

cash & food program basics



October 2019



Laura Melnick

Southern Minnesota Regional Legal Services, Inc. (SMRLS)

651-894-6932

laura.melnick@smrls.org

Government Benefit Basics

most benefit programs

- ✓ are need-based & have income & asset limitations,
- ✓ have state residency requirements,
- ✓ have limitations based on immigration status,
- ✓ are issued electronically, and
- ✓ include appeal rights through state or federal agency.

some benefit programs

- ✓ limit eligibility to those with particular age &/or disability status.

Benefit Programs





I. CASH PROGRAMS

1. family cash & emergency programs



MFIP,
DWP,
FSS,
EA



a. family cash programs



MFIP, DWP, FSS

(i) **MFIP**

Minnesota Family Investment Program



What is **MFIP**?




- **MFIP** is welfare-to-work cash & food assistance program for low-income families.
- It has been Minnesota's TANF program since 1998.
- MFIP is administered by county welfare departments under aegis of Minnesota DHS.
- It has cash component & food component.
- Recipients should qualify for health care (MA or MNCare) & MFIP Child Care Assistance.

categorical eligibility & HH composition

- ❖ Applicants must be **pregnant** *OR* have “**needy child**” in home.
- ❖ Caregiver must prove **blood** *OR* **legal relationship** with child.
- ❖ MFIP unit must include **all minor children**, including siblings, half-siblings, & step-siblings, *AND* natural or adoptive **parents & stepparents**.
- ❖ **Both parents** must be on grant if both are in home, ***except*** when:
 - ▶ parent is **on SSI**
 - ▶ parent is **ineligible** due to **immigration status** *OR* **fraud disqualification**, *OR*
 - ▶ 1 parent is **seeking 60-month extension**.

lifetime MFIP limit, exemptions & extensions

- 
- Federal TANF law requires states to impose **lifetime limit** of **24-60 months** on adult caregivers (> 18).
 - Months don't have to be consecutive.
 - Minnesota has chosen **60-month** limit for MFIP.

- MFIP months may be **exempt** from limit.
- Alternatively, families may qualify for **extension** (hardship waiver) offering benefits **beyond 5 years**.
- MFIP time limits **don't apply** to caregivers not on MFIP grant.

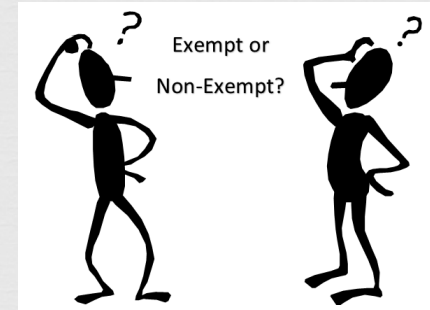


MFIP 60-month exemptions

EXEMPT months include those in which:



- ✦ caregiver lives in **Indian Country**,
- ✦ HH is experiencing **family violence**,
- ✦ caregiver is **≥ 60**,
- ✦ caregiver is **18 or 19** & **going to school**,
- ✦ caregiver is **< 18**, *OR*
- ✦ HH member has **certain very serious disabilities**.



MFIP 60-month extensions

to get **EXTENSION**, participants must:



- ⦿ get “**hardship waiver**” for ill, incapacitated, or “hard to employ,” **OR** **HARDSHIP**
- ⦿ engage in “**work activities**” ≥ 30 hours/week (with ≥ 25 hours/week of “work”) *AND* still be in poverty.

NOTE: 2-parent HHs must have **combined 55 hours/week** of “work activities,” including 45 hours/week of actual “work.”



MFIP grants

☹️ Cash grants have been **static** for **33 years**.

☹️ Last increase was in **1986**.



☹️ Grants:



* **\$250** for HH of 1

* **\$437** for HH of 2

* **\$532** for HH of 3

* **\$621** for HH of 4

* **\$697** for HH of 5

* **\$773** for HH of 6

* **\$850** for HH of 7

* **\$916** for HH of 8

* **\$980** for HH of 9

* **\$1,035** for HH of 10

😊 Beginning **February 2020**, grants will increase by **\$100/month!!!**



A LOOK at the BUDGET

income & budgeting

- ✓ Income limits for MFIP HHs (& for HHs in certain other programs) have **risen dramatically** in past 4-5 years.
- ✓ Participants can **keep 1st \$65** of earnings, **plus 1/2** remaining earnings, per “uniform” program rule.
- ✓ Eligibility is determined **prospectively**, using anticipated income.
- ✓ After 1st 2 months of MFIP, income is budgeted **retrospectively** by 2 months, so income from **January** is used to determine grant amount for **March**.



Counties must **exclude** from income:



❖ **\$100** in **child support** for HHs with 1 child,

❖ **\$200** in **child support** for HHs with ≥ 2 children, AND

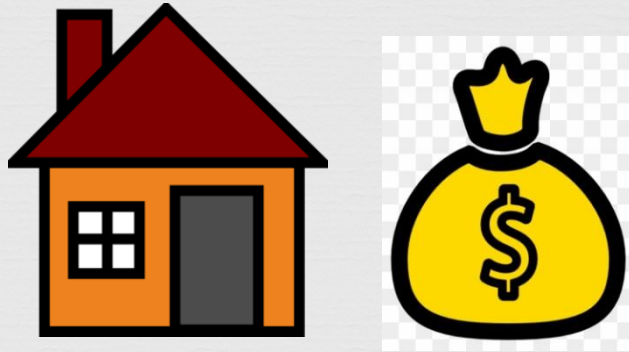


❖ all income from **new spouse** of MFIP caregiver **for 12 months** from date of marriage, so long as HH income $\leq 275\%$ FPG.



assets

There are **no real property limits** in MFIP.



HHs can have **≤ \$10,000** in cash, bank accounts, & liquid stocks & bonds that can be accessed readily without financial penalty.

Counties exclude **1 vehicle per HH member** ≥ 16 years old, regardless of value.



housing & MFIP

MFIP grants are **reduced** by **\$50** for most HHs living in public or subsidized housing. Deduction does **not** apply to recipients **on SSI, ≥ 60, ill/incapacitated, or needed in home to care for ill/incapacitated HH member.**

(- \$50)



unless:

HHs that **don't** receive \$50 reductions will get **\$110 Housing Assistance Grant (HAG).**

(+ \$110)



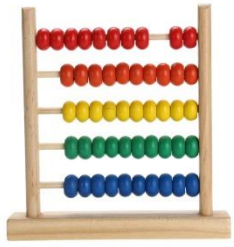
only people in HH are children whose **caregiver is non-mandatory** MFIP unit member (**grandparent, aunt/uncle, adult sibling**, etc.) who is **not included** in MFIP HH because:

- caregiver chooses to be off grant,
- caregiver is ineligible for MFIP due to immigration status, OR
- caregiver is ineligible for MFIP due to receipt of SSI.

more about HAG

- ❑ HAG is \$110 cash supplement with no limitations on how it can be spent.
- ❑ HAG is never prorated & is budgeted prospectively.
- ❑ HAG is never vendor-paid, even when HH is in sanction.
- ❑ HAG receipt months count toward MFIP 60-month lifetime limit, but HHs can opt out of receiving HAG to prolong MFIP receipt.





counting months in MFIP



- Receiving **“food only”** grant with no cash stops **MFIP clock**.



- Receiving **HAG does not stop clock**, but recipients can opt out of HAG to extend their MFIP time.

employment & education

- MFIP has “**universal participation**” requirement – most participants must have **employment plan** approved by county (even if plan doesn't call for work).
- Most adults have to **work or look for work** specified number of hours/week.
- Number of hours to be spent on work activities depends on:
 - * **age of children** *AND*
 - * **HH status**: whether HH is **single parent** or **2-parent**.
- Educational options include post-secondary programs lasting **≤ 4 yrs.**
- Some parents < 20 have to **stay in school.**





ineligibility & sanctions

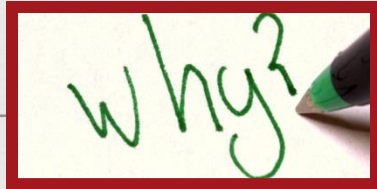


There are ways to **lose eligibility** for MFIP or to have monthly MFIP **grant reduced** (via “**sanction**”).

Examples:

- ⊗ Being a “**fleeing felon**,”
- ⊗ **Not cooperating** with MFIP **work** requirements,
- ⊗ **Not cooperating** with **child support** enforcement efforts.

“good cause” bases for not cooperating



- “Good cause” for not cooperating with **work requirements** can exist for myriad of reasons – lack of child care, illness, inability to reach job counselor, etc. “Good cause” can be retroactive.
- “Good cause” for not cooperating with **child support collection efforts** only exists when pursuit of support could “reasonably” be expected to result in harm to parent or child.

BECAUSE

imposition of MFIP sanctions



- ➔ 1st sanction = reduction of MFIP grant by **10%** (**30%** for child support sanction).
- ➔ 2nd-6th sanctions = mandatory **vendoring**; remainder of grant is **reduced by 30%**.
- ➔ Those sanctioned **6 times** for non-cooperation with work *OR* child support **lose all MFIP benefits** in **7th month of sanction**.



- ➔ MFIP sanction months **don't have to be consecutive**.
- ➔ Once MFIP is closed, it must stay closed **full month**.

MFIP OPs & fraud



- © MFIP OPs caused by **participant error** must be repaid, *unless* they are **< \$35 AND not due to fraud.**
- © For **agency error** OPs, former & current participants are **not responsible** to repay, *unless* the amount of the OP is **large enough** that a “**reasonable person**” would “**know**” it was **error.**





- MFIP fraud – **Intentional Program Violation (IPV)** – is dealt with **criminally** **OR** through civil Administrative Disqualification Hearing (**ADH**) process. (County must elect **1** remedy).
- ADH fraud DQ requires **clear & convincing** proof of **intent to defraud**.

- ⊗ **1st** ADH fraud determination renders adult participant ineligible for MFIP for **12 months**.
- ⊗ **2nd** results in **2-year** DQ.
- ⊗ **3rd** results in **permanent** DQ.

immigration status



- ★ Most noncitizens **permanently & lawfully** in U.S. can get MFIP.
- ★ U.S. citizen child of ineligible parents can get MFIP **“child only” grant AND HAG.**
- ★ **Sponsor-deeming** may affect MFIP eligibility.
- ★ Most adults ineligible for federally-funded MFIP because of **5-year bar** will have to take **“steps”** toward citizenship to qualify for state-funded MFIP.

DIGRESSION: some immigration-
related limitations on benefits



i. “qualified” vs. “unqualified” noncitizens

To get certain FEDERALLY-FUNDED benefits (SSI, SNAP, MA, federally-funded MFIP), noncitizens must be “qualified” under federal law, having been granted:

- lawful permanent resident (LPR) status under INA
- refugee status (including Haitian, Cuban, Amerasian, Afghan/Iraqi Special Immigrants)
- asylum
- conditional entry before 4/1/80
- withholding of deportation/cancellation of removal
- T-Visa (for victims of severe trafficking)
- “battered immigrant” status



“unqualified” noncitizens are all other noncitizens, including those who have:

- ☒ no authorization
- ☒ expired authorization
- ☒ fiancé (K or K1) visa
- ☒ pending application for suspension of deportation/
cancellation of removal
- ☒ pending application for adjustment or asylum
- ☒ lawful temporary residency under amnesty program
- ☒ non-immigrant status (such as TPS, crime victim [U-Visa]
or student, visitor, or temporary worker visa), or
- ☒ Deferred Action for Childhood Arrivals (DACA) status



some federal programs have state funding option, some don't

- ❖ MFIP & DWP can be funded with **federal OR state** money, so noncitizens **may be eligible** even if they're not "qualified."
- ❖ SSI is 100% federally-funded; there is **no state option**.
- ❖ SNAP is 100% federally-funded, but MN has **limited state-funded food program, MFAP**, for those ≥ 50 .
- ❖ MA is 100% federally-funded. However, there is a state-funded MA program for those receiving **services from a center for victims of torture (CVT)**.

- For **STATE-FUNDED** benefits (including GA, GRH/ Housing Support, FSS, MFAP, MNCare, & state-funded MFIP or DWP), noncitizens are usually eligible **even if they are not “qualified,”** so long as they are **“otherwise lawfully residing”** in U.S.
- Most applicants for & recipients of **STATE-FUNDED** benefits must take **“steps”** toward citizenship.
- **“Steps”** include taking citizenship, literacy, or ESL classes; applying for naturalization; or failing citizenship test twice.
- There is **no “steps” requirement** for noncitizens who have been in U.S. < 4 years OR are living in nursing home or similar facility.



U-Visas & DACA

U-Visa recipients are:

- ✓ **ELIGIBLE** for state-funded **cash** benefits (explicitly since 8/1/19).
- ✓ **ELIGIBLE** for state-funded **food** support (**MFAP**) (if ≥ 50).
- ✓ **ELIGIBLE** for state-funded **health** care (**MNCare**).



DACA grantees are:

- x **NOT ELIGIBLE** for federally- or state-funded **cash** benefits.
- x **NOT ELIGIBLE** for state-funded **food** support.
- ✓ **ELIGIBLE** for state-funded **health** care (**MNCare**) (since 1/1/17).



ii. sponsor-deeming (artificial attribution of income from sponsor to noncitizen)



- Noncitizens arriving in U.S. or adjusting status to LPR after 12/19/97 are subject to **sponsor-deeming** if they arrived through **family-based petition** (most common way to immigrate), or to work in family-owned business.
- **Deeming applies to:**
 - ✓ cash benefits: MFIP, DWP, FSS, GA, MSA, SSI
 - ✓ food benefits: SNAP, MFAP
 - ✓ health care benefits: MA

deeming does not apply to:

- **refugees** (including Afghan or Iraqi special immigrants, Amerasians, Cuban/Haitian entrants)
- **asylees**
- noncitizens **paroled** into US. for ≥ 1 year
- recipients of **T-Visa**
- recipients of **diversity visa**
- recipients of **Temporary Protected Status (TPS)**
- **MA** for **pregnant women & children**
- **SNAP** for **children < 18**
- **MNCare**
- **EMA**
- **MA** for those receiving services from **CVT**
- **Basic Sliding Fee (BSF)** child care

how deeming works

- **100%** of **income & assets** of **sponsor AND sponsor's spouse** are considered **fully available** to noncitizen (whether they're actually available or not).
- Sponsor's **family size & fixed debts are irrelevant**, for all except food programs, **SNAP & MFAP**.
- Burden of proving sponsor has little income is on **noncitizen** applying for assistance.

100%

Q: how long does deeming last?

A: until:

- ❖ noncitizen **becomes U.S. citizen**
- ❖ noncitizen **works** (or is credited with) 40 quarters of FICA-covered work
- ❖ noncitizen permanently **leaves U.S.**
- ❖ noncitizen **dies**
- ❖ sponsor **dies**

Note: **Divorce has no effect on deeming.**

deeming exceptions (time-limited)



indigence

- ✦ County determines that, as result of sponsor's failure to provide support, noncitizen is **without food AND shelter**.



battered spouse or child

- ✦ Noncitizen documents **battery OR extreme cruelty** by spouse or parent in same HH, **AND** noncitizen **no longer lives with** batterer, **AND** **battery/cruelty** is **substantially connected** to **need for benefits**.

iii. 5-year bar (waiting period)

◎ Many noncitizens are **ineligible** for **FEDERALLY-FUNDED** benefits (**SSI**, **SNAP**, **MA**, & federally-funded **MFIP/DWP**) during their **1st 5 years** in “**qualified**” **status**.

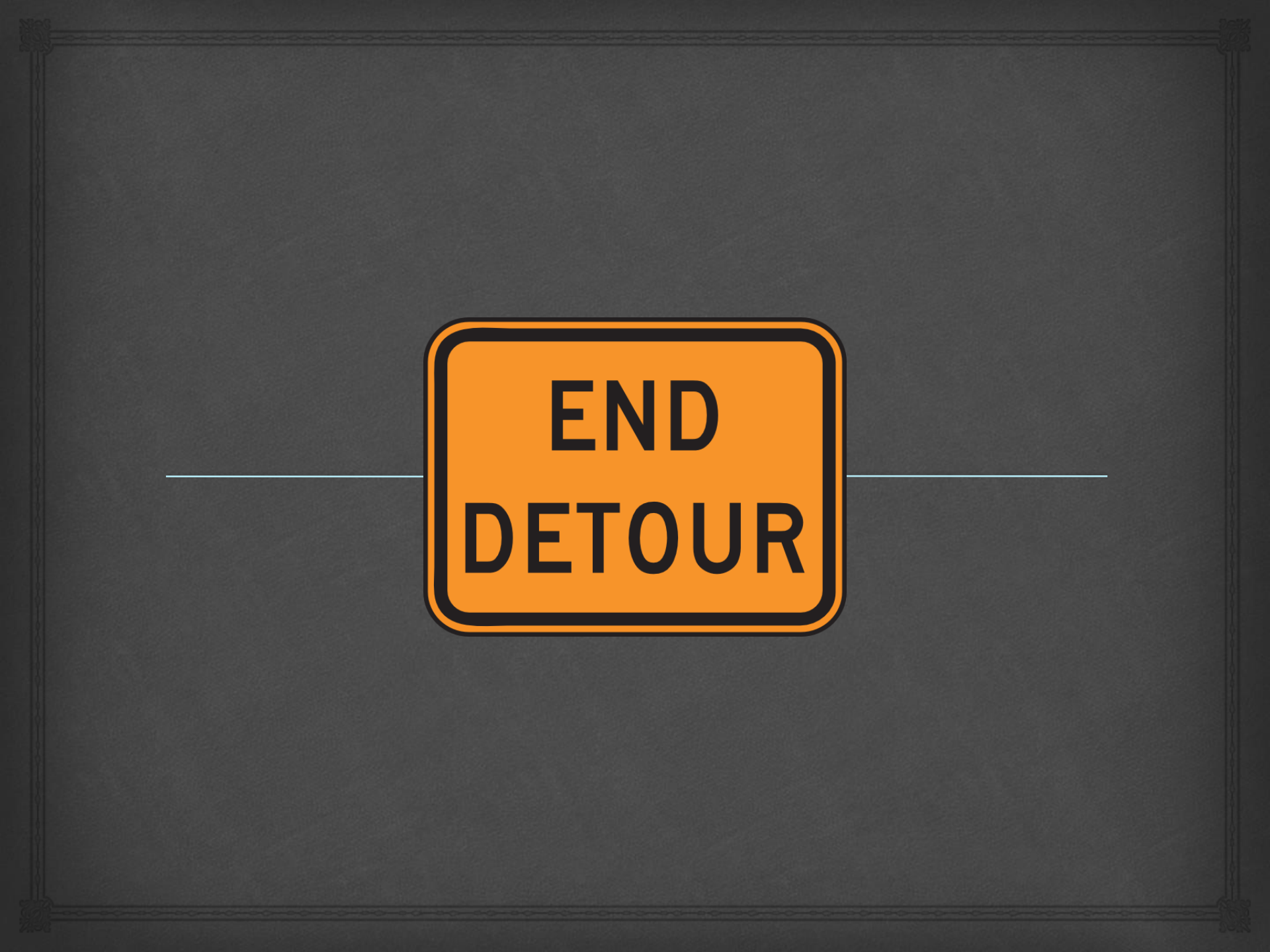
◎ Bar does **NOT** apply to **EMA**.

◎ Bar does **NOT** apply to **STATE-FUNDED** benefits.

● Bar does **NOT** apply to refugees, asylees, those granted w/holding of removal, U.S. veterans or active-duty members of armed forces or their spouses or minor dependents, T-Visa recipients.

● Bar **DOES** apply to **battered immigrants**.





**END
DETOUR**

appeals in MFIP

- MFIP applicants & recipients, like other government benefit participants, can **appeal any issue** (including ADH determination) to Minn. DHS. Appeals are heard by Human Services Judges (HSJs).
- MFIP appeals made within 10 days of notice date, *OR* before effective date of change, **preserve benefits** (pending outcome of appeal).
- **DEADLINES:**
 - **30 days** for MFIP cash
 - **90 days** for MFIP food portion (or for cash portion with good cause).
- There are “**good cause**” exceptions for **late appeals**.
- Appeals of MFIP DHS decisions go to **state district court**.



(ii) **DWP**
Diversionary Work Program



What is **DWP**?



- **DWP** is **mandatory 4-month** TANF-funded program.
- Goal is to provide **short-term supports & services** to get families back to work so they don't end up on MFIP.
- Most HHs applying for MFIP will be put on DWP instead.
- Most aspects of DWP are **same** as in MFIP: financial eligibility, residency, retroactivity, immigration issues, cooperation, OPs, & appeal rights.

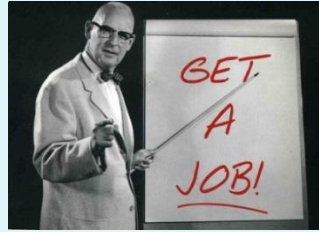
how DWP works

4
months

- ▷ Unlike in MFIP, most HHs do **not receive cash** during 4 months of DWP. Instead, **vendor payments** are made to rent & utility providers up to standard MFIP grant. If anything is left of MFIP amount, family can get **\$70 cash per person in HH** (regardless of age).
- ▷ DWP recipients who secure work get to **keep all their earnings**.
- ▷ **After 4 months of DWP, HH gets transferred to MFIP.**
- ▷ Recipients of DWP should get food (SNAP), health care (MA or MNCare), & MFIP Child Care Assistance.
- ▷ **DWP months do not count** toward MFIP 60-month limit.
- ▷ DWP recipients are **not eligible** for **MFIP HAG**.

work & exemptions from DWP

- ◆ DWP adult participants have to have **employment plan**. It basically says, “**Go find a job.**”



- ◆ Certain HHs considered “unlikely to benefit” from DWP are **exempted** from it. These include:
 - parents < 20
 - caregivers ≥ 60
 - newly-arrived noncitizens
 - families that qualify for **FSS**

(iii) **FSS**
Family Stabilization Services



What is **FSS**?

- ☞ State-funded (**non-TANF**) family cash assistance program.
- ☞ **FSS** is for families **not making, or expected to make, progress** in MFIP or DWP.



eligibility

FSS eligibility exists for caregivers who are:



- ★ eligible for **“ill or incapacitated”** or **“hard-to-employ”** MFIP extensions, including those with low IQ, learning disability, need to be in home to care for disabled family member, or family violence waiver (whether or not they’ve used up their 60 months of MFIP),
- ★ **applying for SSI or SSDI,**
- ★ **≥ 60** years old, *OR*
- ★ **noncitizens in U.S. < 12 months.**



how FSS works

- ❑ FSS is much more like MFIP than like DWP. It has a **“universal participation”** requirement, but work expectations are more **relaxed** than in MFIP.
- ❑ FSS offers **increased protections against sanctions**, vis-à-vis MFIP & DWP.
- ❑ Unlike DWP, FSS participants **are eligible** for the MFIP **HAG**.
- ❑ FSS participants **are not counted** in TANF work participation rates.
- ❑ Unlike DWP, FSS months **do count** toward the 60-month lifetime MFIP limit.



b. family emergency benefits



EA

b. **EA**
Emergency Assistance



What is **EA**?



- ❑ EA is **1-time** cash payment administered by counties to help **pregnant women & families w/ children < 18** **resolve crises & avoid destitution.**
- ❑ Funds are **block-granted** to counties via “MFIP consolidated fund.”
- ❑ Each county has its **own EA policy.**
- ❑ HHs must have income **< 200% FPG** to qualify.

how EA works

- Counties have **great discretion** in meting out emergency funds, but they have to have **plan**, which must include:
 - ✓ **which crises** are covered,
 - ✓ **how quickly** applications are processed,
 - ✓ **how much EA** will be issued, &
 - ✓ whether HH income has to have been spent in a particular way during a fixed **“look-back” period**.
- In most counties, EA is typically issued for **past-due rent, utility terminations, & security deposits** for necessary moves.





miscellaneous EA provisions



- ★ EA must **resolve crisis**. Applications may be denied if available grant in county (in conjunction with available community resources) isn't sufficient to solve problem, **OR** because HH doesn't have ability to meet its ongoing anticipated expenses.
- ★ 30-day EA state residency requirement may be waived if "**unusual hardship**" is shown.
- ★ EA appeals are made to DHS. Appeal process is **same** as for MFIP.
- ★ **Expedited** hearings may be requested.



QUIZ # 1

family cash assistance: DEVON & MARIA

Devon is 6. He and his mom were on MFIP for 5 years. When Mom reached her 60-month limit, she did not qualify for extension & could no longer afford to take care of Devon.



So Devon went to live w/ his grandmother, Maria, age 59.

Q1: Can Maria get MFIP for Devon?

Q2: Maria is working & is over-income for MFIP. Can she still get MFIP for Devon?

Q3: If Maria opts to be off grant, can Devon still get HAG?

Q4: Maria is Devon's paternal grandma & paternity has never been established. Can she still get MFIP for Devon?

QUIZ # 2

family cash assistance: Lena

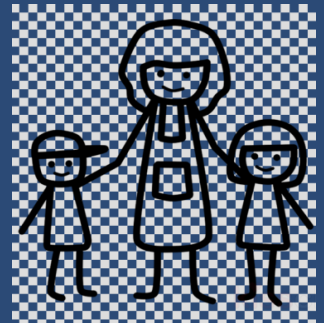
Lena lives with her 2 young children. 7 months ago, she survived physical assault by children's father. She obtained an OFP; father was excluded from home & taken off HH's MFIP grant. In meantime, Lena missed several meetings with her MFIP job counselor. She's been sanctioned.

Lena is now in her 6th month of sanction for non-cooperation with MFIP employment services.

Q1: Can Lena “**fix**” the sanction & get it removed?

Q2: Can Lena get any of her withheld MFIP \$ **restored**?

Q3: Is Lena eligible for an **exemption** from having her MFIP months count?

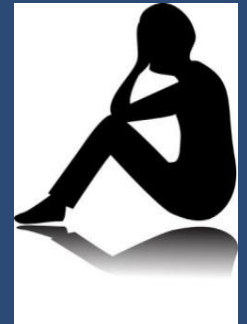


QUIZ # 3

family cash assistance: Bee

Bee has a 4-year old son, Yeng. Bee was working full time until 3 months ago, when she became so depressed she stopped showing up for work. She applied for MFIP. The county has told her it will put her on DWP.

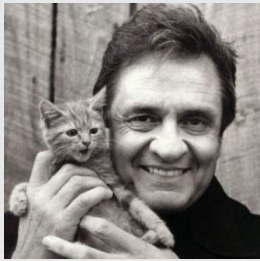
Bee doesn't think she is well enough to work or look for work, and her psychiatrist agrees.



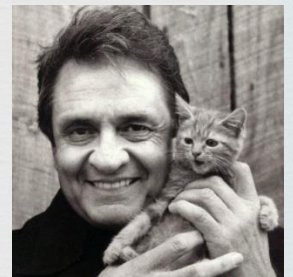
Q1: What family cash program should Bee be on?

Q2: Can Bee incorporate mental health appointments in her “work” plan if she switches from DWP to MFIP or FSS?

2. (mostly) non-family cash



GA,
EGA,
SSI/SSDI,
UI



a. basic cash program



GA

a. **GA**

General Assistance




What is **GA**?

- GA is **state-funded** cash program administered by county welfare departments.
- GA is for **adults who can't work.**
- GA is also for **minor children** who can't qualify for MFIP because of inability to demonstrate blood or legal relationship to caregiver.

income & assets

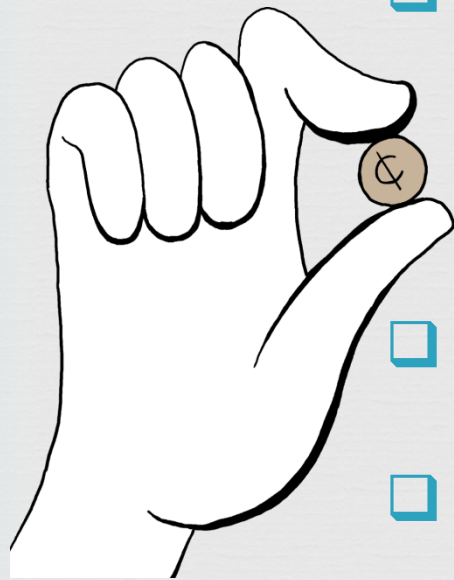


Income & asset limits are now **same as in MFIP**:

- ✓ HH can keep **1st \$65 + 50%** of remaining earnings.
- ✓ Real property is **not countable** asset. 
- ✓ Uniform personal property limits of **\$10,000** apply.
- ✓ HH can exclude **1 vehicle** per driving-age HH member.



budgeting & benefit amounts



- ❑ GA benefits are extremely **low**:
 - **\$203** for single,
 - **\$250** for child ineligible for MFIP,
 - **\$260** for married couple.
- ❑ No increase since **1986** (and none anticipated...).
- ❑ Income is **determined prospectively & budgeted retrospectively** (by 2 months), same as in MFIP.

categorical eligibility



- ❖ There are **13 eligibility categories** for GA.
- ❖ Most require proof of **inability to work**.
- ❖ Some require **proof of disability** or of need to be in home to care for someone with impairments.

GA categories:

- **ill, injured, or incapacitated** ≥ 45 days
- **needed in home** to care for ill, aged, or incapacitated HH member
- in **rehabilitation** facility
- diagnosed with **developmental disability** or **mental illness**
- application pending for **SSI/SSDI**
- unable to obtain/retain employment because of **“advanced age”** (55 yrs.)
- assessed **“unemployable”** by vocational specialist
- having **learning disability** & following rehabilitation plan
- **under 18** & “legally **emancipated**” or living w/ adult with consent of county
- eligible for **displaced homemaker** services
- involved with CPS or **Court-ordered services** that prevent work ≥ 4 hours/day
- primary language not **English** & **attending high school** at least 1/2 time
- having **addiction** to **drugs** or **alcohol** (DAA), & DAA is **material** factor contributing to disability, *if* following recommendations of CD assessor

miscellaneous GA requirements & processes

- ➡ Applicants are required to **apply for other benefits** for which they may be eligible & must **reimburse** county if later found eligible for another benefit covering same time period. 
- ➡ GA has **many of same requirem'ts & restrictions as MFIP**, including state residency, retroactivity, immigration status, OPs, & fraud.
- ➡ **Sponsor-deeming** may affect eligibility, & most noncitizens must take **“steps”** toward citizenship.
- ➡ GA program has **same appeal rights** & processes as MFIP.

b. emergency benefits



EGA

EGA

Emergency General Assistance



What is EGA?

- **1-time** cash payment administered by county welfare departments to help **single adults**, HHs **w/out minor children**, & **families not receiving MFIP, DWP, or FSS**.
- Goal is to **resolve crises** & **avoid destitution**.
- EGA funds are **allocated** to individual counties, as they are in EA.

how EGA works



- Each county creates its own guidelines for issuance, similar to EA program.
- Statutory requirements are that applicants:
 - ❖ not be receiving MFIP, DWP or FSS,
 - ❖ not have income > 200% FPG, AND
 - ❖ not have used EGA w/in past 12 mos.
- Most other aspects are identical to EA.
- While statute allows some HHs with children to use EGA, most counties restrict payments to childless HHs and use EA for families.



c. disability benefit & age-related programs



**SSI,
SSDI,
MSA**

5-step “sequential” disability evaluation process for adults

1. Is applicant **working**, earning monthly wages of \geq \$1,220?
If , not disabled.
2. Does applicant have “**severe**” impairment(s)?
If , not disabled.
3. Does applicant “**meet**” or “**equal**” SSA “listed” impairment?
If , disabled; if , continue sequential evaluation.
4. Given **age**, **education**, **work history**, & **limitations** due to impairments, could applicant return to “past relevant work”?
If , not disabled; if , go to step 5.
5. Given factors in # 4, are there **any jobs** applicant could perform on **regular basis** in national economy?
If , not disabled. If , disabled.

income & assets

- **SSI** is **need-based**.
- **SSI** has strict **income & asset limits**. Even “in-kind” income counts.
- **SSI** recipients who don’t pay pro rata share of HH operating expenses will have grant **reduced by 1/3**.

-
- **SSDI** is **NOT need-based** & has **no** unearned income or asset limits. Recipients can win Lottery & still qualify. (However, Worker’s Comp & other benefits may reduce **SSDI** payments.)
 - **SSDI** recipients (or deceased or disabled parent, spouse, or child) must have **paid into system** through FICA wage deductions.



grant reach



☞ **SSI** extends **only** to disabled or elderly recipients.
There are **no “dependent” or “survivor”** benefits.

.....

☞ **SSDI** may be available to **non-disabled** dependent minors.

☞ **SSDI auxiliary benefits** may also be available to spouses, ex-spouses, widowed spouses, & parents, in some circumstances.



Intersection of work & disability benefits, & benefits for kids

Both **SSI** & **SSDI** encourage participation in “**Ticket to Work**” through state vocational rehabilitation agencies.

- **SSDI** has “**trial work period**” (TWP) & “**reentitlement period**” (EPE) that allow recipients to try to work before losing benefits.
- **SSDI** has **Disabled Adult Child (DAC)** program where adults can get benefits on account of deceased or disabled parent, *if* applicant was disabled < **age 22**.

- **SSI** has **no TWP** or **EPE**.
- **SSI** does **not** have **DAC** program, but it does have program for **disabled minor children**.
- In **SSI**, half of earned income counts, after \$65 disregard.



disability benefit recipients & Medicare

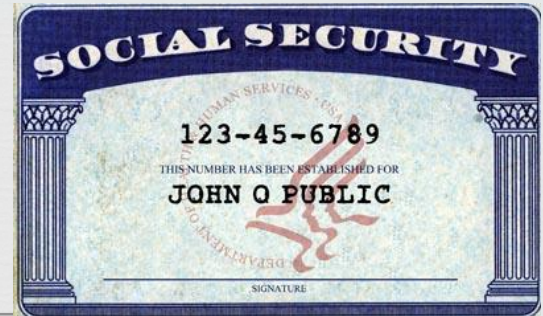


- ❧ Disabled **SSI** recipients < 65 are **not eligible** for Medicare.
- ❧ Disabled **SSDI** recipients < 65 **can** qualify for Medicare **2 years after onset of disability**.

A sample Medicare Health Insurance card for Jane Doe. The card is white with a red top border and a blue bottom border. It contains the following information:

MEDICARE		HEALTH INSURANCE	
1-800-MEDICARE (1-800-633-4227)			
NAME OF BENEFICIARY JANE DOE			
MEDICARE CLAIM NUMBER 000-00-0000-A		SEX FEMALE	
IS ENTITLED TO HOSPITAL (PART A)		EFFECTIVE DATE 07-01-1986	
MEDICAL (PART B)		07-01-1986	
SIGN HERE → <i>Jane Doe</i>			

benefit amounts



- **SSI** grant amounts are firm & significantly **higher** than comparable **GA** or **MFIP** benefits: **\$771** for single person & **\$1,157** for eligible married couple in 2019.
- **SSDI** grants **vary by recipient** and are based on workers' earnings histories.
- COLAS increase **SSI** & **SSDI** grants most years.

Immigration status

- **SSI** is **most restrictive federal program** for noncitizens. Eligibility depends on specific immigration status, date of arrival in U.S. (or of adjustment to LPR status), & whether sponsor-deeming applies.
- **Most noncitizens** coming to U.S. after 8/22/96 are **NOT ELIGIBLE** for **SSI** *unless* they're **asylees** or **refugees**, & then **only** for **7-year window** beginning with date of grant of refuge or asylum.

-
- **SSDI** has **no immigration-related restrictions** for those who reside **lawfully** in U.S. Sponsor-deeming does not apply.



appeals



- * Appeal **deadlines** for both programs are **60 days** for initial denial, denial on reconsideration, & appeal following Administrative Law Judge (**ALJ**) or Appeals Council (**AC**) decision.
- * If appealing disability **cessation**, appeal must be made within **10 days** of initial or reconsideration denial to preserve benefits pending outcome.
- * Appeals of ALJ decisions go to **AC**.
- * AC decisions can be reviewed in **Federal District Court**.

Overpayments (OPs)



- ★ **SSI** & **SSDI** OPs generally must be **repaid**.
- ★ Appeal periods for OPs are **60 days**.
- ★ OP'd people may also qualify for **waiver** of OP by showing they were **without fault** in creating it. They must **also** show either that they **can't afford to repay or** that collecting OP'd benefits would be **"against equity & good conscience."**
- ★ Waiver can be filed **at any time** (with or without appeal) – there is no deadline.
- ★ Current recipient can try to **negotiate** amount of OP withholding.

(ii) **MSA**

Minnesota Supplemental Aid



What is **MSA**? **SUPPLEMENT**

- **MSA** is state supplement administered by counties for recipients of **SSI** and **SSDI**.
- **MSA** primarily serves to ameliorate high housing costs.
- **MSA** can also pay for furniture replacements & special medical diets.
- **MSA** can be used to pay “representative payee” fees for SSI or SSDI recipients required to have someone manage their federal benefits.

income, assets & grants



- To qualify, MSA applicants have to receive SSI or be slightly > SSI income limits (cap = **\$832/mo**).
- MSA **assistance units** & **grant size** are determined by state.
- All other MSA matters (income, assets, etc.) derive from federal SSI program.
- Only MSA recipients **not** receiving SSI can avail themselves of uniform property & vehicle limitations in state law. MSA recipients on **SSI** are subject to strict SSI income & asset limits.

miscellaneous MSA provisions

- ▶ Avg. MSA supplement for housing is **\$81** for non-institutionalized recipients.
- ▶ SSI & SSDI recipients with severe disabilities & high housing costs may qualify for higher **“shelter needy”** grant.
- ▶ As in SSI, eligibility for **noncitizens** is very **restrictive**.
- ▶ SSI & SSDI recipients living in **“shared households”** are usually **ineligible** for MSA due to economies of scale.
- ▶ MSA follows **state law** in terms of state residency, retroactivity, fraud, OPs, & appeal rights (similar to MFIP & GA).

d. unemployment benefits



UI

UI

Unemployment Insurance



What is **UI**?



- ❖ UI is **temporary partial wage replacement** for workers unemployed **“through no fault of their own.”**
- ❖ UI is administered by Minn. DEED.
- ❖ Each state has its own UI laws with limited federal restrictions.
- ❖ Benefits are **not “need-based.”** UI program has neither unearned income nor asset limitations. Some income may delay or reduce amount of UI benefits.

eligibility



- ❖ Eligibility is based on workers' **wages** in set **12-mo.** period. Recipients employed part-time get 50% wage disregard.
- ❖ To be eligible for UI, employees must have had “**base period**” wages from “covered” job of \geq **\$2,900**.
- ❖ Benefits **vary** depending on work history but are usually about **50% of wages** over past year.
- ❖ Benefits are available \leq **26 weeks**, subject to federal & state extensions.

residency & citizenship



- There are no state residency requirements for UI, but work generally must have been performed in Minn.
- Noncitizen workers are eligible for UI if they were legally authorized to work here at time of employment.

eligibility



- ➔ UI applicants must be:
 - ☞ **ABLE** (medically) to work,
 - ☞ **AVAILABLE** for work, &
 - ☞ **ACTIVELY SEEKING suitable** employment.
- ➔ Students must be willing to **quit school** to be considered “available.”
- ➔ Applicants must **accept** all offers of “**suitable**” employment.
- ➔ Special rules apply to applicants who worked for **temporary** employment agencies.

A red, distressed-style stamp with the word "DISQUALIFIED" in all caps, tilted slightly to the right.

OPs & DQs

- ◎ UI OPs generally must be repaid.
- ◎ UI has **strict fraud penalties (40%)** which include disqualification from receipt of further UI benefits until worker has repaid OP'd benefits **AND** penalty **AND** interest.
- ◎ Workers disqualified from UI for misconduct or quit, for non-fraud reasons, can “work off” DQ by earning **≥ \$1,450** at new job.
- ◎ Disqualifications for other reasons (availability for work, failure to actively seek suitable employment) last until conditions change.

- If separation from work was **VOLUNTARY**, worker must generally show quit was for “good reason.”



- If separation from work was **INVOLUNTARY**, worker must not have been fired for “employment misconduct” or “aggravated employment misconduct.”



applications & appeals



★ UI applications are made to DEED. They be made online at www.uimn.org.

★ Appeals must be made within **20 days** of DEED determination. Deadlines are strictly enforced.



★ Late appeals are **dismissed** for lack of jurisdiction. In contrast to **all** other benefit programs, **THERE IS NO “GOOD CAUSE” FOR LATE APPEAL.**

★ Evidentiary hearings are held by **phone** by DEED Unemployment Law Judges (ULJs).

★ Appeals can be made within **20 days** by requesting reconsideration from same ULJ.

- ❧ Final UI decision can be appealed to Minn. Court of Appeals by obtaining Writ of Certiorari **within 30 days** of issuance of decision on reconsideration.
- ❧ Court of Appeals **must** issue writ if petition was **timely & properly** filed.
- ❧ There is **no filing fee** for **employee UI appellants** at Court of Appeals.



QUIZ # 4

non-family cash benefits: AI

AI is 55 with very little job history or education. He got out of halfway house 1 month ago, found place to rent for \$400/month, & got job at convenience store. He worked there 3 weeks but was laid off last week. He earned \$500/week.

3 years ago, AI had chemotherapy & radiation for throat cancer, which left him with permanent physical limitations. He thinks job layoff was related to his inability to use arms & hands effectively.

Q1: Can AI get EA or EGA to pay his rent next month?

Q2: Can AI get UI?

Q3: Can AI get GA? Will that resolve problems?

Q4: Might AI qualify for SSI or RSDI?

Q5: What is AI's best plan for action for next few months?





II. FOOD PROGRAMS

1. federal food benefit: SNAP



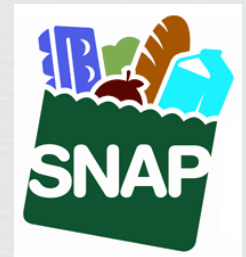


SNAP

Supplemental Nutrition Assistance Program

What is SNAP?

- ☞ SNAP (f/k/a **Food Stamps**) is 100% federally-funded program designed to **raise levels of nutrition** in low-income HHs.
- ☞ SNAP is administered by **county** welfare agencies.
- ☞ SNAP is **stand-alone** program but also exists in different form as part of MFIP. **MFIP food** component is governed by SNAP law & regulations.
- ☞ **MFIP food portion** is **set amount** based on HH size.





eligibility



- There are **no state residency** requirements for SNAP. However, MFIP food portion has **30-day** residency requirement.
- SNAP HH consists of **all people who buy and prepare food together**, whether or not they are related. Certain relatives are automatically considered together.
- SNAP uses “old fashioned” **individualized grant analyses** based on housing costs, utility costs, & HH size. Minn. has implemented “**standard**” **utility allowances** to simplify program administration.

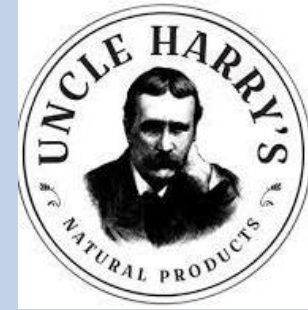


payments



- ❄️ SNAP has not been issued via “stamps” or coupons for decades. Benefits are issued on Electronic Benefit Transfer (**EBT**) cards, similar to ATM cards, to avoid stigma.
- ❄️ SNAP amounts are based on Thrifty Food Plan (**TFP**), developed by USDA. TFP is not intended to cover all food needs & is not very realistic as sole source of food income for HH.

✓ Non-MFIP recipients living w/ MFIP HHs may qualify for SNAP as **separate** “**Uncle Harry**” food support units.



✓ SNAP eligibility is determined **prospectively**.

✓ Income for SNAP is budgeted **prospectively**, too, for all but “Uncle Harry” units.

✓ SNAP can be used to buy only **food, beverages, & food-producing seeds or plants**.

✓ It **cannot** be used for alcohol, tobacco, diapers, pet food, toiletries, paper products, non-prescription drugs, or other non-food items.



noncitizen eligibility



- For adults, SNAP is available only to “qualified” noncitizens.
- “Unqualified” noncitizens < 18 can get SNAP if “lawfully residing” in U.S.
- Eligibility factors for adults include immigration category, date of arrival in U.S. or adjustment to LPR status, country of origin, age, disability status, & applicability of sponsor-deeming.

expedited issuance

- Federal law mandates issuance of expedited SNAP to qualifying HHs within **7 days**.
- Minn. law mandates issuance within **5 working days**.



OPs, fraud & appeals



- SNAP OPs must be repaid, regardless of fault. There is **no waiver** provision in federal or state law.
- Fraud is dealt with in SNAP as it is in MFIP.
- SNAP appeals are made to DHS. Applicants & recipients have **90 days** to request hearing.
- As with EA & EGA, expedited hearings can be requested for denials of expedited food assistance.



limitations

- Gross income limit for SNAP is **165% FPG** for most HHs.*
- There is **no asset test**.*
- **ABAWDs** between 18 & 49 can get SNAP only **3 out of 36 months** *unless* they are working 20 hours/week *OR* participating in food stamp work program.

abawd

means

Able-Bodied Adults Without
Dependent

- * USDA has published **proposed rule** change that would revise categorical **SNAP** eligibility for some HHs receiving TANF (MFIP or DWP) benefits. The change would lower **SNAP** income guidelines to 130% FPG and re-impose an asset test. Public comment period for rule change closed 9/23/19. Final Rule has not been published.

2. state food benefit - MFAP





MFAP

Minnesota Food Assistance Program



What is MFAP?

- MFAP is state-funded program providing food support to lawfully-residing noncitizens who are not eligible for SNAP because of immigration restrictions stemming from 1996 welfare reform law.
- MFAP is administered by county welfare departments.
- It is available only to noncitizens ≥ 50 .
- MFAP follows SNAP regulations. Financial eligibility, grant amounts & payments, retroactivity, fraud, & appeals are same as for SNAP.



- ❖ MFAP applicants must be Minnesota **residents**.
- ❖ MFAP applicants must be **lawfully residing** in U.S. & may have to take **“steps”** toward citizenship.
- ❖ Unlike in SNAP, MFAP **OPs** caused by agency error **can be waived**.
- ❖ ABAWD rules **don't apply** to MFAP.
- ❖ Applicants may be financially ineligible for MFAP due to **sponsor-deeming**.



QUIZ # 5

food benefits: Fadumah

Fadumah, in her early 50s, attained LPR status 4 years ago after being granted “battered immigrant” status by government. She currently lives with adult U.S. citizen daughter & grandchild, both of whom receive MFIP.

Fadumah is on GA. She needs money for food.

Q1: Can Fadumah get Uncle Harry SNAP benefits?

Q2: Can Fadumah get MFAP?

Q3: What will Fadumah have to do to qualify for MFAP?



