



United States
Department of
Agriculture

NOV 13 2008

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

SUBJECT: SNAP – Policy Household Member’s Name Differs from the Name
Contained on the Earnings Statement Used to Verify Income

TO: Bill Kluxen
Supplemental Nutrition Assistance Program (SNAP) Director
Mid-Atlantic Regional Office

We recently received correspondence from your office regarding Virginia’s policy concerning discrepancies between a household member’s name and the name and Social Security Number (SSN) contained on documents used to verify reported earnings. Virginia has raised this issue in the context of an undocumented immigrant working under the name and SSN of another individual. When the immigrant applies for assistance and reports these earnings, the paystubs provided to verify the earnings contain a different name. In this case, the documentation is not being used to verify identity, but rather to document earnings reported by the applicant as required by program rules.

The information provided to our office indicates that the Virginia Department of Medical Assistance Services (DMAS) has determined that pay stubs made out in another person’s name and SSN cannot be accepted as verification for medical assistance when the agency has knowledge that the person is working under another individual’s name. If the income cannot be verified using the employer’s verification, then Medicaid coverage must be denied or terminated according to the DMAS interpretation. DMAS is further exploring with the Attorney General whether such cases should be reported to the Commonwealth attorney offices.

The State agency apparently has also suggested that such income verification documents under another name are questionable for SNAP purposes and that such cases should be denied SNAP benefits. This interpretation is incorrect and does not comply with federal regulations. Further, reporting of such cases to outside agencies is prohibited under the Food and Nutrition Act of 2008.

SNAP rules require an applicant household to report earnings and clearly expects the household to make an effort to document those earnings and cooperate with the State agency to verify the information. However, the rules also recognize that available documentation will vary by household circumstances and provide flexibility in meeting the verification requirements by requiring the State agency to assist the household in obtaining the verification, to explore alternative sources of verification, and to accept any “reasonable” documentary evidence.

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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.

Federal regulations at 7 CFR 273.2(f)(5)(i) state in part:

The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency.... The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application.

If the State agency deems the documentation provided by the applicant to be insufficient, it must pursue alternative means to verify the reported income. Federal regulations at 7 CFR 273.2(f)(4)(i) state in part:

Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits.

In the situation raised by Virginia, the household member has reported its earnings at application, as required by program rules, and produced a paystub to verify those earnings. Although the name on the paystub differs from the applicant's name, the purpose of the documentation is not to verify identity. The household member can attest to the accuracy of those earnings and provide a reasonable explanation for the discrepancy with the name contained on the paystub. A State agency could reasonably consider such documentary evidence to verify the reported income. If, however, the State agency deems this information insufficient, it has an obligation to further assist the household or to pursue collateral contacts to verify the earnings. Such income should be reasonably verified through these alternative means.

The State agency does not have the authority to report or disclose information obtained from the household member to any persons not directly connected with the administration or enforcement of the provisions of the SNAP program. The Food and Nutrition Act of 2008 allows for the disclosure of information obtained on the application only in very limited circumstances including to the Comptroller General of the United States for audit and examination; to law enforcement officials for the purposes of investigating SNAP violations and fleeing felons, and to certain agencies for the purposes of collecting an overissuance. The situation described above, in which the household member reports working under another individual's name, is not permitted under Federal law.

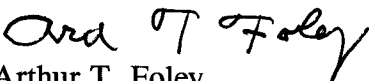
Bill Kluxen

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Further, policy guidance jointly issued in September 2000 by the Food, Nutrition, and Consumer Services, the Administration for Children and Families, and the Health Care Financing Administration states: "The Privacy Act, as a general rule, prohibits states from denying program benefits to certain applicants who do not disclose their SSNs if the disclosure is not required by federal statute. In addition separate and apart from the Privacy Act prohibitions, Medicaid SCHIP, and Food Stamp laws and federal policies prohibit states from denying benefits to an applicant because of the failure of another household member to disclose his or her SSN." Because the SNAP State agency cannot require the non-applicant household member to disclose his or her own SSN, the agency cannot determine that the SSN reported on the pay stub is not the individual's SSN, but can only observe that the names differ.

Finally, we believe that the integrity of SNAP is best served by encouraging people to fully report their income in the application process and to document that income through the best means available.

Please inform the Virginia State agency of this policy. If you have any questions concerning this issue, or if you need additional assistance, please contact Sandy Clark at 703-305-2495.


Arthur T. Foley
Director
Program Development Division

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cc: Regional SNAP Program Directors

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	Clark	11-18-08			

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