

Case Notes

Transfer of resources by way of account withdrawal and payment of unverifiable loan on date of application to meet eligibility requirements is proper grounds for benefits denial. "J.F." v. Middlesex Cty. Welfare Agency, 1 N.J.A.R. 311 (1980).

10:87-4.19 Period of disqualification

The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceed the allowable limits. For example, if a one-person, non-elderly household with \$1,750 in a bank account transferred ownership of a car worth \$10,000, \$500.00 of that transfer would be considered in determining the period of ineligibility because the first \$9,500 of the car's value is excluded and an additional \$150.00 of the transferred asset can be applied toward the \$2,000 resource limit. The following chart shall be used to determine the period of disqualification:

Disqualification Period Chart

Amount in Excess of the Resource Limit	Period of Household Disqualification
\$ 0.01-\$ 249.99	1 months
250- 999.99	3 months
1,000- 2,999.99	6 months
3,000- 4,999.99	9 months
5,000 and over	12 months

Amended by R.1982 d.473, effective January 3, 1983.
 See: 14 N.J.R. 1037(a), 15 N.J.R. 34(a).
 Resource limits changed from \$1,500 to \$1,250 and from \$1,750 to \$1,500.
 Amended by R.1986 d.301, effective July 21, 1986.
 See: 18 N.J.R. 1464(b).
 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.2004 d.181, effective May 17, 2004.
 See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).
 Amended dollar amounts in the introductory paragraph.

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Transfer of resources by way of account withdrawal and payment of unverifiable loan on date of application to meet eligibility requirements is proper grounds for benefits denial. "J.F." v. Middlesex Cty. Welfare Agency, 1 N.J.A.R. 311 (1980).

10:87-4.20 (Reserved)

New Rule, R.1989 d.121, effective February 21, 1989.
 See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).
 Repealed by R.2003 d.181, effective May 17, 2004.
 See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).
 Section was "REsources of nonhousehold members".

**SUBCHAPTER 5. FINANCIAL ELIGIBILITY;
 INCOME**

10:87-5.1 Applicability

(a) All households which do not contain an elderly or disabled member, shall meet both the net and gross income eligibility standards set forth in N.J.A.C. 10:87-12.3 and 12.4, respectively, in order to be eligible for program participation, with the exception of (b) below. Households which contain an elderly or disabled member shall meet the net income eligibility standards in N.J.A.C. 10:87-12.3. Net

food stamp income shall be determined in accordance with procedures contained in this subchapter.

(b) Households that are categorically eligible as defined at N.J.A.C. 10:87-2.32 and 2.35 do not have to meet either the gross or net income eligibility standards.

Amended by R.1984 d.17, effective February 6, 1984.
 See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).
 Reference to meeting net and gross income eligibility.
 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 (a): deleted language "including those in which all members are recipients of public assistance" describing households.
 Added text with reference to exception of subsection (b).
 Amended by R.1993 d.62, effective February 1, 1993.
 See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).
 In (b), added N.J.A.C. 10:87-2.39.
 Amended by R.2004 d.181, effective May 17, 2004.
 See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).
 In (b), amended the N.J.A.C. references.

10:87-5.2 Responsibilities regarding the reporting of income

(a) Responsibilities for the reporting of income shall be as follows:

1. At the time of certification or recertification, the applicant shall report all income currently being received by all members of the household and any income changes or additions which the household anticipates during the course of the certification period. The applicant also has the responsibility of reporting changes in circumstances, in accordance with N.J.A.C. 10:87-9.5, during the certification period.
2. The CWA shall determine that the total income to the household, as reported by the applicant during the certification or recertification interview, is completely identified on the FSP-901 (application form), and in sufficient detail to permit verification (see also N.J.A.C. 10:87-2.19(b)).

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 (a)2: revised reference to N.J.A.C. 10:87-2.20(b).
 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), rewrote the section.

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AFDC recipient whose benefits were terminated or suspended for month in which she received five paychecks entitled to continued Medicaid assistance. Monmouth Cty. Bd. of Social Services v. A.R., 194 N.J.Super. 4, 475 A2d 1266 (App.Div.1984).

10:87-5.3 Income defined

Household income shall be defined as all income from whatever source unless such income is specifically excluded under the provisions of N.J.A.C. 10:87-5.9.

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

Law Review and Journal Commentaries

Food Stamps. Judith Nallin, 137 N.J.L.J. No. 11, 48 (1994).

10:87-5.4 Earned income

(a) For the purposes of determining net food stamp income, earned income shall include the following:

1. All wages and salaries received as compensation for services performed as an employee;

2. When the earned income of one or more household members and the earned income of a nonhousehold member are combined into one wage, the income of the household member shall be determined as follows:

i. If the household's share can be identified, the CWA shall count that portion as earned income to the household; or

ii. If the household's share cannot be identified, the CWA shall prorate the earned income among those persons it was intended to cover and count that prorated share as earned income to the household;

3. The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business (see N.J.A.C. 10:87-5.9(a)14);

i. Ownership of rental property shall be considered a self-employment enterprise. However, income derived from the rental property shall be considered earned income only if a member of the household is actively engaged in the management of the property for an average of at least 20 hours per week (see also N.J.A.C. 10:87-5.5(a)3).

ii. Payments received from a roomer or boarder shall be considered self-employment income.

4. Training allowances from vocational and rehabilitative programs recognized by Federal, State, or local governments, to the extent they are not a reimbursement (see N.J.A.C. 10:87-5.9(a)9iii(l));

5. Payments to volunteers under Title I (VISTA, University Year for Action, and so forth) of the Domestic Volunteer Service Act of 1973 (P.L. 93-113) shall be considered earned income and subject to the earned income deduction specified at N.J.A.C. 10:87-5.10(a)2, excluding payments to households as set forth at N.J.A.C. 10:87-5.9(a)15iii;

6. Earnings to individuals who are participating in on-the-job training programs under the Workforce Investment Act per 7 C.F.R. 273.9(b)(1)(v). This provision does not apply to household members under 19 years of age who are under the parental control of another adult member, regardless of school attendance and/or enrollment. For the purpose of this provision, earnings include monies paid under the Workforce Investment Act and monies paid by the employer;

7. Educational assistance which has a work requirement (such as work study, or an assistantship or fellowship with a work requirement), and which is not excluded under N.J.A.C. 10:87-5.11, shall be treated as earned income.

Amended by R.1983 d.223, effective May 3, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, eff. 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).

Combined income of household and nonhousehold members explained at (a)2; 2 and 3 renumbered 3 and 4.

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

(a)5; payment to volunteers added.

Correction: Added material missing in (a) and (a)5.

See: 18 N.J.R. 1414(a).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 N.J.R. 1490(a).

(a)1i deleted from section.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.

See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).

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 (a)6: added text to specify programs administered under JTPA, Section 204(5).

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), added 7.

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

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

In (a)4, deleted a reference to WIN and REACH.

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

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

Deleted the introductory phrases throughout and rewrote (a)6.

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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).

10:87-5.5 Unearned income

(a) For the purposes of determining net food stamp income, unearned income shall include, but not be limited to:

1. Assistance payments from Federal or Federally aided public assistance programs such as SSI or WFNJ/TANF and WFNJ/GA program payments, or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment to a third party on behalf of the household, unless specifically exempt as countable income under the provisions at N.J.A.C. 10:87-5.9(a)1 and 2;

i. All assistance payments from programs which require, as a condition of eligibility, the actual performance of work, without compensation other than the assistance payments themselves, shall be considered unearned income.

Recodified from N.J.A.C. 10:87-8.14 by R.2004 d.181, effective May 17, 2004.

See: 35 N.J.R. 28(a), 36 N.J.R. 2425(a).
Section was Reserved.

10:87-8.14 Household rights

(a) The household shall have the following rights:

1. Prior to and at the time of the hearing, the household shall have the right to examine all documents and records which are to be used during the hearing.

2. The contents of the case record, including the application form and documents of verification used by the CWA to establish the household's ineligibility or eligibility and allotment, shall be made available, provided that confidential information such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions is protected from release. Free copies of relevant portions of the case record shall be furnished if requested by the household or its representative.

3. Confidential information which is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decisions.

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Recodified from N.J.A.C. 10:87-8.15 and amended by R.2004 d.181, effective May 17, 2004.

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

Deleted introductory phrases throughout. Former N.J.A.C. 10:87-8.14, Hearing official, recodified to N.J.A.C. 10:87-8.13.

10:87-8.15 County welfare agency rights at hearing

The CWA shall appoint a representative to appear at the hearing who shall be a CWA representative who is familiar with the case and issue(s) involved in the hearing.

Recodified from N.J.A.C. 10:87-8.16 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. 10:87-8.15, Household rights, recodified to N.J.A.C. 10:87-8.14.

10:87-8.16 Decision on fair hearing

The fair hearing decision shall be effective on the date of final decision unless another effective date is designated in the final fair hearing decision.

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Recodified from N.J.A.C. 10:87-8.20 and amended by R.2004 d.181, effective May 17, 2004.

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

Deleted the introductory phrase. Former N.J.A.C. 10:87-8.16, County welfare agency rights at hearing, recodified to N.J.A.C. 10:87-8.15.

10:87-8.17 Retention of record

An official and complete record of each fair hearing will be maintained in the files of the Division of Family Development for at least three years after the date decision is rendered. The household or its representative may review, upon appointment, all or any part of the official and complete record of his/her fair hearing.

Repealed by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Section was "Subsequent medical reports".

Recodified from N.J.A.C. 10:87-8.21 by R.2004 d.181, effective May 17, 2004.

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

Section was Reserved.

10:87-8.18 Prospective or retroactive action

A decision requiring action by the CWA may apply either prospectively with regard to future action by the CWA or retroactively to the date an incorrect action was taken. If the decision results from mutual agreement of the parties at the hearing, it shall be so stated.

Repealed by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Section was "The fair hearing report and decision".

Recodified from N.J.A.C. 10:87-8.22 by R.2004 d.181, effective May 17, 2004.

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

Section was Reserved.

10:87-8.19 Corrective measures

The State Division of Family Development will take such steps as may be necessary to assure that the decision has been carried out. Corrective or remedial measures ordered by a hearing decision, unless otherwise directed in the decision, will be implemented by the local agency immediately upon receipt of the fair hearing decision (see also N.J.A.C. 10:87-8.26(c)).

Recodified from N.J.A.C. 10:87-8.24 by R.2004 d.181, effective May 17, 2004.

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

Section was Reserved.

10:87-8.20 Final administrative action

Final administrative agency action on fair hearing decisions shall be implemented by the local agency within 60 days of the date of the hearing request. However, delay in the hearing process resulting from postponement of a scheduled hearing may extend the time period for local agency corrective action for as many days the hearing is postponed by the household, not to exceed 30 days.

Recodified from N.J.A.C. 10:87-8.25 by R.2004 d.181, effective May 17, 2004.

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

Former N.J.A.C. 10:87-8.20, Decision on fair hearing, recodified to N.J.A.C. 10:87-8.16.

10:87-8.21 CWA responsibilities; fair hearings

(a) When the hearing decision is that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided in accordance with N.J.A.C. 10:87-11.13.

(b) When the hearing decision upholds the CWA's action, a claim (when appropriate) shall be prepared against the household for any overissuance in accordance with N.J.A.C. 10:87-11.20.

(c) Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if a supplementary ATP must be issued.

1. If however, the next normal issuance after receipt of the decision occurs within 60 days of a household's request for a hearing, the increase may be reflected in that issuance.

(d) Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

(e) A household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the federally authorized amount.

As amended, R.1981 d.64, effective February 26, 1981.

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

(e) 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 N.J.A.C. 8:27-8.26 by R.2004 d.181, effective May 17, 2004.

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

Deleted introductory phrases throughout; in (a) and (b), amended the N.J.A.C. references; in (c), substituted "benefit" for "ATP" in the introductory paragraph. Former N.J.A.C. 8:27-8.21, Retention of record, recodified to N.J.A.C. 8:27-8.17.

10:87-8.22 (Reserved)

Recodified to N.J.A.C. 8:27-8.18 by R.2004 d.181, effective May 17, 2004.

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

Section was "Prospective or retroactive action".

10:87-8.23 (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 "Synopsis of decision".

10:87-8.24 (Reserved)

Recodified to N.J.A.C. 10:87-8.19 by R.2004 d.181, effective May 17, 2004.

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

Section was "Corrective measures".

10:87-8.25 (Reserved)

Recodified to N.J.A.C. 10:87-8.20 by R.2004 d.181, effective May 17, 2004.

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

Section was "Final administrative action".

10:87-8.26 (Reserved)

As amended, R.1981 d.64, effective February 26, 1981.

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

(e) 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 to N.J.A.C. 10:87-8.21 by R.2004 d.181, effective May 17, 2004.

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

Section was "CWA responsibilities; fair hearings".

SUBCHAPTER 9. CERTIFICATION RELATED PROCEDURES

10:87-9.1 Recertification

(a) No household may participate beyond the expiration of the certification period assigned in accordance with N.J.A.C. 10:87-6.20 without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements.

(b) The CWA shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The CWA shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly-processed WFNJ households need not receive a separate food stamp notice if they are recertified for food stamps at the same time as their WFNJ redetermination.

(c) The Notice of Expiration (NOE) shall contain the following:

1. The date the certification period expires;
2. The date by which a household must submit an application for recertification in order to receive uninterrupted benefits;
3. The consequences of failure to apply for recertification in a timely manner;
4. Notice of the right to receive an application form upon request and to have it accepted as long as it contains a signature and a legible name and address;

1. The CWA may pursue other collection actions, as appropriate, to obtain restitution of a claim against any household which fails to respond to a written demand letter for repayment of a claim. For example: when CWAs obtain civil judgements through the courts against former WFNJ/TANF and/or Food Stamp recipients to recover prior overpayments, the civil judgement entitles a CWA to legally recover overissued benefits from former clients. Some of these overpayments, however, are not collected because the CWA lacks adequate resources to locate the delinquent recipient in order to have the judgement enforced. Additionally, many lending institutions are reluctant to approve loans of any type to individuals with outstanding judgements. The purpose of OJD is to provide the nation's three largest credit bureaus with information on delinquent clients and their outstanding judgements, thereby, encouraging these individuals to repay their overpayments in order to maintain satisfactory credit ratings.

2. In order to forward a debtor's name to the credit bureaus, a CWA shall secure accurate information concerning each adjudicated individual and submit it to the DFD Client Investigations Unit via a completed OJD form. The Client Investigations Unit inputs the recipient information, which is then processed by the Office of Information Systems (OIS) and converted to cartridge. The Unit forwards these cartridges to the credit agencies on a monthly basis so that they may accrete or delete these judgement cases from their files.

3. The CWA shall also submit the OJD form to the Client Investigations Unit when the debtor repays the overissuance, or when an error is discovered and the judgement must be completely deleted from credit bureau files. Errors include instances where the judgement had previously been satisfied and the case was erroneously submitted, where the judgement has been vacated by an appropriate court or where any error has been made by the CWA. It is imperative that CWAs immediately advise the Client Investigations Unit at DFD of any change in the debtor's status so that the correct information can be reported to the credit bureaus.

4. In order to conform with credit agency listings and to ensure that only timely information is submitted, the State's limitation regarding the OJD recovery initiative is six years or less, from the date of the judgement. This means that only judgements executed within the past six years are appropriate for submission by the CWAs to the Client Investigations Unit.

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".

10:87-11.22 Treasury Offset Program

(a) Rules on 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 OIS at DFD for processing. OIS, in turn, generates a 60-day notice 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.

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".

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)

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

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)

Repealed by R.2004 d.181, effective May 17, 2004.
See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

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.

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.

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

Originally adopted as an Emergency Rule, R.1983 d.117, eff. 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).

Originally filed as an emergency adoption (R.1983 d.38) on February 22, 1983. Readopted as R.1983 d.72.

Amended by R.1983 d.382, effective August 30, 1983.

See: 15 N.J.R. 1185(a), 15 N.J.R. 1583(b).

Amended by R.1984 d.413, effective September 17, 1984.

See: 16 N.J.R. 1935(a), 16 N.J.R. 2442(a).

Poverty level income increased.

Emergency Amendment R.1985 d.371, effective June 24, 1985 (operative July 1, 1985, expires August 23, 1985).

See: 17 N.J.R. 1793(a).

Maximum Allowable Income raised.

Readoption R.1985 d.480, effective August 26, 1985.

See: 17 N.J.R. 1793(a), 17 N.J.R. 2273(b).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 N.J.R. 1490(a).

Maximum Allowable Income raised.

Readopted Concurrent Proposal R.1986 d.395, effective October 6, 1986.

See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).

Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).

See: 19 N.J.R. 1331(a).

Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.

See: 19 N.J.R. 1331(a), 19 N.J.R. 1738(b).

Provisions of emergency amendment R.1987 d.304 readopted without change.

Emergency amendment, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2592(a).

Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Maximum allowable income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted (a) and Table VII, replacing with text explaining annual amounts and publication schedule.

Public Notice: Maximum allowable income revised to conform to Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: Maximum allowable income, effective October 1, 1993.

See: 25 N.J.R. 5365(a).

Public Notice: Maximum allowable income, effective October 1, 1994.

See: 26 N.J.R. 3901(a).

Public Notice: 165 percent of poverty level amounts, effective October 1, 1995.

See: 27 N.J.R. 4919(b).

Public Notice: 165 percent of poverty level amounts, effective October 1, 1996.

See: 28 N.J.R. 4677(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: 30 N.J.R. 3866(a).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: 31 N.J.R. 3135(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: 32 N.J.R. 3667(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: 33 N.J.R. 3556(a).

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: 34 N.J.R. 3544(a).

Case Notes

Adoption of amendments to regulation cited as example of swift rulemaking by Division of Public Welfare. *Eherenstorfer v. Div. of Public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

SUBCHAPTER 13. NEW JERSEY SUPPLEMENTARY FOOD STAMP PROGRAM

10:87-13.1 Purpose

(a) The New Jersey Supplementary Food Stamp Program provides nutritional assistance to those categories of noncitizens who were rendered ineligible for the Federal Food Stamp Program by Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193).

(b) The New Jersey Supplementary Food Stamp Program employs all Federal Food Stamp Program rules which are in effect in New Jersey under this chapter as amended by both Federal statute and policy instruction issued by the United States Department of Agriculture, with the exception of (b)1 and 2 below.

1. N.J.A.C. 10:87-3.8 as amended by Federal statute, which defines the categories of noncitizens who are eligible for the Federal Food Stamp Program, is not applicable to applicants for benefits under the New Jersey Supplementary Food Stamp Program.

2. The work registration requirements at N.J.A.C. 10:87-10.4 through 10.9 are not applicable to those New Jersey Supplementary Food Stamp Program recipients identified in N.J.A.C. 10:87-13.2(a)6. Those noncitizens shall meet their work requirement through the work activities of the WFNJ Program.

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

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

In (a), substituted "Supplementary" for "State" following "New Jersey"; and rewrote (b).

10:87-13.2 Eligibility

(a) Provided that all other Federal Food Stamp Program eligibility requirements are met, only the following noncitizens who are ineligible for the Federal Food Stamp Program due to noncitizen eligibility criteria shall be eligible for participation in the New Jersey Supplementary Food Stamp Program:

1. Noncitizens under the age of 18;

2. Noncitizens age 65 or over;
3. Noncitizens who are receiving SSI benefits, including individuals determined to be essential persons under the SSI program;
4. Noncitizens who are mentally or physically incapacitated. In the event that such disability is claimed, but is not evident, then the following shall be accepted:
 - i. Current receipt of temporary or permanent disability benefits issued by governmental or private sources, including Social Security disability payments;
 - ii. A statement from a physician or licensed or certified psychologist which substantiates the applicant's claim of disability. The statement shall be accepted by the county agency either in writing or by telephone; and
5. Noncitizens who are receiving Work First New Jersey GA benefits who are considered unemployable.
6. Noncitizens who are the natural or adoptive parents, stepparents, or legal guardians residing with their dependent children under the age of 18, subject to the following:

i. The noncitizen shall be required to participate in a WFNJ work activity (as defined at N.J.A.C. 10:90-4.3), which may include a program that is designed to assist the noncitizen in securing employment or preparing for employment.

ii. The noncitizen shall be eligible for child care and other services under the WFNJ Program, provided that he or she meets the conditions at N.J.A.C. 10:90-5.2.

(1) The noncitizen shall not be required to engage in a WFNJ work activity if child care is unavailable for the noncitizen's dependent child, in accordance with N.J.A.C. 10:90-4.9(d).

(2) The noncitizen shall be temporarily deferred from the WFNJ work activity, provided he or she meets the conditions at N.J.A.C. 10:90-4.9.

iii. A noncitizen who does not participate, without good cause, in the WFNJ work activity shall be sanctioned in accordance with N.J.A.C. 10:87-10.21.

(b) To be eligible for the New Jersey Supplementary Food Stamp Program, the noncitizen's date of entry into the United States must be prior to August 22, 1996.

(c) To be eligible for the New Jersey Supplementary Food Stamp Program, the noncitizen shall meet one of the following categories:

1. A noncitizen lawfully admitted for permanent residence as an immigrant as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act. (However, a noncitizen lawfully admitted for permanent residence pursuant to Section 245A of the Immigration and Nationality Act must be eligible as specified in (c)8 and 9 below) (see N.J.A.C. 10:87-2.20(c) for verification);

2. A noncitizen who entered the United States prior to January 1, 1972, or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to Section 249 of the Immigration and Nationality Act (see N.J.A.C. 10:87-2.20(c) for verification);

3. A noncitizen qualified for conditional entry after March 31, 1980 because of persecution or fear of persecution on account of race, religion, or political opinion pursuant to Section 207 (formerly Section 203(a)(7)) of the Immigration and Nationality Act (see N.J.A.C. 10:87-2.20(c) for verification);

4. A noncitizen who qualifies for conditional entry prior to April 1, 1980 pursuant to former Section 203(a)(7) of the Immigration and Nationality Act (see N.J.A.C. 10:87-2.20(c) for verification);

5. A noncitizen granted asylum through an exercise of discretion by the Attorney General pursuant to Section 208 of the Immigration and Nationality Act;

6. A noncitizen lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 212(d)(5) of the Immigration and Nationality Act, or as a result of a grant of parole by the Attorney General (see N.J.A.C. 10:87-2.20(c) for verification);

7. A noncitizen living within the United States from whom the Attorney General has withheld deportation pursuant to Section 243 or 241 of the Immigration and Nationality Act because of the judgment of the Attorney General that the noncitizen would otherwise be subject to persecution on account of race, religion, or political opinion (see N.J.A.C. 10:87-2.20(c) for verification);

8. A noncitizen who is defined as aged, blind or disabled in accordance with Section 1614(a)(1) of the Social Security Act and is considered to be lawfully admitted for temporary residence pursuant to Section 245A(b)(1) of the Immigration and Nationality Act;

9. A noncitizen who is granted lawful temporary resident status pursuant to Section 245A of the Immigration and Nationality Act at least five years prior to applying for food stamps and who subsequently gained lawful permanent resident status pursuant to Section 245A of the Immigration and Nationality Act; or

10. A noncitizen who is, as of June 1, 1987 or thereafter, a special agricultural worker (SAW) and lawfully admitted for temporary residence in accordance with Section 210(A) of the Immigration and Nationality Act.

(d) When a noncitizen described at (c)9 above acquires permanent resident status, the family members of that noncitizen acquire permanent resident status and can be included in the noncitizen's household for food stamp purposes. This provision conforms with Section 301(d) of P.L. 100-649.

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

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

Substituted "Supplementary" for "State" following "New Jersey" throughout; and in (a), rewrote 3 and added 6.

10:87-13.3 Ineligible noncitizens

(a) Noncitizens other than those described in this subchapter are not eligible to participate in the New Jersey Supplementary Food Stamp Program as a member of any household. Among those excluded are noncitizen visitors, tourists, diplomats, and students, who enter the United States temporarily with no intention of abandoning their residence in a foreign country.

(b) If the household is comprised of minors (who are eligible for participation in the New Jersey Supplementary

Food Stamp Program) and an adult member who is ineligible for the New Jersey Supplementary Food Stamp Program because of his or her noncitizen status, such adult may make application on behalf of the remaining members of the household. However, if there is another adult in the household who is eligible for benefits, that person shall make application.

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

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

Substituted "Supplementary" for "State" following "New Jersey" throughout.

10:87-13.4 Application for citizenship

(a) An individual who is found to be eligible for the New Jersey Supplementary Food Stamp Program shall be required to apply for United States citizenship within 60 days of the date that the noncitizen is certified as eligible for the New Jersey Supplementary Food Stamp Program or within 60 days of the date the noncitizen is eligible to apply for citizenship, whichever is later.

1. An exception to the citizenship application requirement shall be granted to any person who is unable, because of "medically determinable" physical or mental impairment or combination of impairments which has lasted or is expected to last at least 12 months, to demonstrate an understanding of the English language, or who is unable for any of the same reasons to demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States.

2. The term "medically determinable" means an impairment that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnostic techniques to have resulted in functioning so impaired as to render an individual unable to demonstrate an understanding of the English language, or that renders the individual unable to fulfill the requirements for English proficiency, even with reasonable modifications to the methods of determining English proficiency. The definition of "medically determinable" is the same with regards to the exception from the civics knowledge requirement. Loss of cognitive abilities based on the direct effect of the illegal use of drugs is not covered as a disability.

(b) Eligible noncitizens may receive New Jersey Supplementary Food Stamp Program benefits until they meet the minimum residency requirements to apply for citizenship; for example, they must have resided continuously within the United States, after being lawfully admitted for permanent residence, for at least three years immediately preceding the date of filing a petition for naturalization if they are married to a United States citizen or, if not, they must have resided continuously within the United States, after being lawfully admitted for permanent residence, for at least five years immediately preceding the date of filing a petition for naturalization, or a longer period only if required by INS rules.

(c) An individual who is required to apply for United States citizenship, but who fails to provide the county agency with documentation which verifies that he or she has made timely application for citizenship, shall be rendered ineligible for the New Jersey Supplementary Food Stamp Program.

(d) An individual who applies for United States citizenship, but who subsequently is determined by INS to be inappropriate for such citizenship (with the exception of noncitizens cited in (a)1 above), shall be rendered ineligible for the New Jersey Supplementary Food Stamp Program.

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

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

Substituted "Supplementary" for "State" following "New Jersey" throughout.

10:87-13.5 Calculating eligibility and level of benefit

(a) For the purpose of determining the eligibility and level of benefit for a noncitizen who is eligible for the New Jersey Supplementary Food Stamp Program, the county agency shall perform the following:

1. If the noncitizen is eligible for the New Jersey Supplementary Food Stamp Program as a one-person food stamp household, then eligibility and level of benefit shall be calculated consistent with the manner in which a one-person household is calculated in the Federal Food Stamp Program (N.J.A.C. 10:87-1 through 12).

2. If the noncitizen is eligible for the New Jersey Supplementary Food Stamp Program as a member of a household receiving benefits under the Federal Food Stamp Program, then eligibility and level of benefit shall be determined by including the noncitizen in the household receiving benefits under the Federal Food Stamp Program (N.J.A.C. 10:87-1 through 12).

i. Any income, resources, and expenses of the noncitizen shall be included in determining the eligibility and level of benefit for the entire food stamp household. (The county agency shall not apply N.J.A.C. 10:87-7.14(c) as it pertains to the deeming of income and expenses.)

(b) If a noncitizen is ineligible for both the Federal and New Jersey Supplementary Food Stamp Programs, that individual shall be treated as an excluded household member (see N.J.A.C. 10:87-2.3(c)) in any household with whom he or she resides.

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

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

Substituted "Supplementary" for "State" following "New Jersey" throughout.

10:87-13.6 Treatment of benefits under New Jersey Supplementary Food Stamp Program

(a) Benefits issued under the New Jersey Supplementary Food Stamp Program shall be treated as obligations issued by the State of New Jersey.

(b) Any benefits which are recovered by the county agency through claims collection from recipients of benefits of the New Jersey Supplementary Food Stamp Program shall be remitted in their entirety to the New Jersey Division of Family Development.

1. Recoveries made from households that received only Federal Food Stamp benefits will be credited solely to the Federal program.

2. Recoveries made for households that received both Federal and State Food Stamp Program benefits will be credited to the Federal and State programs on a pro rata basis.

3. Recoveries made from households that received only New Jersey Supplementary Food Stamp benefits will be credited to the New Jersey Supplementary Food Stamp Program.

Amended by R.1999 d.6, effective January 4, 1999.
See: 30 N.J.R. 3451(a), 31 N.J.R. 69(a).

Substituted "Supplementary" for "State" following "New Jersey" throughout.

APPENDIX A

FISCAL MANAGEMENT

SECTION A

Technical requirements and specifications

The Division of Family Development is responsible for designing, implementing and monitoring fiscal management procedures which ensure the security and control of Food Stamp Electronic Benefits Transfer (EBT).

The Office of Budget and Financial Management/Food Stamp Program Fiscal Office (FSPFO) operating requirements in Appendix A are unique to the State of New Jersey Food Stamp Program fiscal administration. County Welfare Agencies (CWAs) are encouraged to submit suggestions to improve this Appendix to:

Supervisor
Food Stamp Program Fiscal Office
Office of Budget and Financial Management
Division of Family Development—PO Box 716
Trenton, N.J. 08625

1. Terms applicable to fiscal operations and their definitions are as follows:

(A) EBT: The system currently in use to provide food stamp benefits electronically to the food stamp recipients.

(B) eFunds: The current contractor for processing Electronic Benefits in New Jersey, eFunds Corporation.

(C) POS Terminals: The Point of Sale terminals currently in use by retailers to process the food stamp benefits cashed by the food stamp recipients.

(D) EBT Administrative Terminal: The software application provided by eFunds and used by CWAs to issue expedited food stamp benefits online.

(E) EBT On-Line Microfiche Terminals: The application provided by eFunds and used by CWAs and State Food Stamp Program staff and other Offices to access various EBT reports provided by eFunds.

(F) Settlement: The amount of food stamp benefits that are processed during a merchant's preset Automated Clearing House cut off time for a business day.

(G) FRB: The Federal Reserve Bank.

(H) AMA: Account Management Agent maintained at the FRB for New Jersey. All daily food stamp authorizations by the Family Assistance Management Information System (FAMIS) are sent to AMA by eFunds.

(I) ASAP: Automated Standard Application for Payment maintained at the United States Treasury for New Jersey. Food stamp funds are authorized in ASAP by AMA and withdrawn by eFunds for the amount of benefits settled each day.

(J) Cutoff dates: The dates by which all FAMIS A and B forms must be submitted to the Office of Information and Technology (OIT) Data Center to be included in the current updating operation.

(K) Master file: The file maintained at the OIT Data Center which contains information relating to all NPA/PA cases which are in active status in the computer system.

(L) Sort: Sequencing of information on computer printouts by the computer program.

(M) Work record: The record maintained at the OIT Data Center which contains information relating to the current month issuance. All data that clears the various edit programs will become integrated into the FAMIS Master File with the exception of replacement data.

2. Retention of fiscal records: Retention rules for FSP fiscal records at the CWA are divided into two categories:

(A) Category I: Computer operations source documents: FAMIS A and B source documents used for terminal input are to be retained for a period of three months after terminal entry. Copies of both are to be filed in the case record and must be retained in accordance with the case record retention schedule.

(B) Category II: Computer printouts: All originals of printout documents shall be retained for three years.

(C) Approval and destruction: Approval for destruction of documents must be received from the Bureau of Archives and History by completing Form ED-6. Actual destruction through incineration or shredding is mandatory.

(D) The State/CWAs are required to complete form FNS-135, Affidavit of Return or Exchange of Food Coupons, when food stamp recipients repay their food stamp claims using existing EBT food stamp benefits.

NOTE: Category II documents listed above shall not be destroyed if the CWA has been instructed in writing by DFD (or the United States Department of Agriculture/Food and Nutrition Service) to retain them.

SECTION B

Data Processing Services

1. The computer generated documents provided for CWA management of fiscal operations of the Food Stamp Program is as follows:

<u>Document Number</u>	<u>Title</u>	<u>CWA Action Required</u>	<u>Source</u>	<u>Produced</u>
CI 909-01	Food Stamp Replacements Issued	Yes	Form A	The 10th of the month after transaction month
FC 072-01	Food Stamp Authorizations Issued (Monthly)	No	Form A	The 4th working day prior to month
CI 940-01	Food Stamp Authorizations	No	Form A	Daily
CI 940-02	Food Stamp Authorizations Issued (Daily)			
FC 072-03	Food Stamp Authorizations Issued (Cumulative Daily)	No	Form A	The 10th of the month following transaction month end
CI 900-01	List of Transaction Errors	No	Form A	Daily

New Rule 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.565, effective November 19, 1990.
 See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).
 Required the Division of Economic Assistance or the CWAs to complete Form FNS-135, Affidavit of Return or Exchange of Food Coupons, when forwarding returned coupons to the United States Department of Agriculture.

Amended by R.1991 d.247, effective May 6, 1991.
 See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).
 Revised text throughout to distinguish procedures for glued and/or stapled coupon booklets. Added new 3(B)(4).
 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).