

DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES 1-2009

(Food and Nutrition Services)

TO: County Directors of Social Services
ATTENTION: Food and Nutrition Services Managers and Supervisors
DATE: February 16, 2009 **(Amended March 25, 2009)**
SUBJECT: Treatment of Income of Non-Qualified Ineligible Aliens
EFFECTIVE: Upon receipt

I. GENERAL INFORMATION

The purpose of this letter is to provide policy changes to county departments of social services on the procedures for treatment of income of non-qualified ineligible aliens.

II. POLICY PROCEDURES

When applying the gross income test to households that include a non-qualified ineligible alien, count all of the non-qualified alien's income when applying the gross income test for eligibility purposes; do not include the non-qualified ineligible alien in the household size. If the household's income does not exceed the gross income level, count prorated income of the non-qualified alien to apply the net income test and to determine the benefit level.

EXAMPLES: A FNS Unit consists of four persons. The head of household, who is an undocumented alien is employed and earns \$2,400 per month. The FNS Unit exceeds the maximum income level for a household of three (\$1,907). Deny/terminate assistance. Enter the total gross income in field 80F of the DSS-8590 on the same line with the ineligible member.

A FNS Unit consists of three persons. The head of household, who is here on a student visa is employed and earns \$1,500 per month. The FNS Unit's income is under the maximum income level for a household of two (\$1,517). Include the prorated countable gross income. Enter the total prorated gross income in field 80F of the DSS-8590 on the same line with the ineligible member.

\$1,500 Divided by 3 = \$500 Prorated Share
\$ 500 Multiplied by 2 (eligible FNS Unit members) = \$1,000
\$1,000 = Income of ineligible member to be counted for the remaining
FNS Unit members

NOTE: FNS units that are categorically eligible or FNS units that contain a specified person as defined in Section 210.05 are not subject to the gross income test.

Policy for the treatment of ineligible "qualified" aliens remains the same. Count the prorated income in the gross income level test and the net income test and to determine the benefit level.

III. IMPLEMENTATION INSTRUCTIONS

This policy is effective upon receipt. This change is effective with each application, change in situation or recertification taken or processed on or after receipt of this letter.

If you have any questions, please contact your Food and Nutrition Services & Energy Programs Representative.

Sincerely,

A handwritten signature in cursive script that reads "Dean Simpson".

Dean Simpson, Chief
Economic and Family Services

DS/tb