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## FOOD AND NUTRITION SERVICES CERTIFICATION

### GENERAL PROCEDURES & REQUIREMENTS

#### FNS 170 NOTICES

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#### FNS 170 NOTICES

Change #03-2021

June 1, 2021

#### 170.01 REQUIREMENT TO PROVIDE NOTICE

- A. Food and Nutrition Services (FNS) units must receive notification when changes are made to the FNS case that effects their eligibility or benefit amount. There are two types of notifications:
1. Timely Notices are required when any action will negatively (decrease or terminate) impact the FNS unit's eligibility or benefit amount.
  2. Adequate Notices are required when any action positively (increases) impacts or makes no change to the FNS unit's eligibility or benefit amount.
- B. FNS caseworkers must review all notices to ensure the information and evidences have been entered into the North Carolina Families Accessing Services through Technology (NC FAST) eligibility system.
- C. The FNS caseworker is required to issue all notices through the NC FAST automated system, whenever possible. Manual notices may only be used in the following circumstances:
1. The correct notice cannot be generated in NC FAST due to a system error or failure; or
  2. The caseworker is instructed by NC FAST to issue a manual notice; or
  3. The caseworker is instructed by state policy to issue a manual notice.
- Note:** The caseworker must upload a copy of the manual notice into NC FAST and document the reason for issuing a manual notice in the appropriate NC FAST notes.

#### 170.02 TRANSMITTING INFORMATION BETWEEN PUBLIC ASSISTANCE PROGRAMS

- A. Use the DSS-8194, Income Maintenance Transmittal Form, encrypted email, secure county communication system, or NC FAST communications to transmit information between public assistance programs. This includes changes reported by the FNS unit or when the FNS worker is aware of other pertinent facts.
- B. Document the program, method, date, type, and any verifications that are transmitted to the other public assistance program in appropriate NC FAST notes section. Do not wait until action is taken on the FNS case to route the information to the other program.

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**170.03 EFFECT OF CHANGE (DSS-8562)**

Use the DSS-8562, Effect of Change, to notify the FNS unit when a reportable change results in no change in benefits or to notify a FNS unit of an increase in benefits.

A FNS unit has 10 calendar days to request a hearing from the date the notice is sent if the FNS unit wishes to continue benefits at the current rate.

**170.04 NOTICE OF ADVERSE ACTION (DSS-8553)**

Use the DSS-8553, Notice of Adverse Action, to notify the FNS unit of a proposed reduction or termination of benefits within a certification period as a result of a reportable change, including when a change becomes known during the postponed verification period of an expedited case. Exceptions to this requirement are listed in FNS 170.05 Exceptions to Notice of Adverse Action.

- A. Enter information into NC FAST to allow the system to make a correct eligibility determination.
- B. Review the decision summary and evidences in NC FAST to ensure eligibility has been determined correctly.
- C. Issue the DSS-8553, Notice of Adverse Action through the NC FAST system using the timely notice function. NC FAST will calculate the required 10 day notice period and make the change effective the first month after expiration of the 10 day notice period.
- D. If a manual notice is required, the following steps must be completed:
  - 1. Complete the DSS-8553, Notice of Adverse Action, in NC FAST, if available. Mail or give the notice to the FNS unit at least ten working days (exclude weekends and holidays) prior to the effective date of the action.
  - 2. Unless the FNS unit requests a fair hearing and continued benefits, the effective date of the action is the first day of the month following the expiration of the ten working day notice. See Section FNS 705, Fair Hearings.
  - 3. The notice must contain the following information.
    - i. A statement of the proposed action;
    - ii. A clear explanation of the reason for the action, including the regulation on which the action is based;
    - iii. The effective date of the action; **and**
    - iv. The name and telephone number of the person or office to contact for more information or to request a fair hearing.

**170.05 EXCEPTIONS TO NOTICE OF ADVERSE ACTION (DSS-8553)**

Exceptions to DSS-8553, Notice of Adverse Action, does not relieve the caseworker's responsibility to inform the client using an Adequate notice. Use the DSS-8562, Effect of

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Change adequate notice for the exceptions to notice of adverse action unless otherwise specified below. Individual DSS-8553, Notices of Adverse Action are not required for the following:

A. Mass Changes

The FNS section is responsible for the issuance of notices for mass changes.

B. Expedited Services with Postponed Verification

At certification, NC FAST sends notification to the FNS unit that no benefits will be issued beyond the month of application until postponed verification is received. Act on postponed verification without further notice. Refer to Section FNS 320, Expedited Service.

C. Notice of Death

Terminate the case when the agency receives notification of the death of all members of a FNS unit. Notification must be from a reliable source, such as contact from friends or relatives of the deceased, other agencies, or an obituary notice.

Note: If there is at least one remaining FNS unit member, a DSS-8553 is required to reduce benefits.

D. Household Moves from State.

Refer to Manual Sections FNS 450 Simplified Reporting Changes During the Certification Period, FNS 550 Transitional Food and Nutrition Services Benefits, or FNS 600 Simplified Nutritional Assistance Program to determine if the change must be reacted to.

If the change must be reacted to refer to FNS 170.07 Confirmation of Voluntary Termination of Benefits (DSS-8632).

E. Disqualified Household Member (Intentional Program Violation [IPV])

Reduce or terminate benefits when a FNS unit member is disqualified for an IPV in accordance with sections FNS 705 Hearings, FNS 800 Claims, or the benefits of the remaining FNS unit members are reduced or terminated to reflect the disqualification of that FNS unit member.

F. Variable Allotment

When the FNS unit's allotment varies from month-to-month within the certification period due to changes that were anticipated at the time of certification, notify the FNS unit at the time of certification. Send a manual DSS-8551 Notice of Eligibility regarding the variable allotment.

G. Joint Application

Change benefits when the household **jointly** applied for Work First Family Assistance (WFFA) and FNS benefits and has been receiving FNS benefits pending the approval of

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the WFFA benefit. The household was notified at the time of certification that FNS benefits would be reduced upon approval of the WFFA. If the FNS unit did not jointly apply for WFFA and FNS, a DSS-8553, Notice of Adverse Action is required.

#### H. Conversion to Allotment Reduction

Once a claim is established, NC FAST sends the DSS-8554, Notice of Overissuance, containing the DSS-8553, Notice of Adverse Action's requirement for the client to request an appeal. If an allotment reduction is invoked following the expiration of the ten workdays provided in this notice, no further DSS-8553, Notice of Adverse Action, is required.

#### I. Loss of Certification/Disqualification of Treatment Center

Terminate benefits of residents of a drug or alcoholic treatment center or a group living arrangement if the facility either loses its certification from the appropriate agency or has its status as an authorized representative suspended due to being disqualified as a retailer by FNS. However, residents of group living arrangements may apply on their own behalf and be eligible to participate.

#### J. Voluntary Request for Termination or Reductions of Benefits

When a household requests, in writing or verbally, that its benefits be reduced or terminated, refer to FNS 170.07 Confirmation of Voluntary Termination of Benefits (DSS-8632).

#### K. Last Month of Certification Period

When a change is reported or becomes known in the last month of the certification period, the change will be made during the recertification process.

#### L. Month prior to the last month of the certification

When the change cannot be made in time to affect benefits for the last month of the certification period.

### 170.06 CANCELING OR VOIDING THE NOTICE OF ADVERSE ACTION (DSS-8553)

Void DSS-8553, Notices of Adverse Action only when:

- A. Benefits are being reduced or terminated due to failure to comply with a work requirement and the non-compliance is cured prior to the sanction being invoked. (Once the sanction is imposed, it cannot be stopped.)

**EXAMPLE:** A Notice of Adverse Action is issued on January 5 to decrease benefits effective January 31. The FNS unit cures the sanction on January 28. The notice is voided.

- B. The FNS unit requests a hearing with continued benefits. If the FNS unit wins the appeal, the notice is voided by the appeal decision. If county action is affirmed, the adverse action is only delayed.

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- C. The notice was issued in error.
- D. A case is sent to Transitional Food and Nutrition Services Benefits.
- E. The household provides sufficient information to determine eligibility and/or benefit level, prior to the effective date of the DSS-8553, Notice of Adverse Action. Act on new circumstances in accordance with sections FNS 450.06 Situations when Benefits Cannot be Increased, and FNS 550.04 Change During the Transitional Food and Nutrition Services Benefit Period. If necessary, adjust the households' participation with a new DSS-8553, Notice of Adverse Action.

**170.07 CONFIRMATION OF VOLUNTARY TERMINATION OF BENEFITS (DSS-8632)**

Use the DSS-8632, Confirmation of Voluntary Termination of Benefits, to notify a FNS unit of a proposed reduction or termination of benefits within a certification period when a Notice of Adverse Action is not required.

**A. Move from the State**

When the FNS caseworker receives notification that the FNS unit has moved from the state, send a DSS-8632, Notice of Termination no later than the next scheduled issuance date. If the new address is unknown, send the notice to the last known address with a request to “please forward” on the outside of the envelope.

**NOTE:** Refer to Manual Sections FNS 450 Simplified Reporting Changes During the Certification Period, FNS 550 Transitional Food and Nutrition Services Benefits, or FNS 600 Simplified Nutritional Assistance Program (SNAP) to determine if the change must be reacted to.

**B. Voluntary Request for Termination or Reduction**

When the FNS unit requests, in writing or verbally to reduce or terminate its benefits, send a DSS-8632, Notice of Termination. Written request does not include the same rights as a DSS-8553, Notice of Adverse Action except that the FNS unit may request a fair hearing.

**170.08 CHANGE REPORT FORM (DSS-8550)**

Give or mail a FNS unit subject to Simplified Reporting requirements a DSS-8550, Change Report, at the time of interview, recertification, and anytime that a completed DSS-8550 is received by the agency.

**170.09 FOOD AND NUTRITION SERVICES (FNS) NOTICE OF INFORMATION NEEDED (DSS-8650)**

The DSS-8650, FNS Notice of Information Needed is used to request required information, deductions, and schedule interviews. Whenever possible, the automated DSS-8650 in NC FAST should be used. If a manual DSS-8650 is required complete lines 1-5 and 10–15 on all requests. In addition, complete the appropriate sections based on the type of information needed as outlined below:

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A. Required information:

- Complete lines 6, 7.

B. Deductions:

- Complete lines 6, 8, 9.

C. Interview Appointments:

- Complete line 7.

**Note:** The caseworker must upload a copy of the manual notice into NC FAST and document the reason for issuing a manual notice in the appropriate NC FAST notes.