2.06 Income Eligibility Requirements

POLICY:

Applicants for WIC benefits will be considered economically eligible if their total income is no higher than one hundred eighty-five (185) percent of the federal poverty income guidelines. The State Agency will announce and transmit revised income guidelines to the Local Agency as changes in the poverty guidelines occur.

PROCEDURE:

A. Definitions

1. **Adjunct Income Eligibility:** Eligibility based on being currently enrolled in another specific program with comparable income guidelines or being a member of a household in which a family member is currently enrolled in an adjunctive/automatic program.

   Documentation requirements for adjunct/automatic income eligibility 246.7(d)(2)(v)(A): The State or local agency must require applicants determined to be adjunctively or automatically income eligible to document their eligibility for the program that makes them income eligible as set forth in paragraph (d)(2)(vi) of this section.

   Automatic income eligibility for the Program is granted for any applicant who documents that he/she is:

   a. Certified as fully eligible to receive SNAP;
   b. Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process to receive TANF, Medicaid or PEIA/CHIP- Gold; or a member of a family that is certified eligible to receive assistance under TANF; or
   c. A member of a family that includes a pregnant woman or an infant certified eligible for Medicaid assistance.
   d. A foster child under the age of five

2. **Adopted Child or Infant:** When a family has an adopted child, or a family has accepted legal responsibility of a child, the child is counted in the family size with whom he/she resides.

3. **Child Support Payments:** Payments considered as income for the family with whom the child lives. The payments cannot be deducted from the income of the

family paying the support. The child for whom support is paid cannot be counted in the household paying the support.

4. **Current Income:** Income of an applicant's family during the thirty (30) days prior to application.

5. **Economic Unit:** A household or economic group of persons who usually live together and share income and the consumption of goods and services purchased as a result of that income.

6. **Family:** Family means a group of related or nonrelated individuals who are living together as one economic unit, except that residents of a homeless facility, an institution, or living in a temporary situation in someone's home shall not all be considered as members of a single family.

7. **Foster Child:** A foster child who is the legal responsibility of the Department of Human Services or other agency is considered a family of one (1) for WIC purposes.

8. **Individual Experiencing Homelessness:** A person experiencing homelessness is defined as a woman, infant, or child who lacks a fixed and regular nighttime residence, or whose primary nighttime residence is:

    a. A supervised publicly or privately operated shelter (including a welfare hotel, a congregate shelter, or a shelter for victims of domestic violence) designed to provide temporary living accommodations;
    b. An institution that provides a temporary residence for individuals intended to be institutionalized;
    c. A temporary accommodation of not more than 365 days in the residence of another individual; or
    d. A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

    If the participant is living in a temporary situation in a shelter or friend's home, they can be considered a **separate household**. For example, a woman with her 2-year-old child would be a household of two. If after 365 days the participant continues to live in the same home, then the entire household is considered a household and the total household income should be used for WIC income screening.

9. **Income:** Gross income before deductions for income taxes, employee's Social Security withholdings, insurance premiums, retirement plans, and wage

garnishment for the calendar year. This includes all money a household receives in actual cash.

10. **Instream:** Migrant farm workers who are currently performing agricultural labor in a particular geographic area. All migrant farm workers in West Virginia are considered instream.

11. **Migrant Farm Worker:** An individual with principal employment in agriculture on a seasonal basis and has been so employed within the last twenty-four (24) months and establishes a temporary abode for the purposes of such employment.

12. **Military Family:** An applicant whose family members include military service personnel is not determined income ineligible because of the temporary absence of one (1) or more military household members. Military personnel serving overseas or assigned to a military base are considered members of the economic unit even though they are not living with their families.

13. **Net Income:** Income from farm and non-farm self-employment determined by subtracting farm or business operating expenses from gross receipts.

14. **Poverty Income Guidelines:** The Poverty Income Guidelines are updated by the U.S. Department of Health and Human Services. The WIC guidelines are a percentage of the Poverty Income Guidelines and are determined by the U.S. Department of Agriculture.

15. **Self-Employment:** Net income is used to determine income eligibility for self-employed persons by subtracting the operating expenses from gross receipts. For farm income, operating expenses may include cost of feed, fertilizer, seed and other farming supplies; cash wages paid to farmhands; depreciation; cash rent; interest on farm mortgages; farm building repairs; and farm taxes (but not State and Federal income taxes). The value of fuel, food or other farm products consumed by the family is not included as an operating expense. For non-farm self- employed persons, operating expenses may include the cost of goods purchased, rent, heat, utilities, depreciation, wages and salaries paid, business taxes (but not personal income taxes). The value of saleable services and merchandise used by the family is not included as an operating expense.

16. **Temporary Absence:** A family member may be considered as part of an economic unit when temporarily absent because of school, training, employment, hospitalization, institutionalization, etc. and the family continues to provide the economic support.

17. **Temporary High Income:** Income which is above a family's normal level because of lump sum payments that represent new money intended for use as income including, but not limited to: gifts, inheritances, lottery winnings, workman's compensation for lost income, severance pay.

18. **Temporary Low Income:** Income which is below a family's normal level because of infrequency or irregularity of employment. Families who may qualify for this category can include: self-employed persons (including farmers or seasonally employed persons whose income fluctuates), a family member who is on a temporary leave of absence from employment (such as maternity leave or extended illness), teachers who are paid on a ten (10) month basis and are temporarily on leave during the summer months, and college students who work only during the summer months and/or through school breaks.

19. **Unemployed Person:** An adult member of a family who is not engaged in a gainful occupation. This may include a person on strike or laid off.

B. Income Sources

Income considered in the determination of economic eligibility:

1. Monetary compensation for services: wages, salary, commission, fees, overtime;
2. Net income from farm and non-farm self-employment;
3. Social Security benefits;
4. Dividends or interest on savings, checking accounts, bonds;
5. Income from estates or trusts or net rental income;
6. Unemployment compensation;
7. Striker's benefits;
8. Government civilian employee or military retirement, pensions, veteran payments;
9. Private pensions or annuities;
10. Alimony or child support payments;
11. Regular contributions from persons living in the household;
12. Net royalties;
13. Student financial assistance not related to educational expenses (room, board, dependent care expenses);
14. Other cash income including, but not limited to, cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family;

15. Lump sum payments that represent new money for use as income including, but not limited to: gifts, inheritances, lottery winnings, workman's compensation for lost income, severance pay;
16. A one-time Rural Benefit Payment from the Post 9-11 GI Bill.
17. State Adoption Assistance Program

C. Income Exclusions

Income not to be considered in determining economic eligibility includes, but is not limited to the following:

1. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Public Law 91-646, Section 216);

2. Payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Services Act of 1973 (Public Law 93-113), Section 404 (g), 42 U.S.C. 5044(g)) to the extent excluded by that Act; includes payment to AmeriCorps Volunteers;

3. Payment to volunteers under Section 8 (b) (1) of the Small Business Act (SCORE and ACE) (Public Law 95-510, Section 101);

4. Payments received under the Job Training Partnership Act (Public Law 97-300, Section 142 (b), 29 U.S.C. 1552 (b));

5. Value of assistance received to children or their families under the National School Lunch Act, the Child Nutrition Act of 1966 and the Food and Nutrition Act of 2008;

6. Payments under the Low-income Home Energy Assistance Act, as amended (Pub. L. 99-125, sec. 504(c), 42 U.S.C. sec 8624(f));

7. Student financial assistance received from any program funded in whole or part under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship programs, which is used for cost. The specified costs set forth in section 472 (1) and (2) of the Higher Education Act are tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including the costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at

least a half-time basis, as determined by the institution. The specified costs set forth in section 472 (1) and (2) of the Act are those costs which are related to the costs of attendance at the educational institution and do not include room and board and dependent care expenses;

8. WIC legislation and regulations provide State agencies the option to exclude certain housing payments and other allowances provided to military personnel in determining WIC eligibility. These include:
    a. Basic Allowance for Housing (BAH)
    b. Family Separation Housing (FSH)
    c. Overseas Housing Allowance (OHA)
    d. Overseas Continental U.S. (OCONUS) Cost-of-Living Allowances (COLA)

9. Military allowances:

    a. Basic Allowances for Housing (BAH) received by military service personnel residing in privatized on or off - base housing. This is indicated on the Leave and Earnings Statement (LES) as: Basic Allowances for Housing (BAH), Family Separation Housing (FSH), or Overseas Housing Allowance (OHA).

    b. Cost-of-living allowance received by military service personnel residing outside the United States. This is indicated on the Leave Earnings Statement (LES) as: Overseas Continental United States Cost of Living Allowance (OCONUS COLA).

    c. Payments received by members of the Armed Forces and their families under the Family Supplemental Subsistence Allowance (FSSA) from the Department of Defense.

    d. Combat pay that is received in addition to the service member’s basic pay; and is the result of the service member being deployed to or serving in an area that has been designated a combat zone; and was not received by the service member prior to deployment to or service in the designated combat zone.

10. Value of in-kind housing and other in-kind benefits (example: food or housing received in lieu of wages).

11. Loans; not including amounts to which the applicant has constant or unlimited access.

12. Payments as a reimbursement for lost assets or injuries such as payments from insurance companies for loss/damage of real or personal property or payments intended for a third party to pay for a specific expense incurred by the household.

13. Payments received by property owners under the National Flood Insurance Program (NFIP).

14. Per diem meal reimbursements that are at or below the Government Services Administration (GSA) allowed standard.

    a. If the amount is above this amount, it will be counted as income.

15. Housing Allowance that is at or below the GSA-allowed standard.

    a. If the amount is above this amount, it will be counted as income.

    b. A temporary and permanent residence must be shown by ownership/lease agreement paperwork. Housing is not counted as income if it is used to pay for a temporary residence that is necessary for current employment outside of the permanent residence area.

D. Implementation of Policy

1. The Local Agency will implement the above policy and definitions for determination of income eligibility based on the most recent revision of income guidelines announced by the State Agency (see **Policy 2.06 Attachment #1**).

2. Income eligibility determination should be a simple process and not present an impediment to participation of the applicant.

3. In situations where eligibility is not clear, WIC personnel will use reasonable judgment.

4. The WIC personnel should contact the State Agency for assistance.

E. Determination of Income Eligibility

1. A family's gross cash income may not be reduced for any reason, including hardships, high medical bills, or childcare payments. The income guidelines contain a built-in standard deduction to account for financial hardships.

2. The family's income during the past twelve (12) months or the family's current (past month) income may be used to determine the best indicator of income. Exceptions include:

    a. **Temporary Low Income/High Income:** Income must be determined over the past twelve (12) months; and

    b. **Unemployed Person:** Income must be determined by reviewing the family's current income during the period of unemployment.

3. Income will be calculated using the same frequency as the payment. For example, income documentation is shown as weekly pay, average and use weekly as the **Crossroads** payment frequency.

F. Economic Unit

1. More than one (1) separate economic unit may reside under the same roof.

    a. Determine the composition and the dependence or independence of each applicant;
    b. An economic unit must have its own source of income;
    c. Decide whether the income is adequate to sustain the economic unit;
    d. Zero income usually means they are part of another economic unit;
    e. Any benefit which is of value but is not provided to the household in the form of cash is not considered income;
    f. The following questions may be asked to help determine if the income is adequate to sustain the economic unit:
        i. Are they responsible for all or a portion of their own expenses and bills?
        ii. What type of income do they receive?
        iii. Who provides food and clothing?
        iv. Are they primarily independent and receive some goods or services or do the goods and services received result from sharing of income with other individuals?

2. In instances where an individual

G. Income Eligibility Guidelines (see Policy 2.06, Attachment #1)

1. An applicant's income amount will be compared with the WIC Program income

eligibility criteria to determine economic eligibility.

2. The source of income will be documented in the **Crossroads Income Information Screen**.

H. Self-Declaration of Income

1. Self-Declaration of income may be used when:

    a. The necessary documentation is not available. (i.e. work for cash)
    b. The applicant has no income. (see **Economic Unit, D.4**)
    c. The income documentation requirement would present an unreasonable barrier to participation (**fire, homeless, theft, migrant farmer, physically cannot obtain**).

2. Such a statement is not required when there is no income (see **Economic Unit, D.4**).

3. When self-declaration of income is used and the applicant meets all other criteria, the applicant will receive WIC benefits for the full certification period.

4. The applicant must sign the **Self-Declaration Form** (see **Policy 2.17, Attachment #1**) stating the income they claim.

    a. The form must be approved by the State Agency;
    b. The form will be scanned into the participant's file on the **Crossroads Income Information Screen.**

5. Household size, self-declaration and income declared must be documented in the Crossroads Income Information Screen.

I. Applicant Hardship

1. Contact the State Agency for guidance with circumstances of undue hardship for applicants to provide documentation of income.

J. Adjunctive Income Eligibility

1. An applicant will be adjunctly income eligible for WIC if the applicant is:

- Certified as fully eligible to receive benefits from SNAP,
- Certified as fully or presumptively eligible for Medicaid or TANF
  - A member of a household that receives SNAP or TANF
  - A member of a household with a pregnant woman or an infant currently on Medicaid
    - If the only household member currently on Medicaid is a child, only that child is adjunctly eligible for WIC.

a. A foster child who remains the legal responsibility of the State and is certified as eligible to receive TANF or Medicaid can never confer adjunct income eligibility to family members. Only the foster child would be adjunctively income eligible for WIC.

b. An infant born to an individual who is enrolled in SNAP or Medicaid, or into a family receiving TANF is considered adjunctively income-eligible without any additional income documentation needed for the infant, as long as the infant is being certified within sixty (60) days of their date of birth.

c. West Virginia CHIP Gold is the only West Virginia Children's Health Insurance Program (CHIP) tier eligible for adjunctive income eligibility.

    i. CHIP Gold eligibility is <150% of the Federal Poverty Level and is funded by Title XXI funds and State funds.

    ii. CHIP Blue eligibility is 150%-211% of the Federal Poverty Level and WIC cannot determine who is at or below 185% of the Federal Poverty Level.

d. Participation in these programs will be documented in the **Crossroads Family Demographics Screen** (foster status) and in the **Crossroads Income Information Screen** (SNAP, Medicaid, TANF, CHIP Gold, etc.). All programs that apply will be marked.

e. Adjunctively eligible applicants must not be denied WIC eligibility based on self-reported income or household size.

    i. Because of minimum data set requirements, the number of persons in the household and a self-reported monthly income for the household must be documented in the **Crossroads Income Information Screen**.
    ii. Only verbal, self-reported income may be requested.

iii. It is prohibited by Federal legislation to count SNAP as household income.
iv. Completion of the **Self-Declaration Form** (see **Policy 2.17, Attachment #1**) for self-reported income is **not** required.

Summary of Adjunctive Income Eligibility

Category of Participant	Program	Eligibility
Pregnant Woman (P)	Medicaid	Entire family
Breastfeeding Woman (B)	Medicaid	Only the Breastfeeding Mother
Non-Breastfeeding Woman (N)	Medicaid	Only the Non-breastfeeding woman
Infant (I)	Medicaid	Entire family
Child (C)	Medicaid	Only the child
Anyone in the household	SNAP (FNS/Food Stamps)	Entire family
Anyone in the household	TANF (Work First)	Entire family

**Note: If the infant's Medicaid eligibility cannot be verified either through online verification (OLV) or available verification documentation, the WIC agency staff may research the mother's Medicaid eligibility during pregnancy. "If Medicaid covers a pregnant woman on the date she delivers, her newborn child may be eligible for Medicaid up to age 1 without a separate application." To verify the mother's Medicaid eligibility using the date of delivery as the date of service, rather than the date on which the income eligibility is being determined.*

***Note: if the person receiving benefits is not among the applicants, OLV cannot be used to verify eligibility. WIC agency staff will need to verify eligibility through other documented means.*

K. Participant Agreement (WIC-05)

1. The applicant determined to be income eligible will sign the **Participant Agreement (WIC-05),** which states that the information provided for WIC eligibility is correct.

2. A copy of the form will be given to the participant, parent/guardian or caretaker during the initial certification; a copy can be requested by the participant, parent/guardian or caretaker at any time.

3. The participant, parent/guardian or caretaker will electronically sign the **Participant Agreement (WIC-05)** at every certification appointment.

L. Notification of Ineligibility

1. An applicant who is found ineligible for the WIC Program because of income eligibility criteria will be given a Crossroads-generated **Notice of Ineligibility** (see **Policy 2.09 Notification of Ineligibility**) and an explanation of their right to request a fair hearing (see **Policy 1.07 Fair Hearing Policy for Applicants and Participants**).

2. A copy of the notice will be scanned into the participant's file.

M. Verification of Certification (VOC) Cards

1. Participants with current VOC cards, including the **minimum** of the participant's name, date of certification and date of certification expiration, will be deemed to meet the Program's income eligibility criteria **(see Policy 2.14 Verification of Certification)**.

2. Participants with expired VOC cards who are not instream migrant farm workers will be considered as new WIC Program applicants.

N. Migrant Farm Workers

1. Instream migrant farm workers and family members with expired VOC cards are income eligible.

2. A migrant farm worker's income must be determined once every twelve (12) months.

3. Members of an instream migrant farm worker family that have met the income eligibility, either in the migrant's home base before the migrant has entered the stream for a season, or in an instream area during the agricultural season, will meet income criteria for any subsequent certification while the migrant is instream during the twelve (12) month period following determination.

O. Family Size Increase for Pregnant Applicants

1. When a pregnant applicant does not meet income eligibility requirements based on her current family size, income will be reassessed for eligibility based on a family size increased by one (1) or by the number of expected multiple births (as recorded on proof of pregnancy).

2. This also applies for categorically eligible members of her family.

3. The reassessment is not required in cases where increasing a pregnant woman's family size conflicts with her cultural, personal or religious beliefs.

4. The family size in the **Crossroads Income Information Screen** will be modified to determine eligibility.

P. Income Changes During a Certification Period

1. Collection of income changes from a participant during a certification period is not required.

2. Likewise, a WIC participant is under no obligation to report changes of income during a certification period.

3. An individual determined to be adjunctively income eligible will not be disqualified during the certification period solely on the basis of a determination that they are no longer certified as eligible to participate in TANF, Medicaid, or SNAP.

4. WIC personnel must follow up on information brought to their attention that a WIC participant may not be income eligible. If such a participant is found to exceed income eligibility, all participating members of the family will be terminated during the certification period.

5. If a participant is found to be income ineligible at the time of certification, all participating members of the family will be disqualified at that time.

REFERENCES:

1. WIC Regulations 7 CFR 246.2 Definitions
2. WIC Regulations 7 CFR 246.7 Certification of Participants
3. FNS Instruction 803-3, Income Eligibility
4. WIC Policy Memorandum 92-14, Lump Sum Payments as Income

5. WIC Policy Memorandum 99-06, Impact of the CHIP on WIC Adjunctive Income Eligibility
6. WIC Policy Memorandum 2010-2 Exclusion of Combat Pay from WIC Income Eligibility Determination
7. WIC Policy Memorandum 2010-2 Guidance, Guidance to Combat Pay Memo
8. Policy and Procedure Guidance for Exclusion of Combat Pay from WIC Income Eligibility Determination; Attachments A & B
9. Post 9-11 GI Bill
10. WIC Policy Memorandum 2011-7, Conversion Factors for WIC Income Eligibility Guidelines (IEGs).
11. WIC Policy Memorandum 2013-3, Income Eligibility Guidance
12. WIC Policy Memorandum 2023-6: Streamlining Certification – Documentation Guidance

ATTACHMENTS:

1. West Virginia WIC Program Income Guidelines
2. Income Source and Income Proof
3. Military Income Considerations