

This Chapter contains the policy for Supplemental Nutrition Assistance Program (SNAP) benefits, WV WORKS and all Medicaid coverage groups. It is used to determine who receives the benefit, whose income assets are counted and whose needs are considered. The income/assets of all persons in the Income Group (IG) is compared to the income/asset limits for the number of persons in the Needs Group (NG). This comparison determines if those in the Assistance Group (AG) are eligible to receive the benefit.

## 9.1 SNAP ELIGIBILITY DETERMINATION GROUPS

### A. THE ASSISTANCE GROUP (AG)

#### 1. Who Must Be Included

The SNAP AG must include all eligible individuals who both live together and purchase and prepare their meals together. Exceptions are listed below.

An individual cannot be a member of more than one SNAP AG in any month.

**EXCEPTION:** Residents of shelters for battered persons. See Chapter 14.

When an individual, who is included in an AG, is absent or is expected to be absent from the home for a full calendar month, he is no longer eligible to be included in the AG, and must be removed after proper notice.

The following shows the make-up of a SNAP AG.

#### a. Individuals Living Alone

These individuals are an AG.

#### b. Individuals or Groups of Individuals Living With Others

##### (1) Purchase and Prepare Together

A group of individuals who live together, and for whom food is customarily purchased and prepared together, is an AG.

Customarily is used to mean over 50% of meals on a monthly basis. See item (2) below for exceptions.

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## (a) Boarders

If the AG so requests, an individual or group of individuals to whom a household furnishes lodging and meals and who pays a reasonable monthly payment for board (lodging and meals), may receive SNAP benefits as part of the AG with which he lives. See item 2,c below for determining boarder status.

An individual or group of individuals to whom a household furnishes lodging and meals, but who pays less than a reasonable amount is not considered a boarder and is included with the same AG as the person who provides the room and board.

## (b) Elderly and Disabled Individuals

Although a group of individuals living together and purchasing food and preparing meals together would constitute a single AG as defined in item (1) above, an individual who meets all of the following criteria may have himself, his spouse and children under age 22 considered a separate AG.

- At least one AG member is at least 60 years old; and
- Is unable to purchase and prepare meals. He must be unable to purchase and prepare meals because he suffers from a disability listed on the Social Security Administration's most current Listing of Impairments – Adult Listings (Part A), or suffers from some other severe, permanent physical or mental disease or non-disease-related disability.

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The gross non-excluded income of the others with whom the individual resides, excluding the individual's own income and the income of his spouse and children, cannot exceed the amount shown in the E & D column of Appendix A of Chapter 10. The individual, his spouse and children are not included in the total count of those residing together, when comparing gross non-excluded income to the amount in column E & D. Only income not normally excluded from consideration for the SNAP Program is used to determine the gross income compared to the E & D column amount.

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The individual who meets these three requirements and his spouse and children under age 22 may be a separate AG, even if living with and purchasing and preparing food with others. The disability must be verified by a licensed medical professional, unless it is obvious to the Worker. See Section 12.15.

(2) Purchase and Prepare Separately

Individuals or groups of individuals living with others, but who customarily purchase food and prepare meals separately, are an AG.

Customarily purchasing and preparing food separately means that, during the certification period, the client actually purchases and prepares his food separately from the others in the household over 50% of the time, except for an occasional shared meal. This occasional sharing of food does not interfere with his separate AG status.

**EXCEPTION:** The following individuals who live together must be in the same AG, even if they do not purchase and prepare meals together.

- Spouses are individuals who are legally married to each other under provisions of state law or those moving to West Virginia from states that recognize their relationship as a legal marriage.

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- Children Under Age 18, Not Living With a Parent

Children under age 18 who live with and are under the parental control of an adult AG member who is not a parent, must be in the same AG as the member who exercises parental control.

- Children Under Age 22, Living With a Parent

Natural or adopted children and stepchildren who are under 22 years of age and who live with a parent must be in the same AG as that parent.

There is no required maximum/minimum amount of time the child must spend with a parent for the child to be included in the SNAP AG. If no one is receiving any SNAP benefits from the Department for the child, it is assumed that the living arrangements are not questionable and the child is added to the SNAP AG that wishes to add him. If the child is already listed in another SNAP AG or the other parent wishes to add the child to his SNAP AG, the parents must agree as to where the child “lives” and, ultimately, to which SNAP AG he is added. Where the child receives the majority of his meals, or the percentage of custody must not be the determining factor in which parent receives SNAP for the child.

2. Who Cannot Be Included

The following individuals who reside with an AG are not considered AG members or are ineligible to be included in the AG. See The Income Group (IG) below for treatment of these individuals' income.

a. Those Who Do Not Purchase and Prepare Food Together

Other individuals who share living quarters with the AG, but who do not customarily purchase and prepare food with them are not included in the AG. These individuals may apply as a separate

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AG. However, the exceptions described in item 1,b,(2) above must be considered.

b. Roomer

An individual or group of individuals to whom a household furnishes lodging for compensation, but not meals, is considered a roomer. This individual or group of individuals may be a separate AG.

c. Boarder

(1) Commercial Boarding Houses

Residents of commercial boarding houses that are licensed to offer meals and lodging for compensation with the intent of making a profit, are not eligible to participate in SNAP.

(2) Household Boarding

An individual or group of individuals to whom a household furnishes lodging and meals and who pays a reasonable monthly payment for board, can not participate in the SNAP Program independently, but may receive SNAP benefits as part of the AG with which he lives, if the AG so requests. If the AG does not wish to include the boarders, they are considered non-AG members, and may not receive benefits as a separate AG.

To be considered a boarder, it is necessary to determine if an individual pays a reasonable monthly payment for board. A reasonable monthly payment is defined as one of the following.

- More than two meals daily: An amount equal to or exceeding the maximum monthly coupon allotment for the appropriate size of the boarder AG; or
- Two meals or less daily: An amount equal to or exceeding two-thirds of the monthly coupon allotment for the appropriate size of the boarder AG.

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## (a) Foster Children

Foster children and children for whom guardianship payments are made under any state's demonstration project, are considered boarders, regardless of the amount of monthly payment. They may be included or excluded, depending upon the AG's wishes.

## (b) Those Who May Not Be Boarders

The following individuals cannot be considered boarders and may not constitute a separate AG.

- The spouse of a member of the household
- Children and parents of a member of the AG, even if the child is age 22 or over
- Individuals furnished meals and lodging, but paying less than a reasonable amount. These individuals are considered members of the same AG as the person who provides room and board.

The following individuals cannot be considered boarders, but may constitute a separate AG.

- Individuals furnished only meals and not residing with the household, regardless of the amount paid for meals.

## d. Live-in Attendants

Individuals who reside with an AG to provide medical, housekeeping, child care or other similar personal services may be a separate AG. If the live-in attendant is a relative, other than a parent or child, who moved in with the AG to provide these services, the individual is considered a live-in attendant. If the relative lived in the home prior to the need for these services or would live with the AG whether or not the services were provided, the attendant is considered a member of the AG.

**NOTE:** The exceptions in item 1,b,(2) above take precedence over the live-in attendant policy.

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## e. Ineligible Aliens

Individuals who do not meet the citizenship or eligible alien status are ineligible to participate in the Program and may not be a separate AG. When an individual indicates inability or unwillingness to provide documentation of alien status, that client is classified as an ineligible alien. The income of the ineligible alien is deemed and expenses are prorated according to Section 10.4. Eligibility is determined for the remaining eligible AG members. See Chapter 18. Once the Worker determines that the individual is an ineligible alien and would normally be included in the AG, no additional status, such as student, is determined.

**EXAMPLE:** An ineligible alien lives with her 15-year old child who was born in the U.S. and is a citizen. The alien is attending college and does not meet an exception to the student policy. Her countable income and assets are deemed according to the policy for ineligible aliens.

## f. Students

Unless certain exemptions are met, otherwise eligible individuals who meet the SNAP definition of a student are ineligible to participate in the Program and may not be a separate AG.

It is first necessary to determine if any member of the SNAP AG is considered a student as found below in item (1).

For individuals determined to be students, participation in the SNAP Program is limited to those students who meet the criteria in item (2) below.

**NOTE:** Any student who lives in a dormitory operated by the school and receives the majority of his meals from the school is ineligible to participate in the SNAP Program regardless of whether or not he meets an exception to the policy in this item. See Section 8.2.

## (1) Determination of Applicability of the Student Policy

If a member of the SNAP AG is a student and meets any one of the following criteria, he is not considered a student for SNAP purposes, and eligibility is determined as for



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any other individual. He does not have to meet one of the exceptions to the restriction on student eligibility in item (2) below in order to qualify.

An individual is not considered a student if:

- He is under age 18.
- He is age 50 or over.
- He is physically or mentally unfit for employment. An individual who meets the definition of disability found in Section 12.15 is considered unfit for employment. Other individuals may be considered unfit for employment if it is verified through a written statement from a licensed medical professional or if it is obvious to the worker. An individual who meets the definition of unfit for employment, but not disability, should not be coded as disabled in the eligibility system.

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- He is attending high school.
- He is attending school less than half-time.
- He is enrolled full-time in a school or training program which does not meet the definition of an institution of higher education. Vocational schools which are a substitute for high school are not considered institutions of higher education.

An institution of higher education is a business, technical, trade or vocational school that normally requires a high school diploma or its equivalent for enrollment in the curriculum or a college or university that offers degree programs whether or not a high school diploma is required for a particular curriculum. For this definition, a college includes a junior, community, 2-year or 4-year college.

- He is participating in an on-the-job training program. This does not include the practical experience requirements which may be part of some courses of study, i.e., student teaching, internships, etc.

A person is considered to be participating in on-the-job training, and thus not considered a student, during the period of time that he is being trained by the employer. During the period of time that he is only attending classes, he is considered a student.

**EXAMPLE:** Mr. A is in a program which requires that he attend classes full-time at an educational institution for 10 weeks and then be trained by an employer for an additional 10 weeks. Mr. A is considered to be participating in on-the-job training only during the latter 10-week period. During the 10-week period Mr. A is only attending classes, he is considered a student.

Any other student must meet one of the exceptions to the restriction on student eligibility in item (2) below to qualify for SNAP benefits.

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## (2) Students Eligible to Participate

Students who meet one or more of the following criteria are eligible to participate, provided all other eligibility factors are met:

- The student is employed at least 20 hours per week or 80 hours a month, and is paid for the employment.

Unlike normal work registration, a student cannot substitute wages equivalent to 20 times the minimum hourly wage, but must actually work at least 20 hours a week or 80 hours a month, regardless of the amount of wages.

However, self-employed persons must be employed at least 20 hours per week or 80 hours a month, and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours or monthly earnings equal to the federal minimum wage multiplied by 80 hours.

- The student is participating in a state- or federally-financed CWS program during the regular school year. Participation means that the student has been approved for CWS during the school term and anticipates actually working during that time. To qualify for this exception, the student must be approved for CWS at the time of application. The exception begins with the month in which the school term begins or the month CWS is approved, whichever is later. Once begun, the exception continues until the end of the month in which the school term ends, or it becomes known that the student refused an assignment. The exception is lost between school terms when there are breaks of a full month or longer for which CWS has not been approved.
- The student is included in a WV WORKS payment.
- The student is assigned to or placed in an institution of higher education through one of the following. The exception is lost during summer breaks or any other time the student is not in school. The individual's status need not be mandatory for the exception to apply.

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- The SNAP Employment and Training Program (SNAP E&T)
  - Workforce Investment Act (WIA)
  - Section 236 of the Trade Act of 1974
  - An employment and training program for low-income households that is operated by a state or local government when one or more of the program's components is at least equivalent to SNAP E&T.
- The student has the principal responsibility for the care of a child who meets certain criteria. No more than one person may be responsible for the care of each child.

There are three separate exceptions detailed below and followed by a summary chart.

- The student is the natural, adoptive, or stepparent of and is responsible for the care of an AG member under the age of 6.
- The student is the natural, adoptive, or stepparent of and is responsible for the care of an AG member who has reached the age of 6 but is under age 12 and adequate child care is not available to enable the student to attend class and satisfy the 20-hour work requirement or participate in a state- or federally-financed CWS program during the regular school year.
- The student is the single parent (natural, adoptive, or stepparent), regardless of marital status, and is responsible for an AG member under age 12, regardless of the availability of adequate child care, and is enrolled full-time, as defined by the institution.

This applies in situations where only one natural, adoptive or stepparent, regardless of marital status, is in the same AG with the child.

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<b>Student is Responsible for Child Age:</b>	<b>2 Parents in the AG</b>	<b>1 Parent in the AG</b>
Birth to 6	Eligible – Exception Met	Eligible – Exception Met
Who has reached age 6 but is under age 12, adequate child care not available	Eligible – Exception Met *	Eligible – Exception Met *
Who has reached age 6 but is under age 12, adequate child care is available	Ineligible – Exception Not Met	Eligible – Exception Met

\* The Worker must determine on a case-by-case basis whether or not the parent who is not a student or the student’s spouse who is an AG member is available to provide adequate child care.

Paternity does not have to be established to qualify as a father for these purposes. Only when the adults involved do not agree about the paternity of the child is any verification of paternity required.

If no natural, adoptive or stepparent is in the AG with the child, another full-time student in the same AG as the child may qualify for this exception, if he has parental control over the child.

See Student Eligibility Example below for examples of student AG composition.

(3) Definition of Enrollment and Participation

A student is considered to be enrolled the day he is scheduled to begin classes. Enrollment, for the purpose of being enrolled in an institution of higher education, is defined as continuing during periods of vacation or recess. Students eligible during the school year continue to be eligible, providing all other eligibility factors are met, during the summer months. Students not eligible during the school year remain ineligible during vacation periods, unless they actually obtain work or meet other criteria outlined in item (2) above to determine student eligibility. Students who fail to maintain continuous enrollment status, or who do not intend to register for the normal school session, excluding summer

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school, lose their student status and have the same eligibility requirements as any other SNAP client.

g. Individuals Excluded by Law

Persons who are excluded by law as found below are ineligible and may not be a separate AG. The periods of ineligibility are also found below:

(1) Receipt of simultaneous multiple benefits as determined by an ADH or conviction in a state or federal court, due to a fraudulent statement with respect to identity or place of residence.

- Excluded for 10 years.

(2) The individual is a fleeing felon. The individual is considered to be a fleeing felon only when a federal, state, or local law enforcement officer acting in an official capacity presents an outstanding felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes to obtain information on the client: Escape (4901), Flight to Avoid (prosecution, confinement, etc.) (4902), Flight-Escape (4999).

- Ineligible while identified in this category.

(3) The individual is a violator of probation or parole. The individual is considered to be a violator of probation or parole only if both of the following circumstances apply:

a. Another agency or court determines that the individual violated a condition of his probation or parole imposed under Federal or State law

b. Federal, State, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole. In order for the law enforcement authorities to be considered actively seeking the individual to enforce the conditions of the probation or parole, one of the following three criteria must be met:

- A Federal, State, or local law enforcement agency submits a request for information from the DHHR and informs the DHHR that it intends to arrest an individual for a probation or parole violation within 20 days of the date that the law enforcement agency submitted its request.

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- A Federal, State, or local law enforcement agency presents a felony arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes to obtain information on the client: Escape (4901), Flight to Avoid (prosecution, confinement, etc.) (4902) and Flight-Escape (4999).
- The DHHR requests information regarding whether or not an individual is a probation or parole violator from a Federal, State, or local law enforcement agency, and that agency states that it intends to arrest the individual for a probation or parole violation within 30 days of the date the DHHR requested the information.

The worker must give the law enforcement agency 20 days to respond to the request. If the law enforcement agency does not respond timely, the client is not considered to be a probation or parole violator until a response is received from the law enforcement agency. If the law enforcement agency states that it does not intend to arrest the individual within 30 days of the date of the DHHR's request, then the client is not considered to be a probation or parole violator. If the law enforcement agency does intend to arrest the client within 30 days, then the worker will follow-up with the law enforcement agency after the 30 day period has expired. If, at that time, the law enforcement agency states that they did attempt to arrest the individual, then the worker will take appropriate action to deny, decrease, or close the SNAP benefits at that time. If the law enforcement agency, after the 30 day period has expired, has not taken action to arrest the client, then the client is not considered to be a probation or parole violator. Case comments must be made to document that the client had not been arrested.

Note: The worker must act on the case timely while awaiting verification of whether or not a client is a probation or parole violator. If the verification is not received within the processing time frames, the client must not be considered a probation or parole violator when action is taken to approve or deny the SNAP benefits. If verification is later received that the

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individual is a probation or parole violator, then appropriate action would be taken to update the case.

- Ineligible while identified in this category

- (4) Trafficking in SNAP benefits prior to 9/22/96, for an amount less than \$500, which resulted in a conviction, an agreement which results in a court finding, rather than a conviction or a signed disqualification agreement. See item i below for trafficking SNAP benefits for a controlled substance.
  - Permanent exclusion.
- (5) Convicted after 9/22/96 of trafficking in SNAP benefits involving \$500 or more.
  - Permanent exclusion.
- (6) Convicted of a felony offense which occurred after 8/22/96 which involved an element of the possession, use or distribution of a controlled substance as defined by section 802 (6) of the Controlled Substance Act.
  - Permanent exclusion.



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## h. Intentional Program Violation (IPV)

Persons who have been found guilty of an IPV are disqualified as follows:

- 1st offense: 1 year
- 2nd offense: 2 years
- 3rd offense: Permanent

## i. Trafficking SNAP Benefits for Controlled Substances

Persons found by a federal, state or local court to have exchanged SNAP benefits for a controlled substance, when the trafficking offense does not meet the criteria in item f, as excluded by law, are disqualified as follows:

- 1st offense: 2 years
- 2nd offense: Permanent

This penalty does not require a court conviction, but may also be imposed when there is an agreement which results in a court finding.

## j. Enumeration

Persons who fail to meet the enumeration requirements as found in Chapter 8 are ineligible until compliance.

## k. Unborn Children

The AG cannot receive SNAP benefits for an unborn child.

## l. Work Requirement Sanctioned Individuals

Persons against whom a sanction is imposed for failure to comply with work requirements found in Chapter 13 may not be separate AGs, even when living with others not affected by the sanction.

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## m. Recipients in Another State

Individuals may only receive SNAP benefits from one state in any month. Therefore, individuals who have already received or will receive SNAP benefits in another state are ineligible to be included in a SNAP AG in WV for that same month.

## n. Able-Bodied Adults Without Dependents (ABAWD)

For any AG listed above, any individual who meets the definition of an ABAWD below and who is normally required to be included in the AG, can only receive benefits when he is otherwise eligible and:

- Is meeting an exemption listed in item (2) below; or
- Is meeting the work requirements outlined in item (3) below; or
- or
- Is residing in a Non-Issuance Limited County (NILC); or
- Is in the first 3-month limit period while not meeting the ABAWD work requirement or being exempt; or
- Regains eligibility after meeting the ABAWD work requirement; and
- - o Is in the second 3-month limit period; or
  - o Becomes exempt; or
  - o Moves to an NILC.

## (1) Definition of ABAWD

An ABAWD is any individual who is age 18 or older, but not yet age 50. An individual who turns 18 becomes an ABAWD in the month following their birthday. An individual is no longer an ABAWD in the month of their 50<sup>th</sup> birthday.

## (2) Exemptions

SNAP benefits received while exempt do not count toward the 3-month limit. An individual is exempt if he:

- o Receives SNAP benefits in the SNAP AG that contains an individual under the age of 18, even if the household member who is under 18 is not eligible for SNAP himself.
- o Is responsible for the care of an incapacitated person, whether or not the person receiving the care resides with the client and whether or not the incapacitated

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person is a member of the AG. The incapacity of the person must be verified through a written statement from a doctor, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, or a licensed or certified psychologist. The act of caring for an incapacitated person must prevent the client from being able to complete a work activity. If questionable, written verification is required; or

- Is receiving UCI as the result of registering with an unemployment office, including those registering out of state; this includes persons receiving benefits under the Trade Readjustment Act (TRA); or
- Is certified as physically or mentally unfit for employment according to the provisions in Section 12.15; or
- Is receiving VA disability income, of any percentage as part of being declared disabled by the VA; or
- Is a pregnant woman, regardless of the expected date of delivery; or
- Is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program when the participation in this program would prevent the individual from meeting the work requirement or participating in an employment/training program the required number of hours; or
- Is a student enrolled at least half-time in any recognized school, training program or institution of higher education. Students enrolled at least half-time in an institution of higher education must still meet the student eligibility requirements found in item f.(2) above to be eligible for SNAP; or
- Is hired for work at least 30 hours per week; or
- Is hired for work paying the equivalent of at least 30 hours times the federal minimum wage per week.
- Is the recipient of a 15% exemption through the Division of Family Assistance. For any month in which a 15% exemption has been granted, a case comment will be entered into eRapids.

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These exemptions qualify the individual to participate immediately, if otherwise eligible, regardless of how many months of benefits he has already received. These exemptions are only from the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 13.

While the individual is exempt, he is not required to regain eligibility by completing any work hours to become eligible again. However, receiving SNAP benefits while meeting an exemption does not qualify the individual for the additional 3-month period specified in item (7) below until he has worked 80 hours in 30 days or participated in a work or training program for a month, should he no longer meet an exemption.

**NOTE:** When exempting ABAWDs due to participating in a drug addiction or alcoholic treatment and rehabilitation program, the worker must evaluate the number of hours the customer must commit to the program to determine if the individual is exempt.

**EXAMPLE:** An ABAWD attends a methadone clinic once a month for a total of two hours in order to refill a methadone prescription. The client does not attend any additional counseling or treatment. This drug addiction treatment and rehabilitation program does not prevent the client from meeting the work requirements or participating in an employment or training program.

**EXAMPLE:** An ABAWD enters a specialized hospital for treatment for addiction. As part of the program, the client is expected to live at the hospital and receive treatment for the next 30 days. Since the client is enrolled in a program that does not allow the client to leave the hospital, this program prevents the ABAWD from meeting the work requirements or participating in an employment or training program.

(3) ABAWD Work Requirement

**NOTE:** All SNAP work requirements in Chapter 13 also apply to ABAWDs.

An ABAWD must meet the following ABAWD work requirements in addition to the SNAP work requirements in Chapter 13 to be eligible. For ABAWD purposes only, work

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is defined as any activity performed for monetary compensation, for in-kind services, or unpaid work. All work hours must be verified, including in-kind services and unpaid work. In-kind services are defined as any labor that results in an individual receiving an in-kind income/payment as defined in Chapter 10.1. Unpaid work is labor for an individual outside the AG or organization in which a person would traditionally be paid, but the customer has chosen not to seek payment. See Verification Requirements for Work Requirements found in Chapter 4. As long as an ABAWD is exempt as found in item (2) above or meets either of the 2 requirements below, he may receive SNAP benefits, if otherwise eligible. Otherwise, he is ineligible once he has received SNAP benefits for 3 months without being exempt or meeting the ABAWD work requirement. The 3 months need not be consecutive and includes SNAP benefits received from another state. The ABAWD work requirement is met by either:

- Working at least 20 hours per week or 80 hours a month; or
- Participating in a work program such as, but not limited to, WorkForce Innovation and Opportunity Act (WIOA) or a refugee resettlement program, at least 20 hours per week or 80 hours per month; or
- Participating in a SNAP E&T program the required number of hours. Individuals who do not meet an exemption listed in item (2) above and who are not participating in another program or working 20 hours per week or 80 hours in a month must be referred to the SNAP E&T program. While a client has the ability to not cooperate with the SNAP E&T program, a client may not opt out of the ABAWD work requirement. A client may choose to cooperate with SNAP E&T at any time.

This does not include job search or job search training as part of a work program.

Months in which the client received prorated benefits do not count toward the 3-month limit. In addition, when circumstances change so that an ILC ABAWD, who has been exempt or meeting the requirement, is no longer meeting an exemption or the work requirement, the first full countable month would be the month of benefits after the exemption ended.

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**EXAMPLE:** An ABAWD who works 25 hours per week loses his job the second week of February. February is not counted toward his 3-month limit.

**EXAMPLE:** An ABAWD applies on January 15 and is approved for a prorated allotment. January is not counted towards his 3-month limit.

(4) Issuance Limited Counties (ILC) and Non-Issuance Limited Counties (NILC)

The following are ILC counties and the only ones in which the 3-month limit applies.

Berkeley	Harrison	Kanawha	Monongalia	Putnam
Cabell	Jefferson	Marion	Morgan	

All other counties are NILC.

**NOTE:** When an NILC becomes an ILC, the first month of the customer's 3-month limit is the month in which the county becomes an ILC.

(5) Determining the 36-Month Period

For all individuals, regardless of the county or state of residence, the first 36-month period will begin January, 2016.

Once the 36-month period begins, it remains fixed, regardless of the ABAWD recipient's status or the county or state of residence. While receiving SNAP months without being exempt or meeting the work requirement in another state counts towards the customer's 3-month limit in West Virginia, the worker should only count such months within the current 36-month period.

(6) Regaining Eligibility

An individual whose benefits are denied or terminated under the ABAWD policy can become eligible again when:

- He no longer meets the definition of an ABAWD; or
- He resides in an NILC; or

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- He is currently meeting the ABAWD work requirement as specified in item (3) above; or
- He becomes exempt as specified in item (2) above; or

**NOTE:** Individuals who regain eligibility by one of the above methods must maintain eligibility monthly by continuing to meet the ABAWD work requirement in item (2) above, by continuing to be exempt, by residing in an NILC or by failing to meet the definition of an ABAWD.

- He has worked 80 hours in a 30-day period or he participates and meets the hour requirements within a 30-day period in employment or training activities.

**NOTE:** Only individuals who have regained eligibility in this manner qualify for the additional 3-month period described in item (7) below.

- (7) Qualifying for an Additional 3-Month Period Without Meeting the Work Requirement or Being Exempt.

When eligibility is regained by having worked 80 hours in a 30-day period, or by participating for a month in an employment or training program, the individual is eligible to receive SNAP for 3 consecutive months without meeting the work requirement or being exempt. Prorated months do not count toward the 3-consecutive-month limit. This is the last time in the 36-month period that he may be eligible without meeting the work requirement or being exempt.

After this second consecutive 3-month limit expires, he may only become eligible again by complying with the work requirement each month, residing in an NILC, or becoming exempt as specified in item (2) above.

3. Residents Of A Group Living Facility (GLF)

a. Who is An Eligible Resident

A resident of a GLF, as defined in Section 14.2, is eligible when he is:

- Blind; or
- Meets the SNAP program definition of disabled found in Section 12.15.

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**NOTE:** Only the SNAP recipient must meet one of the above requirements, not all of the GLF residents.

If a client receives RSDI, SSI, or any other benefit based on criteria other than disability, and wishes to receive SNAP benefits, he is eligible only if:

- He also meets the definition of disabled found in Section 12.15; or
- It is a requirement that the resident be disabled or blind to reside in the GLF, and the GLF has determined that the aged client meets its definition of disability or blindness; and
- He is a resident of a non-profit Adult Family Care or Personal Care Home approved by the Division of Children and Adult Services.

b. Determining the AG

The residents of a GLF may each be a separate AG or may be combined in one AG, depending on the wishes of the GLF. When the GLF is the authorized representative, the individuals must be approved as one-person AGs. See Section 14.2.

4. Strikers

When the AG includes an individual who is on strike, the AG is ineligible for the duration of the strike unless:

- The AG was eligible for or receiving SNAP benefits the day prior to the strike; or
- The individual who is participating in the strike is exempt from work requirements for any reason other than employment. Refer to Chapter 13.

To determine if an AG containing a striker is eligible, it is necessary to determine pre-strike eligibility and current eligibility. See Section 10.4,D.



## Eligibility Determination Groups

## B. THE INCOME GROUP (IG)

The income group includes all AG members and all individuals who live with the AG and would otherwise be included in the AG if not ineligible, disqualified or excluded by law. This includes ineligible aliens, those excluded by law, disqualified due to an IPV or trafficking SNAP for a controlled substance and those who fail to meet the enumeration requirement. See Section 10.4 to determine how to count the income and deductions.

Ineligible students and individuals who are ineligible due to receipt in another state are not included in the IG.

## C. THE NEEDS GROUP (NG)

The income limit for the number of eligible individuals in the AG is used to determine eligibility and the amount of the benefit.

Normally all AG members are included in one case number. However, some SNAP AG members may be eligible for other benefits which, due to data system limitations, must be issued in another case number.

## D. EXAMPLES OF AG COMPOSITION

## 1. Student Eligibility Examples

**EXAMPLE:** A WV WORKS mother is a student. She has two children. The only income they receive is their WV WORKS check. The student qualifies for an exception to the restriction on student eligibility because she is a WV WORKS recipient.

**EXAMPLE:** In a two-person AG, both the husband and wife are students. They meet none of the exceptions to the restriction on student eligibility, so they are not eligible.

**EXAMPLE:** A man and woman receive WV WORKS and have four children, one of whom is a 21-year-old college student who lives at home. The student meets none of the criteria for an exception to the student policy. The student cannot be included in the SNAP AG, but, if they are otherwise eligible, SNAP benefits can be approved for the husband, wife and the three other children.

**EXAMPLE:** The situation is the same as the previous example, except that the college student is 17 years old. He is eligible to be included in the SNAP AG because he is under age 18 and not subject to the student policy restrictions.

Eligibility Determination Groups

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**EXAMPLE:** A woman, who is a student, wants SNAP benefits for herself and her 10-year-old child. While the student is at school, her mother who lives across town takes care of the child. The student has the responsibility for the care of a dependent child between the ages of 6 and 12. Adequate child care is available, but because the student is a single parent, she qualifies for participation.

**EXAMPLE:** A man, woman and their 10-year-old child apply for SNAP benefits. The woman, who is a student, has principal responsibility for care of the child. While she is in school, her mother, who lives across town, takes care of the child. She is only willing to keep her while she is in classes, but not while she works. The man works and there is no other available child care. The student qualifies to be included due to the lack of adequate child care.

**EXAMPLE:** Same situation as above, except that the grandmother is willing to keep the child for as long as necessary for the woman to work. The exception is not met, so the student cannot receive SNAP benefits.

**EXAMPLE:** A SNAP AG consists of a 10-year-old child, his mother and his stepfather. The stepfather is a full-time student and is primarily responsible for the care of the child due to the mother's disability. The mother is, however, able to look after the child when the stepfather is in school. The stepfather does not qualify for an exception to the student policy based on caring for a child since adequate child care is available. To be included he must meet another exception.

**EXAMPLE:** Same situation as above except that the mother is not able to look after the child when the stepfather is in school. There is no other child care available. The stepfather qualifies for an exception based on having principal responsibility for the care of a child between 6 and 12 without adequate child care available.

**EXAMPLE:** A married woman separates from her husband and she and her daughter move out of the home. The woman is in college full-time, and her mother cares for her 10-year-old child while she goes to school. Because she is a single parent enrolled in school full-time, she qualifies for an exception to the student policy.

## 2. AG Examples

**EXAMPLE:** Miss A, age 20, lives with her parents. She is unmarried, has no children and is employed. She purchases food and prepares her meals separately. However, because she is under age 22, Miss A must be in an AG with her parents.

**EXAMPLE:** Miss B, age 25, lives with her mother. She purchases food and prepares meals separately. Because she is over age 21, and purchases and prepares meals separately, she is a separate AG.

**EXAMPLE:** Same situation as the previous example, except that Miss B purchases food and prepares meals with her mother. Miss B and her mother must be in an AG together.

**EXAMPLE:** Joan C, age 17, is a high school student who is employed part-time. She lives with her aunt, age 36, who exercises parental control over her. Joan and her aunt must be included in an AG together.

**EXAMPLE:** Tom D, age 17, and Tim D, age 18, are brothers. Their parents are deceased and the brothers live together. They purchase and prepare meals separately. They each qualify as a separate AG as they do not live with a parent or any other adult who exercises parental control.

**EXAMPLE:** Helen E, age 27, with 2 children, ages 1 and 2, moves back in with her parents after she is divorced. The grandmother cares for the children and feeds them their meals. The daughter works at night and eats separately. The daughter and her children are an AG, but the grandmother wants the children included with her because she feeds them their meals. Children under age 22 and their parents must be in the same AG, so the two AGs are as follows: grandmother and grandfather in one; daughter and her children in another.

**EXAMPLE:** Mr. F has been laid off. He and his family move in with friends. The friends are providing them all their meals since Mr. F and his family have no income. Mr. F indicates that the only reason they are not purchasing and preparing their food separately from their friends is that

they have no money. Once they receive SNAP benefits, they will purchase and prepare meals separately. They qualify as a separate AG. The Worker may set a control to check with the clients after they begin receiving SNAP benefits to confirm the situation.

**EXAMPLE:** Same situation as the previous example, except that the client indicates his family will continue to purchase and prepare food with his friends, even after receipt of SNAP benefits. The F family and their friends must be in the same AG.

**EXAMPLE:** Mr. and Mrs. G, both age 35, live with Mr. G's mother. They purchase food and prepare meals separately from the mother. Separate AG status is approved.

**EXAMPLE:** Mr. and Mrs. H, ages 27 and 30, live with her elderly and disabled mother. They purchase food and prepare meals together. The elderly and disabled requirements in item A,1,b are met, so two AG's are established: one for Mr. and Mrs. H and one for the elderly and disabled mother.

**EXAMPLE:** Same situation as the previous example, except that the assets of Mr. and Mrs. H exceed the limit. The elderly and disabled mother is still eligible to participate as a separate AG.

**EXAMPLE:** Same situation as the previous example, except that the assets and the income of Mr. and Mrs. H exceed the limits. Neither AG is eligible to participate.

**EXAMPLE:** Grandmother reports that she has moved in with her grandson. He has a good job and does not receive SNAP benefits. She states that she purchases and prepares her meals separate from her grandson. She prepares her meals in the kitchen but takes her meals in her living area.

In the example above, grandmother customarily purchases and prepares her food separate and apart from others. She is a separate AG.

**EXAMPLE:** Same scenario as above but grandmother becomes ill. She can no longer do her own shopping and cooking. She meets the definition of elderly and disabled according to policy. She must depend on her grandson and the housekeeper to purchase and prepare her meals for her. They use her SNAP benefits and money to purchase her food and they prepare her meals. She continues to take her meals in her living area.

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Although grandmother is now dependent on her grandson and the housekeeper to purchase and prepare her meals, she can continue to be a separate AG for SNAP purposes, regardless of the grandsons income, because she had previously established that she customarily purchases and prepares her food separate and apart from others and she continues to do so.

**EXAMPLE:** Same scenario as the first example except that grandmother decided that she liked someone else doing the shopping and cooking and she likes spending meal time with her grandson. Since she no longer purchases and prepares her own meals and she takes most of her meals with her grandson, she no longer meets the criteria of purchasing and preparing her food separate and apart from others.

Under this scenario if grandmother decides that she wants to receive SNAP benefits under the elderly and disabled policy as a separate household, then the Worker must determine if the grandson's income exceeds 165% FPL. If it does then grandmother cannot be considered a separate household for SNAP purposes.

**EXAMPLE:** Mr. I, age 25, lives with his parents and pays them a reasonable amount for room and board. Because of the parent/child relationship, Mr. I cannot be considered a boarder, even though he is over age 21, nor can he be a separate AG. He may be included in an AG with his parents if they so request.

**EXAMPLE:** Mr. L works out of state and comes home on weekends and holidays. When he returns to West Virginia, he stays with his wife and 3 children who receive SNAP benefits. He is not eligible to be included in the AG with his wife and children, because they do not consider that he lives with the AG while he is working. Only the amount of income he makes available to his family is counted as income.

**DUE TO THE DELETION OF**

**MANUAL MATERIAL,**

**PAGES 22 THROUGH 25**

**HAVE BEEN REMOVED.**