



SNAP 602-5 ELIGIBILITY AND BENEFITS DETERMINATION Non-Compliance Adjustments

Supersedes: SNAP 602-5 (11/01/2015)

Reference: 7 CFR 273.11(j)

Overview: When benefits are reduced under a federal, state, or local means-tested public assistance program because a SNAP household member did not perform an action required under the assistance program or for fraud, the household's SNAP benefits cannot be increased. Means-tested programs include: TANF Cash Assistance, Tribal TANF or BIA Tribal Assistance.

WHEN TO APPLY ADJUSTMENT:

The non-compliance adjustment (NCA) is only applicable when the household member who committed the non-compliance was also receiving the other assistance program's benefit at the time of the non-compliance. The non-compliance must meet one of the following:

1. A behavioral requirement in the assistance program designed to improve the well-being of the family, such as participating in job search activities. For example, failure to comply with the TANF Pathways Employability Plan (EP) resulting in a sanction; or,
2. The means-tested program is reduced due to repayment of the assistance grant as a result of not taking a required action other than a procedural requirement (see #3 under "When Not to Apply Adjustment" below) of the other assistance program.

NOTE: The non-compliance adjustment is applied when there is a TANF disqualification for an Intentional Program Violation (IPV).

WHEN NOT TO APPLY ADJUSTMENT:

The non-compliance adjustment is not applied when:

1. The non-compliance occurs at initial application or when a new household member is added. **EXCEPTION:** If the new household member is serving a sanction that was imposed while certified to receive SNAP benefits and the other assistance program's benefits, the non-compliance adjustment is applied to the new household; or, if the new member has a repayment due to not taking a required action (other than a procedural requirement) that will reduce the household's current grant amount, the gross assistance grant amount must be used in the SNAP budget.
2. The disqualification is not a result of non-compliance with the assistance program requirements, e.g., probation/parole violation or ineligible alien, etc.

3. The disqualification is due to a procedural requirement, such as submitting a program form or providing verification that an individual must take to continue receiving benefits in the assistance program.

NON-COMPLIANCE ADJUSTMENT FOR PROGRAM DISQUALIFICATION:

The non-compliance adjustment amount for a program disqualification is the difference between the grant amount prior to the disqualification and the grant amount after the disqualification.

NON-COMPLIANCE ADJUSTMENT FOR REPAYMENT:

The following steps are taken to assure the correct SNAP benefit is issued when a means-tested assistance program payment is reduced (because of a repayment) for failure to take a required program action (other than a procedural requirement):

1. Determine what caused the repayment.
 - a. For Tribal TANF, or BIA Tribal Assistance, contact the appropriate agency to determine if the repayment is due to failure to comply with a program requirement (other than a procedural requirement); if so, enter the gross assistance payment amount in the unearned income screens.
2. Document case notes with what actions were taken and why.
3. Ensure the appropriate notice is sent to the household.

DURATION OF PROCESS FOR ADJUSTMENT:

TANF, Tribal TANF or BIA Tribal Assistance grant reduced: a non-compliance adjustment continues as long as the assistance program grant is being reduced for a repayment caused by not taking a required action (other than a procedural requirement).

Due to program disqualification: The non-compliance adjustment must continue as long as the program assistance case remains open and the individual remains disqualified due to a sanction. **EXCEPTION:** If the other assistance program's disqualification continues after closure, the non-compliance adjustment continues. For example, 1, 3, 6-month(s) ineligibility period due to TANF sanction. This includes the penalty period or closure due to a 1st TANF sanction.

RE-APPLICATION DURING PENALTY PERIOD:

Apply the non-compliance adjustment at application if the household is serving a program disqualification and was receiving SNAP at the time the sanction with disqualification was imposed.

Effective Date: August 10, 2022