



SNAP 602-5

ELIGIBILITY AND BENEFITS DETERMINATION

Non-Compliance Adjustments

Supersedes: SNAP 602-5 (4/1/2010)

Reference: 7 CFR 273.11(j)

Overview: When benefits are reduced under a federal, state, or local means-tested public assistance program because a SNAP household member did not perform an action required under the assistance program or for fraud, the household's SNAP benefits cannot be increased. Means-tested programs include: TANF Cash Assistance, Tribal TANF or BIA Tribal Assistance.

WHEN TO APPLY ADJUSTMENT:

The non-compliance adjustment (NCA) is only applicable when the household member who committed the non-compliance was also receiving the other assistance program's benefit at the time of the non-compliance. The non-compliance must meet one of the following:

1. A behavioral requirement in the assistance program designed to improve the well-being of the family, such as participating in job search activities. For example, failure to comply with the TANF Pathways Employability Plan (EP) resulting in a sanction; or,
2. The means-tested program is reduced due to repayment of the assistance grant as a result of not taking a required action other than a procedural requirement (see #3 under "When Not to Apply Adjustment" below) of the other assistance program.

NOTE: The non-compliance adjustment is applied when there is a TANF disqualification for an Intentional Program Violation (IPV).

WHEN NOT TO APPLY ADJUSTMENT:

The non-compliance adjustment is not applied when:

1. The non-compliance occurs at initial application or when a new household member is added.
EXCEPTION: If the new household member is serving a sanction that was imposed while certified to receive SNAP benefits and the other assistance program's benefits, the non-compliance adjustment is applied to the new household; or, if the new member has a repayment due to not taking a required action (other than a procedural requirement) that will

reduce the household's current grant amount, the gross assistance grant amount must be used in the SNAP budget.

2. The disqualification is not a result of non-compliance with the assistance program requirements; e.g., probation/parole violation or ineligible alien, etc.
3. The disqualification is due to a procedural requirement, such as submitting a program form or providing verification that an individual must take to continue receiving benefits in the assistance program.

NON-COMPLIANCE ADJUSTMENT FOR PROGRAM DISQUALIFICATION:

The non-compliance adjustment amount for a program disqualification is the difference between the grant amount prior to the disqualification and the grant amount after the disqualification.

NON-COMPLIANCE ADJUSTMENT FOR REPAYMENT:

The following steps are taken to assure the correct SNAP benefit is issued when a means-tested assistance program payment is reduced (because of a repayment) for failure to take a required program action (other than a procedural requirement):

1. Determine what caused the repayment;
 - a. For Tribal TANF, or BIA Tribal Assistance, contact the appropriate agency to determine if the repayment is due to failure to comply with a program requirement (other than a procedural requirement); if so, enter the gross assistance payment amount in the unearned income screens.
2. Document case notes with what actions were taken and why;
3. Insure the appropriate notice is sent to the household.

DURATION OF PROCESS FOR ADJUSTMENT:

TANF, Tribal TANF or BIA Tribal Assistance grant reduced: a non-compliance adjustment continues as long as the assistance program grant is being reduced for a repayment caused by not taking a required action (other than a procedural requirement).

Due to program disqualification: The non-compliance adjustment must continue as long as the program assistance case remains open and the individual remains disqualified due to a sanction. **EXCEPTION:** If the other assistance program's disqualification continues after closure, the non-compliance adjustment continues. For example, 1, 3, 6 month(s) ineligibility period due to TANF sanction. This includes the penalty period or closure due to a 1st TANF sanction.

RE-APPLICATION DURING PENALTY PERIOD:

Apply the non-compliance adjustment at application if the household is serving a program disqualification and was receiving SNAP at the time the sanction with disqualification was imposed.

Effective Date: November 01, 2015