INCOME ELIGIBILITY: Q&A SHEET

Loans:

Q1:

The portion of Pell Grants, State Student Incentive Grants, and National Direct Student Loans used for the cost of attending the institution aren't considered for the WIC income assessment, correct?

A1:

The entire grant is excluded from income.

Q2:

Income Exclusions – Please give an example or examples of: "Loans, not including amounts to which the applicant has constant or unlimited access…." What are examples of loans with constant or unlimited access? Typically, a loan has conditions of a set amount and payback plan with interest.

Also, clarify that student loans are loans which are conditioned to school attendance and must be repaid; therefore, are not counted as income.

A2:

It is correct that most loans have conditions and terms as to when and how much must be repaid. This type of loan is not counted as income, but any interest earned on the loan must be considered income.

An example of a loan that is considered income is a personal loan such as someone providing a family member with monthly income during a time when they may be experiencing cash flow problems. This is a loan to which they have constant and unlimited access.

The following are examples of student loans and grants that are not counted as income: Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grants, Stafford Loans, PLUS, Supplemental Loans for Students, College Work Study, Byrd Honor Scholarships.

Q3:

If someone is living off of a personal loan that has been put into his/her bank savings account for paying bills while in school, does that count as income in the income eligibility determination process?

A3:

Loans, either from a bank or from a personal resource (friend, church, etc.), are excluded from income since these funds are only temporarily available and must be repaid. However, Federal WIC regulations also state that "Dividends or interest on savings or bonds, income from estates or trusts, or net rental income" are to be counted as income. Therefore, any interest paid on the funds in that savings account would be considered income.

Documentation:

Q1:

Policy Memo 2013-3 states, "Therefore, WIC State agencies are encouraged to use the applicant's most recently completed Internal Revenue Service (IRS) tax returns as a basis for calculating net income for both farm and nonfarm self-employment income."

Is there a limit to how old the "most recently completed" tax return can be for use as income documentation? For example, in March 2014 we would use the tax return from 2012 if the person hasn't filed for 2013. Is the deadline April 15th? What if the person files for an extension, etc.? To clarify, is there a date or timeframe past which we can't use the "most recently completed" tax return?

A1:

Always use the applicant's most recent tax return, even if it may be several months old. "Most recently completed" means exactly what it says. State agencies may not impose any additional deadline requirements as referred to in this question.

- Use the applicant's most recent IRS tax return.
- Use the adjusted net income figure on the IRS tax return.

Q2:

When using income from the past 30 days, if the applicant reports a consistent weekly income for the past 30 days, is it sufficient proof to bring in one of those weekly pay stubs, or does this definition of current require all documentation of the income from the past 30 days? If so, does staff have to make an assessment if there were 4 paychecks or 5 paychecks in the past 30 days? Also, how is this entered: as a weekly income, or added together as a monthly income?

A2:

If an applicant indicates that they are paid weekly, it would be reasonable to look at four pay stubs from the past four weeks (30 days). In this example, the frequency of income to be used is weekly.

Q3:

Unemployment benefits – with the prospective look at income for the next 30 days for unemployed applicants, do you anticipate that this will lead to more provisional certifications? An unemployment benefit award letter can be used for documentation of that portion of income, but the applicant may have outstanding paychecks coming in the next 30 days. Do you foresee this as an issue?

A3:

It is highly unlikely that an applicant will be receiving both paychecks and unemployment benefits in the same time period. In the event that this is the case, "current' refers to income that will be available to the family in the next 30 days. Temporary certifications (not to exceed 30 days) generally are used when the applicant fails to produce the required documentation at the time of application; a shortened certification period (a minimum of 30 days but anything less than the full certification period) may be used if/when there is an expectation that the applicant will be returning to work in the relatively near future, such as in a strike or furlough situation.

Q4:

When reviewing proof of address, and all of the bills are in the husband's name, does the client (wife) need to bring a letter from the husband that his wife lives with him? (In this scenario, the wife has nothing in her name.) Isn't it evident she lives with him if she has the bill with her?

A4:

This seems like a rather unique situation. If the applicant is unable to produce a voter registration card/library card/copy of a utility bill, her driver's license or State-issued identification card would be acceptable. In extreme instances, a statement from a social service agency or church group would suffice.

Q5:

Can an applicant show their pay stub electronically via their phone?

A5:

Assuming the information on the pay stub is legible and meets the same State agency requirements for paper documentation, there is no reason for a local agency to refuse an electronic copy.

Q6:

Does staff need proof of identification if the applicant is already known to staff? This is more pertinent in our rural communities, where everyone knows everyone. Do federal regulations allow staff recognition as proof after the initial certification? Staff are always saying time is an issue and believe that not looking at ID will save them some time. In addition to saving time, staff have also expressed how awkward it is to ask to see the ID of a person they have known their entire life.

A6:

Proof of identity is a regulatory requirement. Applicants—regardless of familiarity—should always be advised by the local agency when they make their initial certification appointments to bring such proof with them, along with proof of residency and documentation of all household income. This absolves the local agency of suspected conflict of interest, and ensures program integrity by treating all applicants equitably.

In those limited circumstances where the local agency staff knows the applicant, grew up with them and/or went to school with them, it is acceptable not to ask for identification *after* the initial appointment. However, that process—including specific circumstances such as "personally known to the certifying staff"—should be fully and carefully documented in the participant's file.

Note: For the Idaho WIC Program, staff may use "visually known to WIC" or the ID folder for subsequent certifications after ID has been presented at the initial certification. A folder or VOC from out-of-state may not be used as ID for the initial certification (initial transfer visit). If there has been a significant gap in the last time a participant participated on WIC such as over a year, it would be best practice to verify ID and then use visually known or the ID folder.

Shortened Certifications:

Q1:

When an applicant forgets to bring the necessary income documentation to the certification appointment, and staff are assessing income eligibility based on self-declaration, is a signed statement required? May the applicant self-report the amount without signing a statement, since he or she is required to bring the proof within the 30-day "grace period"?

A1:

A temporary (30-day) certification period is not a grace period. In the event a client fails to produce any of three required documents, a 30-day certification period may be used, but only if it is assumed that the client will be eligible for the program. As stated previously, the client must sign a statement indicating that the self-declared income is accurate.

Note: For the Idaho WIC Program, the Rights, Responsibilities and Consent form is considered the statement indicating self-declaration until proof is provided within 30 days.

Q2:

How should WIC income eligibility for benefits be determined for persons affected by a government shutdown?

A2:

In determining the income eligibility of categorically eligible persons affected by a government shutdown, State/local agencies should use the same policies/procedures normally used to assess the income eligibility of a person experiencing a temporary loss of income, such as temporarily laid-off workers.

Q3:

If persons affected by the Federal shutdown are determined fully eligible for WIC benefits, are State/local agencies required to certify them for full certification periods?

A3:

No. Given the fact that a government shutdown may be temporary, State agencies are encouraged to use a shorter certification period (e.g., one month). If the shutdown continues for an extended period of time, State/local agencies can subsequently reassess whether WIC benefits should be provided for a longer period of time. WIC regulations (Section 246.7(g)(2) permit the use of shorter certification periods.

Q4:

The guidance states under no circumstance may an additional 30 days be provided if the applicant forgets to bring their proof of income during the 30-day temporary certification. Can the applicant reapply one day later or 6 months later and be certified for another 30-day temporary certification?

A4:

Only one shortened 30-day certification period may be used. In the event that a participant continually fails to produce the required documentation (i.e. income, residency and identity), the local agency must reschedule the applicant for an appointment. The goal of clarifying this guidance is to avoid subsequent temporary certifications being given where the participant continues to not provide required documentation and 'no proof' isn't applicable.

Q5:

If the family size increases (not by a new baby being born), do we need proof shown for this? Many participants will not qualify as a family of four but will come back in a month and say now my mother lives with us and qualify as a family of five.

A5:

If at any time the local agency suspects that information that is being provided is not accurate, local agencies are advised to ask for verification of family members living in the household. Copies of bills, statements from neighbors, or social service agencies that have been sent to the residence are examples of documentation.

Income Determinations:

Q1:

How should income be determined in a household of two when one family member is paid weekly and the other family member is paid monthly?

A1:

For the Idaho WIC Program, income should be entered 'as is' and allow WISPr to calculate it. Staff only need to manually calculate income if WISPr is down.

If WISPr is down, both incomes should be annualized. The weekly income should be multiplied by 52 to arrive at the annual income and the monthly income should be multiplied by 12. Add both annualized figures and compare it to the IEGs for a household of two to determine income eligibility.

Note: For the Idaho WIC Program, see the table for income calculation on IWPPM CH 4-B-9 or on the WISPr homepage.

Q2:

How should income and household size be determined when a pregnant teenager is living at home with her parents who are both employed? The teenager works after school, her income is less than $50 a week, and she doesn't pay rent or help with the household expenses.

A2:

It is clear that the teenager does not have adequate resources to support herself and her baby. She is clearly being supported by her parents, and therefore her weekly income along with her parents' income must be considered when determining income eligibility. The household size is four: mother, father, pregnant teenager and the unborn child.

Q3:

Does the new income eligibility guidance require staff to view 30 days of pay stubs, or just be aware of/consider the past 30 days of pay when determining income eligibility? What about Year to Date information—can that be annualized?

A3:

The new guidance recommends that staff review 30 days of income. In the event that the 30 days of income is not typical, staff can/should look at additional income documentation and then the income should be annualized. Using a Year to Date figure on a pay stub is *not* an accurate reflection of a person's income.

Q4:

If the client is over income, how soon can they reapply for WIC? Is there a limit to how many times a client can reapply within a certain timeframe?

A4:

There is no limit to the number of times an applicant may apply for WIC benefits. Local agencies need to be cognizant of the regulatory timeframes for making an eligibility determination and schedule applicants accordingly.

Q5:

Can the client who is paying child support "count" that child in his/her family size, especially in situations of joint custody?

A5:

No, it would be difficult to count the child in both households, assuming that the child lives equally with each parent. The best way, assuming that the custodial parents get along with each other, is to make an eligibility determination and then provide a full food package to one parent with the expectation that the food benefits will accompany the child when he/she is with the other parent.

Q6:

Our understanding is if the client has more than 90 days of eligibility and is over income they are terminated immediately, but if they have less than 90 days of eligibility and are over income, they remain eligible.

A6:

That is correct. If a participant reports a change in income which results in putting them over the income guidelines and has more than three months remaining in their certification period; the participant should be given a 15-day notice of ineligibility and be removed from the program.

Note: The information has to be offered to WIC staff per IWPPM or as described under the right to verify information provided to WIC.

Q7:

Are local agency staff required to ask clients if their income has changed at mid-certification appointments?

A7:

Only one income determination is required in a certification period. Once an applicant is certified as "income eligible" he/she remains so for the duration of the certification period. If a participant shares a change in income mid-certification and this information is not solicited by staff, an income reassessment should be made. Reassessment of income mid-certification is not required if sufficient time does not exist to effect the change. Sufficient time means 90 days prior to the expiration of the certification period (IWPPM Ch. 4, Section B, Page 8).

Foster Children:

Q1:

Can foster children who are related and fostered together be determined eligible together (foster stipend as their income) separate from their foster family's income?

A1:

Foster children are considered as separate economic units so there would be no need to look at their incomes together.

Q2:

If there is a foster child who is now part of the household, do we count them? If so, do we count the stipend amount that the State provides the family for them?

A2:

A foster child is considered a separate economic unit and that income should only be considered for the foster child.