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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 91 ADM-39

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: September 27, 1991

SUBJECT: Food Stamp Employment & Training Head of Household
 Determination

SUGGESTED DISTRIBUTION:	Food Stamp Staff Public Assistance Staff Staff Development Coordinators
CONTACT PERSON:	County Food Stamp Representative at 1-800-342-3715, extension 4-9225
ATTACHMENTS:	None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		387.1(u)	7 CFR	FSSB	
		387.13	273.1(d)(2)	Sections	
		387.13(h)(3)	7 CFR 273.7	IX-A-1&2	
			Food	IX-I-1	
			Security	IX-E-3	
			Act of 1985		
			(Pub. L. 99-198)		

I. PURPOSE

This Directive is to inform social services districts that the designation of "head of household" for Food Stamp Employment and Training (FSE&T) purposes may no longer be made at time of non-compliance. It is also to establish procedures for designating the FSE&T "head of household".

II. BACKGROUND

The failure of a mandatory food stamp work registrant to comply with a FSE&T requirement, as defined in Food Stamp Source Book (FSSB) IX-E-3, results in the disqualification of the entire household if the household member who failed to comply is the FSE&T "head of household". If the non-complier is not the FSE&T "head of household", only the non-complier is disqualified. Currently the determination of the FSE&T "head of household" is made at the time of non-compliance with a FSE&T requirement. If a household member meets the definition of "principal wage earner", as defined in FSSB IX-A-1, that individual is the FSE&T "head of household". If there is no "principal wage earner" the household must designate a FSE&T "head of household".

Federal regulations were issued on August 15, 1990 requiring the household member documented in the case file as "head of household" at the time of the FSE&T non-compliance to be the "head of household" for FSE&T purposes. This change was made to ensure proper interpretation and operation of FSE&T requirements mandated by the Food Security Act of 1985 (Pub. L. 99-198).

III. PROGRAM IMPLICATIONS

In cases of non-compliance with a FSE&T requirement, when there is no "principal wage earner" in the household, the FSE&T "head of household" is the person documented in the case file as FSE&T "head of household" prior to the act of FSE&T non-compliance.

This prior documentation of FSE&T "head of household" is intended to prohibit the household from averting a disqualification sanction of the entire household by designating someone other than the non-complier as the FSE&T "head of household" at the time of the FSE&T non-compliance.

IV. REQUIRED ACTION

The social services district must document, in the case file at time of application, the "head of household" for FSE&T purposes if at least one member of the household is subject to FSE&T requirements. If at the time of application there is no person in the household subject to FSE&T requirements, a designation must be made at the time

a member becomes subject to such requirements. In order to implement this new policy for currently participating households with a member required to comply with FSE&T requirements, the designation of "head of household" must be made at the next agency contact or recertification.

Designation of the "head of household" for FSE&T purposes has very serious consequences for the household because failure of the "head of household" to comply with an FSE&T requirement will disqualify the entire household. Designation of the FSE&T "head of household" must be made according to the following procedures:

1. A household member meeting the definition of "principal wage earner", as set forth in FSSB IX-A-1, must be designated as the "head of household". The household member who is the "principal wage earner" at the time of any household member's non-compliance with a FSE&T requirement is considered the "head of household", even if another household member was previously designated "head of household".
2. If there is no "principal wage earner", a household member not subject to FSE&T requirements must be designated as the "head of household". However, no person of any age living with a parent (or person acting in the parental role) may be designated as the "head of household" if the parent is:
 - a. required to register for work under the Food Stamp program, or
 - b. is subject to and participating in any work requirement under Title IV of the Social Security Act, or is in receipt of unemployment compensation or has registered for work as part of the unemployment compensation application process, or
 - c. employed or self-employed at least 30 hours per week; or
 - d. receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.

Example 1 - A FS household consists of a parent on SSI and a 25 year old son who is unemployed. The parent who is not subject to FSE&T requirements would be designated "head of household".

Example 2 - A FS household consists of an unemployed parent and a 20 year old son on SSI. The son is not subject to FSE&T requirements. The son however, cannot be designated "head of household" because his parent is mandatorily subject to work registration. The unemployed parent would therefore be designated head of household.

Example 3 - A FS household consists of an unemployed parent and a 25 year old son who is employed 30 hours per week. The son cannot be "head of household" even if principal wage earner because his parent is mandatorily subject to work registration. The parent would therefore be designated "head of household".

3. If there is no "principal wage earner" or member not subject to FSE&T requirements who can be designated "head of household", the household must decide who to designate. The worker must explain to the household members the importance of making this designation and the consequences to the household if the designee does not comply with FSE&T requirements.

The designated "head of household" for FSE&T must be recorded in the case record. The designation must be reviewed at each recertification. The designation of "head of household" for FSE&T purposes may be made only at application, recertification, when a household member becomes subject to FSE&T requirements or when the household composition changes.

If an erroneous head of household designation has been made the designation may be corrected with no consequences to the household even if discovered at the time of FSE&T non-compliance. The reason for correction of the head of household designation must be documented in the case record.

The designation of "head of household" described in this Directive is for FSE&T purposes only. Designations of "head of household" for other functions, such as case name or identification card procedures, are separate and must be done according to the established procedures for that other function. For example, the person whose name is used as case name does not have to be designated as "head of household" for FSE&T purposes.

V. SYSTEMS IMPLICATIONS

None

VI. EFFECTIVE DATE

This effective date for implementation of this policy is October 1, 1991.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance