

5101:4-1-03

Food assistance: definitions.

(A) This rule ~~sets forth~~ describes the terms and meanings used to administer the food assistance program. These definitions are not intended to fully explain or to limit the scope of any action in the administration of the program.

(B) Definition:

- (1) "Alien status verification index (ASVI)" means the automated database maintained by the department of homeland security, United States (U.S.) citizenship and immigration services (USCIS) office which may be accessed by county agencies to verify immigration status.
- (2) "Allotment" means the total value of food assistance benefits an assistance group is authorized to receive during each month or other time period. The allotment may be issued in the form of a check (cash-out) or electronic benefit transfer (EBT).
- (3) "Assessment" means an in-depth evaluation of employability skills coupled with counseling on how and where to search for employment.
- (4) "Assistance group" means those persons potentially eligible or determined eligible to receive benefits together under one assistance group name. This was formerly referred to as the food assistance household. The assistance group is also known as the standard filing unit (SFU) in the ~~CRIS-E~~ statewide automated eligibility system.
- (5) "Assistance group name" means the case name. All assistance groups will have an assistance group name. The assistance group name may or may not be the applicant. The person designated as the assistance group name will be the person to receive all notices and will assume all responsibilities such as reviewing the application form for completeness and validity, signing and dating the application, participating in the interactive interview and accepting the program rights and responsibilities unless the assistance group has designated an authorized representative to apply on their behalf.
- (6) "Assistance group payee" means a person who is designated to receive the benefits for an assistance group. The person who is the assistance group name will be the payee unless the assistance group has an authorized representative to receive the benefits. There will only be one assistance group payee per assistance group and benefits will only be issued to this person.
- (7) "Beneficiary and earnings data exchange (BENDEX)" means the system that is

used to verify social security benefit information.

- (8) "Case" means all assistance groups who live in the same household. The county agency shall make every effort to assign all assistance groups contained in the same case to one eligibility worker.
- (9) "Case Worksheet-Cash, Food Stamp, and Medical Assistance Interview (JFS 01846)" (5/2005) means the document which is utilized by the state of Ohio to gather data for the cash, food, and medical assistance programs for home visits and telephone interviews when ~~CRIS-E~~ the statewide automated eligibility system is unavailable. The applicant must acknowledge the information on the form by signing and dating the form.
- ~~(10) "Client registry information system enhanced (CRIS-E)" means the centralized statewide automated system that supports all eighty-eight county agencies.~~
- ~~(11)~~(10) "Code of Federal Regulations (CFR)" means the codification of the rules published in the Federal Register by the U. S. government.
- ~~(12)~~(11) "Date of entry" means the date established by U.S. citizenship and immigration services (USCIS) as the date an alien was admitted into the United States.
- ~~(13)~~(12) "Department of housing and urban development (HUD)" means a governmental agency that provides housing to low-income households.
- ~~(14)~~(13) "Disability financial assistance (DFA)" means the state-funded program which provides cash assistance to individuals in accordance with Chapter 5101:1-5 of the Administrative Code.
- ~~(15)~~(14) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution, or publicly operated community mental health center, under part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x ~~42 USC 300x et seq.~~) (1992), ~~as amended.~~
- ~~(16)~~(15) "Elderly or disabled member" means a member of an assistance group who:
- (a) Is sixty years of age or older;

- (b) Receives supplemental security income benefits under Title XVI of the Social Security Act of 1935, ~~as amended~~, or disability or blindness payments under Title I, II, X, XIV, or XVI of the Social Security Act;
- (c) Is a veteran with a service-connected or nonservice-connected disability rated by the veterans' administration as total or paid as total under Title 38 of the United States Code (U.S.C.) (2002), ~~as amended~~;
- (d) Is considered in need of regular aid and attendance or permanently housebound under such title of the code;
- (e) Is a surviving spouse of a veteran and considered by the veterans' administration to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the veterans' administration to be permanently incapable of self-support under Title 38 of the U.S.C.;
- (f) Is a surviving spouse or surviving child of a veteran and considered by the veterans' administration to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U.S.C. and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not receiving them;
- (g) Receives federally or state-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;
- (h) Receives disability retirement benefits from a governmental agency because of disability considered permanent under section 221(i) of the Social Security Act;
- (i) Received an annuity payment under section (2)(a)(1)(iv) of the Railroad Retirement Act of 1974, ~~as amended~~, and is determined to be eligible to receive medicare by the railroad retirement board; or section (2)(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act;

- (j) Is a recipient of interim assistance benefits pending the receipt of supplemental security income; or
 - (k) Receives federally or state administered supplemental benefits under section 212(a) of 42 U.S.C. 1382, ~~(03/2004)~~ (12/2013).
- ~~(17)~~(16) "Eligibility determination/benefit calculation (ED/BC)" means the automated process of determining eligibility and the level of benefits by the ~~CRIS-E~~ statewide automated eligibility system which is based on data entered into the system.
- ~~(18)~~(17) "Eligibility worker" means an employee of the county agency responsible for determining eligibility for food assistance.
- ~~(19)~~(18) "Eligible foods" means:
- (a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, hot food products prepared for immediate consumption;
 - (b) Seeds and plants to grow foods for the personal consumption of eligible assistance groups;
 - (c) Meals prepared and delivered by an authorized meal delivery service;
 - (d) Meals served by a communal dining facility for the elderly and their spouses, disabled recipients who receive social security or supplemental security income (SSI) and their spouses, and to homeless assistance groups;
 - (e) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and their children who live with them;
 - (f) Meals prepared and served by a group living arrangement facility to residents who are blind or disabled as defined in paragraphs (B)~~(16)~~ (15)(b) to (B)~~(16)~~ (15)(k) of this rule;
 - (g) Meals prepared and served by a shelter for battered ~~women~~ individuals and children to its eligible residents; ~~and~~

- (h) Meals prepared and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter), as determined by the county agency, which provides meals on a regular basis to homeless persons; and
- (i) Container deposit fee required to purchase any food or food product contained in a returnable bottle, can or other container, regardless of whether the fee is included in the shelf price posted for the food or food product, as long as the amount does not exceed the state's container deposit fee.
- ~~(20)~~(19) "Employment and training component" means a work experience, work training or job search program as described in section (6)(4)(B)(iv) of the Food and Nutrition Act of 2008 (7 U.S.C. ~~2014~~ 2015), ~~(06/2008)~~ (7/2014) designed to help food assistance recipients move promptly into unsubsidized employment.
- ~~(21)~~(20) "Employment and training mandatory participant" means a food assistance program applicant or participant who is required to be work-registered according to rule 5101:4-3-11 of the Administrative Code.
- ~~(22)~~(21) "Employment services" means the agency responsible for work registration and job search activities.
- ~~(23)~~(22) "Food Assistance employment and training program" means a program operated by each county agency consisting of one or more work, training, education or job search components.
- ~~(24)~~(23) "Food and nutrition service (FNS)" means the federal agency responsible for the overall administration of the food assistance program.
- ~~(25)~~(24) "Food assistance program" means a program designed to promote general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households.
- ~~(26)~~(25) "Group home" means a public or private nonprofit residential setting that provides its residents with a majority of their meals (over fifty per cent of their meals daily), has no more than sixteen residents, and is certified by a public agency of the state of Ohio under section 1616(e) of the Social Security Act, or under standards determined by the secretary of the United States department of agriculture to be comparable to standards implemented by appropriate state agencies under section 1616(e) of the Social Security

Act.

~~(27)~~(26) "Group living arrangement" means the same as a group home.

~~(28)~~(27) "Homeless individual" means an individual who lacks a fixed and regular night time residence or an individual whose primary night time residence is:

- (a) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
- (b) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- (c) A night time residence which is a temporary accommodation for no more than ninety days from the date the temporary accommodation began in the residence of another individual; or
- (d) A place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

~~(29)~~(28) "Homeless meal provider" means an authorized public or private establishment (e.g., soup kitchen, temporary shelter), which provides meals on a regular basis to homeless persons, as determined by the county agency.

~~(30)~~(29) "Household" means a personal place of residence where persons live together at the same common address. The persons may or may not be related. Group homes and commercial establishments such as hotels or boarding houses are not included in this definition of household. The entire household will be referred to as the case. A household may contain more than one assistance group.

~~(31)~~(30) "Income and Eligibility Verification System (IEVS)" means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act.

~~(32)~~(31) "Interactive interview" means the interview between the eligibility worker and the applicant to discuss eligibility information to determine benefits. The interview may be conducted face-to-face, ~~or~~ by telephone or a home visit.

- ~~(33)~~(32) "Internal revenue service (IRS)" means the federal agency responsible for the administration of governmental income from taxes.
- ~~(34)~~(33) "Management evaluation (ME) review," means an analysis conducted to determine if a county is administering and operating the food assistance program in accordance with program requirements.
- ~~(35)~~(34) "Minimum benefit" means the lowest full monthly amount of food assistance that an eligible one or two person assistance group may receive. By law, this amount is eight per cent of the maximum allotment for an assistance group containing one member.
- ~~(36)~~(35) "Non-assistance" means an assistance group that participates in the food assistance program but at least one of its members does not receive public assistance.
- ~~(37)~~(36) "Ohio works first (OWF)" means a program funded under Title IV-A of the Social Security Act. This program was formerly referred to as the "TANF program" and the "ADC program."
- ~~(38)~~(37) "Ohio works first (OWF) recipient" means any person who receives an OWF payment, ~~whose entire OWF grant is being recouped, whose entire OWF assistance group is in suspended status, who has no actual OWF benefit issued because the monthly grant is less than the minimum amount for a benefit to be issued, or for whom OWF has been authorized but payment has yet to be received~~ in accordance with paragraph (E) of rule 5101:1-23-01 of the Administrative Code.
- ~~(39)~~(38) "Overpayment" means the amount by which benefits issued to an assistance group exceed the amount the assistance group was eligible to receive.
- ~~(40)~~ "~~Printed copy of information (PCI)~~" ~~means the hard copy application generated by CRIS-E based on the answers provided by an applicant during an interactive interview.~~
- ~~(41)~~(39) "Public assistance (PA)" means any of the following programs authorized by the Social Security Act: old-age assistance; TANF funded under Title IV-A of the Social Security Act; aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind, or disabled. Public assistance also refers to DFA, except for purposes of the employment and training program and for purposes of resource exclusions in accordance with rule

5101:4-4-03.3 of the Administrative Code.

(42)(40) "Quality control (QC) review" means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the food assistance allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend or terminate cases are correct.

(43)(41) "Retail food store" means an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume as determined by visual inspection, sales records, or other methods that are customary or reasonable in the retail food industry, is more than fifty per cent staple food items for home preparation and consumption; public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; publicly operated community mental health centers for drug addicts and/or alcoholics; public or private nonprofit group living arrangements; public or private nonprofit shelters for battered women and children; public or private establishments approved by an appropriate state or local agency that feeds homeless persons; any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and a farmer's market.

(44)(42) "Request for Cash, Food, and Medical Assistance (JFS 07200)" (9/2014) means the document (formerly referred to as the APPL) utilized by the state of Ohio as an application for cash, food, and medical assistance. It is also a screening device for determining entitlement to expedited food assistance benefits. It is the beginning step in the application process and is used in conjunction with the interactive interview.

(45)(43) "Shelter for battered ~~women~~ individuals and children" means a public or private nonprofit residential facility that serves battered ~~women~~ individuals and their children. ~~If~~ When such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered ~~women~~ individuals and their children.

(46)(44) "Social security administration (SSA)" means the federal agency responsible for the administration of benefits for old age, unemployment, or disability.

(47)(45) "Spouse" means:

(a) Those defined as married to each other under applicable state law, ~~Ohio~~

does not recognize same sex marriage and those required to be recognized as married pursuant to the United States supreme court decision in Obergefell v. Hodges, 576 U.S., 135 S. Ct. 2584 (2015) ; or

(b) Those who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople. Since October 10, 1991 Ohio has not recognized common law marriages so only couples established as a common law marriage prior to October 10, 1991 fall under this definition.

~~(48)~~(46) "Standard filing unit (SFU)" means the automated process of determining which persons shall comprise an assistance group based on data entered into the ~~CRIS-E~~ statewide automated eligibility system.

~~(49)~~(47) "State agency" means the Ohio department of job and family services, including the local offices, which have the responsibility for the administration of the federally aided public assistance programs within the state.

~~(50)~~(48) "State data exchange (SDX)" means the system used to verify supplemental security income (SSI) benefits.

(49) "Statewide automated eligibility system" means the centralized automated system that supports all eighty-eight county agencies.

~~(51)~~(50) "Supplemental security income (SSI)" means cash payments made under the authority of Title XVI of the Social Security Act, ~~as amended~~, to the aged, blind, and disabled; or section 1616(a) of the Social Security Act.

~~(52)~~(51) "Supplemental security income (SSI) recipient" means a person who receives SSI payments, whose entire SSI grant is being recouped, whose SSI case is in suspended status, or whose SSI has been authorized but payment has yet to be received.

~~(53)~~(52) "Systematic alien verification for entitlements (SAVE)" means the U.S. citizenship and immigration services (USCIS) whereby county agencies may verify the validity of documents provided by aliens applying for food assistance benefits by obtaining information from a central data file.

~~(54)~~(53) "Temporary assistance for needy families (TANF)" means a program funded under Title IV-A of the Social Security Act. This is the title used in federal legislation and regulations. Ohio has adopted the title "Ohio works

first (OWF)" for its Title IV-A cash assistance program and the prevention, retention, and contingency program (PRC) for its benefits and services program.

~~(55)~~(54) "Thrifty food plan" means the diet required to feed a family of four persons consisting of a man and a woman ages twenty through fifty, a child ages six through eight, and a child ages nine through eleven determined in accordance with the secretary of agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all assistance groups regardless of their actual composition. In order to develop maximum food assistance allotments, the secretary of agriculture shall make assistance group size and other adjustments in the thrifty food plan taking into account economies of scale and other adjustments as required by law.

~~(56)~~(55) "U.S. citizenship and immigration service (USCIS)" (formerly known as the immigration and naturalization service) is an agency under the department of homeland security.

~~(57)~~(56) "United States department of agriculture (USDA)" means the federal agency responsible for overseeing the food assistance program.

~~(58)~~(57) "~~Workforce Investment Act (WIA)~~ Innovation and Opportunity Act (WIOA)" means the legislation providing funding for job training, adult education, education for youths, employment for dislocated workers, and vocationally rehabilitation. This legislation was formerly administered by the ~~Job Training Partnership Act (JTPA) of 1982~~ Workforce Investment Act of 1998.

~~(59)~~(58) "Work program" means:

- (a) A program under the ~~Workforce Investment Act of 1998~~ Innovation and Opportunity Act of 2014 (Pub. L. No. ~~405-220~~ 113-128);
- (b) A program under section 236 of the Trade Act of 1974 (~~49~~ 19 U.S.C. ~~2296~~(7/2014)); and
- (c) A program of employment and training operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under ~~subsection~~ section 6 (d)(4) of the Food and Nutrition Act.

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