

October 13, 2006

SUBJECT: Waivers of 7 CFR 273.10(f)(4) – Shortening Certification Periods

TO: All Regional Directors
Food Stamp Program

This is to advise you that we are revising conditions associated with waivers of 7 CFR 273.10(f)(4) which would allow State agencies to shorten the certification periods of food stamp households. Previously, we required State agencies to provide those households whose certification periods were being shortened with a notice of adverse action (NOAA). After discussions with the staff of the Office of General Counsel (OGC), we have determined under some waivers, a State agency may shorten the certification periods of affected households without sending the household an NOAA. The revised conditions are intended primarily for situations in which a household currently certified for food stamps is determined eligible for benefits in another program, such as Temporary Assistance for Needy Families (TANF) or Medicaid, and the State agency wishes to shorten the household's food stamp certification period so that the certification periods in all of the programs for which the household is receiving benefits run concurrently.

We will grant waivers allowing State agencies to shorten the certification periods of households without requiring the State to send an NOAA under the following conditions:

- The household is determined eligible for TANF and/or Medicaid and those programs administered by the same Agency and caseworkers as the Food Stamp Program. Any information provided by household during the TANF/Medicaid interview would be considered information provided by the household for food stamp purposes. Since households affected by this waiver are interviewed as part of the application process for Medicaid and/or TANF, shortening the food stamp recertification period would not impose an additional burden on the household since a single interview would be used for all three programs.
- For households applying for TANF and Medicaid, Section 11(e)(10) of the Food Stamp Act and the Food Stamp Program regulations at 7 CFR 273.13(a)(3), already allow the State agency to take action without notice of adverse action (NOAA) in situations where the household provides signed written reports of changes (the new application form) and action on the change would reduce benefits. In such circumstances, an adequate notice, as defined in 7 CFR 271.2, would be the appropriate vehicle, rather than an NOAA. Similar to periodic reporting systems an adequate notice is appropriate in this case because the decision to reduce or terminate benefits is based directly on information provided by the household itself, rather than from a third party source. Under these waivers, the household will receive adequate notice that its food stamp benefit amount has been reduced and will be advised of the new

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eligibility period for food stamps and the other assistance programs for which it is found eligible.

- In the instance where approval of TANF or Medicaid results in no change or an increase in benefits, the household will receive a notice advising it of the new benefit amount and the new certification period. The transition to the new certification period will appear seamless to the household.

We hope that these procedures will enable better coordination of program eligibility redeterminations that will simplify State administration and improve client services. If you have any questions, please contact Larry Tropp of my staff by email or by telephone at (703) 305-2504.

/S/

Arthur T. Foley
Director
Program Development Division