and the resulting answers. This release deals with questions regarding the interview and accuracy of the household address. As finalization of the process is completed, subsequent questions and answers will be released. Both the Program Accountability and Administration Division, QC Branch and Program Development Division, Certification Policy Branch have reviewed and approved the answers to these questions.

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Director
Program Accountability and Administration Division

Lizbeth Silberman
Director
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Attachment

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

**SNAP Policy Guidance
Questions and Answers
FY 2012 Negative Review Procedures
Part 1**

INTERVIEW

1. **Question:** An initial application was received on October 1. The State Agency reviewed the application and based solely on the information contained in the application, sent a notice of denial on October 31. (*The information contained on the application may have been any of the following: pay stubs, unearned income, resources, indication of non-citizen status, etc.*) No interview with the household was completed. The reason on the notice was accurate based on the State Agency's review of the information contained on the application; the notice included the date of action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations. Is this a valid or invalid negative action?

Answer: An interview is required by 7 CFR 273.2(e)(1) and an application cannot be denied solely based on the information contained on the application form. The action taken to deny an application based solely upon information contained in the application without first interviewing the household is an invalid action. *7 CFR 273.2(e) (1) Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. (2) The State Agency must notify the applicant that it will waive the face-to-face interview required in paragraph (e)(1) of this section in favor of a telephone interview on a case-by-case basis because of household hardship situations as determined by the State Agency.*

2. **Question:** A household applied, was interviewed and then was certified for the period of January through June. A recertification application was received on June 1. The State Agency reviewed the application and based solely on the information contained in the application, sent a notice of denial on June 30. (*The information contained on the application may have been any of the following: pay stubs, unearned income, resources, indication of non-citizen status, etc.*) No interview with the household was completed. The reason on the notice was accurate based on the State Agency's review of the information contained on the application; the notice included the date of action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations. Is this a valid or invalid negative action?

Answer: An interview is not required for this household because there has been an interview for the initial certification for the January through June certification. Only one interview is required within a 12 month period. The action taken to deny an application based solely upon information contained in the application is

a valid action. 7 CFR 273.2(e) (1) *Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. (2) The State Agency must notify the applicant that it will waive the face-to-face interview required in paragraph (e)(1) of this section in favor of a **telephone interview** on a case-by-case basis because of household hardship situations as determined by the State Agency.*

3. **Question:** The State Agency schedules by mail an interview appointment for a telephone recertification interview. When reviewing the language in the appointment letter, it is unclear whether the language is sufficient to generate a NOMI if the household should fail to call for the interview. The action under review is the termination/denial of recertification because the household failed to have an interview. What language on the appointment letter meets the requirements so that if the household does not call for the interview, then a Notice of Missed Interview (NOMI) can be issued with no further explanation?

Answer: The Negative Case QC process is to review the action taken. The action under review is the termination/denial for failure to have a required interview which was part of the application process. The Negative Action QC review does not include reviewing a letter that was sent prior to the NOMI being issued. There is no regulatory requirement that the interview appointment be scheduled in writing. The Negative Case QC review is to review the notice of termination/denial for the requirement that it be clear and understandable. If review of the case file indicates an appointment was set, the household failed to call for the interview, and a NOMI was sent; and the reason on the termination/denial notice was accurate; the notice included the date of action, the rights of the household, the notice was easily understandable, the notice was sent to the most current known address, and the notice contained all required information as defined by regulations, then this would be a valid denial.

4. **Question:** The State Agency schedules an interview appointment for an initial application interview. A denial action is taken using a NOMI with notice of denial language stating that the household will be denied because the household failed to show for an interview. There is no documentation nor is there a copy of any notice or letter in the case record to show the household was notified of an interview appointment. Is this an invalid action?

Answer: The Negative Case QC process is to review the action taken. The action under review is the termination/denial for failure to have a required interview which was part of the application process. The NOMI and notice of denial have to be sent separately for an initial application interview.

There is no regulatory requirement that the interview appointment be scheduled in writing. If review of the case file indicates an appointment was set, the household failed to call for the interview, and a NOMI combined with a notice of denial was sent with an accurate reason; the notice included the date of action, the rights of

the household, the notice was easily understandable, the notice was sent to the most current known address, and the notice contained all required information as defined by regulations, then this would be a valid denial because the NOMI and notice of denial must be sent separately.

5. **Question:** The application is received on October 5; the State Agency sets up an interview with the household for October 25 (20 days after application date). The household shows for the interview, however, the State Agency is too busy to conduct the interview; then the State Agency places the application in pending status and re-schedules the interview for November 9 (this is 15 days after the initial interview date and 35 days after application date). The case is denied and the denial is the negative action under review. The reason on the notice was accurate; the notice included the date of action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations. Is this a valid or invalid denial?

Answer: When the State Agency has caused the delay in processing the application, the State Agency must send a notice by the 30th day following the date of application informing the household that the application has been placed in pending status. If the State Agency sent the notice of pending status to the household, the action taken is a valid action. If the State Agency did not send the notice of pending status by the 30th day following the date of application when the State Agency caused the delay then this action taken is an invalid action. 7 CFR 273.2(h)(3) *Delay has been caused by State Agency.*

6. **Question:** The application is received on October 5; the State Agency sets up an interview with the household for October 25 (20 days after application date). The household can't make it and requests a later interview. The State Agency places the application in pending status and re-schedules the interview for November 9 (This is 15 days after the initial interview date and 35 days after application date). The case is denied. The reason on the notice was accurate; the notice included the date of action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations. Is this a valid or invalid denial?

Answer: The State Agency has the option to send a notice by the 30th day following the date of application advising the household of any actions it needs to take to complete the certification process and indicate the application has been placed in pending status. This pending status may continue for thirty (30) days from the date the notice was sent. If the State Agency sent to the household the notice of pending status indicating what action(s) were required to complete the application process, then the action taken is a valid action. If the State Agency did not send the notice of pending status or failed to indicate what action(s) were required in the notice of pending status to the household, then the action taken is an invalid action. 273.2(h)(2) *Delays caused by the household.*

7. **Question:** A household mailed in an application and it was received by the State Agency on September 22 for a household of one person who is age 19. His application indicates that he has no income or deductions and he purchases and prepares separately from his mother with whom he lives. His mother receives SSI and has medical expenses. The household was eligible for expedited services but was not approved. The Eligibility Worker sent a letter on September 23 for an appointment on September 30 and the household did not respond. A NOMI was sent to the household. The case was denied on the 30th day for failure to have an interview on an application. Since the applicant is under 22 years of age and living in the home of his parent, he was not entitled to receive benefits without including his mother as part of the household. None of the information regarding the mother's medical deductions was received. Is this a valid denial since it was not approved within the expedited time frame and none of the mother's information was requested or obtained?

Answer: The household failed to attend an interview. The case could not have been approved for expedited service without the interview. This is a valid denial which was completed timely on the 30th day for failure to have an interview. The case could not have been denied prior to the 30th day for failure to attend an interview or for failure to supply verification. The failure to conduct an interview is the primary reason for the denial in this situation.

HOUSEHOLD ADDRESS

8. **Question:** The State Agency took a termination action on November 5 to be effective November 30. The case was terminated because the agency was notified that the household had moved out of state. The reason stated on the notice was "no members eligible". Is this a valid or invalid negative action?

Answer: The statement "no members eligible" is an accurate statement; moving out of the state does make all household members ineligible. This reason does adequately inform the household of the reason for the termination of benefits. This is a valid action assuming the reason on the notice was accurate; the notice included the date of action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations.

9. **Question:** The State Agency took a termination action for a one person household with the reason listed on the notice as "the only member of the household went into a nursing home". The State Agency sent the termination notice to the household's case address, not to the nursing home address. Is this valid or invalid?

Answer: There is no requirement that QC prove the notice was received. If there is no indication in the case record that the notice was returned, then sending the notice to the last known address would be acceptable. This is a valid action assuming the reason on the notice was accurate; the notice included the date of

action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations.

10. **Question:** Household's application has a mailing address which is a Post Office Box (PO Box) address and a physical address. If the appointment letter, NOMI or other required notice is sent to the physical address rather than the PO Box address, will we consider the case invalid?

Answer: There is no requirement that QC prove the notice was received. If there is no indication in the case record that the notice was returned, then sending the notice to either address would be acceptable. This is a valid action assuming the reason on the notice was accurate; the notice included the date of action, the rights of the household, was easily understandable, was sent to the most current known address, and contained all required information as defined by regulations.

11. **Question:** The State Agency sent out the following notice to a household who had moved out of state: "You no longer qualify for SNAP starting December 1 because of where you live. You no longer qualify for these benefits because you are not a resident. If you are living in this state, you must provide written documentation of your address, such as a utility bill or rent receipt." Is this valid or invalid?

Answer: The notice is adequate and easily understandable; assuming the notice included the date of action, included the rights of the household, was sent to the most current known address, and contained all required information as defined by regulations. This is a valid action.