

(g) The CWA shall offer to place a household in an alternate issuance system after the first report of nonreceipt, or when circumstances exist that indicate that the household may not receive its benefits through the normal issuance system, such as when a household has a history of reported nonreceipt of ATPs. After two requests for replacement of original or replacement ATPs reported as nondelivered in a six-month period, the CWA shall issue benefits to that household under an alternate issuance system. The two requests may be for either an original or a replacement ATP. The CWA shall keep the household on the alternate issuance system for the length of time the CWA determines to be necessary. The CWA may return the household to the regular issuance system if the CWA finds that the circumstances leading to the loss have changed and the risk of loss has lessened. The placement of a household on an alternate issuance system and the length of time the household is on this system is not subject to the fair hearing process.

(h) Provisions concerning the documentation and reconciliation of replacement issuances are as follows:

1. The CWA shall document in the household's case file each request for replacement, the date, the reason, and whether or not the replacement was provided. This information may be recorded exclusively on the household statement required in (c) above.

2. The CWA shall maintain, in readily-identifiable form, a record of the replacements granted to the household, the reason, the month, and whether the replacement was countable as defined in (b)2iv above. The record may be a case action sheet maintained in the case file, notations on the master issuance file, if readily accessible, or a document maintained solely for this purpose. At a minimum, the system shall be able to identify and differentiate among:

i. ATPs or coupons not received in, or stolen from, the mail, and ATPs stolen after receipt; and

ii. Replacement issuances which are not subject to a replacement limit.

3. Upon completion of reconciliation in a system utilizing ATPs, the CWA shall update the record required in (h)2 above to indicate whether both the original and replacement ATPs were transacted. If both were not transacted, the record shall clearly indicate that the replacement ATP was not a countable replacement.

4. When a request for replacement is made late in an issuance month, the replacement will be issued in a month subsequent to the month in which the original ATP was issued. All replacements shall be posted and reconciled to the month of issuance of the replacement and may be posted to the month of issuance of the original ATP, so that all duplicate transactions may be identified.

(i) The CWA shall take the following further actions on replacement issuances:

1. On at least a monthly basis, the CWA shall report to the appropriate office of the Postal Inspection Service all ATPs reported as stolen or lost in the mail. The CWA shall assist the Postal Service during any investigation thereof and shall, upon request, supply the Postal Service with facsimiles of the original ATP, if transacted, and the replacement ATP and a copy of the nonreceipt statement. The CWA shall advise the Postal Service if the original ATP is not transacted.

2. When a duplicate replacement ATP is transacted, the CWA shall, at a minimum:

i. Compare the handwriting on the ATPs to documents contained in the household's case file, including the nonreceipt statement;

ii. Establish a claim in accordance with N.J.A.C. 10:87-11 where it appears that the household has transacted or caused both ATPs to be transacted; and

iii. Refer the matter to the CWA's investigation unit, where indicated.

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

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

(c)1i: Changed "is currently certified" to "was properly issued the ATP".

Repealed and replaced, R.1982 d.474, effective January 3, 1983.

See: 14 N.J.R. 1081(b), 15 N.J.R. 35(a).

Limitations established on the issuance of replacement ATPs and coupons reported lost, stolen or destroyed.

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 and recodified from 9.16. The original 9.7 was "Changes".

Repeal and New Rule, R.1989 d.464, effective September 5, 1989.

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

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 from "19th" to "15th" of the month.

In (b)2i: added sentence regarding losses of combined issuances.

Case Notes

Lost or stolen ATP. M.A. v. Union County Board of Social Services, 2 N.J.A.R. 390, (1980).

10:87-9.8 Miscellaneous administrative procedures

(a) Personnel staffing: The CWA shall provide qualified employees as necessary to insure prompt and correct action on all applications. If necessary, bilingual staff shall be employed as required by DEA pursuant to FNS bilingual staffing requirements. Only such qualified employees shall interview applicants and determine the household's eligibility or ineligibility and basis of issuance. Additionally, unless prior approval is obtained from DEA, certification offices with more than two eligibility workers shall schedule food stamp certification services so that there is no break in service during the lunch period. Furthermore, only authorized employees of the CWA shall have access to food coupons, ATPs, or other issuance documents.

(b) **Volunteers:** A volunteer, or any other person not employed by the CWA shall not conduct application interviews. However, such persons may participate in the following activities:

1. **Information activities:** Volunteers may locate potential recipients (through prescreening workshops, etc.), provide them with application forms, provide transportation to the Food Stamp Office, teach Nutritional Education (if requested), and generally promote the Food Stamp Program.

2. **Assisting applicants:** If requested to do so by the applicant, a volunteer may assist the household in completing relevant forms and in securing needed verification.

3. **Act as authorized representatives:** If a household is unable to apply for benefits in person, a volunteer may serve as an authorized representative for that household provided that volunteer has been designated as such by the head of household, spouse, or any other responsible member of the household.

(c) **Strikers:** Persons or organizations who are parties to a strike or lock-out, and their facilities may not be used in the certification process except as a source of verification for information supplied by the household.

(d) Each CWA is responsible for the timely and accurate issuance of benefits to certified households. Households comprised of elderly or disabled members who have difficulty reaching an issuance office to obtain their coupon allotments, and households which do not reside in a permanent dwelling or at a fixed mailing address, shall be given assistance in obtaining their coupons. The CWA shall assist these households by arranging for mail issuance or direct delivery of coupons, by assisting the household in finding authorized representatives who can act on their behalf or by using other appropriate means to assure delivery of benefits. The Division of Economic Assistance shall establish a standardized issuance and accountability system applicable to all counties which will ensure compliance with Food Stamp Program procedures as follows:

1. That only certified households receive benefits;
2. All certified households have access to their benefits;
3. The benefits are timely distributed in correct amounts;
4. Coupons are accepted and stored with adequate security after delivery to receiving points within the county; and
5. Coupon issuance and reconciliation activities are conducted timely and accurately.

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expires November 30, 1981. See: 13 N.J.R. 769(a). Recodified, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(b)1 "Information activities" was "outreach efforts". As amended, R.1981 d.64, effective February 26, 1981.

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

(d) 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 and recodified from 9.17. The original section 9.8 was "Reporting of illegal aliens". The following are amendments to that section:

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

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

(a)4: Added "California".

As amended, R.1984 d.17, effective February 6, 1984.

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

This section formerly contained rules on the sixty day continuation of verification.

10:87-9.9 Case records

(a) The CWA shall keep such records and other information as may be required by FNS and the DPW.

(b) **Retention of case records:** Case records shall be available for review or audit by FNS and the Division of Public Welfare for a period of three years from the date of last activity of each record.

(c) **Content of case records:** The case record shall include applications for certification or recertification; worksheets used in the computation of income for eligibility and basis of issuance; documentation, including verification techniques employed by the certification worker; copies of forms sent to data processing authorizing or changing participation or basis of issuance; copies of notices of adverse action and other notices sent to the household and replies thereto; actions related to the fair hearing process; fiscal adjustments including claims, refunds, and credits for lost benefits; and any other data which affects a household's eligibility or basis of issuance.

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

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

This section was recodified from 9.18. The original section 9.9 was reserved and the amendments to that section follow:

Repealed, R.1984 d.17, effective February 6, 1984.

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

This section formerly contained the rules entitled "Responsibilities of the former CWA".

10:87-9.10 Security and control of ATPs

(a) The CWA shall maintain a supply of blank ATPs in quantity sufficient to meet the demands of manual issuance and replacement.

(b) **Master control of ATPs (Form FSP-930):** When shipment of blank ATP cards is received by the CWA, the date of receipt and the serial number of the first and the last ATP in the shipment shall be recorded on the top of form FSP-930. In addition, each distribution of a block of ATP cards to personnel in the Food Stamp Office shall be recorded on the FSP-930.

1. Subsequent distribution of blocks: Each subsequent distribution of blocks of ATP cards shall be entered in consecutive order, until distribution of the entire shipment has been logged.

2. Subsequent shipments: Each subsequent shipment of blank ATP cards shall be recorded on a separate control sheet. Distributions to CWA personnel shall be logged in accordance with paragraph 1 above.

(c) Storage of ATP shipments: All shipments of ATP cards shall be maintained in a secure area which must be locked appropriately. Such area shall be separate from the area in which Forms FSP-930 are kept.

(d) Subsidiary control of ATPs (Form FSP-930A): Each employee responsible for a block of ATPs shall maintain a separate log, on Form FSP-930A, of the cards assigned him/her.

1. Subsequent distributions: Each subsequent receipt of a block of ATPs shall be recorded on a separate Form FSP-930A.

2. Sequential issuance of ATPs: ATPs shall be issued in numerical sequence within each block.

3. Voided ATPs: All voided ATPs shall be maintained, numerically, in a "void" file.

(e) Storage of ATP blocks: All supplies of blank ATP cards assigned to CWA personnel shall be maintained in a secure area which may be locked in the absence of the employee. Under no circumstances shall ATPs be accessible to unauthorized persons.

(f) Control of undeliverable ATPs (Form FSP-921): The CWA shall record, on Form FSP-931, certain data from each ATP which has been returned in the mail as undeliverable. A separate Form FSP-931 shall be prepared in duplicate for each working day.

1. Return of ATP with PA checks: If an ATP is returned with an assistance check, the CWA shall route the check to its appropriate designation and record data from the ATP on Form FSP-931.

2. Distribution of Forms FSP-931: The original and duplicate of Form FSP-931 shall be routed to the Food Stamp Supervisor along with the undeliverable ATPs. Upon receipt of these documents, the supervisor shall initial the duplicate copy of Form FSP-931 in the lower left hand corner. Such copy shall then be placed on file in the CWA.

3. Completion of Form FSP-931 by the Food Stamp Supervisor: The Food Stamp Supervisor shall record the disposition of each undeliverable ATP on the original of Form FSP-931. If ATP issuance is to be rescinded, the word "cancelled" shall be entered in large letters on the face of the ATP.

i. Signature of Food Stamp Supervisor on Form FSP-931: When disposition of all listed ATPs has occurred, the supervisor shall sign the certification in the lower right hand corner of the original of Form FSP-931.

ii. Retention of cancelled ATPs: The supervisor shall retain, in numerical sequence, all undeliverable ATPs which have been voided, pending periodic audit and review by the DFD.

(g) Retention of control forms: Completed Forms FSP-930, FSP-930A, and FSP-931 shall be retained for a period of three years. Such period shall originate with the most recent date of entry on the appropriate form.

Repealed, R.1984 d.16, effective February 6, 1984.

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

This section formerly contained the rules entitled "Responsibilities of the new jurisdiction".

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

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

This section was recodified from 9.20. The original section 9.10 was reserved. The amendment to that section follows:

10:87-9.11 (Reserved)

Repealed, R.1984 d.17, effective February 6, 1984.

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

This section formerly contained the rules entitled "Rights of households in the new project area".

10:87-9.12 (Reserved)

Repealed, R.1984 d.17, effective February 6, 1984.

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

This section formerly contained the rules entitled "Certification during participation under form FNS-286".

10:87-9.13 (Reserved)

Repealed, R.1984 d.17, effective February 6, 1984.

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

This section formerly contained the rules entitled "Households which move while covered by form FNS-286".

10:87-9.14 (Reserved)

Repealed, R.1984 d.17, effective February 6, 1984.

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

This section formerly contained the rules entitled "Security and control of FNS-286".

SUBCHAPTER 10. FISCAL OPERATIONAL PROBLEMS

10:87-10.1 State Plan for Food Stamp Employment and Training Programs

(a) The Department of Human Services, Division of Family Development is responsible for designing and operating food stamp employment and training (E & T) programs effective April 1, 1987, which may consist of one or more of a combination of employment, training, education,

and/or job search components. For purposes of retaining eligibility for the Food Stamp Program, a work registrant shall be required to comply with the provisions of this subchapter and the requirements of the State Plan for Food Stamp Employment and Training Programs.

(b) Employment and training component defined: Employment and training component is defined as a work experience, work training or job search program designed to help food stamp recipients move promptly into unsubsidized employment.

(c) The State shall receive an employment and training program grant for each fiscal year in which the State operates an approved employment and training program. The grant is 100 percent Federally funded. The E & T grant shall require no State or county matching.

1. E & T program grants shall be used to fund the administrative costs of planning, implementing and operating employment and training programs in accordance with the approved State Plan. E & T grants shall not be used for the purpose of determining whether or not a participant shall be work registered, the work registration process, or any further screening performed during the certification process, nor for sanction activity which takes place after the operator of an E & T component has reported noncompliance without good cause. For purposes of this paragraph, the certification process shall be considered to have ended when an individual is referred to an E & T component for assessment or participation.

2. E & T grants shall not be used to subsidize the wages of participants, or to reimburse participants under the provisions of N.J.A.C. 10:87-10.9(c)5.

3. E & T funds shall not supplant State or local funds devoted to basic education programs. Education expenses are approvable to the extent that E & T component costs exceed the normal cost of services provided to persons not participating in an employment and training program.

(d) If the State fails, without good cause, to comply with Federal work requirements, including an approved State Plan and specific performance standards established for the State by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), USDA/FNS may withhold funding for the employment and training programs. Non-receipt of an E & T grant does not release the State from performance requirements or sanctions for insufficient performance.

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

This section was originally "General provisions"; the new text was recodified from 3.13(a).

10:87-10.2 State Plan general requirements

(a) The State Plan for Food Stamp Employment and Training Programs must be approved by USDA/FNS. The State Plan shall detail the following:

1. The nature of the employment and training components the State plans to offer and reasons for such components, including cost information and an estimated operating budget;
2. The categories and types of mandatory work registrants exempted from E & T participation;
3. The characteristics of the work registrant population that the State intends to place;
4. The geographic areas covered and not covered by the plan and why, and the type and location of services to be offered;
5. The method the State will use to count all work registrants the first month of each Federal fiscal year;
6. The organizational relationship between the units responsible for certification and the units operating E & T components and between the State agency and other agencies it plans to coordinate with for the provision of services.

(b) The current State Plan for Food Stamp Employment and Training Programs is available for public inspection at the Division of Economic Assistance, 6 Quakerbridge Plaza, Trenton, New Jersey.

(c) Quarterly reporting requirements: The Division of Economic Assistance shall submit a quarterly report (FNS-583) no later than 45 days after the end of each Federal fiscal quarter containing monthly figures for the number of:

1. Participants newly work registered;
2. Work registrants exempted by the State Plan from participation in an E & T program, separated by the reason for exemption;
3. Participants who volunteer for and commence participation in an approved E & T component;
4. E & T mandatory participants, including Food Stamp Program applicants, who commence an approved E & T component; and
5. Work registrants sent a notice of adverse action for failure to comply with E & T requirements, and the number of applicants who were denied food stamp certification or recertification for failure to comply with an E & T component.