

5101:4-1-13

Food stamps: availability of information, program administration, office operations, and income eligibility verification system (IEVS) information.**(A) Availability of information**

- (1) Federal regulations, federal procedures embodied in FNS food and nutrition service (FNS) notices and policy memos, and state plans of operation (including specific planning documents such as corrective action plans) shall be available upon request for examination by members of the public during office hours at the state office as well as at FNS regional and national offices. State agency handbooks shall be available for examination upon request at each local certification office within each county as well as at the state agency and FNS regional and national offices.
- (2) County agencies may make available printed materials such as pamphlets, fliers and posters that contain current basic information about the following items: eligibility requirements and program benefits; application procedures including how to obtain and file applications; the documentation required for completing applications; and applicants' rights to receive applications when they are requested, file applications the day they are received, and receive benefits (if determined to be eligible) within thirty days of filing applications; expedited service; fair hearings; out-of-office interview provisions; procedures for filing a complaint; the locations and hours of operation of certification and issuance offices. This material shall be in languages other than English as required in rule 5101:4-1-05 of the Administrative Code and shall include the food stamp program nondiscrimination statement. County agencies may provide a telephone number where information on filing complaints and the location and hours of service may be obtained in lieu of providing this information in printed form.
- (3) The "And Justice for All" poster (Form AD-475B) (rev. 12/99) is required to be posted in all food stamp certification and issuance offices. This poster may be downloaded from the FNS website <http://www.fns.usda.gov/cr/justice.htm>.
- (4) County agencies are responsible for setting the hours of operation for their food stamp offices. In doing so, county agencies must take into account the special needs of the populations they serve including AGs assistance groups (AGs) containing a working person.
- (5) County agencies must establish procedures governing the operation of food stamp offices that the county agency determines best serve the ~~assistance groups (AGs)~~ AGs in the county, including AGs with special needs, such as, but not limited to:

- (a) AGs with elderly or disabled members,
 - (b) AGs in rural areas with low-income members,
 - (c) Homeless individuals,
 - (d) AGs residing on reservations,
 - (e) AGs with adult members who are not proficient in English, and
 - (f) AGs with earned income (working AGs).
- (6) The county agency must provide timely, accurate, and fair service to applicants for, and participants in, the food stamp program. The county agency cannot, as a condition of eligibility, impose additional application or application processing requirements. The county agency must have a procedure for informing persons who wish to apply for food stamps about the application process and their rights and responsibilities. The county agency must base food stamp eligibility solely on the criteria contained in the ~~Food Stamp Act~~ Food and Nutrition Act of 2008 and this certification handbook.
- (7) County agencies are encouraged to inform applicant and participant AGs about the importance of a nutritious diet and the relationship between diet and health. The Ohio state university research foundation contracts with ~~ODJFS~~ Ohio department of job and family services (ODJFS) to provide nutrition education to several counties throughout the state.
- (8) Use or disclosure of case file information to persons not part of the AG shall be restricted to the persons and conditions listed below.
- (a) The following persons are provided case file information without being required to make a written request.
 - (i) Persons directly connected with the administration or enforcement of the provisions of the ~~Food Stamp Act~~ Food and Nutrition Act or regulations, other federal assistance programs, or federally assisted state programs which provide assistance on a means-tested basis to low-income individuals or local or state ~~OWF~~ Ohio works first (OWF) assistance programs. Examples are; medicaid, ~~SSI~~ supplemental security income (SSI) and ~~DA~~ disability financial assistance (DFA) program personnel, persons

directly connected with nutrition education and program information efforts, state and local personnel connected with the emergency food assistance program (TEFAP), local county prosecutors investigating possible food stamp fraud, officials from the office of inspector general, office of audit, auditor of ~~state~~ state's office, bureau of county audits, and management evaluation (ME) and quality assurance (QA) reviewers.

- (ii) Employees of the comptroller general's office of the United States for audit examination authorized by any other provision of law. ~~No written requests from such persons are necessary.~~
- (iii) Persons directly connected with the administration or enforcement of the programs ~~which that~~ are required to participate in ~~the IEVS~~ income and eligibility verification system (IEVS), to the extent the food stamp information is useful in establishing or verifying eligibility or benefit amounts under those programs.
- (iv) Persons directly connected with the administration of the child support program under part D, Title IV of the Social Security Act of 1935 in order to assist in the administration of that program, and employees of the secretary of health and human services as necessary to assist in establishing or verifying eligibility or benefits under Titles II and XVI of the Social Security Act.
- (v) Persons directly connected with the verification of immigration status of aliens applying for food stamp benefits, through the systematic alien verification for entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes.
- (b) Persons indirectly connected with the enforcement of the provisions of the ~~Food Stamp Act~~ Food and Nutrition Act or regulations, such as local, state or federal law enforcement officials, upon their written request for the purpose of investigating an alleged violation of the ~~Food Stamp Act~~ Food and Nutrition Act or regulations. The written request shall include the identity of the individual requesting the information and his authority to do so, the violation being investigated, and the identity of the person on whom the information is requested. Examples are officials of the federal bureau of investigation, the United States secret service, ~~immigration and naturalization service~~ department of homeland security (DHS) (unless the county agency initiated contact with ~~INS~~ DHS in accordance with rule 5101:4-3-08 of the Administrative Code), or other law enforcement agencies, if the investigation concerns an AG

fraudulently obtaining benefits or otherwise violating the ~~Food Stamp Act~~ Food and Nutrition Act or regulations. These requests must be made in writing prior to the disclosure.

Local, state or federal law enforcement officers, upon written request, for the purpose of obtaining the address, social security number, and, if available, photograph of any AG member if the member ~~if~~ is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the state of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under a federal ~~of~~ or state law. The written request shall include the identity of the individual requesting the information and his or her authority to do so, the identity, including, but not limited to, full name and date of birth, of the person about whom information is being sought, and documentation indicating that the person is fleeing to avoid prosecution or custody for a felony (i.e. factual details, police incident report and a copy of the felony warrant that was issued), or has violated a condition of probation or parole (i.e. a copy of the alleged infraction and arrest warrant that was issued). The county agency shall not require an AG to present photographic identification as a condition of eligibility and must accept any document that reasonably establishes the applicant's identity. The county agency shall also provide information regarding an AG member, upon the written request of a law enforcement officer acting in his or her official capacity, where such member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole. If a law enforcement officer provides documentation indicating that an AG member is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole, the county agency shall terminate the participation of the member. A request for information absent documentation would not be sufficient to terminate the member's participation. The county agency shall disclose only such information as is necessary to comply with a specific written request of a law enforcement agency authorized by this paragraph.

- (c) In all other cases (including requests from law enforcement officials conducting nonfood stamp related investigations), a waiver signed by the recipient on whom the information is requested must be secured by the county department of job and family services and retained in its files. The waiver shall be dated, include to whom the information is to be released, state what information is to be released (either itemizing or stating a general release of any information requested), and the period of time the release is intended to cover. The written request shall include the same information as specified in paragraph ~~(A)(3)(b)~~

(A)(8)(b) of this rule.

- (9) Recipients of information released under paragraph (A)(8) of this rule must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in paragraph (A)(8) of this rule. In addition, information received through IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to the county agency pursuant to section ~~6103-(1)~~ 6103(1) of the Internal Revenue Code of 1954 shall be subject to the safeguards established by the secretary of the treasury in section ~~6103-(1)~~ 6103(1) of the Internal Revenue Code and implemented by the internal revenue service in its publication, "Tax Information and Security Guidelines:" (rev. 10/07).
- (10) If there is a written request by a responsible member of the AG, its currently authorized representative, or a person acting on its behalf, to review materials and information contained in its case file, the material and information contained in the case file shall be made available for inspection during normal business hours. However, the county agency may withhold confidential information, such as the names of individuals who have disclosed information about the AG without the AG's knowledge, or the nature or status of pending criminal prosecutions.

(B) Income eligibility verification systems (IEVS) information

- (1) ~~The Ohio department of job and family services (ODJFS)~~ ODJFS has the authority to request benefits and wage information from the social security administration under provisions of section 6103(l)(7)(A) of the Internal Revenue Service (IRS) Code of 1954, state wage information collection agency, IRS pursuant to section ~~6103-(1)(7)(B)~~ 6103(1)(7)(B) of the IRS Code, and unemployment compensation benefits subject to the provision and limitations of section 303(d) of the Social Security Act and sections 272.8(a) to 272.8(e) of Title 7 of the Code of Federal Regulations (CFR) (11/2000).
- (2) The county agency shall use information obtained through IEVS in verifying eligibility for and the amount of food stamp benefits due to eligible AGs in accordance with rule 5101:4-7-09 of the Administrative Code.
- (3) If not otherwise documented, the county agencies must obtain written agreements from these information provider agencies affirming that they must not record any information about individual food stamp AGs and that staff in those agencies are subject to the disclosure restrictions of the information provider agencies and section 272.1(c) of Title 7 of the ~~code of~~

~~federal regulations~~ CFR.

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