



JAN 21 2010

United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive

Alexandria, VA 22302-1500

SUBJECT: SNAP – Clarification – Issuance of Benefits When Household Is Ineligible in the Initial Month of Application

TO: All Regional Directors Supplemental Nutrition Assistance Program

It has come to our attention that some State agencies are not in compliance with the requirement to issue a household’s initial month of benefits within 30 days of the date of application. A survey of a number of States indicates that many State agencies handle initial issuances differently for those households that are determined ineligible for benefits in the month of application (e.g., the household is over income) but eligible for benefits in the subsequent month.

In the case that brought this matter to our attention, the State interpreted Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 274.2(d) regarding ongoing households to be applicable and thus to support their making benefits available to the household on the State’s normal issuance cycle. The State maintained that it had met the 30 day standard when it certified the household by the 30th day, even though benefits were not available to the household until after the 30th day. This application of when to issue the initial month’s benefit is contrary to SNAP regulations.

For example, a household that applies November 10th may not be eligible for benefits in November, however if the household is eligible for benefits in December, the household is entitled to receive benefits by December 10th. Instead, the household incorrectly receives its initial allotment after the 30th day, as demonstrated in the chart below:

Date of Application	30th Day from the Date of Application	Household Ineligible in Month of Application (November) But Eligible in the 2nd Issuance Month (December)	Date Case Processed/ Eligibility Determined (within 30 days from the date of application)	Date Household Actually Receives Initial Allotment
11-10-09	12-10-09	Yes	12-02-09	12-15-09 (after the 30th day from the date of application; untimely due to staggered issuance or late processing)

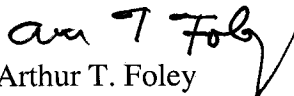
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First, a household cannot be an ongoing household until it has received its initial month of benefits. Federal regulations at 7 CFR 273.10(a)(1)(ii) defines the term "initial month" as the first month for which the household is certified for program participation and that "A household's benefit level for the initial months of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month...". In addition, the regulation at 7 CFR 274.2(d) makes a distinction between the receipt of the initial allotment and subsequent allotments. Although a State agency may stagger the issuance of benefits for established households; a State agency may not stagger benefits for the initial month of certification.

Second, the provisions at 7 CFR 273.2(g)(1) and 7 CFR 274.2(b) provide that all newly-certified households (except those that are given expedited service) shall be given an opportunity to participate no later than 30 calendar days following the date the application was filed. An "opportunity to participate" means the household must have the benefits in hand and available to use by the 30th day.

FNS understands that a household's initial month's benefit may depend on how its State eligibility system is programmed. To ensure that eligibility workers have the flexibility needed to ensure households receive benefits timely in the initial months of the eligibility determination, FNS is requesting that State agencies review their policies and State computer systems so that benefits are issued in compliance with the aforementioned SNAP program rules and regulations.

Should your staff have any questions on this issue, please have them contact Patrick Lucrezio at Patrick.Lucrezio@fns.usda.gov or at 703-305-2498.



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