

**Policy Clarifications - Food Stamp  
PFS13637512**

**Submitted: 3/20/07**

Agency: CAOs

Citations: [FSH 512.1](#); [503.44](#)

**Subject: Categorical Eligibility and Violation of Probation or Parole**

We have a SSI recipient who is receiving FS as a one person household. The caseworker was just informed the the recipient is on probation and considered to be non-compliant because she is not current with her payment plan. Is the household still categorically eligible for Food Stamps? FSH 512.1 does not list probation violations as an exception.

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**Response By: Barbara Hummel**

**Date: 4/10/07**

The question actually involves two issues: categorical eligibility and violation of probation and its effect on eligibility for FS. Categorical eligibility applies when all household members receive cash assistance or SSI, and categorical eligibility means that because of their assistance or SSI status, the household meets income and resource limits and certain other requirements, such as enumeration.

Categorical eligibility does not exempt an individual from requirements regarding probation violations. According to regulations at 7 CFR 273.11(n), "Individuals who are violating a condition of probation or parole under a Federal or State law shall not be considered eligible household members." Therefore, the individual is ineligible as long as the court or probation officer verifies that payment is a condition of probation or parole and the individual is non-compliant with the payment plan. However, if the individual can verify a current payment plan exists, he would remain eligible for food stamp benefits.

If the CAO determines that the client is violating a condition of probation or parole, then the one person household is not eligible for FS. Please refer to [PFS-12360-503](#) and [PFS- 12359-503](#) for information regarding probation violations.