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## FOOD AND NUTRITION SERVICES CERTIFICATION

### ELIGIBILITY REQUIREMENTS

#### FNS 175 AUTHORIZED REPRESENTATIVE

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#### FNS 175 Authorized Representative

Change #02-2021

June 1, 2021

#### 175.01 AUTHORIZED REPRESENTATIVE REQUIREMENTS

An authorized representative is an individual designated by the Food and Nutrition Services (FNS) unit to apply for benefits, use FNS benefits to purchase food for the FNS unit, or both apply and use FNS benefits on behalf of the FNS unit. The following conditions apply to Authorized Representatives:

- A. Authorized Representatives designated to apply for **or** apply for and use FNS benefits:
  - 1. The authorized representative designated by the household to apply for FNS benefits for the household must be an adult who is not included in the FNS unit.
  - 2. A person who is currently disqualified for an Intentional Program Violation can not make application or be responsible for reporting changes. If allowed to be an authorized representative in this capacity, the decision must be based on a determination that there is no other suitable applicant/recipient to represent the FNS. The county director must approve in writing on the DSS-1688 that this individual can represent the FNS to make application and to be responsible for reporting changes. Document the situation in the case file.
  - 3. A retailer who is authorized to accept FNS benefits cannot be an authorized representative unless approved in writing by the county Department of Social Services (DSS) director on the DSS-1688. If allowed to be an authorized representative, the decision must be based on a determination that no other suitable authorized representative is available for the FNS unit. Document the situation in the case file.
  - 4. An agency employee who is involved in the FNS certification and/or issuance process cannot be an authorized representative unless approved in writing by the county Department of Social Services (DSS) director on the DSS-1688. If allowed to be an authorized representative, the decision must be based on a determination that no other suitable authorized representative is available for the FNS unit. Document the situation in the case file.
- B. Authorized Representatives designated to use FNS benefits only to purchase food for the FNS:
  - 1. Another adult household member (such as the spouse) can be an authorized representative for using FNS benefits.
  - 2. An individual who is currently disqualified for an Intentional Program Violation can be an authorized representative for using FNS benefits without director approval.

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##### 175.02 AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Explain to the authorized representative applying on behalf of the FNS unit that:

- A. They are certifying that the information provided is true and complete; **and**
- B. They are responsible for reporting changes in the FNS unit's circumstances when the FNS unit is unable to report the change. Advise the authorized representative that upon approval of FNS benefits, a Change Report Form, DSS-8550, will be mailed to the household. This form can be used to report changes to the agency; **and**
- C. The household and authorized representative are **equally** responsible for any erroneous issuance as a result of incorrect or incomplete information provided by the authorized representative, except when benefits are trafficked or misused by the authorized representative without the FNS unit's knowledge. The authorized representative is responsible for an erroneous issuance while acting as the representative for an alcoholic/drug treatment center, or when found guilty of trafficking EBT benefits.

**NOTE:** An authorized representative with only the authority to purchase food for the FNS unit does not have the responsibilities listed in this section.

##### 175.03 AUTHORIZED REPRESENTATIVE RESTRICTIONS

- A. The FNS unit can have no more than two active authorized representatives for the case.
- B. An authorized representative may represent more than one FNS unit at the same time.
- C. Any FNS unit that resides in an Alcohol and Drug Treatment Center (ADTC) may only have one authorized representative.

##### 175.04 DSS-1688 DESIGNATION OF AUTHORIZED REPRESENTATIVE FORM

Complete the DSS-1688, Designation of Authorized Representative by checking all appropriate boxes and obtaining signatures at application, full recertification, and when the FNS unit changes its authorized representative. Distribute a copy to the FNS unit and the authorized representative upon request. Save original DSS-1688, Designation of Authorized Representative in North Carolina Families Accessing Services through Technology (NC FAST) and record on the evidence dashboard in NC FAST.

- A. The head of household's signature **is required** on the DSS-1688 when:
  - 1. The FNS unit designates an authorized representative who does not have Power of Attorney.
  - 2. The Power of Attorney authorization is limited to a specific purpose that does not include applying for and/or using FNS benefits.
  - 3. The Power of Attorney authorization is time-limited and will expire within 30 days.

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- B. The head of household's signature **is not required** on the DSS-1688 when:
1. The authorized representative is a person employed by and designated to act on behalf of residents of an ADTC or a group home. Document this designation on the application form.
  2. The authorized representative has full Power of Attorney for the FNS unit. File a copy of the Power of Attorney document in the case file and document the application form.
  3. The authorized representative has legal guardianship of a disabled person who is not capable of signing the DSS-1688. Use prudent judgment to determine if an authorized representative is appropriate. Document the case file and include legal guardianship documentation.
  4. The head of household of a Simplified Reporting case is deceased and the remaining household members are minors.
  5. Due to Simplified Reporting requirements, there may be other situations in which the HOH is not available to sign the DSS-1688. Use prudent judgment to determine if an authorized representative is appropriate.
- C. Do not complete the DSS-1688 for FNS unit members designated as authorized representative to use the benefits.

#### 175.05 REMOVING AN AUTHORIZED REPRESENTATIVE

If you have evidence that an authorized representative provided false information, misrepresented the FNS unit's circumstances, or improperly used FNS benefits, prohibit the authorized representative from serving as a representative for any household for one calendar year.

- A. Document the situation in the case file or on the application form.
- B. Notify the FNS unit and the authorized representative in writing 30 calendar days prior to the date of removal. Include the proposed action, the reason, the FNS unit's right to a fair hearing, and the name and telephone number of the person to contact for additional information.

**NOTE:** Representatives designated to act on behalf of residents of an ADTC or group home are exempt from this provision.

#### 175.06 STATUS OF AUTHORIZED REPRESENTATIVE IF FOOD AND NUTRITION SERVICES CASE CLOSES

Evaluate the need of deactivating an authorized representative's EBT card when a Food and Nutrition Services case terminates. NC FAST **does not** automatically deactivate the authorized representative. Use the evidence dashboard in NC FAST to reactivate an authorized representative when necessary.