



Food Stamp Comparable Disqualifications

To: Regional Directors / Food Stamp Program

11/19/97

The following memo gives guidance on disqualifying a member of a food stamp household from the Food Stamp Program when that person fails to do something required by another public assistance program.

Section 819 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provides that:

(1) If a disqualification is imposed on a MEMBER of a household for failure to perform an action required under another public assistance program, the State agency may impose the same disqualification on the MEMBER of the household under the Food Stamp Program and

(2) If a disqualification is imposed under paragraph (1) for the failure of an individual to perform an action required under TANF the State agency may use the TANF RULES and procedures to impose the SAME disqualification under the Food Stamp Program.

The issue is if TANF disqualifies the whole household can the food stamp office use the reference to TANF "rules and procedures" to disqualify the whole household instead of only the individual. In a previous Q&A package we advised that we would either address this in the regulations or allow State flexibility in this area. In the interim State agencies should use their best judgment.

We have reviewed this matter and determined that the best reading of the law is that disqualifications under Section 819 should only be applied to the individual. We have determined that paragraph (2) does not override paragraph (1) because paragraph (2) says in part that, "If a disqualification is imposed under paragraph (1) the State may use TANF rules and procedures." The paragraphs are given equal numbering in the law.

Because of the time it takes to publish regulations, we have determined that we should provide State agencies further guidance in this area at this time to minimize the administrative difficulties of reversing policy at a later time. We understand that a few State agencies are currently disqualifying the whole household for some violations. Please advise all State agencies of this policy interpretation and advise those State agencies that are disqualifying the whole household under the comparable disqualification provision that we believe that these sanctions are not supported by the law and that our regulations when published will limit these disqualifications to the person who failed to comply.

Under food stamp rules (Section 815) if the head of the household fails to comply, the State agency has the option to disqualify the whole household or only the individual who failed to comply. Therefore, if the head of the household failed to comply, the State may choose to disqualify the whole household for the length of the food stamp penalty. Under this new guidance, if it opts to apply a longer TANF disqualification, only the individual can be disqualified after the end of the food stamp penalty. For example, the food stamp household is disqualified for 180 days under Section 815. The State opts for comparable disqualifications under 819 and the TANF penalty is for 280 days. In this case the household would be disqualified for 180 days and the person who failed to comply would be disqualified for an additional 100 days. If an individual other than the head of the household failed to comply only the individual can be disqualified. If the State agency opts for comparable disqualifications, the individual would be disqualified for the length of the food stamp penalty or the TANF penalty, whichever is longer. If a person is exempt from the food stamp work registration requirements, only the person who failed to comply can be disqualified under the comparable disqualification provision.

/s/

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