

(g) The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The CWA shall document in the case record the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time subsequent to the withdrawal.

As amended, R.1980 d.117, effective March 19, 1980.
See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(c)2: Added second to last sentence; added "that same day" to previous sentence; made minor language changes.

As amended, R.1981 d.64, effective February 26, 1981.
See: 13 N.J.R. 226(b).

(b)3 added.

Amended by R.1989 d.121, effective February 21, 1989.
See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.
See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Date of application for applicants who are institutionalized is now the same as date of release from institution.

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section.

Case Notes

Failure of CWA to provide Food Stamp application where requested.
J.S. v. Essex County Division of Welfare, 1 N.J.A.R. 432, (1979).

10:87-2.14 Household cooperation

To determine eligibility for program benefits, the application must be completed and signed, the household (or its authorized representative) interviewed, and certain information (see N.J.A.C. 10:87-2.19 and 2.20) must be verified. If the household refuses to cooperate with the CWA in completing this process, by refusing to be interviewed, not merely missing an appointment, the application shall be denied at the time of refusal.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Added reference to N.J.A.C. 10:87-2.20.

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Amended N.J.A.C. references in the first sentence and inserted "by refusing to be interviewed, not merely missing an appointment," preceding "the application shall be denied" in the second sentence.

Case Notes

Cited in support of holding that burden of proof of parentage to establish eligibility lies with aid applicant by preponderance of believable evidence. *A.H. v. Bergen Cty. Welfare Bd.*, 4 N.J.A.R. 52 (1981).

Termination of Food Stamp Program participation due to inability to reconcile income and household size reported to household with case record; termination reversed due to ready availability of income information and agency responsibility to establish household size from information provided by household. *Burlington Cty. Welfare Bd. v. H.R.*, 3 N.J.A.R. 363 (1980).

Denial of benefits for failure to cooperate proper where applicant refused to disclose sum of injury claim proceeds held in escrow by attorney. *M.R. v. Camden Cty. Welfare Bd.*, 1 N.J.A.R. 94 (1979).

10:87-2.15 Denial of eligibility for non-cooperation

For a determination of refusal to be made by the CWA, the household must be able to cooperate but clearly demonstrate that it will not take actions that it can take, to do what is required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed, not merely fail to appear for the interview. If there is any question as to whether the household has merely failed to cooperate as opposed to refused to cooperate, the household shall not be denied.

Case Notes

Denial of benefits for failure to cooperate proper where applicant refused to disclose sum of injury claim proceeds held in escrow by attorney. *M.R. v. Camden Cty. Welfare Bd.*, 1 N.J.A.R. 94 (1979).

10:87-2.16 Subsequent refusal to cooperate

The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates.

Amended by R.1985 d.180, effective April 15, 1985 (operative May 1, 1985).

See: 17 N.J.R. 167(a), 17 N.J.R. 969(a).

Section substantially amended.

Case Notes

Cited in support of holding that burden of proof of parentage to establish eligibility lies with aid applicant by preponderance of believable evidence. *A.H. v. Bergen Cty. Welfare Bd.*, 4 N.J.A.R. 52 (1981).

10:87-2.17 Refusal to cooperate with Quality Control reviews

(a) The household shall be determined ineligible if it refuses to cooperate in a State or Federal Quality Control review. If a household is terminated for refusal to cooperate with a quality control reviewer, the household may reapply but shall not be determined eligible until one of the following conditions is met:

1. The household cooperates with the reviewer; or
2. If a household that was terminated for refusal to cooperate with a State quality control reviewer reapplies after 95 days from the end of the annual review period, the household shall not be denied for its failure to cooperate with a State quality control reviewer during the completed review period, but must provide verification prior to certification, in accordance with N.J.A.C. 10:87-2.19(k). The annual review period ends on September 30 of each year.
3. If a household that was terminated for refusal to cooperate with a Federal quality control reviewer reapplies after seven months from the end of the annual review period, the household shall not be determined ineligible for

its refusal to cooperate with a Federal quality control reviewer during the completed review period, but must provide verification in accordance with N.J.A.C. 10:87-2.19(k) prior to certification. The annual review period ends on September 30 of each year.

Amended by R.1985 d.180, effective April 15, 1985 (operative May 1, 1985).

See: 17 N.J.R. 167(a), 17 N.J.R. 969(a).

Old text deleted and new text substituted.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (c).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised rule to conform with Federal regulations, specifying household's responsibility to comply with Quality Control reviews.

Deleted prior (a)2 and (b)-(c), and added new (a)2 and (a)3.

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

In (a), amended N.J.A.C. references throughout.

10:87-2.18 Interview process

(a) Except for households certified for longer than 12 months, households with only earned income, households with no earned income and households in which all members are elderly and/or disabled or those with hardship conditions who are interviewed by phone or by a home visit, all other applicant households (including those submitting applications by mail, data-fax or electronically) shall have a face-to-face interview with a qualified eligibility worker, prior to initial certification and all recertifications. Additionally, a face-to-face interview shall be provided to any household that requests one. All interviews for food stamp benefits shall meet the requirements below.

(b) The individual interviewed may be the head of household, spouse, any other responsible member of the household or an authorized representative. An applicant may bring any person he or she chooses to the interview. To the extent practicable, the CWA shall schedule the interview to accommodate the needs of groups with special circumstances, including working households.

(c) The interviewer shall not simply review the information which appears on the application but shall explore and resolve with the household any unclear and incomplete information. Households shall be advised of their rights and responsibilities during the interview, including an explanation of the processing standards and the household's responsibility to report changes.

1. The interviewer shall explain to the applicant the work registration and employment and training requirements and the consequences of a household member quitting his or her job or reducing wages or hours of work without good cause (see N.J.A.C. 10:87-10.6).

(d) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the inter-

view. Facilities shall be of adequate size and layout to preserve the privacy and confidentiality of the interview.

(e) The in-office interview shall be waived in lieu of a telephone interview for any household, which is unable to appoint an authorized representative (see N.J.A.C. 10:87-2.7) and which has no adult household members able to come to the food stamp office. The CWA shall waive the office interview on a case-by-case basis for any household, which reports it is unable to appoint an authorized representative and has no members able to come to the Food Stamp office because of transportation difficulties or similar hardships. The waiver of the face-to-face interview shall be documented in the case record.

1. Hardship conditions include but are not limited to: illness, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work hours which preclude an in-office certification. If a waiver is granted, the CWA shall document the reason for the determination in the case record.

2. The CWA has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be made only if the date and time of the interview is scheduled in advance at a mutually acceptable location with the household.

3. Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary evidence would normally be provided.

4. Waiver of the face-to-face interview shall not affect the length of the household's certification period.

(f) For households that are not interviewed on the day they submit their applications, the CWA shall schedule all interviews as promptly as possible in order to ensure that eligible households receive an opportunity to participate within 30 days after the application is filed. Initial applicants and recipients applying for recertification who cannot obtain certification services without missing time from work must be given appointments for such services. While appointments outside normal business hours are not required, CWAs are encouraged to offer them.

1. If a household fails to appear for the first interview, the CWA shall initiate action to schedule another interview. The interview shall be rescheduled without requiring the household to provide good cause for failing to appear. The CWA shall notify each household that misses its interview appointment that it missed the scheduled appointment and that the household is responsible for rescheduling the missed interview. The CWA shall reschedule if requested by the household. However, if the household does not appear for the rescheduled interview,

Amended by R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

Added medical expenses, clarified language, changed internal references to conform.

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

(a)2i added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised text to clarify when household must report changes in deductible expenses.

In (a): added language about medical expenses.

Revised text in (b) and deleted (b)1 regarding unchanged information.

In (c): added "... unless the information ... outdated" to final sentence.

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

Added (e).

Recodified from N.J.A.C. 10:87-2.28 and amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section. Former N.J.A.C. 10:87-2.24, Documentation, recodified to N.J.A.C. 10:87-2.23.

10:87-2.25 Denial of the application

Households that are found to be ineligible shall be sent a notice of denial as soon as possible, but not later than 30 days following the date the application was filed. If the household had failed to appear for two scheduled interviews and has made no subsequent contact with the CWA to express an interest in pursuing the application, the CWA shall send the household a notice of denial on the 30th day following the date of application. The household shall file a new application, if it wishes to participate in the Program. In cases where the CWA was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the CWA may also deny the application on the 30th day if the CWA provided assistance to the household in obtaining verification when required, as specified at N.J.A.C. 10:87-2.22(c), but the household failed to provide the requested verification.

New Rule, R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Recodified from N.J.A.C. 10:87-2.29 and amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Amended the N.J.A.C. reference in the fourth sentence. Former N.J.A.C. 10:87-2.25 repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

Updated the N.J.A.C. reference.

10:87-2.26 Normal processing standard

(a) The CWA shall provide eligible households that submit a complete application an opportunity to participate as soon as possible, but not later than 30 calendar days after the application was filed. CWAs are required to provide the applicant with a copy of an electronically filed application. An application is considered filed the day the appropriate food stamp office receives the application containing the appli-

cant's name and address and signed by either a responsible member of the household or the household's authorized representative. For SSI jointly processed households, the application shall be considered filed for normal processing purposes when the signed application is received by the SSA district office. For residents of public institutions who jointly apply for food stamps and SSI under SSA's Prerelease Program for the Institutionalized, the application shall be considered filed for normal processing purposes when the resident is released from the institution. Households entitled to expedited processing are specified at N.J.A.C. 10:87-2.28.

(b) An opportunity to participate consists of issuing benefits to the household's Families First account in accordance with any staggered issuance procedure which has been established by a CWA. The Families First card is the standard method of distributing Food Stamp Program benefits, serving also to provide cash benefits for Temporary Assistance for Needy Families and Debt Reduction Act child support bonus payments to eligible households.

1. At the time that a CWA certifies a household's eligibility to receive benefits, the State's automated case file and issuance system (also known as FAMIS), creates a Families First account on the Families First automated account network. A Families First card shall be made available to the household not later than 30 days after the application for food stamp benefits, if eligible. The CWA then contacts the household for an initial training session and the selection of a Personal Identification Number (PIN). In no event shall the Families First card be mailed to the payee.

2. The replacement of food stamp benefits or credit adjustments to food stamp benefit accounts shall be carried out in accordance with N.J.A.C. 10:87-9.8 and 9.9.

3. The replacement of lost or misplaced Families First cards shall be carried out in accordance with N.J.A.C. 10:87-9.10 and 10:88-6.2.

(c) Determinations of eligibility shall be made in accordance with normal processing standards. For a household entitled to expedited processing as specified at N.J.A.C. 10:87-2.30, issuance of benefits shall be made in accordance with the following provisions:

1. If a household is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated based on the reduction formula provided by DFD.

2. If a household is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the household until issuance is again authorized by DFD.

Amended by R. 1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 195(b).

Added (b)1.

Amended by R.1981, d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(c) added.

Amended by R.1989 d.121, effective February 21, 1989.
See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Changed "35" to "34".

Amended by R.1989 d.464, effective September 5, 1989.
See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Date of application for applicants who are institutionalized is now the same as date of release from institution. ID card provided at initial issuance. Provision for replacement benefits added at (b)2.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (b)1: changed "19th" to "15th" day. Added new (b)3.

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

In (b), inserted "either" following "with" and added "or issuing benefits to the household's Families First account in accordance with any staggered issuance procedure which has been established by a CWA" at the end of the first sentence and substituted a reference to ATPs for a reference to benefits in the last sentence of the introductory paragraph, and rewrote 3.

Recodified from N.J.A.C. 10:87-2.30 and amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section. Former N.J.A.C. 10:87-2.26 repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In the introductory paragraph of (b), deleted the final sentence.

Case Notes

Failure to advise applicant of placement of application in pending status and reason therefore was, at best, a technical violation, as applicant was aware that reason for delay was her refusal to cooperate. *M.R. v. Camden Cty. Welfare Bd.*, 1 N.J.A.R. 94 (1979).

10:87-2.27 Delays in processing

(a) If the CWA does not determine a household's eligibility and provide an opportunity to participate within 30 days of the date the application was filed, the CWA shall take action as indicated below.

(b) If the household has failed to appear for two scheduled interviews and has made no subsequent contact with the CWA to express interest in pursuing the application, the CWA shall send the household a notice of denial on the 30th day following the date of application. The household must file a new application if it wishes to participate in the program. See (c)5 below for households which express interest in pursuing the application after failing to appear for two scheduled interviews.

(c) The CWA shall determine the cause of the delay. A delay shall be considered the fault of the household if the household has failed to complete the application process even though the CWA has taken all the action required to assist the household. The CWA must have taken the following actions before a delay can be considered the fault of the household:

1. For households which have failed to complete the application form, the CWA must have offered, or attempted to offer, assistance in its completion.

2. If one or more members of the household have failed to register for work (as required at N.J.A.C. 10:87-10.1), the CWA must have informed the household of the need to

register for work and given the household at least 10 days from the date of notification to register those members.

3. In cases where verification is incomplete, the CWA must have provided the household with a Notice of Required Verification (Form FSP-33), offered to assist the household in obtaining required verification, and allowed the household sufficient time to provide the missing verification.

4. Sufficient time to provide missing verification shall be at least 10 days from the date of the CWA's initial request for the particular verification which was missing.

5. For households which have failed to appear for an interview, the CWA must have attempted to reschedule the initial interview within 30 days of the date the application was filed.

i. If the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification and register members for work by the 30th day. Otherwise, the delay shall be the fault of the household.

ii. If the household has failed to appear for the first interview and a subsequent interview is postponed until after the 30th day following the date the application was filed, the delay shall be the fault of the household.

iii. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

(d) Delays that are the fault of the CWA include, but are not limited to those cases in which the CWA failed to take one or more of the actions described in (c) above.

(e) If, by the 30th day, the CWA cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The CWA must have offered, or have attempted to offer, assistance in the completion of the application.

1. On the 30th day, the CWA shall send a Notice of Denial to the household giving an additional 30 days to take the required action. Once the household takes the necessary action and submits the required information, the benefits will be prorated from the date the information is provided. If the household takes the required action within 60 days following the date that the application was filed, the CWA shall reopen the case without requiring a new application. No further action by the CWA is required after the Notice of Denial is sent if the household fails to take the required action within 60 days following the date the application was filed. That is, the case shall be closed and

the household shall have the opportunity to reapply. The Notice of Denial shall include the following:

- i. The action that the household must take to reactivate the application;
- ii. That the case will be reopened without a new application if action is taken within 30 days of the date that the Notice of Denial was mailed;
- iii. That the household must resubmit a new application if, at the end of the 30-day period, the household has not taken the needed action and wishes to participate in the program.

(f) Whenever a delay in the initial 30-day period is the fault of the CWA, the CWA shall take immediate corrective action. The CWA shall not deny the application if it caused the delay but shall instead notify the household by the 30th day after the application was filed that the application is being held pending. The CWA shall also notify the household of any action it must take to complete the application process.

1. If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the month of application. If, however, the household is found to be ineligible, the CWA shall deny the application.

(g) The following procedures apply as appropriate when a delay occurs in the second 30-day period.

1. If the CWA is at fault for not completing the application process by the end of the second 30-day period, and the case record is otherwise complete, the CWA shall continue to process the original application until an eligibility determination is reached.

i. If the household is determined eligible, and the CWA was at fault for the delay in initial 30-day period, the household shall receive benefits retroactive to the month of application.

ii. If the initial delay was the household's fault, the household shall receive benefits retroactive to the month following the month of application. The CWA shall use the original application to determine the household's eligibility in months following the 60-day period.

2. If the CWA is at fault for not completing the application process by the end of the second 30-day period, but the case record is not sufficiently complete to reach an eligibility determination, the CWA shall continue to process the original application. If the household is subsequently determined eligible, the procedure in (g)1i above shall be used to determine entitlement for retroactive benefits.

3. If the household is at fault for not completing the application process by the end of the second 30-day period, the CWA shall deny the application and require the household to file a new application if it wishes to participate. The

household shall not be entitled to any lost benefits even if the delay in the initial 30 days was the fault of the CWA.

4. The CWA shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The CWA shall not consider individuals identified at N.J.A.C. 10:87-2.3(a) and (c) as individuals outside of the household.

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

(a)4ii and (a)6i(2) amended.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (c)3: added text to specify how CWA must assist households for which verification is incomplete.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (e)2 and (g)1ii revised specific time frames.

Added new (g)4.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (c)3, added the Notice of Required Verification Form.

Amended by R.1995 d.135, effective March 6, 1995.

See: 26 N.J.R. 4298(a), 27 N.J.R. 916(a).

Recodified from N.J.A.C. 10:87-2.31 and amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section. Former N.J.A.C. 10:87-2.27 repealed.

Case Notes

Failure to advise applicant of placement of application in pending status and reason therefore was, at best, a technical violation, as applicant was aware that reasons for delay was her refusal to cooperate. M.R. v. Camden Cty. Welfare Bd., 1 N.J.A.R. 94 (1979).

10:87-2.28 Expedited service

(a) The following households are entitled to expedited service:

1. Households with less than \$150.00 in monthly gross income, as computed at N.J.A.C. 10:87-6.16 provided that the household's liquid resources (for example, cash on hand, checking or savings accounts, savings certificates and lump sum payments as described at N.J.A.C. 10:87-5.9(a)11) do not exceed \$100.00;

2. Migrant or seasonal farmworker households who are destitute as defined in N.J.A.C. 10:87-6.18 provided that the household's liquid resources (for example, cash on hand, checking or savings accounts, savings certificates and lump sum payments as described in N.J.A.C. 10:87-5.9(a)11) do not exceed \$100.00; and

3. Eligible households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and utilities. When the CWA is determining the household's utility expenses for this purpose, it shall utilize the appropriate utility allowance as set forth at N.J.A.C. 10:87-5.10(a)7iv, unless the household is able to claim an actual utility expense. A household that does not meet specified standard utility allowance guide-

lines at N.J.A.C. 10:87-5.10(a)7iv because they only have one utility expense, can claim the actual utility expense.

(b) The CWAs application procedures shall be designed to identify households eligible for expedited service at the time of a request for food stamp assistance. The household shall be prescreened for entitlement to expedited service. For example, a receptionist, volunteer or other agency employee shall screen applications as they are filed or as individuals come in to apply.

Amended by R.1983 d.121, effective April 4, 1983.
See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

In (a), deleted a former 3, and recodified former 4 as 3 and added a second sentence.

Recodified from N.J.A.C. 10:87-2.32 and amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

In (a)1, amended N.J.A.C. references throughout. Former N.J.A.C. 10:87-2.28, Verification subsequent to initial certification, recodified to N.J.A.C. 10:87-2.24.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (a)3, substituted "appropriate utility allowance as set forth at N.J.A.C. 10:87-5.10(a)7iv" for "Standard or Heating Utility Allowance at N.J.A.C. 10:87-5.10(a), as appropriate", and "is able" for "elects".

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In (a)1 and (a)2, updated the N.J.A.C. references; and in (a)3, inserted "an" preceding "actual", substituted "expense" for the second occurrence of "expenses" and inserted the last sentence.

10:87-2.29 Expedited service processing standards

(a) For households entitled to expedited service, the CWA shall make available to the recipient a food stamp benefit not later than the seventh calendar day following the date an application was filed in the appropriate food stamp office. For residents of public institutions who apply for SSI under SSA's Prerelease Program for the Institutionalized, expedited benefits shall be made available within seven calendar days following the date of the resident's release from the institution.

(b) For residents of substance abuse treatment and rehabilitation centers and residents of group living arrangements (see N.J.A.C. 10:87-7.8(b)3 and 7.9(c)3) who are entitled to expedited service, the CWA shall make a benefit available to the recipient no later than the seventh calendar day following the date an application was filed.

(c) If a household is entitled to expedited service and is also entitled to a waiver of office interview (see N.J.A.C. 10:87-2.18(e)), the CWA shall conduct the interview (unless the household cannot be reached) and complete the application process within the expedited service standards. The

first day of this count is the calendar day following application filing.

1. If the application is not complete, and the CWA conducts a telephone interview and must mail the application to the household for signature, the mailing time involved will not be counted toward the expedited service standards. Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing.

(d) If the prescreening required in this section fails to identify a household as being entitled to expedited service and the CWA subsequently discovers that the household is entitled to expedited service, the CWA shall provide such service within the processing standards above except that the processing standard shall be calculated from the date the CWA discovers the household is eligible for expedited service.

(e) Residents of shelters for battered women and children who are otherwise entitled to expedited service shall be handled within the time limits specified in this section.

As amended, R.1982, d.473, eff. January 3, 1983.

See: 14 N.J.R. 1037(a), 15 N.J.R. 34(a).

Residents of group living facilities added.

As amended, R.1983 d.121, eff. April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Original section 2.33 "Identifying households needing expedited service" repealed and 2.34 recodified to 2.33 and substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Expedited benefits available to clients five days after release from institution.

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

In (a), substituted references to seven calendar days for references to five calendar days throughout, substituted a reference to food stamp benefits for a reference to ATP cards in the first sentence, and added "If an ATP is being issued," at the beginning of the last sentence.

Recodified from N.J.A.C. 10:87-2.33 and amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section. Former N.J.A.C. 10:87-2.29, Denial of the application, recodified to N.J.A.C. 10:87-2.25.

10:87-2.30 Special procedures for expediting service

(a) The CWA shall use the following procedures when expediting certification and issuance.

1. In order to expedite the certification process, the CWA shall use the following verification procedures:

i. In all cases the applicant's identity shall be verified through a collateral contact or readily available documentary evidence:

(1) Examples of acceptable documentary evidence which the household may provide include, but are not limited to, a driver's license, work or school I.D. card, voter registration card, or birth certificate.

ii. All reasonable efforts shall be made to verify, within the expedited processing standards, the household's residency, income statements (including a statement that the household had no income), liquid re-

Case Notes

Child-support payments for children of another household are not excludable from income when calculating eligibility. *J.S. v. New Jersey Dept. of Human Services, Div. of Family Development*, 274 N.J.Super. 314, 644 A.2d 118 (A.D.1994).

Notice informing claimant that food stamp benefits would be reduced because of an increase in his supplemental security income was insufficient. *Meyer v. New Jersey Dept. of Human Services, Div. of Family Development*, 269 N.J.Super. 310, 635 A.2d 544 (A.D.1993).

Food stamp allotment reduced due to increase in educational grant. *Salem County Board of Social Services v. F.B.*, 93 N.J.A.R.2d (DEA) 23.

Money to pay rent was not unearned income. *Bergen County Board of Social Services v. C.L.*, 92 N.J.A.R.2d (DEA) 9.

Unless educational assistance grants are specifically earmarked by the grantor, only that portion of a grant paying for tuition and mandatory fees qualifies for exclusion in calculating Food Stamp benefits entitlement (Division's Final Decision). *Camden Cty. Bd. of Social Services v. J.S.*, 5 N.J.A.R. 501 (1982). *Ocean Cty. Bd. of Social Services v. L.G.*, 4 N.J.A.R. 216 (1982).

Public assistance DFYS grant properly classified as unearned income in determination of net Food Stamp income. *M.D. v. Passaic Cty. Bd. of Social Services*, 3 N.J.A.R. 366 (1981).

Eligibility determination must include costs of producing income from applicant-owned apartment house. *Essex Cty. Welfare Bd. v. "W.C."*, 1 N.J.A.R. 36 (1979).

Cost of producing income from rental units to be deducted from gross rental income in determining eligibility for participation in Food Stamp Program. *Essex County Welfare Board v. "W.C."*, 1 N.J.A.R. 36, (1979).

Income from rental property. *Essex County Welfare Board v. "W.C."*, 1 N.J.A.R. 36, (1979).

10:87-5.6 Income of excluded individuals

(a) The earned or unearned income of an individual disqualified from the household for intentional program violation as set forth at N.J.A.C. 10:87-11 or who refuses to comply with a work registration requirement shall continue to be attributed in its entirety to the remaining household members (see N.J.A.C. 10:87-7.7(b)).

(b) The earned or unearned income of individuals excluded from the household for failing to comply with the requirement to provide a Social Security number (see N.J.A.C. 10:87-2.19(h) or for being an ineligible alien (see N.J.A.C. 10:87-3.8(a) et seq. for listing of eligible aliens) or for having questionable citizenship status (see N.J.A.C. 10:87-2.20(b)) shall continue to be counted as income, less the pro rata share for that individual, to the remaining household members. Procedures for calculating this pro rata share are described at N.J.A.C. 10:87-7.7.

Amended by R.1981 d.87, effective April 9, 1981.
See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

Delete "or for failure . . . N.J.A.C. 10:87-3.20(e)."
Amended by R.1983 d.223, effective May 31, 1983.
See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, effective March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

"Disqualified" changed to "excluded" individuals; distinction made between intentional program violation and other causes for exclusion.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (b): revised N.J.A.C. references to conform with recodification.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (a): added phrase ". . . or refusal to comply with a work registration requirement . . .".

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section.

10:87-5.7 Special income situations

(a) Moneys withheld from earned income, or other income source, or moneys received from any income source (except as specified in (c) below) which are voluntarily or involuntarily returned to repay a prior overpayment that is not excludable under N.J.A.C. 10:87-5.6 shall not be counted as income. Moneys withheld from an assistance grant to repay a prior overpayment that is the result of an inadvertent client error or agency error shall not be counted as income.

(b) Child Support under Title IV-D shall be treated as follows:

1. Title IV-D child support payments shall be excluded from the food stamp eligibility determination and benefit calculation process, provided that those payments shall be assigned to the CWA. Note that this income exclusion shall not apply, however, to child support payments which are not assigned to the CWA. Child support which the household is not required to remit to the CWA shall be considered as unearned income for food stamp purposes.

2. An amount up to the first \$100.00 per month of child support payments received for an WFNJ family through the child support and paternity (Title IV-D) process is disregarded in the WFNJ program and is paid to the WFNJ family in the form of disregarded child support (DCS) payment. The amount of the DCS payment shall be counted as unearned income for food stamp purposes in accordance with N.J.A.C. 10:87-5.5(a)5, as are any child support payments received directly by a food stamp household. DCS payments which are intended for a prior month shall be excluded under N.J.A.C. 10:87-5.9.

(c) The rules for failure to comply with public assistance (PA) program requirements (also known as "The Riverside Rule") ban an increase in FSP benefits when income from the WFNJ/TANF/GA programs is decreased (reduced or suspended) as a result of failure to comply with a program requirement and a sanction has been imposed.

1. The CWA shall apply the Riverside Rule when an individual commits an act of noncompliance in the WFNJ/TANF/GA programs and it results in a sanctioning of that individual, regardless of whether or not there is a disqualification in the FSP.

2. The CWA shall apply the Riverside Rule if an individual commits an act of fraud in the WFNJ/TANF/GA programs and it has been determined that an IPV exists.

i. The Riverside Rule shall also apply when an IPV has been committed, which results in a sanction.

3. The PA amount to be considered as income for food stamp purposes shall be the pre-sanction amount. This pre-sanction amount shall be used until the sanction is removed.

i. If a new member is added to the PA household during the period of sanction, the TANF grant increases and the calculation of food stamp benefits shall be based on the new TANF grant amount as the TANF countable income. The new member added to the PA household will also increase the food stamp benefit amount since the new person is also added to the food stamp household. If the new member is a capped child the WFNJ/TANF grant will not increase, however, the child will be included in the food stamp household and the food stamp allotment shall increase accordingly.

4. The Riverside Rule shall be applied during the full period of the PA sanction.

5. In the event that the Riverside Rule is invoked and the household's PA is terminated, in order to receive food stamp benefits, the household shall apply for non-public assistance food stamp benefits.

6. In multi-person households, if the individual who committed the act of noncompliance leaves the household's residence, the Riverside Rule penalty shall continue to apply to the noncompliant individual until the sanction period ends. The Riverside Rule penalty shall not be applied to any remaining household members.

7. The Riverside Rule shall not apply to individuals who fail to comply with a PA program requirement at the time of application and, thus, are never issued a PA benefit.

8. The CWA shall not apply the Riverside Rule and shall not count as income monies withheld from an assistance grant to repay a prior overpayment that is the result of an inadvertent household error or agency error.

i. Monies withheld from an assistance grant due to an IPV shall invoke the Riverside Rule.

9. The Riverside Rule does not apply to Supplemental Living Support payments.

10. If the CWA is not successful in obtaining the necessary cooperation from a municipal welfare agency to enable it to comply with the requirements of this provision, the CWA shall not be held responsible for noncompliance as long as the CWA has made a good faith effort to obtain information regarding a noncompliance. Attempts to obtain information from the appropriate agency shall be documented in the case record.

(d) The following are good cause reasons for not applying the Riverside Rule. The ban on increasing benefits does not apply under these circumstances.

1. Clients whose WFNJ/TANF or WFNJ/GA benefits are terminated;

2. Clients have a child subject to the TANF family cap;

3. Clients fail to reapply or to complete the reapplication process for continued WFNJ cash assistance;

4. Clients fail to perform a purely procedural requirement, such as failing to sign an application; or

5. Clients fail to perform a required action because they are unable to complete the action through no fault of their own.

Emergency amendment, R.1985 d.178, effective March 25, 1985 (operative April 1, 1985, expiration date May 24, 1985).

See: 17 N.J.R. 986(a).

Readopted by R.1985 d.313, effective May 28, 1985.

See: 17 N.J.R. 986(a), 17 N.J.R. 1567(a).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

In (b) and (c), substituted references to WFNJ for references to AFDC and GA throughout; in (b)1, substituted a reference to administrative determination for a reference to determination; in (c)1, added iii; rewrote (d); and added (e).

Amended by R.1999 d.6, effective January 4, 1999.

See: 30 N.J.R. 3451(a), 31 N.J.R. 69(a).

In (c), substituted references to SSI and WFNJ for references to AFDC, SSI and GA.

Amended by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

Rewrote (c).

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In the introductory paragraph of (c), substituted "or suspended" for "suspended or terminated"; in (c)2i, inserted a comma following "committed" and deleted "and the closure of a case" from the end; in (c)4, deleted the last sentence; in the introductory paragraph of (c)5, deleted "and the Riverside Rule penalty shall apply for three months after the termination of PA benefits" from the end; deleted (c)5i; and in (d)1, deleted "due to the five-year time limit on eligibility" from the end.

Amended by R.2009 d.135, effective April 20, 2009.

See: 40 N.J.R. 5501(a), 41 N.J.R. 1861(a).

In (b)2, substituted "\$100.00" for "\$50.00".

10:87-5.8 Income exclusions

Income which is classified as an exclusion shall not be considered for purposes of determining net or gross food stamp income.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

Substituted a reference to gross food stamp income for a reference to food stamp income.

iii. At a minimum, any written agreement with the household to collect the claim using active EBT benefits shall include:

- (1) A statement that this collection activity is strictly voluntary;
- (2) The amount of the payment;
- (3) The frequency of the payments (that is, whether monthly or one time only);
- (4) The length (if any) of the agreement; and
- (5) A statement that the household may revoke this agreement at any time.

3. The CWA shall reduce any restored benefits owed to a household by the amount of any outstanding claim. This is called offsetting a claim and may be done at any time during the claim establishment and collection process.

4. The CWA shall accept any payment for a claim whether it represents full or partial payment. The payment may be in any of the acceptable forms described at (o) above.

5. The CWA may accept installment payments made for a claim as part of a negotiated repayment agreement. If the household fails to submit a payment in accordance with the terms of the negotiated repayment schedule, the claim becomes delinquent and it shall be subject to additional collection actions.

6. Contingent upon agreements established between DFD and the Department of Labor and Workforce Development, for inactive cases, the CWA may intercept an individual's unemployment compensation benefits (UIB) by obtaining a court order. The CWA shall report any intercept of UIB as "cash" payments to USDA.

7. If authorized by a court, the value of a claim may be paid by the household performing public service.

8. The CWA may employ any other collection actions to collect claims. These actions include but are not limited to, referrals to collection and or other similar private and public sector agencies, State tax refund and lottery offsets, wage garnishments, property liens and small claims court.

9. Rules on unspecified joint collections are as follows:

i. When a CWA receives an unspecified joint collection in which the food stamp claim has been combined with one or more other program claims, the CWA shall allocate the repayment to reflect the proportionate share of monies recovered for each program. Unspecified collections for more than one program are not to be assigned solely to the non-food stamp programs.

ii. The proportionate share is determined by what percentage is owed to each program (TANF, FS and Medicaid). For example, where the client owes \$1,000 to Medicaid, \$500.00 to TANF and \$500.00 to Food

Stamps, the shares are to reflect one-half of the monies returned to Medicaid, and one-quarter each respectively to TANF and the Food Stamp program.

(q) No interest or court fees are to be applied to claims established due to the overissuance of or ineligibility for food stamp benefits.

(r) Rules on refunds for overpaid claims are as follows:

1. If a household overpays a claim, the CWA shall provide a refund for the overpaid amount as soon as possible after it finds out about the overpayment. The household shall be paid by whatever method the CWA deems appropriate considering the circumstances.

2. The household is not entitled to a refund if the overpayment amount is attributed to an expunged EBT benefit.

(s) Policy on interstate claims collection is as follows:

1. Unless a transfer occurs as outlined at (s)2 and (t) below, the CWA is responsible for initiating and continuing collection action on any food stamp recipient claim regardless of whether the household remains in New Jersey.

2. The CWA shall accept a claim from another state agency if the household with the claim moves into New Jersey. Once the CWA accepts this responsibility, the claim is the CWA's for future collection and reporting. CWAs shall report interstate transfers in accordance with instructions provided by USDA/FNS.

(t) If a recipient moves from one county of residence to another county of residence within the State of New Jersey, the collection of an outstanding claim can be transferred to the new county upon mutual agreement.

(u) The CWA shall act on behalf of, and as, USDA/FNS in any bankruptcy proceeding against any bankrupt households owing food stamp claims. The CWA shall possess rights, priorities, interests, liens or privileges, and shall participate in any distributions of assets, to the same extent as USDA/FNS. Acting as USDA/FNS, the CWA shall have the power and authority to file objections to discharge, proofs of claims, exceptions to discharge, petitions for revocation of discharge, and any other documents, motions or objections which USDA/FNS might have filed. Any amounts collected under this authority shall be transmitted to the DFD as provided at (w) below.

(v) Retention rates for CWA use are as provided in (v)1 through 4 below:

1. If the CWA collects an IPV claim, the retention rate is 35 percent;

2. If the CWA collects an IHE claim, the retention rate is 20 percent;

3. If the CWA collects an IHE claim by reducing a person's unemployment compensation benefit, the retention rate is 35 percent;

4. If the CWA collects an AE claim, the retention rate is zero.

(w) Receipt and transmittal of collections are as follows:

1. The CWA shall instruct the household to submit checks or money orders payable to the respective CWA.

i. The CWA shall issue a lawful receipt for any repayment which is accepted. Payments received shall be deposited in the CWA Clearing Account and a record of the receipt of the payment maintained on a separate section of the Clearing Account Subsidiary Ledger.

ii. The collections received during the reporting quarter must be submitted to DFD by issuing a check, payable to "Treasurer, State of NJ" either monthly or quarterly.

(1) For purposes of recordkeeping, each CWA shall maintain a schedule of collections received during the quarter indicating the case number, household's name, amount of claim, current payment, amount paid to date and balance due.

(x) Accounting procedures are as follows:

1. The CWA shall be responsible for maintaining an accounting system for monitoring claims against households. The accounting system shall be designed to accomplish the following:

i. Document the circumstances which resulted in a claim, the procedures used to calculate the claim, the methods used to collect the claim and, if applicable, the circumstances which resulted in suspension or termination of collection action.

ii. Identify those situations in which an amount not yet restored to a household can be used to offset a claim owed by the household.

iii. Identify those households that have failed to make installment payments on their claims.

iv. Document how much money was collected and how much was submitted to DFD.

2. At a minimum, the accounting system shall document the following for each claim:

- i. The date of discovery;
- ii. The reason for the claim;
- iii. The calculation of the claim;
- iv. The date the claim was established;
- v. The methods used to collect the claim;

vi. The amount and incidence of any claim processing charges;

vii. The reason for the final disposition of the claim;

viii. Any collections made on the claim; and

ix. Any correspondence, including follow-up letters, sent to the household.

3. At a minimum, the accounting or certification system shall also identify the following for each claim:

i. Those households whose claims have become delinquent;

ii. Those situations in which an amount not yet restored to a household can be used to offset a claim owed by the household; and

iii. Those households with outstanding claims that are applying for benefits.

4. When requested and at intervals determined by USDA/FNS, the accounting system shall also produce:

i. Accurate and supported outstanding balances and collections for established claims; and

ii. Summary reports of the funds collected, the amount submitted to DFD, the claims established and terminated, any delinquent claims processing charges, the uncollected balance and the delinquency of the unpaid debt.

5. On a quarterly basis, unless otherwise directed by DFD, the accounting system shall reconcile summary balances reported to individual supporting records.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Change in household composition".

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (a)1, substituted "food stamp benefits" for "coupons" and "EBT" for "APT"; in (o)1i through (o)1iii, substituted a semicolon for the period at the end; deleted (o)1iv; recodified (o)1v through (o)1vii as (o)1iv through (o)1vi; in (o)1iv, substituted a semicolon for a period at the end; in (o)1v, substituted "; or" for the period at the end; in (o)1vi, updated the N.J.A.C. reference; and in (p)6, substituted "and Workforce Development" for "DOL" and "to USDA" for "for reporting purposes".

Administrative correction.

See: 40 N.J.R. 1663(a).

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In (i)6 and (o)1vi, updated the N.J.A.C. reference.

10:87-11.21 Treasury Offset Program

(a) Rules on the Treasury Offset Program (TOP) are as follows:

1. Procedures for referring debts to TOP are as follows:

i. Appropriate client contact shall be made by the CWA prior to forwarding a claim to DFD for referral to TOP.

ii. When a claim for \$25.00 or more becomes delinquent, the CWA shall send a demand letter(s) at 30, 60 and 90-day intervals to the client requesting that he or she make voluntary payment or set up a payment schedule. This will require the CWA to identify and track delinquent claims at the 30, 60 and 90-day periods.

iii. If the client has not responded to the demand letter issued at the 90-day interval, the CWA shall refer these claims to DFD for processing. A 60-day notice will be generated advising the client that if he or she does not contact the CWA for payment of the claim by the end of the 60-day period, the claim shall be referred to TOP.

iv. The CWA shall certify that all claims referred to TOP are 180 days delinquent and legally enforceable.

v. The CWA shall also follow DFD procedures regarding responding to inquiries, subsequent reviews and hearings, and any other procedures determined necessary in the debtor notification process.

2. Procedures for debts not referred to TOP are as follows:

i. The CWA shall not refer to TOP a claim when:

(1) It becomes aware that the debtor is a member of a participating household that is having its allotment reduced to collect the claim; or

(2) It falls into any other category designated by USDA/FNS and transmitted through DFD as non-referable to TOP.

3. Procedures in effect on debtors to TOP are as follows:

i. As a debtor, if the claim is referred to TOP, any eligible Federal payment which is owed may be intercepted through TOP.

ii. The debtor is also responsible for paying any collection or processing fees charged by the Federal government to intercept the payment.

4. Procedures when a claim is in TOP are as follows:

i. The CWA shall follow USDA/FNS procedures, as transmitted through DFD, when a claim is in TOP.

ii. The CWA shall inactivate or close a claim from TOP if:

(1) USDA/FNS or Treasury instructs to inactivate or close the debt; or

(2) It is discovered that:

(A) The debtor is a member of a food stamp household undergoing allotment reduction;

(B) The claim is paid up;

(C) The claim is disposed of through a hearing, termination, compromise or any other means;

(D) The claim was referred to TOP in error; or

(E) An arrangement is made with the debtor to resume payments.

5. DFD transmitted procedure on receiving and reporting TOP payments shall be followed.

6. DFD transmitted procedure regarding any security or confidentiality agreements or processes necessary for TOP participation shall be followed.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.19.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Benefits lost prior to EPR".

Recodified from N.J.A.C. 10:87-11.22 by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

Former N.J.A.C. 10:87-11.21, Operation Judgement Day, repealed.

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In the introductory paragraph of (a), inserted "the"; and in (a)liii, deleted "OIS at" preceding "DFD at", substituted "A" for "OIS, in turn, generates a" preceding "60-day notice" and inserted "will be generated".

10:87-11.22 (Reserved)

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Federally mandated reduction or cancellation of benefits".

Recodified to N.J.A.C. 10:87-11.21 by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

Section was "Treasury Offset Program".

10:87-11.23 (Reserved)

Repealed by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Claims against households".

10:87-11.24 (Reserved)

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Rules on nonfraud claims deleted and replaced.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.22.

Repealed by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Inadvertent household error and administrative error claims".

10:87-11.25 (Reserved)

See: 15 N.J.R. 633(a) 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Complete new text, rule at this cite recodified to 10:87-11.24.

As amended, R.1984 d.68, effective March 19, 1984.
See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

(e)1. and 2., added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.24 and (f) amended.

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

In (b), substituted a reference to food stamp benefits for a reference to ATPs in 3, and substituted a reference to monthly food stamp benefits for a reference to food stamp allotments in 4; and in (e), added 3.

Repealed by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Instances requiring a claim determination for inadvertent household errors or administrative errors".

10:87-11.26 (Reserved)

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

Added (f).

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly at 10:87-11.23; amendments to text concerning inadvertent household and administrative errors.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.24 with amendments.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (c)1: failure to respond reduced from 30 to 10 days.

Amended by R.1998 d.498, effective October 5, 1998.

See: 30 N.J.R. 1928(a), 30 N.J.R. 3669(b).

In (a), deleted a former 2, and recodified former 3 as 2; and in (b), rewrote 1 and 2.

Repealed by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Collecting inadvertent household errors and administrative error claims".

10:87-11.27 (Reserved)

Amended by R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly codified at 10:87-11.24, "fraud" replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified with amendments from 11.25.

Repealed by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Intentional program violation claims".

10:87-11.28 (Reserved)

Amended by R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly codified at 10:87-11.25, "fraud" replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.26 and substantially amended.

Repealed by R.2004 d.181, effective May 17, 2004.

See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Section was "Establishing an intentional program violation claim".

10:87-11.29 (Reserved)

Amended by R.1983 d.224, effective May 31, 1983.