

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 647

APPLICATION PROCESSING REQUIREMENTS

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Historical Note: This chapter is based substantially upon chapter 17-618 [Eff 7/19/82; am 2/5/83; am 11/12/83; am 5/10/84; am 7/23/84; am 12/24/84; am 4/20/85; am 6/7/85; am 4/21/86; am 7/14/86; am 1/28/88; am 4/15/88; am 5/27/88; am 10/13/88; am 12/16/88; am 2/11/91; R 3/19/93] Chapter 17-715 [Eff 7/19/82; am 10/2/82; am 10/7/82; am 11/29/82; am 4/1/83; am 6/16/83; am 10/1/83; am 1/19/84; am 6/8/84; am 7/23/84; am 8/16/86; am 9/2/86; am 12/27/86; am 6/18/87; am 8/31/87; am 10/23/87; am 1/21/88; am 12/30/88; am 6/1/89; am 10/6/89; am 10/19/89; am 12/15/89; am 12/21/89; am 8/31/91; R 3/19/93] §17-719-2 [Eff 7/19/82; am 10/1/83; am 10/6/89; R 3/19/93] §17-719-3 [Eff 7/19/82; am 10/1/83; am 1/19/84; am 6/8/84; am 3/1/85; am 4/28/88; am 3/9/89; R 3/19/93] §17-719-8 [Eff 7/19/82; am 11/29/82; R 3/19/93] Chapter 17-720, subchapter 5 [Eff 7/19/82; am 4/1/83; am 10/1/83; am 1/19/84; am 7/1/86; am 8/31/87; am 4/28/88; am 6/1/89; am 12/21/89; R 3/19/93] Chapter 17-743 [Eff 7/19/82; am 12/17/82; R 3/19/93]

SUBCHAPTER 1

GENERAL PROVISIONS FOR FINANCIAL ASSISTANCE
AND FOOD STAMPS

§17-647-1 Purpose. This chapter describes the rights and responsibilities of the applicant, and the process by which application for financial assistance and food stamps shall be disposed. [Eff 3/19/93; am 8/01/94] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-29; 7 C.F.R. §273.2; 45 C.F.R. §206.10)

§17-647-2 Definitions. For the purpose of this chapter:

"Application" means a written request on the department's application form for financial assistance and food stamps.

"Authorized representative" means a person designated in writing by the head of a household, the spouse, or other responsible household member, to act on behalf of a household in applying for program benefits, and in securing and using food stamp coupons. For food stamps, it shall also mean a private nonprofit organization or institution conducting a drug addiction or alcoholic treatment and rehabilitation center, or a public or private nonprofit group living arrangement whose residents are blind or disabled recipients of benefits under Title II or Title XVI of the Social Security Act (42 U.S.C. §§401-433; 1381-1383), which will act on behalf of households who reside at the centers in applying for and obtaining food stamps.

"Certification period" means a definite period of time established by the branch during which the household shall be eligible for food stamp benefits unless notified otherwise through appropriate notification procedures.

"Collateral contact" means verification of a household's statements through a personal or telephone contact with a person outside a household.

"Elderly person" means a person sixty years of age or over.

"Identifiable application" means an application that contains an applicant's name, address, the signature of a responsible member of a household or a household's authorized representative, and a date.

"INS" means the Immigration and Naturalization Service, United States Department of Justice.

"Notice of adverse action" means an adequate and timely advance notice which shall be sent to a household to inform the household of action planned to reduce or terminate program benefits.

"Verification" means the use of third party information or documentation to establish the accuracy of statements on an application. [Eff 3/19/93; am 8/01/94] (Auth: HRS §346-14) (Imp: HRS §346-29; 7 C.F.R. §273.1; 45 C.F.R. §206.10)

§17-647-3 Rights of the applicant. (a) Each person or family wishing to apply for assistance shall be given the application packet which consists of the department's application form, informational material on the applicant's right to hearing, eligibility requirements, the applicant's rights and obligations, the applicant's right to request an interpreter to assist with the application process, and social services available from the family and adult services division. The application packet may be mailed to the family, or may be given to the applicant or the applicant's representative at any branch office.

(b) An applicant may be assisted in the various aspects of the application process by an individual of the applicant's choice. That individual may accompany the applicant in contacts with the department and when so accompanied, may also represent the applicant.

(c) The applicant may apply for financial assistance and food stamps on the same application form.

(d) The department shall assist the applicant by identifying the documents that are needed to support the request for assistance, and shall assist the applicant in the application process.

(e) An applicant may request a hearing when the applicant is not satisfied with the department's decision regarding the application. [Eff 3/19/93; am 8/01/94] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-29; 7 C.F.R. §273.2; 45 C.F.R. §206.10)

§17-647-4 Filing an application. (a) The application process shall begin with an applicant's request for an application form and shall end with the branch's notification to the applicant of its eligibility. The process shall involve the following:

- (1) Making applications available;
- (2) Assisting an applicant in the completion of its application;
- (3) Interviewing the applicant or an authorized representative;
- (4) Obtaining necessary verification, including use of collateral contacts; and
- (5) Preparing necessary documents to authorize the issuance of benefits to eligible applicants.

(b) An applicant shall cooperate in completing the application process which shall consist of filling out an application, being interviewed, and verification by the branch of circumstances relating to an applicant's eligibility.

(c) For the food stamp program:

- (1) Households shall file food stamp applications by submitting the forms to the branch office either in person, through an authorized representative, or by mail. The length of time the department has to deliver benefits shall be calculated from the date the application is filed in the branch office designated by the department to accept a

household's application, except when a resident of a public institution is jointly applying for SSI and food stamps prior to the resident's release from the institution in accordance with chapter 17-655. Residents of public institutions who apply for food stamps prior to their release from the institution shall be certified in accordance with this chapter or chapter 17-663, as appropriate. Each household shall have the right to file an application form on the same day it contacts the branch office during office hours. A household shall be advised that it does not have to be interviewed before filing the application and may file an incomplete application form provided the form contains the applicant's name and address, and is signed by a responsible member of a household or a household's authorized representative. The branch shall document the date the application was filed by recording on the application the date it was received by the branch office. When a resident of an institution is jointly applying for SSI and food stamps prior to leaving the institution, the filing date of the application is the date of release of the applicant from the institution.

- (2) Households wishing to participate in the program shall file and complete an application, be interviewed by an employee designated by the department, and have certain information verified. A household shall be encouraged to file an application the same day the household contacts the branch in person, in writing, through an authorized representative, or by telephone to express its interest in obtaining food stamp assistance. Each household or authorized representative that contacts the branch in

person during office hours to make a request for assistance shall receive and be permitted to file an identifiable application that same day. Households making a telephone or written request for assistance shall have an application mailed to them that same day.

- (3) If a household contacts the wrong office within a branch, either in person or by telephone, the office shall, in addition to meeting the requirements in paragraph (2), give the household the address and telephone number of the appropriate office. If the household has completed enough information on the application to file, the office shall offer to forward the application to the appropriate office that same day. The household shall be informed that its application will not be considered filed and the processing standards shall not begin until the application is received by the appropriate office. If a household has mailed its application to the wrong office within a project area, the certification office shall mail the application to the appropriate office on the same day.
- (4) The department shall ensure that application forms are readily accessible to potentially eligible households and those groups and organizations involved in outreach efforts. The department shall also provide an application form to any individual requesting one.
- (5) One adult member of the applicant household shall sign the certification statement on the application for food stamps attesting, under penalty of perjury, to the truth of the information contained in the application; and
- (6) One adult member of the applicant household shall sign the department's declaration statement for the SAVE program on the

application for food stamps attesting, under penalty of perjury, to the citizenship or legal alien status of each household member. [Eff 3/19/93; am 8/1/94; am 12/18/95] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2; 42 C.F.R. §435.907)

§17-647-5 Responsibilities of the applicant. (a) The applicant for financial assistance and food stamps shall provide the department with information, supported by documents, to establish the value of the applicant's assets and the amount of income received.

(b) For the financial assistance programs, the applicant shall:

- (1) Provide the department with information, supported by documents, to establish the monthly requirements recognized in the standard of assistance;
- (2) Apply for and develop potential sources of income and assets; and
- (3) Meet all of the requirements of the various categories of assistance.

(c) The applicant for financial assistance who fails to meet all of the eligibility factors, fails to cooperate with the department by providing the information and verification necessary to determine eligibility by department deadlines, fails to apply for and develop potential sources of income and assets, or refuses to inform the department of the amount of the unapplied for and undeveloped potential source of income and assets when known, shall be ineligible.

(d) For the food stamp program, an application shall be completed and signed, a household or its authorized representative shall be interviewed, and certain information on the application shall be verified.

- (1) If a household refuses to cooperate with the branch in completing this process, the application shall be denied at the time of

refusal. In order to determine whether a household is refusing to cooperate, the household shall be able to cooperate, but the household shall clearly demonstrate that it will not take actions which it can take and are required to complete the application process. If there is any question as to whether a household has merely failed to cooperate, the application shall not be denied. A household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the state agency.

- (2) The household also shall be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility as a part of a quality control review. If a household is terminated for refusal to cooperate with a quality control reviewer, the household may reapply but shall not be determined eligible until it cooperates with the quality control reviewer. If a household reapplies after ninety-five days from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate with a quality control reviewer during the completed review period, but must provide verification of all eligibility requirements prior to being determined eligible.
- (3) The household shall not be determined ineligible when a member outside of the household fails to cooperate with a request for verification. Individuals identified as nonhousehold members or excluded household

members according to chapter 17-655 shall not be considered as individuals outside of the household. [Eff 3/19/93; am 3/19/93; am 8/01/94] (Auth: HRS §346-14) (Imp: HRS §346-53; 7 C.F.R. §273.2(d); 45 C.F.R. §233.20)

§17-647-6 Requirements for disposition of application. (a) The eligibility worker shall contact the applicant through an office interview, a telephone contact, or a home visit before the application is approved.

(b) Contact with an applicant shall not be required if the application is to be denied by the department or withdrawn by the applicant.

(c) Information on the application form shall be considered completed and substantiated when the individual or the authorized representative states that the information is true and correct by signing the application form, unless:

- (1) The applicant's statements do not conform to other facts in the case situation;
- (2) Any part of the information furnished is found to be unclear, inconsistent, or incomplete; or
- (3) The department has specific policies or procedures which require verification of facts such as income, assets, citizenship, birthdate, social security number, rental payment, and work expenses.

(d) The applicant shall be the primary source of information for establishing eligibility for financial assistance. The applicant shall also be the primary source of information to meet specific eligibility criteria of the various categories of assistance.

(e) The eligibility worker shall determine whether the applicant is eligible for financial assistance and food stamps according to established departmental rules. If the financial assistance

application is denied, the eligibility worker shall make a separate determination as to whether the applicant is eligible for food stamps. Each decision regarding eligibility or ineligibility shall be supported by facts in the applicant's case record. Each application is disposed of by a finding of eligibility or ineligibility unless the application is discontinued.

(f) An application shall be discontinued if:

- (1) The applicant voluntarily withdraws the application. A notice shall be sent to confirm the withdrawal and to advise the applicant of its right to reapply at any time; or
- (2) The applicant died or could not be located. The eligibility worker's efforts to contact the absent applicant shall be recorded in the case record.

(g) Specific requirements applicable to the food stamp interview and verification provisions are contained in sections 17-647-31 and 17-647-32. [Eff 3/19/93; am 8/01/94] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-29; 7 C.F.R. §273.2; 45 C.F.R. §206.10)

§17-647-7 Notification to applicant of disposition of application. (a) The applicant shall be sent a written notice that contains a statement of the action taken, the reasons for the action, the specific rules supporting the action, and an explanation of the applicant's right to request a hearing. If the application is approved, the notice shall include the amount of financial assistance and food stamps which shall be provided to the applicant. If the application is denied, the notice shall include:

- (1) An explanation of the basis for the denial;
- (2) The applicant's right to request a hearing;
- (3) The telephone number of the branch office;
- (4) The name of the person to contact for additional information;

- (5) That there is an organization that provides free legal representation;
 - (6) The date by which the applicant must provide the missing verification; and
 - (7) For the food stamp program, the action that the applicant must take to reactivate the application, that the case will be reopened without a new application if action is taken within thirty days of the date the notice of denial was mailed; and that the household must submit a new application if, at the end of the thirty day period, the household has not taken the needed action and wishes to participate in the program.
- (b) For the food stamp program:
- (1) The applicant household shall be provided the written notice as soon as a determination is made, but no later than thirty days after the date of the initial application. If the household is found eligible, the household shall be advised of variations in the benefit level based on changes prospectively determined at the time of certification. If the initial allotment contains benefits for both the month of application and the current month's benefits, the notice shall explain that the initial allotment includes more than one month's benefits. The notice shall also explain the beginning and ending dates of the certification period.
 - (2) The notice shall advise the household of its right to a hearing, the telephone number of the income maintenance unit office and, if possible, the name of the person to contact for additional information. If there is an individual or organization available that provides free legal representation, the notice shall also advise the household of the availability of the services.

- (3) If the application is held pending beyond the thirty-day standard, due to an act of the department, the branch shall provide the household with a notice informing the household that its application has not been completed and is being processed. The notice shall explain what action, if any, the household shall take to complete the application process and that its application will be denied if the household fails to take the required action within sixty days following the date the application was filed.
- (4) In cases where a household's application is approved on an expedited basis without verification, the notice shall explain that the household shall provide the verification that was waived. The notice shall also explain the consequences of failure to provide the postponed verification. [Eff 3/19/93; am 8/01/94] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10; 45 C.F.R. §206.10)

§§17-647-8 to 17-647-10 (Reserved).

SUBCHAPTER 2

SPECIFIC PROVISIONS FOR FINANCIAL ASSISTANCE

§17-647-11 Processing of application. (a) An individual or family requesting financial assistance or an individual requesting to be added to a recipient's household becomes an applicant when the signed application form is received by the branch office designated by the department to accept a household's application. The date of application shall be:

- (1) The date the income maintenance unit office receives the signed application form or the

most recently completed redetermination form requesting the individual be added to a recipient's household; or

- (2) The date the individual is required to be included in the financial assistance under sections 17-647-12 and 17-647-13. The individual shall be included in the application already on file from the date the individual joins the household or the date the individual is required to be included.

(b) The application form shall be signed, under penalty of perjury by:

- (1) All adults in the household requesting financial assistance;
- (2) The applicant's authorized representative when the applicant is incompetent or incapacitated;
- (3) All legally responsible relatives living in the household;
- (4) Nonlegally responsible relative living with minor children; or
- (5) All natural parents, living with their children requesting assistance in the AFDC category.

(c) If the application includes minors under age eighteen who are not living with a parent, the parents shall be informed of the minor's application.

- (1) The department shall contact the minor's legally responsible relatives to determine the parents' or the relatives' willingness to provide financial support before financial assistance payment is authorized. The amount of financial contribution made by the parents or relatives shall be collected as a refund by the department;
- (2) The failure of legally responsible relatives, not living with an applicant, to respond to the department's inquiry regarding the relative's willingness to contribute towards the support of the applicant shall not delay

the application process. However, an applicant shall agree to develop a potential source of income in the form of support from relatives before assistance shall be provided to the applicant;

- (3) The minor shall be informed of social services available within the family and adult services division. All minors under age sixteen who are living independently shall be referred for social services. [Eff 3/19/93; am 1/25/97] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-29)

§17-647-12 Individuals to be included in application for AFDC program. (a) For AFDC only, in order for the family to be eligible, an application with respect to a dependent child shall also include, if living in the same household and otherwise eligible for assistance:

- (1) Any natural, adoptive or hanai parent, except as specified in subsection (b); and
- (2) Any blood-related, adoptive or hanai brother or sister except that the needs and income of disqualified alien siblings, pursuant to chapter 17-655, are not considered in determining the eligibility and payment for an otherwise eligible dependent child and as specified in subsection (b).

(b) In situations where the state has obtained legal custody of a child and has placed that child under the care and supervision of a person other than the parent, the following shall apply:

- (1) The parental relationship shall not be recognized for the purpose of determining the AFDC household composition, even if the natural, adoptive or hanai parent is living in the same household; and
- (2) The sibling relationship shall not be recognized if the natural, adoptive or hanai

parent is living in the same household and has other children or stepchildren living there for whom the state has not obtained legal custody.

(c) In situations where an adopted child is living with both the adoptive parent and a natural or hanai parent the following shall apply:

- (1) The natural or hanai parent relationship shall not be recognized for the purpose of determining the AFDC household composition; and
- (2) The sibling relationship shall not be recognized if the natural or hanai parent has other children or stepchildren living in the household who have not been adopted. [Eff 3/19/93; am 7/16/99; am 5/31/02] (Auth: HRS §§346-14, 346-53) (Imp: 45 C.F.R. §206.10)

§17-647-13 Individuals to be included in application for GA or AABD programs. The legally married spouse of the GA or AABD applicant, living in the same household and otherwise eligible for assistance, shall be included in the application for GA or AABD. [Eff 3/19/93; am 9/26/97; am 5/31/02] (Auth: HRS §§346-14, 346-71) (Imp: HRS §346-71)

§17-647-14 Time limits on disposition of application. (a) The application process shall begin with the submittal of a signed application form to the income maintenance unit and shall end when an assistance benefit or notification of denial or discontinuance is sent to the applicant.

(b) A decision on an application for financial assistance shall be made by the department within forty-five days.

- (1) The forty-five day period shall start on the date the income maintenance unit receives the department's application form containing the applicant's name, address, and signature;
- (2) The forty-five day period shall end when an assistance benefit or a notice to the applicant that the application for financial

assistance has been denied or discontinued is sent to the applicant.

- (A) If an application is approved, a notice shall be sent to the applicant informing the applicant of the amount of financial and food stamp benefits that applicant shall receive, the specific rule under which the benefits are provided, and an explanation of the applicant's right to request a hearing;
- (B) If an application is approved only until the month of the authorization, a written notice shall be sent to indicate the amount of assistance and that the assistance has been authorized for only a specific time period beginning from the date of application through the end of the month payment was authorized. The written notice shall contain a statement of the action taken, the reasons for and specific rules supporting the action, and an explanation of the individual's right to request a hearing;
- (C) Applicants for AFDC shall receive financial assistance payments from the date of application, provided the individuals have met all eligibility conditions of the category on the date the authorization of payment is made;
- (D) Applicants for the GA or AABD programs shall receive financial assistance payment from the date of application through the eligible period if the application is approved.

(c) Exception to the forty-five day standard shall be permitted when the department is unable to reach a decision because:

- (1) The applicant attempts to comply with the requirements of eligibility but the factors contributing to the delay are beyond the control of the applicant;

- (2) The delay is caused by an examining physician who fails to submit medical reports; or
- (3) An administrative emergency arises that cannot be controlled by the department. The reason for the delay shall be recorded in the case record.

(d) The department's forty-five day standard for disposition of applications shall not be used as a waiting period before granting financial assistance or shall not be used as a basis for delaying financial assistance.

(e) If the decision on the request for financial assistance is not reached within forty-five days due to departmental delay, a presumption of medical eligibility shall be made on the forty-sixth day, and medical assistance shall be continued until the applicant is determined to be ineligible.

(f) An applicant who does not attend a scheduled interview and made no contact with the department to express interest in pursuing the application shall be sent a notice of discontinuance not earlier than the thirtieth day from the date of application.

(g) An applicant who is requested to submit additional information or verification to establish the claim of eligibility shall be given ten days to provide the information or verifying material from the date the request is made by the eligibility worker.

(h) An applicant who fails to provide the necessary information and verification to establish the claim for eligibility shall not have the application denied until at least thirty days have elapsed from the date of application.

(i) An applicant who fails to provide the necessary information and verification to establish the claim for eligibility within the time limits established in subsections (g) and (h) shall be ineligible for financial assistance. [Eff 3/19/93; am 8/01/94; am 9/26/97; am 1/17/08] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-29; 45 C.F.R. §206.10)

§17-647-15 Reapplication. A new application form need not be completed when the applicant, whose application for financial assistance was denied or discontinued, reapplies for financial assistance within one hundred twenty days from the date of the previous application. The application form shall be reviewed with the applicant, and any changes shall be recorded on the application form and other appropriate department forms. The new date of application shall be entered on the application form. The reapplication shall be processed in the same manner as a new application. [Eff 3/19/93] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-29)

§17-647-16 Expedited processing. (a) When an applicant informs the department in writing that the applicant is facing an emergency situation, the department shall determine whether the applicant faces an emergency as defined by this section. If the department determines that the applicant is facing an emergency, the applicant shall be seen by an eligibility worker within two working days to determine the applicant's eligibility for financial assistance.

(b) Emergency situations for which an applicant shall be seen and the applicant's eligibility determined within two working days shall include:

- (1) The applicant is without income and liquid assets equivalent to the following allowance standards:

Family Size	Allowance Standard
1	\$196
2	245
3	284
4	325
5	360
6	403
7 or more	452

and:

- (A) The applicant is without a place to live;
- (B) The applicant has been served with court papers for eviction, either a complaint

for summary possession or an eviction order; or

- (C) The applicant is residing in a temporary shelter facility and will be without shelter within five days; and
- (2) The applicant has housing, but does not have food or money to purchase food. The applicant may also wait for a financial assistance application appointment on a stand-by basis.

(c) The eligible applicant, who faces an emergency, shall receive immediate cash assistance through a unit's imprest fund.

(d) Verification of facts which cannot be obtained within two working days shall be obtained after the application is approved for the first month's assistance if the information provided by the applicant indicates that the applicant is eligible for financial assistance. The applicant shall be informed of the state fraud provisions.

(e) Verification shall be obtained and eligibility shall be established before any subsequent payment may be made. [Eff 3/19/93; am 8/01/94] (Auth: HRS §§346-14, 346-53) (Imp: HRS §346-53; 45 C.F.R. §206.10)

§§17-647-17 to 17-647-19 (Reserved).

SUBCHAPTER 3

SPECIFIC PROVISIONS FOR MEDICAL ASSISTANCE ONLY

§17-647-20 REPEALED. [R 8/01/94]

§17-647-21 REPEALED. [R 5/31/02]

§17-647-22 REPEALED. [R 8/01/94]

§17-647-23 REPEALED. [R 8/01/94]

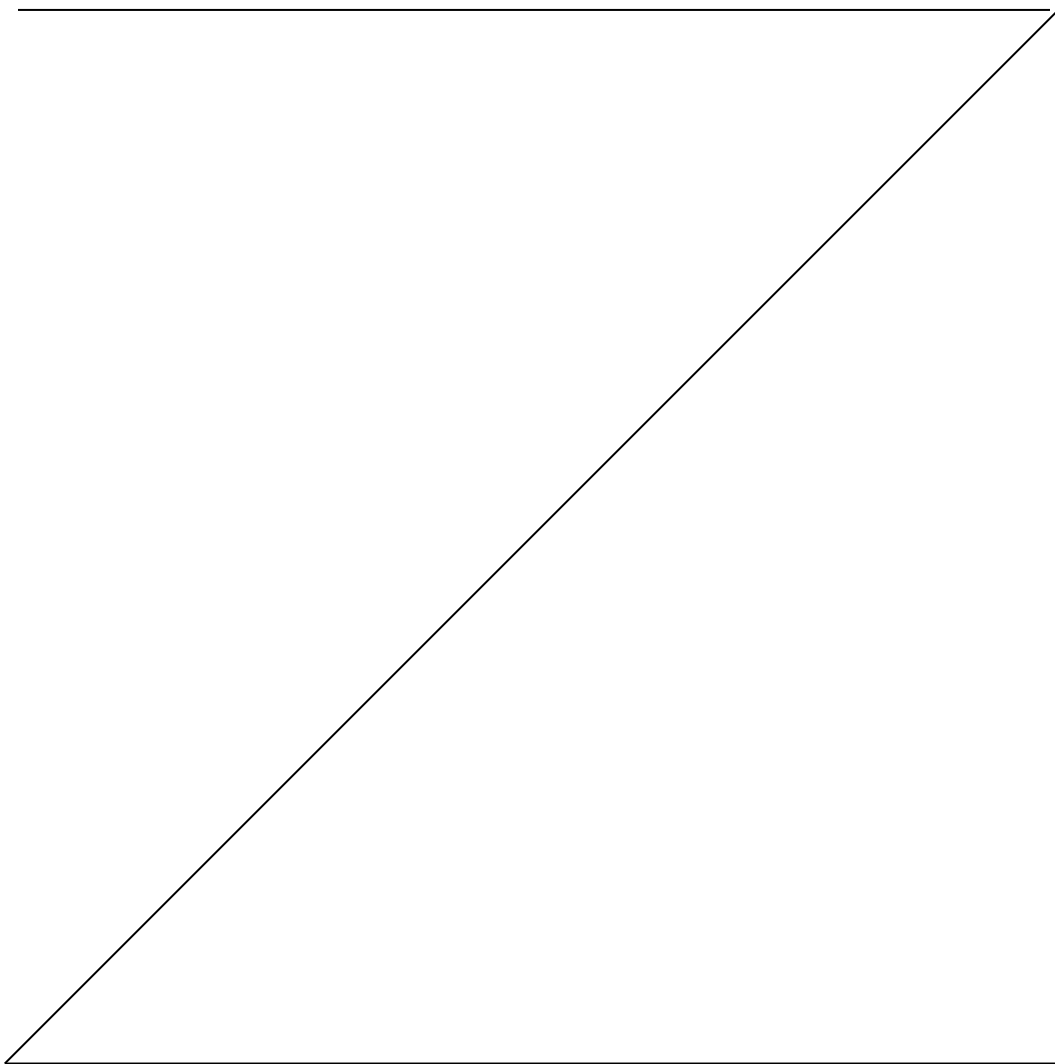
§17-647-24

§17-647-24 REPEALED. [R 8/01/94]

§17-647-25 REPEALED. [R 8/01/94]

§17-647-26 REPEALED. [R 8/01/94]

§§17-647-27 to 17-647-29 (Reserved).



SUBCHAPTER 4

SPECIFIC PROVISIONS FOR FOOD STAMPS

§17-647-30 Authorized representatives. (a) The head of a household, spouse, or any other responsible member of a household may designate an authorized representative to act on behalf of a household when filing the application.

(b) When the head of a household or the spouse is unable to file an application, another household member may file an application. An adult nonhousehold member may be designated as the authorized representative and may file an application on behalf of a household wishing to apply for food stamps.

(c) Although another household member or an authorized representative may be interviewed, the head of a household or the spouse shall prepare and review the application whenever possible.

(d) The branch shall emphasize to the household that it will be held liable for any overpayment which results from erroneous information given by the authorized representative, except for alcoholic and drug addiction treatment centers and group living arrangements and as specified in chapter 17-604.1. Responsible adults who are nonhousehold members may be designated as authorized representatives only where:

- (1) The authorized representative has been designated in writing by the head of a household, the spouse, or another responsible member of the household; and
- (2) The authorized representative is an adult who is sufficiently aware of relevant household circumstances.

(e) An authorized representative may be designated for purposes of obtaining coupons. The designation shall be made at the time the application is completed.

- (1) Any authorized representative shall be named on the ID card.
- (2) An authorized representative for coupon issuance may be the same individual designated to make application for the household or may be another individual.
- (3) Even if the household members are able to make application and obtain coupons, the household shall be encouraged to name an authorized representative for obtaining coupons in case of illness or other circumstances which may result in an inability to obtain coupons.
- (4) The household may also designate an emergency authorized representative at a later date in accordance with the procedures detailed on the ID card. An emergency authorized representative shall be an individual not when neither already listed on the ID card who obtains coupons a household member nor the authorized representative is able to obtain the coupons because of unforeseen circumstances.

(f) When an authorized representative is cashing the household's ATP card, it must first obtain the signature of the payee on the back of the ATP card. A signature by any other person or by an "attorney in fact" will not be valid, except when the payee is unable to sign the card due to a physically disabling condition, such as, a comatose state, paralysis, or amputation. Alcoholism, drug abuse, and mental illness are not conditions which are considered disabling for this requirement.

(g) An authorized representative may use coupons to purchase food for a household, provided the authorized representative has the household's ID card with the full knowledge and consent of the household.

(h) In the event that the only adult member of a household is classified as a nonhousehold member, as defined in chapter 17-655, the individual may be

designated as the authorized representative for the minor household members.

(i) The following restrictions or controls shall be placed on the use of authorized representatives:

- (1) Retailers which are authorized to accept food coupons or employees of the department may not act as authorized representatives without the specific written approval of PD-IM(FS) after a determination has been made by the branch that no one else is available to serve;
- (2) Persons disqualified for fraud shall not act as an authorized representative unless the provisions of subsection (g) apply. The branch shall separately determine whether these individuals are needed to apply on behalf of the household, to obtain coupons, and to use the coupons to obtain food for the household; and
- (3) Homeless meal providers, as defined in chapter 17-663, shall not act as authorized representatives for homeless food stamp recipients.

(j) The branch shall assure that authorized representatives are properly designated. Limits shall not be placed on the number of households an authorized representative may represent. The name of an authorized representative shall be maintained as part of the household's permanent case file. The branch shall exercise caution to assure that:

- (1) The household has freely requested the assistance of the authorized representative;
- (2) The household's circumstances are correctly represented and the household is receiving the correct amount of benefits; and
- (3) The authorized representative is properly using the coupons. Branches which suspect authorized representatives are not properly using coupons shall report the circumstances to PD-IM for forwarding to FNS.

(k) If the branch has obtained evidence that an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper use of coupons, it may disqualify that authorized representative from participating in the food stamp program for up to one year. The branch shall send written notification to the affected household(s) and authorized representative thirty days prior to the date of disqualification. The notification shall include:

- (1) The proposed action;
- (2) The reason for the proposed action;
- (3) The household's right to request a hearing;
- (4) The telephone number of the food stamp office; and
- (5) If possible, the name of the person to contact for additional information.

(1) Drug and alcoholic treatment facilities and those group homes which act as authorized representatives for their residents shall not be affected by subsection (j). [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.1(f)(1)(4))

§17-647-31 Interviews. (a) All applicant households, including those submitting applications by mail, shall have a personal interview with an employee designated by the department. The applicant may bring any person the applicant chooses to the interview. The individual interviewed may be:

- (1) The head of the household;
- (2) Spouse of the head of the household;
- (3) Any other responsible member of the household; or
- (4) An authorized representative.

(b) The interviewer shall review the information given on the application and resolve unclear and incomplete information with the household.

(c) The interviewer shall advise a household of its rights and responsibilities, including the appropriate application processing standard and a household's responsibility to report changes, its responsibility to comply with monthly reporting requirements, if appropriate, and consequences for failure to monthly report or report changes in the given time limits, during the interview.

(d) The interview shall be conducted as an official and confidential discussion of household circumstances and shall be limited strictly to facts that relate directly to food stamp eligibility criteria.

(e) The applicant's right to privacy shall be protected during the interview. Facilities shall be of adequate size and layout to assure privacy and to protect the confidentiality of the interview.

(f) The personal interview shall be waived upon request by any household which is unable to appoint an authorized representative and which has no household member able to come to the branch because they are sixty-five years of age or older, or are mentally or physically handicapped. The personal interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location farther than thirty miles of a certification office that provides at least four hours of certification services every two weeks.

(g) The personal interview shall be waived on a case by case basis for any household which is unable to appoint an authorized representative and which has no household member able to come to the office because of transportation difficulties or similar hardships. These hardship conditions include, but are not limited to:

- (1) Illness;
- (2) Care of a household member;
- (3) Hardships due to residency in a rural area;
- (4) Bad weather; or

- (5) Work hours which preclude in-office interview.
- (h) The branch shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the personal interview requirement and shall document this determination in the case file.
 - (1) The branch shall offer households for which the personal interview is waived the alternatives of a telephone interview or home visit. Home visits shall be used only if the household agrees and the time of the visit is scheduled in advance with the household.
 - (2) Waiver of the personal interview shall not exempt a household from the verification requirements, although special procedures may also be used to permit a household to comply in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.
 - (3) Waiver of the personal interview shall not affect the length of a household's certification period.
 - (4) The branch shall schedule personal or alternative interviews as promptly as possible after the filing of applications in order to ensure that eligible households receive an opportunity to participate within thirty days after the application is filed. If a household fails to appear for the first interview scheduled, the branch need not schedule any other interview unless the household requests that another interview be scheduled. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§273.2(e), 272.5(a)(3))

§17-647-32 Verification. (a) The branch shall verify the following information prior to certification

for households which are initially applying for the food stamp program:

- (1) Gross nonexempt income for all households except for social security and supplemental security income benefits. If documentary evidence is not readily available, the amount of social security and SSI benefits reported on the application shall be used pending receipt of verification from the BENDEX or SDX;
- (2) Whether household members identified as aliens on the application form are eligible aliens by requiring that the household present verification for each alien member;
- (3) A household's utility expenses. Households that wish to claim shelter costs for a home that is unoccupied because of employment or training away from the home, illness, or abandonment caused by a natural disaster or casualty loss shall provide verification of actual utility costs if the costs would result in a deduction. Other shelter costs of the unoccupied home shall be verified if it would result in a deduction;
- (4) The amount of any medical expenses which are deductible;
- (5) The social security numbers (SSNs) of all household members in accordance with chapter 17-655;
- (6) Residency of all households:
 - (A) Verification of residency shall be accomplished to the extent possible in conjunction with other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity;
 - (B) If verification cannot be accomplished in conjunction with the verification of other information, then the branch shall

- use a collateral contact or other readily available documentary evidence;
- (C) No durational residency requirement shall be established;
- (D) In situations where verification of residency may be impossible to obtain, such as households newly arrived in an area or households living at a campsite or in cars and the applicant and the branch have made reasonable efforts to verify residence, the branch shall proceed with certification and not deny the household; and
- (E) Any documents or collateral contact which reasonably establish the applicant's residency shall be accepted and no requirement for a specific type of verification may be imposed;
- (7) The applicant's identity or the identity of both the authorized representative and the head of the household where an authorized representative applies on behalf of a household. Identity may be verified through readily available documentary evidence or, if this is unavailable, through a collateral contact. Acceptable documentary evidence includes, but is not limited to:
 - (A) Driver's license;
 - (B) Work or school identification (ID);
 - (C) ID for health benefits;
 - (D) ID for another assistance or social services program;
 - (E) Voter registration card;
 - (F) Wage stubs; or
 - (G) Birth certificate.Any documents which reasonably establish the document may be imposed; applicant's identity shall be accepted and no requirement for a specific type of
- (8) Liquid resources for all households;

- (9) Continuing shelter charges, including utilities, if billed separately, if allowing the expense would result in a deduction. Homeless households claiming shelter expenses greater than the homeless standard estimate as stated in section 17-676-72(5) are required to provide verification of their shelter expense;
- (10) For households claiming dependent care costs, whether the household actually incurs the costs and the actual amount of the costs, if allowing the expense would result in a deduction; and
- (11) Disability as defined in section 17-663-1 as follows:
 - (A) For individuals to be considered disabled under paragraphs (1), (6), and (7) of the definition, the household shall provide proof that the disabled individual is receiving benefits under Titles I, II, X, XIV or XVI of the Social Security Act;
 - (B) For individuals to be considered disabled under paragraph (2) of the definition, the household shall present a statement from the Veterans Administration (VA) which clearly indicates that the disabled individual is receiving VA disability benefits for a service-connected disability and that the disability is rated as total or paid at the total rate by VA;
 - (C) For individuals to be considered disabled under paragraphs (3) and (4) of the definition, proof by the household that the disabled individual is receiving VA disability benefits shall be sufficient verification of disability;
 - (D) For individuals to be considered disabled under paragraphs (5) and (8) of

the definition, the state agency shall use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the Social Security Act for verifying disability. If it is obvious that the individual has one of the listed disabilities, the household shall be considered to have verified disability. If disability is not obvious, the household shall provide a statement from a physician or licensed or certified psychologist certifying that the individual has one of the nonobvious disabilities listed as the means for verifying disability under paragraphs (5) and (8) of the definition; or

- (E) For individuals to be considered disabled under paragraph (9) of the definition, the household shall provide proof that the individual receives a railroad retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for medicare;
- (12) If a household's composition is questionable, the branch shall verify factors affecting the composition of the household. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving a claim that they are a separate household to the satisfaction of the branch. Elderly, disabled individuals, who claim to be separate household shall also be responsible for:
 - (A) Obtaining the cooperation of the individuals with whom they reside in providing necessary income information to the branch;

- (B) Providing the branch with a statement from a physician or licensed or certified psychologist that they cannot purchase and prepare their own meals; and
 - (C) Providing the branch a statement of permanent disability from a physician or licensed or certified psychologist if the disability is not readily apparent; and
- (13) The household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays. The household is responsible for providing verification of the legal obligation, the obligated amount, and the amount paid.
- (A) The branch shall accept any document that verifies the household's legal obligation to pay child support, such as a court or administrative order, or legally enforceable separation agreement. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments;
 - (B) The branch shall accept documentation verifying a household's actual payment of child support including, but not limited to canceled checks, wage withholding statements, verification of withholding from unemployment compensation, and statements from the custodial parent regarding direct payments or third party payments the food stamp member pays or expects to pay on behalf of the custodial parent. In addition to requiring verification from

the household, the branch shall be responsible for obtaining verification of the household's child support payments if the payments are made to the Child Support Enforcement Agency.

(b) Verification of questionable information shall be as follows:

- (1) Branches shall verify all other factors of eligibility prior to certification if the factors:
 - (A) Are questionable; and
 - (B) Affect a household's eligibility or benefit level;
- (2) Questionable factors include, but are not limited to, information on the application which is:
 - (A) Inconsistent with:
 - (i) Statements made by the applicant;
 - (ii) Other information on the application or previous applications; or
 - (iii) Information received by the branch; or
 - (B) Unclear;
- (3) When determining if information is questionable, the branch shall base the decision on the particular circumstances of each household; and
- (4) Procedures described in this paragraph shall apply when information concerning one of the following eligibility requirements is questionable:
 - (A) When a household's statement that one or more of its members are U.S. citizens is questionable, the household member shall be ineligible pending verification; and
 - (B) When verifying that an income is exempt as a loan, a statement signed by both parties indicating the payment is a loan

which shall be repaid shall be sufficient verification.

- (c) Sources of verification include:
 - (1) Documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification.
 - (A) Documentary evidence shall consist of a written confirmation of a household's circumstances. Examples of documentary evidence include:
 - (i) Wage stubs;
 - (ii) Rent receipts; and
 - (iii) Utility bills;
 - (B) 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;
 - (C) Whenever documentary evidence cannot be obtained or is insufficient to make a fair determination of eligibility or benefit level, a branch may require:
 - (i) Collateral contacts; or
 - (ii) Home visits;
 - (2) A collateral contact, which is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or by the telephone. The branch may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the branch. The acceptability of a collateral contact shall not be restricted to a particular individual

but may be any individual who may be expected to provide an accurate third-party verification of the household's statements.

- (A) Examples of acceptable collateral contacts include:
 - (i) Employers;
 - (ii) Landlords;
 - (iii) Social service agencies;
 - (iv) Migrant service agencies; or
 - (v) Neighbors of the household.
 - (B) Those sources of verification to which the branch has routine access shall not be considered collateral contacts, and therefore, do not have to be designated by the household. Examples of these sources include:
 - (i) Beneficiary data exchange (BENDEX);
 - (ii) State data exchange (SDX); or
 - (iii) Any agency where a routine access agreement exists; and
 - (C) If the branch designates a collateral contact, the branch shall not make the contact without providing prior written or oral notice to the household. At the time of this notice, the branch shall inform the household that it has the following options:
 - (i) Consent to the contact;
 - (ii) Provide acceptable verification in another form; or
 - (iii) Withdraw its application. If the household refuses to choose one of these options, its application shall be denied, in accordance with the normal procedures, for failure to verify information; or
- (3) Home visits that shall be used as verification only when the following occur:
- (A) Documentary evidence is insufficient to make a firm determination of eligibility

or benefit level, or cannot be obtained;
and

(B) The home visit is scheduled in advance with a household.

(d) Where unverified information from a source other than the household contradicts statements made by the household, the household shall be given a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. If the unverified information is received through the IEVS, the branch may obtain verification from a third party as specified in chapter 17-655.

(e) A household shall have primary responsibility for providing documentary evidence to support its statements on the application and to resolve any questionable information. Branch shall assist the household in obtaining the verification provided the household is cooperating with branch.

- (1) Households may supply documentary evidence:
 - (A) In person;
 - (B) Through the mail; or
 - (C) Through an authorized representative.
- (2) The branch shall accept any reasonable documentay evidence provided by a household. The branch shall be primarily concerned with how adequately the verification proves the statements on the application. If it is difficult or impossible for a household to obtain the documentary evidence in a timely manner, or a household has presented insufficient documentation, the branch shall:
 - (A) Offer assistance to the household in obtaining the documentary evidence except as otherwise stated in this section;
 - (B) Use a collateral contact; or
 - (C) Conduct a home visit.
- (3) The branch shall not require a household to present verification in person.

- (4) The branch shall rely on a household to provide the name of any collateral contact. A household may request assistance in designating a collateral contact. The branch shall not be required to use a collateral contact designated by a household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the branch shall either:

- (A) Designate another collateral contact; or
- (B) Ask a household to designate another collateral contact or to provide an alternative form of verification; or
- (C) Substitute a home visit.

The branch shall be responsible for obtaining verification from acceptable collateral contacts.

(f) Case files shall be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be sufficiently detailed to permit a reviewer to determine the reasonableness and accuracy of the determination. Where verification was required to resolve questionable information the branch shall:

- (1) Document why the information was considered questionable; or
- (2) At a minimum, indicate where the inconsistency in the case file exists and what documentation was used to resolve the questionable information.

The branch shall also document the reason why an alternate source of verification, such as collateral contact or home visit, was needed, and the reason a collateral contact was rejected and an alternate requested.

(g) If documentary evidence of social security benefits is not readily available from the applicant, the branch shall verify the income through beneficiary

data exchange (BENDEX). The amount of social security benefits reported on the application shall be used to compute a household's eligibility and benefit level pending receipt of verification from BENDEX.

(h) The branch shall have the option of verifying SSI benefit payments through the state data exchange (SDX) and BENDEX or through verification provided by the household.

- (1) The branch may also use SDX and BENDEX data to verify other food stamp eligibility criteria provided that:
 - (A) The household is given an opportunity to verify the information from another source if the SDX or BENDEX information is contradictory to the household's information or is unavailable; and
 - (B) Determination of a household's eligibility and benefit level shall not be delayed past the application processing time standards if the SDX or BENDEX data is unavailable.
- (2) The branch may use SDX and BENDEX data without a release statement from a household provided the branch makes the appropriate data request to SSA and the department executes any SDX and BENDEX data exchange agreement required by the SSA. The branch may access SDX on a need-to-know basis.
- (3) The department shall request wage information available from the Social Security Administration (SSA) under provisions of §6103(1)(7) of the Internal Revenue Code of 1954 or from the state agencies administering the state unemployment compensation (UC) laws under provisions of §303(d) of the Social Security Act. The department shall request wage data semiannually from SSA or quarterly from UC agencies.

- (A) Information on earnings and benefits disclosed by SSA or UC agencies shall be used only for the purpose of:
 - (i) Verifying a household's eligibility;
 - (ii) Verifying the proper amount of benefits;
 - (iii) Investigating to determine whether participating households received benefits to which they were not entitled; and
 - (iv) Substantiating information which will be used in conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.
- (B) The household shall be given the opportunity to verify information from another source if the SSA or UC data is contradictory to the information provided by the household or is unavailable.
- (C) Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards as stated in section 17-647-33.
 - (i) Verification subsequent to initial certification shall be as follows:
 - (1) At recertification, the branch shall require the household to verify the amount of legally obligated child support a household member pays to a nonhousehold member. The branch shall also verify changes in income or actual utility expenses if the source has changed or the amount has changed by more than \$25 and medical expenses which were previously unreported or which have changed by more than \$25. Branch shall not verify income, actual

utility expenses, or total medical expenses which have not changed or have changed by \$25 or less unless the information is incomplete, inaccurate, inconsistent, or outdated. Other information which has changed may be verified. Information which has not changed shall not be verified unless the information is incomplete, inaccurate, inconsistent, or outdated. Verification at recertification shall be subject to the same verification procedures as apply during initial certification;

- (2) Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the branch shall not verify changes in income, medical expenses, or actual utility expenses, unless the change is more than \$25 or the information is incomplete, inaccurate, inconsistent, or outdated; and
- (3) For those households required to monthly report, the household shall verify gross nonexempt earned income, changes in unearned income, medical expenses, and any questionable information. [Eff 3/19/93; am 2/7/94; am 10/13/95; am 12/18/95] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(f))

§17-647-33 Time limits on disposition of application. (a) The branch shall process all applications as quickly as possible. The branch shall determine a household's eligibility and shall provide an eligible household an opportunity to participate within thirty calendar days after the day the application was filed, except for residents of public institutions who apply jointly for SSI and food stamp benefits prior to release from the institution in accordance with chapter 17-655. An application shall

be considered filed the day the appropriate unit office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. For residents of public institutions who apply for food stamps prior to their release from the institution, the branch shall provide an opportunity to participate within thirty calendar days from the date of release of the applicant from the institution.

(b) An opportunity to participate shall consist of providing a household with an ATP card and having an issuance facility open and available for the household to obtain its allotment. If the ATP card is mailed, an opportunity to participate shall have been provided if the branch mails the ATP card at least two days prior to the expiration of the thirty-day standard and assures that the ATP card may be transacted before the thirty-day standard expires. For example, no opportunity to participate within the thirty-day standard shall be considered to have been given if the ATP card is mailed on the twenty-ninth or thirtieth day. Nor has there been an opportunity to participate if the ATP card is mailed on the twenty-eighth day, and no coupon issuance office is open on the twenty-ninth day so that coupons may be obtained.

(c) Households applying for assistance after the fifteenth of the month who have completed the application process by providing all the required verifications within thirty days of the date of application, or within five days of the date of application for households eligible for processing under the expedited service provisions of subchapter 5, and who have been determined eligible to receive benefits for the initial month of application and the next subsequent month, shall receive the prorated allotment for the initial month of application and the first full month's allotment at the same time. Households for which missing verification or postponed verification have not been provided within the

specified timeframes as stated in this subsection shall not be entitled to the provisions of this subsection in receiving combined allotments for the initial month of application and the next subsequent month. However, households who are eligible for expedited services may receive benefits for the initial month under the verification standards as set forth in subchapter 5. Additionally, in accordance with chapter 17-681, benefits of less than ten dollars shall not be issued under the provisions of this subsection.

(d) If an applicant household reports a change in its situation after it has been interviewed but before a disposition has been taken on the household's application, the branch shall consider the change reported by the household effective the date of application. For example, in the following situation where the date of application was May 6, the applicant household was interviewed on May 16 and the household reports an addition to the household on May 20, which was before any disposition was taken on the household's application, the branch shall include the new member into the household effective May 6 after all pertinent information have been obtained and verified for the new member. However, if a change is reported by the applicant household in a subsequent month after the month of application, the branch shall consider the change reported by the household effective the date of application or the first of the month in which the change took effect, whichever is later. For example, if the date of application was June 20, the applicant household was then interviewed on June 26, and household reports on July 2 that a new member moved in on June 29, the new member shall be added into the household composition effective June 20, the date of application. However, if the household reported the new member moved in on July 2, the new member shall be included into the household composition effective July 1, the first of the month in which the change took effect.

(e) A household which qualifies for the expedited service and a household considered destitute shall be certified on an expedited basis as specified in subchapter 5. [Eff 3/19/93; am 12/18/95] (Auth: HRS §346-46) (Imp: 7 C.F.R. §273.2(g)(1), (2))

§17-647-34 Denying the application. (a) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than thirty days following the date the application was filed.

(b) If the household has failed to appear for the initial scheduled interview and has not subsequently contacted the branch to express interest in pursuing the application, the branch shall send the household a notice of denial on the thirtieth day following the date of application.

(c) The household shall file a new application if it wishes to participate in the program.

(d) In cases where the branch was able to conduct an interview and requested all of the necessary verification on the same day the application was filed, and no subsequent requests for verification are made, the branch shall deny the application on the thirtieth day if the branch provided assistance to the household in obtaining verification but the household failed to provide the requested information. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(g)(3))

§17-647-35 Actions on eligible households with unverified deductible expenses. (a) If a household claims actual utility expenses in excess of the utility standards and the expense would actually result in a deduction, the expenses shall be verified.

(b) If the household's actual utility expenses cannot be verified before the thirty days allowed to process the application expire, the branch shall use the appropriate standard utility allowances, provided

the household shall be entitled to the use of these standards.

(c) If the household wishes to claim expenses for an unoccupied home, the branch shall verify the household's actual utility expenses for the unoccupied home in every case and shall not use any of the standard utility allowances.

(d) If a deductible expense must be verified and obtaining the verification may delay the household's certification, the branch shall advise the household that the household's eligibility and benefit level shall be determined without providing a deduction for the claimed but unverified expense. Medical and shelter costs shall be computed without including the questionable and unverified components. The standard utility allowances shall be used if the household is entitled to claim them and has not verified higher actual costs.

(e) If the expense cannot be verified within thirty days of the date of application, the branch shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense.

(f) If the household subsequently provides the missing verification, the branch shall determine the household's benefits as follows:

- (1) For prospectively budgeted households as specified in chapter 17-681, the branch shall redetermine the household's benefits and shall provide increased benefits, if any, in accordance with the timeliness standards on reported changes provided in chapter 17-655.
- (2) For retrospectively budgeted households as specified in chapter 17-681:
 - (A) If the household is in the first beginning month (as defined in chapter 17-681), the expense shall be allowed for the next prospectively budgeted month. If computer processing does not allow for the change to be effective

with the next allotment issued, the branch shall supplement the household for any underpayment;

- (B) If the household is in the second beginning month, the expense shall be allowed for the second retrospective month and the household supplemented any underpayment which occurs due to computer processing deadline delays; or
- (C) If the household is already in the retrospective cycle, the household shall be allowed the expense in the corresponding issuance month from the month that the expense is billed or otherwise becomes due in accordance with chapter 17-681.

(g) The household shall be entitled to the restoration of any benefits lost as a result of the disallowance of the expense only if the expense could not be verified within the thirty-day standard because the branch failed to allow the household sufficient time, as specified in section 17-647-32 to verify the expense. If the household would be ineligible unless the expense is allowed, the household's application shall be handled as provided in section 17-647-32. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(f) (1), (2), (3))

§17-647-36 Delays in processing--determining cause. If it appears that the branch will not be able to determine a household's eligibility and will not be able to provide an opportunity to participate within thirty days after the date the application was filed, the branch shall first determine the cause of the delay using the following criteria:

- (1) A delay shall be considered the fault of the household if the household has failed to complete the application process even though the branch has taken all the action it is

required to take to assist the household. The branch shall have taken the following actions and the household shall not have taken the appropriate counter actions for the household to have caused the delay:

- (A) For a household that has failed to complete the application form, the branch shall have offered, or attempted to offer, assistance in its completion;
- (B) If one or more members of the household have failed to register for work, the branch shall have informed the household of the need to register for work and shall have given the household at least ten days from the date of notification to register these members;
- (C) In cases where verification is incomplete, the branch shall have provided the household with a statement of required verification and offered to assist the household in obtaining the required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least ten days from the date the branch initially made the request for the particular verification that was missing; or
- (D) For a household that has failed to appear for the initial interview, and a subsequent interview which was requested by the household is postponed at the household's request or the interview cannot otherwise be rescheduled until after the twentieth day but before the thirtieth day following the date the application was filed, the household shall appear for the interview, bring verification, and register members for work by the thirtieth day. If the

household does not comply with the above procedures, the household shall be faulted for the delay. If the household has failed to appear for the initial interview and a subsequent interview which was requested by the household is postponed at the household's request until after the thirtieth day following the date the application was filed, the household shall be faulted for the delay;

- (2) If the branch fails to take action required in section 17-647-32(c)(1)(A), (B), (C), and (D), the branch shall be faulted for any delay in processings. Delays caused by the branch shall not be limited to these situations;
- (3) If by the thirtieth day, the branch cannot take further action on the application due to inaction on the part of the household, the household shall lose its entitlement to benefits for the month of application. The household shall be given an additional thirty days to take the required action. The branch shall send the household a notice of denial on the thirtieth day after the application was filed. If the household takes the required action within sixty days following the date the application was filed, the branch shall reopen the case without requiring a new application. The household's benefits shall be issued from the date the household completes the required action. No further action by the branch shall be required after the notice of denial is sent if the household fails to take the required action within sixty days following the date the application was filed;
- (4) If the household was at fault for the delay in the first thirty-day period, but is found

to be eligible during the second thirty-day period, the branch shall provide benefits from the month following the month of application which shall be considered the initial month of application in accordance with chapter 17-681, and benefits shall be prorated from the date the household complied with the required actions as imposed by the branch. The household shall not be entitled to benefits for the month of application when the delay was caused by the household;

- (5) Whenever a delay in the initial thirty-day period is caused by the branch, the branch shall take immediate corrective action. Except as specified in chapter 17-655, the branch shall not deny the application if the branch caused the delay, but shall instead notify the household by the thirtieth day following the date the application was filed that the household's application is being held pending. The branch shall also notify the household of any action the household shall take to complete the application process. If the household is found to be eligible during the second thirty-day period, the household shall be entitled to benefits retroactive to the day of application. If the household is found to be ineligible, the branch shall deny the application. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(h) (1), (2), (3))

§17-647-37 Delays beyond sixty days. (a) If noncompletion of the application process by the end of the second thirty-day period is caused by the branch, and the case file is otherwise complete, the branch shall continue to process the original application until an eligibility determination is reached.

(b) If the household is determined eligible, and the branch caused the delay in the initial thirty days, the household shall receive benefits retroactive to the day of application.

(c) If the initial delay was caused by the household, the household shall receive benefits retroactive to the month following the month of application. The branch shall use the original application to determine the household's eligibility in the months following the sixty-day period.

(d) If the noncompletion of the application process by the end of the second thirty-day period is caused by the branch, and the case file is not complete enough to reach an eligibility determination, the branch shall continue to process the original application.

(e) If the noncompletion of the application process by the end of the second thirty-day period is caused by the household, the branch shall deny the application and shall require the household to file a new application if the household wishes to participate. The household shall not be entitled to any lost benefits even if the delay in the initial thirty-days was the fault of the branch. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(h)(4))

§17-647-38 Length of certification periods. (a) Certification periods shall conform to calendar months. The month of application shall be the first month in the certification period for initial applications, even if the household's eligibility is not determined until a subsequent month. If the household submits an application in January but the application is not processed until February, a six-month certification period shall include the months of January through June. A recertification shall begin with the month following the last month of the previous certification period.

(b) Households in which all members are recipients of financial assistance and which are eligible for joint application procedures shall have its members' food stamp recertifications, to the extent possible, at the same time they are redetermined for financial assistance provided the food stamp certification periods do not exceed one year.

(c) Households in which all adult members are elderly or disabled shall be certified for twenty-four months. The branch shall have at least one contact with each certified household every twelve months.

(d) Households which are subject to prospective budgeting shall be assigned the longest certification periods possible based on the predictability of the household's circumstances. However, the certification period shall not exceed twelve months.

- (1) Households shall be certified for at least three months with the following exceptions:
 - (A) A household eligible for a certification period of three months or less shall, at the time of certification, have the certification period increased by one month, if the certification process is completed after the fifteenth day of the month of application and the household's circumstances warrant the longer certification period. For example, if a household which is eligible for a three-month certification period submits an application in June and is not certified until late June or early July, the certification period would include June through September;
 - (B) A household shall be certified for one or two months, as appropriate, when the household cannot reasonably predict what its circumstances will be in the near future, or when there is a substantial likelihood of frequent and significant changes in income or household status.

- (2) Households shall be certified for up to six months if there is little likelihood of changes in income and household status; for example, households with a stable income record and for which major changes in income, deductions, or composition are not anticipated;
- (3) Households consisting entirely of unemployable or elderly persons with very stable income shall be certified for up to twelve months provided other household circumstances are expected to remain stable.

(e) Households which are subject to monthly reporting and retrospective budgeting shall be certified for not more than twelve months with the following exceptions:

- (1) If the applying household is determined eligible for the month of application but ineligible for the subsequent month, then the household shall be given a one-month certification only; and
- (2) Zero income households shall be assigned a six-month certification period.

(f) At the expiration of each certification period, entitlement to food stamp benefits shall end. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification, as required. Under no circumstances shall benefits be continued beyond the end of a certification period without a redetermination of eligibility. [Eff 3/19/93; am 10/16/95; am 10/28/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§273.10(f), 273.21(b); Pub. L. No. 104-193 (1996))

§§17-647-39 to 17-647-41 (Reserved).

SUBCHAPTER 5

SPECIFIC PROVISIONS FOR FOOD STAMPS EXPEDITED
PROCESSING

§17-647-42 Expedited service provision. This subchapter provides the income calculation procedures, certification and verification procedures, the processing standard, and other special procedures applicable only to households receiving benefits on an expedited basis. The following households are entitled to expedited service:

- (1) Households with less than \$150 in monthly gross income and whose liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, etc.) do not exceed \$100;
- (2) Seasonal farmworker households who are destitute as defined in section 17-647-49 and whose liquid resources do not exceed \$100;
- (3) Eligible households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utility costs. [Eff 3/19/93; am 10/28/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3); Pub. L. No. 104-193 (1996))

§17-647-43 Prescreening. The branch's application procedures shall be designed to identify households eligible for expedited service at the time the households request assistance. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(i)(2))

§17-647-44 Processing standards. (a) For households entitled to expedited service, except as specified in subsections (c) and (d), the branch shall

issue to the household, if it is eligible, the household's ATP card no later than the seventh calendar day following the date the application was filed. For residents of public institutions who apply for benefits prior to their release from the institution in accordance with chapter 17-655 and who are entitled to expedited service, the filing date of their application shall be the date of their release from the institution. The branch shall ensure that the issuance of the ATP card is timely in order to allow the household the opportunity to redeem its ATP card no later than the seventh calendar day following the date the application is filed.

(b) Households which apply for initial month's benefits after the fifteenth of the month and are determined eligible to receive benefits under the expedited service provisions shall receive the prorated allotment for the initial month and the allotment for the next subsequent month at the same time, provided the household has completed the application process and are determined eligible to receive benefits in the initial month and the next subsequent month. In order to meet the expedited time frame, mandatory verifications, except as stated in section 17-647-45(a), shall be postponed. The households shall be required to provide all postponed verifications within thirty days of the date of the application. Households shall not be issued prorated benefits of less than ten dollars for the initial month in accordance with chapter 17-680.

(c) For residents of drug addiction or alcoholic treatment and rehabilitation centers and for residents of group living arrangements who are entitled to expedited service, the branch shall:

- (1) Mail an ATP card; or
- (2) Have the ATP card available for pick-up no later than seven calendar days following the date the application was filed.

(d) For households entitled to receive expedited service during periods when reduction, suspension, or

cancellation are in effect shall receive expedited service as specified in chapter 17-681.

(e) Out-of-office interviews shall be conducted in the following manner:

- (1) If a household is entitled to both expedited service and a waiver of the office interview, the branch shall conduct the interview, unless the household cannot be reached; and complete the application process within the expedited service standards. The first day of this count is the calendar day following application filing; or
- (2) If the branch conducts a telephone interview and must mail the application to the household for signature, the mailing time involved will not be calculated in the expedited service standards. (Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing).

(f) If the prescreening required in section 17-647-43 fails to identify a household as being entitled to expedited service and the branch subsequently discovers that the household is entitled to expedited service, the branch shall provide expedited service to the household within the processing standards described in subsections (a) and (b). The processing standards shall be calculated from the date the worker discovers the household is entitled to expedited service. [Eff 3/19/93; am 2/7/94; am 8/18/94; am 10/28/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(i)(3); Pub. L. No. 104-193 (1996))

§17-647-45 Verification. (a) The applicant's identity (i.e., the identity of the person making the application) and whenever possible, the household's residency shall be verified through a collateral contact or through readily available documentary

evidence. Examples of acceptable documentary evidence include, but are not limited to:

- (1) Driver's license;
- (2) Work or school ID;
- (3) Voter registration card; or
- (4) Birth certificate.

(b) All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency, income statement (including a statement that the household has no income), liquid resources and all other factors required by section 17-647-6, through collateral contacts, or readily available documentary evidence. However, benefits shall not be delayed beyond delivery standards prescribed in section 17-647-44 solely because these eligibility factors have not been verified.

(c) The branch may also verify factors other than identity, residency, and income provided that verification may be accomplished within expedited processing standards.

(d) Households entitled to expedited service shall provide or apply for social security numbers in accordance with chapter 17-655.

(e) Households who have applied after the fifteenth of the month and who were issued their initial and second month's benefits based on postponed verifications shall be required to provide the postponed verifications within thirty days from the date of their application.

(f) The branch shall at a minimum require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on its behalf.

- (1) The branch may attempt to register other household members but shall postpone the registration if it cannot be accomplished within the expedited time frame. The branch may attempt registration of other household members by:

- (A) Requesting the applicant to complete the work registration forms for other household members to the best of the applicant's ability; or
 - (B) Other means, such as calling the household.
- (2) Verification of questionable work registration exemptions shall be postponed if the expedited service time frames cannot be met.
- (g) Once an acceptable collateral contact has been designated, the branch shall promptly contact the collateral contact in accordance with section 17-647-6. Although the household has the primary responsibility for providing other types of verification, the branch shall assist the household in promptly obtaining the necessary verification.
- (h) Households entitled to expedited service shall meet the resource criteria in chapter 17-675, although any verification of resources that may be required shall be postponed as specified in subsection (b). [Eff 3/19/93; am 8/18/94] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(i)(4))

§17-647-46 Certification periods. (a) Households that are certified on an expedited basis shall be assigned a normal certification period. If verification is postponed, the branch shall issue these household's benefits only for the month of application.

(b) When verification is postponed, the branch shall notify the household in writing that no further benefits will be issued until the postponed verification is completed. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the branch shall act on those changes without advance notice of adverse action. When these households provide the postponed verification, the branch shall issue the second month's benefits within five working days from receipt of the verification or the first

working day of the second calendar month, whichever is later. When the postponed verification is not completed within thirty days of the date of application, the branch shall terminate the household's participation and shall issue no further benefits.

(c) If a household who was terminated for failure to submit the postponed verification subsequently reapplies for assistance, the household shall not be eligible for expedited processing, even if the household meets the expedited criteria as stated in section 17-647-42, until the household provides the required verification of any previously postponed verification that have not been verified, which are still applicable to the household. Once the postponed verification is verified, the branch shall process the application within the five calendar days expedited processing standard as specified in section 17-647-44 starting from the date the previously postponed verification is verified. The applicant household, if eligible for assistance, shall be certified in accordance with subsection (a). [Eff 3/19/93; am 12/18/95] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(i)(4))

§17-647-47 No limit to expedited procedure.
There shall be no limit to the number of times a household may be certified under the expedited procedures, provided that, prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or the household was certified under regular processing standards since the last expedited certification. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.2(i)(4))

§17-647-48 Ineligible for expedited service.
Households not entitled to expedited service shall have the households' applications processed according to

regular standards. [Eff 3/19/93] (Auth: HRS §346-14 (Imp: 7 C.F.R. §273.2(i)(4))

§17-647-49 Definition of destitute households.
 The household of a seasonal farmworker having little or no income at the time of application which is in need of immediate food assistance, even though the household receives income at some other time during the month of application, shall be considered destitute if the household's circumstances are as specified in section 17-647-51 to section 17-647-53. Households other than seasonal farmworker households shall not be considered destitute. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3))

§17-647-50 Source defined. (a) A household's source of income shall be its employer or in the case of a self-employed person, the self-employment enterprise, or from sources considered as unearned income such as workers compensation, unemployment insurance benefits, and social security benefits.

(b) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.

(c) Similarly, a self-employed household who secures contracts or other work from different customers shall still be considered as receiving income from the same source. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3))

§17-647-51 Destitute households - terminated income source. (a) Seasonal farmworker households whose only income for the month of application was from a terminated source and was received prior to the date of application shall be considered destitute and shall

be entitled to expedited service. Income shall be considered as being from a terminated source if it:

- (1) Is received monthly or more frequently and will not be received again from that same source in the month of application or in the month following application; or
 - (2) Is normally received less often than on a monthly basis and will not be received in the month the next payment from that source is normally received.
- (b) A household may lose its sole source of income for reasons including, but not limited to:
- (1) Lay-offs; or
 - (2) A termination of general assistance or unemployment compensation benefits. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3))

§17-647-52 Destitute households - new source.

(a) Seasonal farmworker households whose only income for the month of application is from a new source and who will not receive income of more than \$25 from a new source by the tenth calendar day following the date of application shall be considered destitute. Income shall be considered as being from a new source when:

- (1) \$25 or less of income that is normally received monthly or more frequently has been received from that source within thirty days prior to the date the application was filed; or
 - (2) \$25 or less of income that is normally received less often than monthly was not received within the last normal interval between payments.
- (b) The households may expect to receive income from a new job or may have applied for, but have not yet begun to receive benefits from:
- (1) Public assistance;
 - (2) Unemployment compensation;

- (3) SSI;
- (4) Social security; or
- (5) A similar program.

(c) The households may be totally without income for a number of weeks before the new source of income begins and the households may be unable to meet the households' current food needs. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3))

§17-647-53 Destitute households - both sources.

(a) Seasonal farmworker households may receive both income from a terminated source prior to the date of application, and income from a new source after the date of application.

(b) The households shall be considered destitute if no other income is received in the month of application and the households will not receive income of more than \$25 from the new source by the tenth calendar day after the date of application. [Eff 3/19/93; am 8/19/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3))

§17-647-54 Determining eligibility and level of benefits.

(a) Seasonal farmworker households which are determined to be destitute shall have the households' eligibility determined and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(b) Some employers may provide travel advances to cover the travel costs of new employees who journey to the location of new employment.

- (1) Where the payments are excluded as reimbursements, receipt of travel advances shall not affect the determination of when a household is considered destitute.

- (2) If the travel advance is by written contract, an advance on wages that will be subtracted from the employee's future wages, rather than a reimbursement, the wage advance shall count as income.
- (3) The receipt of a wage advance for the travel costs of a new employee shall not affect the determination of whether subsequent payments from the employer are from a new source of income, nor whether a household shall be considered destitute.

(c) Households whose income is averaged on an annual basis, or which is averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before the branch determines whether a household is destitute. If the averaged income does not come from a new or terminated source and is assigned to the month of application, the household shall not be considered destitute.

(d) The procedures in subsections (a) to (c) apply at initial application only. Subsequent certifications shall reflect the retrospectively budgeted income. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(e)(3))