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United States
Department of
Agriculture

SUBJECT: SNAP - Clarification of Comparable Disqualification

Food and
Nutrition
Service

TO: All Regional Directors
Supplemental Nutrition Assistance Program

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This memorandum provides clarification of the Supplemental Nutrition Assistance Program (SNAP) comparable disqualification policy. Comparable disqualification refers to the policy whereby a State may choose to impose disqualification on a SNAP household member if the household member is disqualified from another means-tested public assistance program. Comparable disqualification may be applied only under specific circumstances.

We have recently become aware that a Question and Answer (Q&A) is incorrect in its guidance on the circumstance in which comparable disqualification may be applied. The Q&A was posted on FNS' public website before publication of a final rule on this subject. In the final rule, the policy was revised. In the interest of ensuring that States apply comparable disqualification policies correctly, SNAP is issuing this memorandum.

Authority

The Food and Nutrition Act of 2008, Section 6(i) and Federal regulations at 7 CFR 273.11(k) provide that State agencies may choose to implement a comparable disqualification policy. Under this policy, if a disqualification is imposed on a member of a household for failure to perform an action required under a Federal, State or local means-tested public assistance program, the State agency may impose the same disqualification on the member of the household under SNAP.

Applying Comparable Disqualification

In order to apply the comparable disqualification provision to disqualify a household member, **the household member must be receiving both the other means-tested public assistance program and SNAP at the time** the disqualification for the other means-tested program is imposed.

This is consistent with SNAP regulations, as provided by 273.11(k):

- (2) The State agency shall not apply this provision to individuals who are disqualified at the time the individual initially applies for assistance benefits. The individual must be receiving food stamps at the time of the disqualification in the assistance program to be disqualified from the Food Stamp Program under this provision.

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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.

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This policy is described in the preamble of the final rule, "Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," published on Wednesday, January 17, 2001 at 66 FR 4438. The preamble of the final rule states:

(2) We proposed at §273.11(l) that if an individual was disqualified from an assistance program and the disqualification was still in effect when he initially applies for food stamps, then the State agency may disqualify him from food stamps at the initial application. We have revised this provision at 7 CFR 271.11(k) to provide that the individual must be receiving food stamps at the time of the disqualification in the other program in order to be disqualified from food stamps.

This preambulatory language explains why a Q&A, which was posted before the publication of the final rule, appears to conflict with the SNAP provisions. The conflicting Q&A is the third question listed at: http://www.fns.usda.gov/snap/rules/Memo/PRWORA/99/Section_819.htm. FNS is taking steps to eliminate the conflicting language from the public website in order to avoid confusion.

If you have any questions, please contact me at Elizabeth.Weber@fns.usda.gov.



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