

DATE: April 25, 2023

OPERATIONS MEMORANDUM #23-04-06

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Big Rule and Acting on Unclear Information

TO: Executive Directors

FROM: Tanoa Fagan
Director
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PURPOSE

To inform County Assistance Offices (CAOs) of the policy related to unclear information received during the certification period. This policy is effective immediately.

BACKGROUND

Beginning with the 2008 Farm Bill, the United States Department of Agriculture's Food and Nutrition Service (FNS) has provided continuous updates to policies regarding what information must be reviewed, when, and what changes can be made during certification periods. In 2017, FNS published a final rule entitled "SNAP: Eligibility, Certification, and Employment and Training Provisions of the Food, Conservation, and Energy Act of 2008", also known as the "Big Rule". Since that time, several other policy documents and question and answer publications have been provided to states to address unclear information, including a definition of unclear information and the steps states must follow when addressing this type of information.

DISCUSSION

What is unclear information?

Per FNS guidance, unclear information is information that is not verified, or information that is verified, but requires additional information to act on the change appropriately. Unclear information applies to electronic sources and any information received from a third party.

The CAO can only act on unclear information by sending a request for contact/verification to households if:

- The information is less than 60 days old; AND,
- If accurate, the information is something the household must report to the CAO based on whether the household is in simplified reporting (Semi-Annual Reporting (SAR) household) or change reporting (non-SAR household). (See [FSH 570.2](#) for the reporting requirements for SAR and non-SAR households).
Or:
- The unclear information appears to present significantly conflicting information from what was used at the time of application, renewal, or SAR.

If a household reports a change to the CAO outside of the SAR form or renewal, the CAO must act on the reported change.

For example, if a household reports and verifies that a new individual has joined the household but does not provide any information regarding the new individual's income, the CAO will need to contact the household before they can add the individual to the household and change the SNAP benefit amount. If the household provides the new individual's income, they will update the case. If the household does not provide the necessary verification, the case can be closed for failure to provide requested information. The household reported this information not a third party or electronic data source, therefore this is not considered unclear information.

When should a request for contact/verification be sent?

If the CAO receives unclear information from a third party or electronic data source that is less than 60 days old, and the information received indicates that there has been a change in household circumstances that the household should have reported (per SAR or non-SAR reporting requirements) the CAO will send a request for contact/verification.

If the unclear information indicates that there was a change in household circumstances, but the household was not required to report the change, the CAO will follow up on the information with the household at its next SAR or renewal, whichever is sooner.

The CAO should also send a request for contact/verification at any time, regardless of whether the information is more or less than 60 days old, if the unclear information appears to present conflicting information about household circumstances from what the CAO used at the time of certification.

The CAO may follow up with a household requesting they provide information on a voluntary basis if the information would result in an increase in benefits. If the household does not respond to the request, the CAO will address the information with the household at the next SAR or renewal, whichever is sooner.

SAR households do not have to report when a person gets a new job but do have to report if the household's income exceeds 130 percent of the Federal Poverty Income Guidelines; therefore, the CAO will not send a request for contact/verification when a new hire hit match is received during the certification period and will address the information at the next SAR or renewal, whichever is sooner. It is not an error if a request for contact/verification is sent, but the CAO must not close the case if the household does not respond.

The CAO will send a request for verification to non-SAR households when a new hire hit match is received during the certification period since these households must report a change in jobs. If the household fails to respond/provide verification, the CAO will send an advanced notice to close the case.

Example #1: A new hire hit is received for a SAR household and is less than 60 days old. This information is considered unclear information and a request for contact/verification should not be requested. The CAO will clear the hit, narrate the action, and review the information at the next SAR or renewal.

Example #2: A new hire hit is received for a non-SAR household and is less than 60 days old. This information is considered unclear information and a request for contact/verification should be requested as non-SAR households are required to report a change in jobs. If the household does not respond to the request for verification (allowing at least 10 days to respond), the CAO will send an advance notice to close using reason code 042.

Example #3: The CAO receives an exchange 11 hit for lottery winnings for a SAR household. The information is more than 60 days old and is considered unclear information. A request for contact/verification should not be requested. The CAO will clear the hit, narrate the action, and review the information at the next SAR or renewal.

If the household is a non-SAR household, this information is not required to be reported if the household does not have an applicable resource test. The CAO will clear the hit, narrate, and review the information at the next renewal. If the household does have a required resource test, verification would only be requested if this information is less than 60 days old or the lottery lump sum payment along with other resources, exceeds the resource limit.

Example #4: The CAO receives information from a third party that is older than 60 days, for a SAR household stating a clients income increased by \$200 a month. This information is considered unclear information because it is older than 60 days or does not result in the household becoming ineligible based upon gross income limit, a request for contact/verification should not be requested. The CAO will narrate the information received from the third party and review the information at the next SAR or renewal.

If the household is a non-SAR household even though an increase in income of \$125 is required to be reported, this information is considered unclear information and is older than 60 days; therefore, a request for contact/verification should not be requested. The CAO will narrate the information received from the third party and review the information at the next client contact.

Operations Memorandum (Ops Memo) 12-02-04 explains the policy and procedure for residency review based on out-of-state Electronic Benefits Transfer (EBT) usage. With the issuance of this Ops Memo, the procedure for SAR households has changed since the out-of-state EBT usage report is considered unclear information. The out-of-state usage report for SAR households should only be reviewed at SAR and renewal. The CAO should continue to review non-SAR households that are on the out-of-state usage report and follow the procedure outlined in Ops Memo 12-02-04.

Example #1: A household is on the out-of-state usage report and is a SAR household. The CAO can send a verification request for the household to clarify their residency and/or explain the out-of-state usage. However, if the household does not respond, the CAO will not close the case. The CAO will narrate a request for verification was sent and review at the next SAR or renewal with the household.

Example #2: A household is on the out-of-state usage report and is a non-SAR household. The CAO will request verification from the household, and if the household does not respond, the CAO will send an advanced notice to close the household because non-SAR households must report a change of address. The CAO will narrate the action taken.

The rules for sending a request for contact/verification apply to any information received via electronic or other means that is not considered verified upon receipt. The following exchanges are not considered verified upon receipt:

- Exchange 1 – exception: TALX data is considered verified upon receipt
- Exchange 4
- Exchange 5
- Exchange 8
- Exchange 9
- Exchange 10
- Exchange 11

See IEVS/SAVE/PASCES desk guide for details on each exchange and action that should be taken.

Exception: If the CAO receives an exchange 8 (deceased person match) or an exchange 10 (CJIS) match, the CAO must send a request for contact/verification to the household regardless of whether they are considered a SAR or non-SAR household. The request will clearly explain that the CAO received an electronic

match (for either a deceased person or an incarcerated person) and what information the household must provide and the consequences of failing to respond to the notice. The CAO should include this language on the request for contact/verification.

- For SAR households: If the household does not respond to the request for verification of the notice of match results or does respond but fails to provide sufficient information to clarify its circumstances, the CAO will remove only the individual for whom the electronic match was received from the SNAP household and adjust benefits accordingly. The CAO should issue a notice of adverse action and narrate the reason for the action taken.
- For non-SAR households: If the household does not respond to the request for verification of the notice of match results or does respond but fails to provide sufficient information to clarify its circumstances, the CAO will issue a notice of adverse action that terminates the case and narrate the reason for the action.

NOTE: When the CAO receives information for a SAR household that needs to be reviewed at the next SAR or renewal, the CAO should create a Workload Dashboard alert and set the due date for the next SAR or renewal, whichever is sooner, as a reminder to review this information.

NEXT STEPS

1. Share this information with all staff.
2. Direct all questions to your Area Manager.
3. This Ops Memo is in effect until further notice.