

**TITLE 8            SOCIAL SERVICES**  
**CHAPTER 139    FOOD STAMP PROGRAM**  
**PART 110        GENERAL ADMINISTRATION - APPLICATION PROCESSING**

**8.139.110.1      ISSUING AGENCY:** New Mexico Human Services Department  
[02/01/95; 8.139.110.1 NMAC - Rn, 8 NMAC 3.FSP.000.1, 05/15/2001]

**8.139.110.2      SCOPE:** General public  
[02/01/95; 8.139.110.2 NMAC - Rn, 8 NMAC 3.FSP.000.2, 05/15/2001]

**8.139.110.3      STATUTORY AUTHORITY:** The food stamp program is authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978. Administration of the human services department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).  
[02/01/95; 8.139.110.3 NMAC - Rn, 8 NMAC 3.FSP.000.3, 05/15/2001]

**8.139.110.4      DURATION:** Permanent  
[02/01/95; 8.139.110.4 NMAC - Rn, 8 NMAC 3.FSP.000.4, 05/15/2001]

**8.139.110.5      EFFECTIVE DATE:** February 1, 1995, unless a later date is cited at the end of a section.  
[02/01/95; 8.139.110.5 NMAC - Rn, 8 NMAC 3.FSP.000.5, 05/15/2001; A, 09/01/2017]

**8.139.110.6      OBJECTIVE:** Issuance of the revised SNAP policy manual is intended to be used in administration of SNAP in New Mexico. This revision incorporated the latest federal policy changes in SNAP not yet filed. In addition, current policy citations were rewritten for clarification purposes or were simply reformatted. Issuance of the revised policy manual incorporated a new format which is the same in all income support division policy manuals. A new numbering system was designated so that similar topics in different programs carry the same number. The revised format and numbering standards were designed to create continuity among ISD programs and to facilitate access to policy throughout the human services department.  
[02/01/95; 8.139.110.6 NMAC - Rn, 8 NMAC 3.FSP.000.6, 05/15/2001; A, 03/01/2017]

**8.139.110.7      DEFINITIONS: [RESERVED]**

**8.139.110.8      APPLICATION PROCESS:** The application process includes completing an application form on paper or electronically, filing the completed application form, being interviewed, and having certain information verified. ISD will make paper application forms readily accessible in the ISD local office lobby to potentially eligible households and to anyone who requests the form. If HSD maintains a web page, the application will be available on the web page in each language for which the printed application is available. Information on how to submit an electronic application will be readily available to potentially eligible individuals as well as to local agencies and organizations that regularly have contact with potential applicants and recipients. The web page will provide the addresses and phone numbers of all ISD field offices and a statement that the household should return the application form to its nearest local office. Households may submit the application in person, or via mail, fax, electronic device, or through an authorized representative. Applications will be accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974.  
[02/01/95, 06/01/95; 8.139.110.8 NMAC - Rn, 8 NMAC 3.FSP.110, 05/15/2001; A, 07/15/2013; A, 03/01/2017]

**8.139.110.9      RIGHT TO APPLY:**

**A.** Each individual shall have the opportunity to apply for public assistance programs administered by the department or to have an authorized representative do so on his or her behalf. Paper application forms must be readily accessible in the ISD local office lobby and provided to any person who requests the form. Applications are made in a format prescribed by the department to include paper forms or electronic submissions. ISD will post signs in local field offices which explain the application processing standards and the right to file an application on the day of initial contact.

**B.** An individual who requests information or assistance and who wishes to apply, shall be encouraged to complete an application the same day that contact is made with the office.

(1) An individual shall be informed that the date of application affects the benefit amount.

(2) An individual shall be informed that an incomplete application may be filed as long as the form has the applicant's name and address and is signed by a responsible household member or authorized representative.

(3) An interview shall not be required before filing an application.

(4) A household shall be informed, except for a SNAP requirement, that any disadvantages or requirements for applying for or receiving cash assistance do not apply to SNAP and that receiving SNAP shall have no bearing on any other program's time limits that may apply to the household.

(5) If an individual contacts the office by phone or mail and does not wish to come to the office to pick up an application the individual will be mailed an application the same day the office is contacted and offered the option of submitting an electronic application through the YES-New Mexico web portal.

**C. SSI applicants:**

(1) Whenever a household consists only of SSI applicants or recipients, the household has the right to apply for SNAP benefits and to transact all SNAP business at a social security administration (SSA) office, provided it has not applied for SNAP benefits in the preceding 30 days or does not have a SNAP application pending at a local ISD office.

(a) Such applications are considered filed for normal processing purposes when the signed application is received by SSA.

(b) SSA is required to forward every application to the appropriate ISD office within one working day of receipt.

(c) SSI clients are not required to see ISD or be otherwise subjected to a second interview, although additional information or verification may be requested.

(2) **SSI/SNAP prerelease applications:** A resident of a public institution who applies for SSI prior to release from the institution under the social security administration (SSA) prerelease program for the institutionalized shall be permitted to apply for SNAP benefits at the same time the individual applies for SSI. The SNAP application shall be processed at a local ISD office in accordance with Paragraph 1 of Subsection C of 8.139.110.9 NMAC above and with the following processing and timeliness standards for joint SSI/SNAP prerelease applications.

(a) **Application date:**

(i) When a resident of an institution files a joint application for SSI and SNAP benefits with SSA prior to release from the institution, the date of application for filing purposes at the local ISD office shall be the date of release.

(ii) An application shall be denied upon receipt if the applicant is not otherwise eligible, except for the resident of an institution provision as found at Subparagraph (a) of Paragraph (2) of Subsection C of 8.139.110.9 NMAC and Subsection A and B of 8.139.400.13 NMAC.

(b) **Normal processing standard:**

(i) An application shall be processed as soon as possible and the applicant afforded an opportunity to participate no later than 30 days from the date of release from the institution.

(ii) Benefits for the initial month of certification shall be prorated from the date of the month the applicant is released from the institution.

(c) **Expedited service:** An applicant who qualifies for expedited service shall receive benefits no later than the seventh calendar day following the applicant's release from the institution.

(d) **Categorical eligibility:** A potential categorically eligible applicant shall not be considered as such until the individual has been released from the institution and SSA has made a final SSI eligibility determination.

(e) **Restored benefits:** SSA must notify the local ISD office of the date of the applicant's release from the institution. If for any reason notification is not provided on a timely basis, ISD shall only restore SNAP benefits retroactively to the date of release.

**D. Authorized representatives:**

(1) **Designation:** The head of the household or the spouse or any other responsible member of the household may designate an individual who is a non-household member to act on its behalf in:

(a) applying for SNAP benefits; or

(b) obtaining SNAP benefits; or

(c) using the SNAP benefits.

(i) ISD shall obtain a copy of the household's written authorization for the authorized representative and maintain it in the household's case record. No limit shall be placed on the number of households an authorized representative may represent; however, each household may only have one authorized representative at a time.

(ii) Even if the household member is able to make application and obtain benefits, the household should be encouraged to name an authorized representative to use the SNAP benefits in case illness or other circumstances prevent household members from using the benefits themselves.

(iii) The authorized representative's identity shall be verified and a copy of the document maintained in the household's case file.

(2) **Liability of households:** The head of the household or spouse should prepare or review the household's application whenever possible, even though another household member or the authorized representative will actually be interviewed. The household is liable for any over-issuances resulting from incorrect or untrue information given by the authorized representative.

(3) **Application:** When the head of the household or spouse cannot apply, another adult member may do so, or an adult who is not a member of the household may be designated as the authorized representative. Nonmember adults shall be designated as authorized representatives for certification purposes only if they are:

(a) designated in writing by the head of the household, or spouse, or another responsible member of the household; and

(b) sufficiently aware of relevant household circumstances to represent it.

(4) **Changing authorized representative:** An authorized representative may be designated at the time an application is completed; the authorized representative shall be named on the identification (ID) card. This does not preclude the right of the household to make a designation after it has made application to the program. If a household develops a need for a representative, or needs to change the authorized representative before, during, or after the certification process, a new authorized representative may be appointed and a new ID card shall be issued to the household. The authorized representative designated to apply for the household may be the same individual who obtains or uses the benefits for the household, or may be a different individual.

(5) **Using SNAP benefits:** The authorized representative may use the SNAP benefits to purchase food for the household's consumption with the household's full knowledge and consent, provided that the authorized representative has the household's ID card.

(6) **Kinds of authorized representatives:**

(a) **Emergency authorized representatives:**

(i) An emergency authorized representative is someone who obtains benefits for a particular month when the household is unable to obtain the benefits because of unforeseen circumstances.

(ii) A household may designate in writing, on a one-time basis, an emergency authorized representative.

(iii) The household member whose signature is on the household's ID card must sign a designation authorizing the emergency authorized representative to obtain the benefits.

(b) **Non-household members:** If the only adult living with a household is classified as an excluded household member or nonmember, that individual may be the authorized representative for the minor members who are eligible.

(c) **Addiction treatment centers:**

(i) Residents of public or private, nonprofit drug or alcohol treatment centers must apply and be certified for program participation through the use of an authorized representative who is an employee of, and designated by, the organization or institution administering the treatment and rehabilitation program.

(ii) The drug or alcohol treatment center, which acts as authorized representative for residents of the facility, must use SNAP benefits for food prepared by and served to the center residents, and is responsible for complying with requirements governing treatment centers.

(d) **Group homes:**

(i) A resident of a group living arrangement may apply for SNAP benefits and be certified through use of an authorized representative employed and designated by the group home; or on the resident's own behalf; or through an authorized representative of the applicant's choice.

(ii) A resident of a group home does not have to be certified through an authorized representative or individually in order for one or the other method to be used.

(iii) The facility is responsible for determining if any resident may apply for benefits on the resident's own behalf. The decision should be based on the resident's physical and mental ability to handle his/her own affairs. The facility is also encouraged to consult with any other agencies of the state providing other services to such a resident prior to this determination.

(iv) Applications shall be accepted for any individual applying as a one-person household, or for any grouping of residents applying as a household.

(v) If a resident applies through a facility's authorized representative, the resident's eligibility shall be determined as a one-person household.

(vi) If a resident is certified on the resident's own behalf, the benefits may either be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents; used by eligible residents to purchase and prepare food for their own consumption; and/or used to purchase meals prepared and served by the facility.

**(7) Disqualification as authorized representative:**

(a) Any authorized representative who misrepresents a household's circumstances and knowingly provides false information pertaining to a household, or has made improper use of SNAP benefits, shall be disqualified from participating as an authorized representative for up to one year.

(b) ISD shall be required to send written notification to the affected household(s) and the authorized representative 30 days prior to the date of disqualification. The notification must specify the final action; the reason for the final action; the right to request a fair hearing; the telephone number of the office; and, if possible, the name of the person to contact for additional information.

(c) This provision is not applicable to drug or alcoholic treatment centers and to those group homes that act as authorized representatives for their residents.

**(8) Restrictions:** HSD employees involved in the certification or issuance process, and retailers who are authorized to accept benefits, cannot act as authorized representatives without the specific written approval of the ISD county director, and then only if the county director determines that no one else is available to serve as an authorized representative. Individuals disqualified for fraud cannot act as authorized representatives during the period of disqualification, unless the disqualified individual is the only adult member of the household able to act on its behalf and only if the county director has determined that no one else is available to serve as an authorized representative. The county director shall decide separately whether such individuals are needed to apply on behalf of the household and use the benefits to purchase food.

[02/01/95, 06/01/95; 8.139.110.9 NMAC - Rn, 8 NMAC 3.FSP.111, 05/15/2001; A, 02/14/2002; A, 07/15/2013; A, 03/01/2017]

**8.139.110.10 SUBMISSION OF FORMS**

**A. Joint cash assistance (CA)/SNAP applications:**

(1) To facilitate participation in SNAP, households in which all members are applying for cash assistance (Title IV-A or GA) shall be allowed to apply for SNAP benefits at the same time they apply for other assistance. However, SNAP eligibility and benefit amounts shall be based solely on SNAP eligibility factors pending determination of cash assistance eligibility. All households shall be certified in accordance with the notice and procedural and timeliness requirements of SNAP regulations. (See Subsection B of 8.139.110.11 NMAC, combined CA/SNAP interviews, for further information.)

(2) A household shall be notified of the Privacy Act regarding application information and shall be provided the following information:

(a) The collection of information, including the social security number of each household member, is authorized under the Food Stamp Act of 1977, as amended 7 U.S.C. 2011-2036.

(b) The information shall be used to determine whether a household is eligible or continues to be eligible to participate in the SNAP program.

(c) The information shall be verified through computer matching programs.

(d) The information shall be used to monitor compliance with program regulations and for program management.

(e) The information provided may be disclosed to other federal and state agencies for official examination, and to law enforcement officials for the purpose of apprehending persons fleeing from the law.

(f) If a SNAP claim is filed against a household, the information on the application, including all SSNs, may be referred to federal and state agencies, as well as private claims collection agencies, for claims collection action.

(g) That providing the requested information, including the SSN of each household member, is voluntary, but that failure to provide required information shall result in the denial of SNAP benefits to a household.

**B. Items completed:** SNAP regulations require only that an application contain the name, address and signature, or witnessed mark, of the applicant in order to be filed and registered.

**C. Who completes the application:** The application must be completed by a household member or designated authorized representative. If an authorized representative or adult member of the SNAP household completes the application form, the applicant should still review the completed form, since the applicant is liable for improper payments resulting from erroneous information given by an authorized representative. If an applicant needs help completing the form, ISD shall help the applicant complete the form.

**D. Signature:**

(1) The application must be signed by the applicant and the authorized representative, if one is designated. A signature means that the applicant is verifying the information provided by the household and has read and agrees with all of the statements on the application or other form requiring a signature.

(2) A signature is the depiction of the individual's name(s) that is, handwritten, electronic or recorded telephonically. Electronic and telephonically recorded signatures are valid only if provided in a format or on a system approved by the department, which includes verification of the identity of the person providing the signature.

(3) If the applicant receives help completing the form, that person must also sign at the bottom of the form.

(4) A person who is unable to sign his own name may sign the application with a mark and have it witnessed. A mark that is not witnessed cannot be accepted as a valid signature. The witness shall be someone other than the interviewer.

**E. Filing the application:**

(1) An application can be filed in person, through an authorized representative, by mail or by fax or other electronic transmission, including on-line electronic transmission. An application submitted electronically or by fax and containing a handwritten or electronic signature shall be considered an acceptable application.

(2) An application shall be filed at the ISD field office serving the community or county where the applicant lives or through the YES-NM web portal. ISD shall provide households that complete an on-line electronic application in person at the ISD office the opportunity to review the information that has been recorded electronically and provide them with a copy of that information for their records, upon request.

**F. Registration of the application:** Applications submitted to ISD with at least the applicant's name, address and signature of the applicant, spouse, other adult household member or authorized representative shall be registered effective the date on which an application is received by ISD at the field office or electronically during regular business hours. Applications that are dropped off or submitted electronically after regular business hours will be considered received as of the next business day. Regular business hours are Monday through Friday from 8 a.m. to 4:30 p.m., excluding state holidays or other days/times when the field office is officially closed. Processing deadlines shall be calculated based on the application date.

**G. Incomplete applications:** Applications that do not contain, at a minimum, the applicant's name, address, and signature, or witnessed mark, are incomplete and cannot be registered. Prompt action shall be taken to return the application form for completion of the minimum required entries. Other missing information does not constitute an incomplete application for purposes of registering the application.

**H. Computer inquiries:** Computer inquiries shall be completed prior to certification and, where feasible, prior to the interview in order to prevent dual participation and to reveal undetected income and resources. These inquiries include scans for wage and unemployment benefits, SSI benefits, and licensed vehicle ownership, as well as for other available information and appropriate IEVS data.

**I. Action on discrepancies:**

(1) If computer interfaces show a household member is currently participating in another household or receiving benefits from the food distribution on Indian reservations program (FDPIR), ISD shall discuss the situation with the applicant. The household can be certified only after the other project area has been informed of the situation and the case has been adjusted or transferred whichever is appropriate. If an inquiry shows that the case is on file in another project area, residence shall be established. The application shall be forwarded to the project area in which the applicant household has established residency.

(2) **Available information:** The household shall be given an opportunity to verify information from another source if information is contradictory to that already provided or is questionable. A

decision on eligibility and benefit amount shall not be delayed beyond normal application processing standards if other sources of data are unavailable. The final decision to approve or deny shall be based on the available information.

[02/01/95, 06/01/95, 07/01/97, 06/01/99; 8.139.110.10 NMAC - Rn, 8 NMAC 3.FSP.112, 05/01/2001; A, 02/14/2002; A, 07/15/2013; A, 03/01/2017]

### **8.139.110.11 INTERVIEWS**

**A. Purpose and scope of interview:** The interview is an official and confidential discussion of household circumstances with the applicant. It is intended to provide the applicant with program information, and the worker with the facts needed to make a reasonable eligibility determination. The interview is not simply to review the information on the application, but also to explore and clarify any unclear and incomplete information. The scope of the interview shall not extend beyond examination of the applicant's circumstances that directly relate to determining eligibility and benefit amounts. The interview shall be held prior to disposition of the application.

**B. Joint cash assistance/SNAP interview:** At initial application for cash assistance (CA), a single interview shall be conducted concurrently for both cash assistance and SNAP benefits if the client wishes to apply for both programs. Federal SNAP regulations specifically provide that applicants for both programs shall not be required to see a different ISD worker or be otherwise subjected to two interviews in order to obtain the benefits of both programs. Following the single interview, the application may be processed by separate workers to determine eligibility for SNAP benefits and cash assistance. In an expedited SNAP certification situation, a second interview is permitted if an immediate interview for cash assistance cannot be arranged.

**C. Individuals interviewed:** Applicants, including those who submit applications by mail, shall be interviewed in person at the local ISD office. When circumstances warrant, the household shall be interviewed by telephone, or at another place reasonably accessible and agreeable to both the applicant and ISD. The applicant may bring any person he chooses to the interview.

**D. Out of office interviews:**

(1) A SNAP applicant shall not be required to have an initial office interview if the applicant is unable to appoint an authorized representative and the household has no member(s) able to come to ISD because the member(s) is elderly or disabled, as defined.

(2) The initial office interview can also be waived if requested by any household that is unable to appoint an authorized representative who is willing and able to perform this function, and who lives in a location not served by a certification office.

(3) **Hardship conditions:** The office interview for SNAP households shall be waived when the applicant meets one of the following conditions:

- (a) older than the age of 60;
- (b) disabled;
- (c) employed 20 or more hours per week;
- (d) has a dependent child younger than the age of six;
- (e) has transportation difficulties;
- (f) illness;
- (g) care of a household member;
- (h) resides in a rural area;
- (i) prolonged severe weather;
- (j) other hardship identified as situations warrant; as authorized by the county

director.

(4) A face-to-face interview must be granted to any recipient who requests one.

**E. Face-to-face/telephone interviews:** A household must have a face-to-face interview at initial certification and at least once every 12 months thereafter.

(1) A household certified for longer than 12 months is excluded.

(2) At recertification, a household is considered to have met the face-to-face requirement when alternative recertification interviews are conducted by telephone.

(3) No household shall have the face-to-face interview waived for two consecutive recertifications.

(4) The requirement for a face-to-face interview may be waived on a case-by-case basis because of household hardship conditions.

**F. Applicant information:** During the application interview all reasonable steps shall be taken to make the applicant feel at ease and protect the applicant's right to privacy.

(1) All applicants shall be provided with the following information at initial certification and recertification:

- (a) ISD's nondiscrimination policy and procedures;
- (b) complaint and fair hearing procedures and clients' rights;
- (c) program procedures, including the use of IEVS, SDX, BENDEX information, and CSED and MVD interfaces;
- (d) application processing standards, including time limits;
- (e) procedures in cases of over-issuance or under-issuance;
- (f) requirement for cooperation with quality control reviewers (QC), including penalties for non-cooperation;
- (g) work requirements and penalties for non-cooperation, including voluntary quit and associated penalties;
- (h) responsibility to contact the local ISD office to reschedule missed appointments;
- (i) exemption from gross receipts tax collection by the retailer on eligible food purchased with SNAP benefits.
- (j) For households applying for cash assistance programs and SNAP, ISD must explain that limits and other requirements that apply to the receipt of cash benefits do not apply to the receipt of SNAP benefits.

(k) ISD has a responsibility to help applicants obtain verification if the applicant indicates that the verification may be difficult for the applicant to obtain and offer to assist with obtaining verification if it appears the household will not be able to obtain it.

(l) ISD will provide an explanation of information that still needs to be verified and how to verify in accordance with 8.100.130.9 NMAC and 8.100.130.10 NMAC.

(m) Review all information that ISD has on file and will not require further verification of eligibility factors already established that are not subject to change.

(n) ISD will review all household information received from data scans with the household during the interview and will not require further verification unless it is questionable or outdated.

(o) Simplified reporting requirements for those households assigned to simplified reporting including the following:

(i) a written and oral explanation of how simplified reporting works as defined at 8.139.120.9 NMAC; and

(ii) a written and oral explanation of the reporting requirements which includes: what needs to be reported and verified; when the report is due; how to obtain assistance; and the consequences of failing to file a report. Simplified reporting requirements are found at 8.139.120.9 NMAC.

(2) **Fair hearing information:**

(a) **Notification of right to request hearing:** At the time of application each household shall be informed in writing of its right to a hearing, of the method by which a hearing may be requested, and that its case may be presented by a household member or representative, such as a legal counsel, relative, friend or other individual.

(b) **Periodic notification:** At any time a household informs the local office that it disagrees with an HSD action, the household shall be reminded of the right to request a fair hearing.

(c) **Forwarding hearing request:** A request for a hearing made either orally or in writing by a household or representative shall be forwarded to the fair hearings bureau. If it is unclear from a request what action a household or representative wishes to appeal, a clarification may be requested by HSD. The freedom to make a request for a hearing shall not be limited or interfered with in any way.

(d) **Providing a hearing:** The fair hearing process shall be available to any household which feels an action taken by HSD is incorrect, and which affects participation of the household in the SNAP.

(e) **Other representation:** If there is an individual or organization available that provides free legal representation, the household shall be informed of the availability of that source.

(3) **Agency conference information:** A household shall be informed of the availability of an agency conference to resolve a dispute. HSD shall schedule an agency conference for a household when a dispute arises.

(a) **Denial of expedited service:** An agency conference shall be offered to a household which wishes to contest a denial of expedited service. An agency conference for such a household shall

be scheduled within two working days, unless the household requests that it be scheduled later or states that it does not wish to have an agency conference.

**(b) Adverse actions:** ISD may also offer an agency conference to a household adversely affected by an ISD action.

**(c) Use of agency conference:** ISD shall inform a household that use of an agency conference is optional and that it shall in no way delay or replace the fair hearing process.

**G. Scheduling interviews:** ISD will schedule an interview to be held within 10 working days of the date the application was received that is, to the extent possible, convenient for both the applicant and ISD. The application received date is the first day the application is received within regular business hours. ISD will provide the applicant with a written appointment letter that will include: the date, time and place of the appointment, the name and telephone number of the local county office, the consequences of missing an appointment, how to reschedule an appointment, the possibility of a telephone interview, and that the spouse, any other responsible person in the household, or an authorized representative may attend the interview with the applicant or in the applicant's place.

**H. Missed interviews:** ISD shall notify a household that it missed its first interview appointment and that the household is responsible for rescheduling a missed interview. ISD shall send the household a notice of missed interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the ISD shall schedule a second interview. The household is responsible for rescheduling a missed interview. If the household requests a second interview ISD within the 30-day application-processing period, ISD shall schedule a second interview. When the applicant contacts the local ISD office, either orally or in writing, ISD shall reschedule the interview as soon as possible within the 30-day processing period, without requiring the applicant to provide good cause for failing to appear. If the household is determined eligible, benefits will be pro-rated from the date of application. If the applicant does not contact the office or does not appear for the rescheduled interview, the application shall be denied on the 30th day (or the next work day) after the application was filed (see Section 8.139.110.12 NMAC).

[02/01/95, 06/01/95, 10/01/95, 06/01/99; 8.139.110.11 NMAC - Rn, 8 NMAC 3.FSP.113, 05/01/2001; A, 02/14/2002; A, 01/01/2004; A, 08/01/2008; A, 03/01/2017; A, 09/01/2017]

#### **8.139.110.12 PROCESSING APPLICATIONS:**

**A.** HSD is responsible for timely and accurate issuance of benefits to eligible households. All applications for assistance will be processed as soon as possible. Applicants who complete the application process will have their eligibility determined and be given an opportunity to participate within the time limits mandated for expedited or normal application processing. ISD will explain the time limits to the applicant and inform them of the date by which the application will be processed. With the exception of those manual provisions that specify "working days," time limits begin on the first calendar day following the action that triggered the time limit.

**B. Household cooperation:** To determine eligibility an application form must be completed and signed, a household or its authorized representative interviewed, and certain information on the application verified.

**(1) At application:** If a household refuses to cooperate in completing the process, the application will be denied at the time of refusal. For a determination of refusal to be made, a household must be able to cooperate, but clearly demonstrates that it will not take action that it can take and that is required to complete the application process. If there is any question that a household has failed to cooperate as opposed to refused to cooperate, it will not be denied. Once denied for refusal to cooperate, a household may reapply but will not be determined eligible until it cooperates with ISD.

**(2) Subsequent reviews:** A household will be determined ineligible if it refuses to cooperate in a subsequent review of eligibility. Such reviews include those because of reported changes and at application for recertification. Once terminated for refusal to cooperate, a household may reapply, but will not be determined eligible until it cooperates with ISD.

**(3) Outside sources:** A household will not be determined ineligible when an individual outside the household fails to cooperate with a request for verification. Individuals identified as ineligible household members in 8.139.400.12 NMAC will not be considered as individuals outside the household.

**(4) Cooperation with quality control (QC):** A household will be determined ineligible if it fails or refuses to cooperate in a QC review of eligibility and benefit amount.

**(a) Period of ineligibility:**

**(i)** A household that refuses to cooperate with a state QC review will be determined ineligible effective the month following the month the adverse action notice time limit expires.



Ineligibility will continue until 95 days from the end of the annual QC review period (January 5) during which non-cooperation is found. The annual QC review period begins October 1 and ends September 30.

(ii) A household that refuses to cooperate with a federal QC review will be ineligible effective the month following the month the adverse action notice time limit expires. Ineligibility will continue until seven months from the end of the annual review period (May 1) during which non-cooperation is found. The annual QC review period begins October 1 and ends September 30.

(b) **Re-establishing eligibility:**

(i) A household may reapply during the period of ineligibility, but will not be determined eligible until it cooperates with the QC review, and is otherwise eligible.

(ii) A household which reapplies at the end of the period of ineligibility will not be determined ineligible because of its failure or refusal to cooperate with a state or federal QC review. The household must provide verification necessary to determine eligibility at reapplication in accordance with Subsection H of 8.139.110.11 NMAC.

C. **Verification standards:** Verification is use of third-party information or documentation to establish the accuracy of statements on the application, or information provided by the applicant or recipient.

(1) **Initial certification:** Verification is mandatory for the following information prior to initial certification for both new and reopened cases.

(a) Financial information:

- (i) gross nonexempt income, and
- (ii) resources.

(b) Any of the following if the expense would result in a deduction:

- (i) utility expenses;
- (ii) continuing shelter expenses;
- (iii) dependent care expenses;
- (iv) deductible medical expenses including the amount of reimbursements;
- (v) legally obligated child support expenses, and amount actually paid;
- (vi) if any of the above expenses will not result in a deduction, verification

shall not be required (for example, less than \$35 in medical expenses, or shelter expenses that do not exceed fifty percent of income after all other deductions).

(c) Nonfinancial information:

- (i) residence;
- (ii) citizenship, if questionable, and alien status of household members who are individually applying for benefits only;
- (iii) identity of the applicant and authorized representative, if designated;
- (iv) household size and composition;
- (v) disability, if necessary;
- (vi) social security numbers, except that eligibility or issuance of benefits

shall not be delayed solely to verify the social security number of a household member, and

(vii) any questionable information that must be verified to determine eligibility.

(2) **Verification subsequent to initial certification: Verification of the following is mandatory in accordance with the individual's reporting requirements found at 8.139.120.9 through 12 NMAC:**

(a) a change in income if the source has changed or the amount has changed by more than \$50;

(b) a change in utility expenses if the source has changed;

(c) previously unreported medical expenses, and total recurring medical expenses which have changed by more than \$25;

(d) new social security numbers, for individuals who are applying for benefits, that shall be verified as detailed in 8.139.410.8 NMAC;

(e) any other information which has changed or is questionable;

(f) unchanged information shall not be re-verified unless it is incomplete, inaccurate, inconsistent, or outdated.

(g) satisfactory compliance with time limits for individuals subject to the time limit in accordance with 8.139.410.14 NMAC.

(3) **Providing verification:**

(a) If electronic verification is not available, the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.

(b) ISD shall assist a household in obtaining verification, provided the household is cooperating in the application process.

(c) A household or their authorized representative may supply documentary evidence in person, by mail, fax, electronic device or through the YES NM web portal.

(d) A household shall not be required to supply verification in person at the ISD office or to schedule an appointment to provide such verification.

(e) ISD shall accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application.

(4) **Documentation:** A case file shall be documented to support eligibility, ineligibility, and benefit amount determination. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

[02/01/95, 06/01/95, 06/15/96; 8.139.110.12 NMAC - Rn, 8 NMAC 3.FSP.114, 05/15/2001; A, 03/01/2017]

### 8.139.110.13 TIME LIMITS:

**A. Opportunity to participate:** ISD shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with Paragraph (2) of Subsection C of 8.139.110.9 NMAC. Residents of institutions who apply for SNAP benefits prior to their release from the institution will be provided the opportunity to participate as soon as possible but no later than 30 calendar days from the date of the applicant's release from the institution.

**B. Move during eligibility determination:** When an office that is processing an application for assistance learns that the applicant has moved to another county, that office will immediately transfer the case in pending status. The application will be processed by the new office using the original registration date from the first office.

**C. Withdrawing the application:** An applicant may voluntarily withdraw their application at any time prior to the determination of eligibility. A notice will be sent advising the household of the action taken. An applicant will be advised that withdrawal of his/her application has no effect on his/her right to apply for assistance in the future. The agency will document the reason for withdrawal, if any was given.

**D. Delayed eligibility determinations:**

(1) **Establishing cause for delay:** When an application for SNAP is not processed by the end of the 30 day time limit, a determination as to whether the delay is the fault of the applicant or ISD will be made.

(2) **Applicant delays:** A delay is the fault of the applicant if they have failed to complete the application process. ISD will send the household a delay notice on the 30th day in accordance with 7 CFR 273.2(h), after the application is filed when the interview has not been held by the 30th day and the appointment has been rescheduled beyond the 30th day. The notice will inform the applicant that all changes in circumstances since the application was filed must be reported. ISD must have taken the following actions, as appropriate, before the delay can be considered the fault of the household:

(a) For applicants who have failed to complete the application form, ISD must have offered, or attempted to offer, assistance in its completion.

(b) For applicants who have failed to provide complete verification, ISD must have provided the household with a statement of required verification, offered assistance as required, and allowed the household sufficient time to provide the missing verification. Sufficient time is at least 10 days from the date of ISD's initial request for the particular verification that is missing.

(c) For applicants who have failed to appear for an interview ISD must notify the applicant that it missed the scheduled interview and that the applicant is responsible for rescheduling a missed interview. If the applicant contacts ISD by the 30th day following the date of application, ISD must schedule a second interview. If the applicant fails to schedule a second interview or the subsequent interview is postponed at the applicant's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the applicant must appear for the interview, bring verification, and register

household members for work by the 30th day following date of application. Otherwise, the delay is the fault of the applicant.

(d) If the applicant has failed to appear for the first interview, fails to schedule a second interview, or the subsequent interview is postponed at the applicant's request until after the 30th day following the date the application is filed, the delay shall be the fault of the applicant. If the applicant has missed both scheduled interviews and requests another interview, any delay shall be the fault of the applicant.

(e) If one or more members of the household have failed to register for work in accordance with 7 CFR 273.7, ISD must have informed the household of the need to register for work, determined if the household members are exempt from work registration, and given the household at least 10 days from the date of notification to register these members.

(3) **Denial of the household application:** Applicants that are found to be ineligible shall be sent a denial notice as soon as possible but not later than 30 days following the date the application was filed. If the applicant has failed to appear for a scheduled interview and has made no subsequent contact with ISD, ISD shall send a denial notice on the 30th day following the date of application. The applicant must file a new application if they wish to participate in the program. In cases where ISD was able to conduct an interview and request all the necessary verification on the same day the application was filed, and no subsequent requests for verification were made, ISD may also deny the application on the 30th day, if ISD provided assistance to the applicant in obtaining verification, but the applicant failed to provide the requested verification.

(4) **ISD delays:** Delays that are the fault of ISD include, but are not limited to, cases where ISD fails to provide the required assistance, fails to observe time limits, fails to schedule timely interviews, or fails to provide other proper procedural help to the applicant. ISD is at fault when the applicant has met his obligations in a timely manner, but ISD fails to complete the application process in a timely manner.

(a) **Action on ISD delays:** If the delay in the initial 30-day period is caused by ISD, ISD will take immediate corrective action and the application will not be denied. The applicant will be notified that the application is pending and informed of any action to take to complete the application process, including reporting any changed circumstances since the application was filed. ISD will send the applicant a notice of delay in accordance with 7 CFR 273.2(h).

(b) **Retroactive benefit rights:** If the applicant is found to be eligible during the second 30-day period, the household is entitled to benefits retroactive to the date of application.

(c) **Denial of an application:** If the household is determined ineligible, the application will be denied and a notice sent no later than the 60th day after the application was filed, or the following work day if the 60th day falls on a weekend or holiday.

(5) **ISD action on applicant delays:**

(a) If by the 30th day ISD cannot take any further action on the application due to the fault of the applicant, the applicant shall lose its entitlement to benefits for the month of application and a denial notice will be sent.

(b) ISD shall give the applicant an additional 30 days to take the required action. If the applicant takes the required action within 60 days following the date the application was filed, ISD shall reopen the case without requiring a new application.

(c) If the applicant fails to provide requested verification by the 60th day, no further action is required by ISD.

(d) If the applicant was at fault for the delay in the first 30 day period, but is found to be eligible during the second 30 day period, benefits shall be provided only from the month following the month of application.

(6) **Delays beyond 60 days:**

(a) **ISD delays:**

(i) If ISD is at fault for not completing the application process by the end of the second 30-day period, and the record is otherwise complete, the application process will be continued until an eligibility determination is accomplished.

(ii) If the household is determined eligible, and ISD was at fault for the delay in the initial 30 days, the household shall receive SNAP benefits retroactive to the date of original application, but only for those months that it is determined eligible.

(iii) If ISD is at fault for not completing the application process by the end of the second 30-day period, but the case record is not complete enough to reach an eligibility determination, the application will be denied and the household advised to file a new application. The household shall be advised of possible entitlement to lost benefits caused by an ISD delay.

(iv) If ISD was at fault for the delay in the initial 30-day period, the amount of lost benefits will be calculated from the date of application.

**(b) Household delays:**

(i) If the household is at fault for not completing the application process by the end of the second 30-day period, the application will be denied and the household will be required to file a new application, if it still wishes to participate in the program. The household shall not be entitled to any lost benefits even if the delay in the initial 30 days was the fault of ISD.

(ii) If the initial delay was the household's fault, the household will receive SNAP benefits retroactive only to the month following the month of application.  
[2/1/1995, 6/1/1995; 8.139.110.13 NMAC - Rn, 8 NMAC 3.FSP.115, 5/15/2001; A, 3/1/2017; A, 12/1/2018]

**8.139.110.14 DISPOSITION OF APPLICATION/NOTICES:**

**A. Approval of SNAP:** Notification of the final eligibility determination will be mailed via US postal service and or through approved electronic methods to the applicant in time to be received not later than the last day of the time limit that is, mailed by the 28th day after the date of application to be received by the 30th day.

**B. Contents of the notice:** The notice of approval provides the household with written notice, sent by mail or electronically, of the amount of the benefits and the beginning and ending dates of the certification period. If the initial benefit amount is prorated or contains benefit amounts for both the month of application and the current month, the notice will explain that the initial month's SNAP benefit amount differs from the benefit amount for the remainder of the certification period. The notice also states that if households that have applied jointly for financial assistance and SNAP begin to receive a financial assistance check, their SNAP benefit amount will be reduced or terminated without advance notice. The notice will contain a telephone number for the customer service call center which will accept calls throughout working hours.

**C. Denial of SNAP:** If the application is denied, a written or electronic notice will be sent to the applicant explaining the basis for the denial, the right to request a fair hearing, and the telephone number of the ISD office where the household can get information concerning an individual or organization that provides legal representation. Households determined to be ineligible will be sent a denial notice as soon as possible, but not later than 30 days following the date the application was filed. The household must file a new application if it wishes to have eligibility re-determined, subsequent to the initial denial.

[2/1/1995, 6/1/1995; 8.139.110.14 NMAC - Rn, 8 NMAC 3.FSP.116, 5/15/2001; A, 7/15/2013; A, 3/1/2017; A, 12/1/2018]

**8.139.110.15 DESIGNATING THE HEAD OF HOUSEHOLD:** A household has the right to select its head of household at each certification action or whenever there is a change in household composition reported in accordance with change reporting requirements.

**A. No special requirements:** The head of household designation will not be used to impose special requirements on the household, such as requiring the head of household, rather than another responsible member, to appear at the certification office to apply for benefits.

**B. Households with children:**

- (1) When designating the head of household, the household is allowed to select:
- (a) an adult parent of children (of any age) living in the household; or
  - (b) an adult with parental control over children (under age 18) living in the

household.

(2) All the adult household members must agree to the selection.

(3) A household with children which fails to select an adult parent of children (of any age) or an adult with parental control over children (under age 18) as the head of household loses the right to this designation option. In such a case, the household member with the most income will be the principal wage earner and will be treated as the head of household.

(4) If all adult household members cannot agree to the selection of, or decline to select, an adult parent of children (of any age) or an adult with parental control over children (under age 18) as the head of household, ISD will permit the household to make another selection, or ISD will designate the head of household.

(5) No person of any age living with a parent or person fulfilling the role of a parent who is:

(a) registered for work; or

(b) exempt from work registration requirements because such parent or person fulfilling the role of a parent is subject to and participating in any work requirement under Title IV of the Social Security Act; or

(c) in receipt of unemployment compensation (or has registered for work as part of the application for or receipt of unemployment compensation); or

(d) is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours; will be considered the head of household unless the person is an adult parent of children (of any age) and the household elects to designate the adult parent as its head of household.

**C. Denial of benefits, delay of certification prohibited:** In no event will a denial of benefits or delay of certification action result if an otherwise eligible household fails to select an adult parent of children (of any age) or an adult with parental control over children (under age 18) as its head of household.

**D. Households with no adult parent or adult with parental control:** If a household does not have an adult parent of children (of any age) or an adult with parental control over children (under age 18) living in the household, the household may designate another member as the head of household or ISD will do so.

**E. Designation of head of household by ISD:** ISD can designate the head of household only if:

(1) all the adult household members have not agreed to a selection; or

(2) the household declines to select an adult parent or adult with parental control as the head of household and declines to make another selection.

[2/1/1995, 6/1/1995; 8.139.110.15 NMAC - Rn, 8 NMAC 3.FSP.118, 5/15/2001; A, 12/1/2018]

### **8.139.110.16 EXPEDITED SNAP SERVICE:**

**A. Identifying eligible households:** Households meeting the federal requirements of income and resources may be entitled to receive SNAP benefits within seven days after an application is received by ISD, in accordance with 7 C.F.R 273.2(i). Applications will be screened to identify eligible households at the time the household requests assistance.

(1) **Entitlement to expedited service:** The following households will be expedited, provided that they are otherwise SNAP eligible:

(a) households with less than \$150 in gross monthly income, and with liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, lump sum payments, and the like) not exceeding \$100;

(b) households with combined gross monthly income and liquid resources less than the household's monthly rent, or mortgage, and utilities. The mandatory SUA may be used in making this determination, provided that the household qualifies for the SUA; or

(c) migrant or seasonal farm worker households with \$100 or less in liquid resources and determined to be destitute as defined by the special income calculations in 8.139.400.14 NMAC, migrant and seasonal farm workers.

(2) **Verification requirements:** All households entitled to expedited service must verify identity through readily available documentation or through a collateral contact. All other eligibility factors may be postponed. Reasonable efforts must be made by ISD to verify residence, income, liquid resources, and all other eligibility factors. Benefits will not be delayed because of an inability to verify such factors or any questionable information but for identity.

(3) **SSNs and work registration:** Applicant households are specifically permitted to receive their first expedited SNAP benefit amount before providing social security numbers (SSN) or applying for them. Such households are required to do so before their next benefit issuance, but will remain eligible for participation as long as good cause exists. Unless exempt, the household's work registration status will be established at the time of certification for expedited service. If an individual's work registration exemption status is in question, benefits will not be delayed solely to verify the exemption.

**B. Time limits:**

(1) **Expedited time limits:** All households entitled to expedited service will receive their benefits no later than the seventh calendar day after the date the application is received by ISD.

(2) **Out-of-office interview:** If a household is entitled to expedited service and waiver of the office interview, the interview will be conducted and the eligibility determination completed within the expedited service time limits, unless the household cannot be reached. The first day of this count is the first calendar day after the application is filed. If a telephone interview is conducted and the application must be mailed to the household for signature, the mailing time involved will not be calculated in the expedited service time limits.

(3) **Late identification:** If screening fails to identify a household as being entitled to expedited service and it is subsequently determined that the household was so entitled, the household's application

will be processed immediately; the time limits in such instances are calculated from the date that it is discovered that the household was entitled to expedited service.

**(4) Certification periods:** Households entitled to expedited service which provide all necessary verification prior to certification may be assigned a certification period in accordance with 8.139.120.9 NMAC. Households whose verification requirements are outstanding due to an inability to verify via electronic means and the household not providing necessary documentation, will be certified for the month of application, and the following month, or for households whose circumstances warrant, an assigned certification period in accordance with 8.139.120.9 NMAC. When a certification period of more than one month is assigned, the written notification to the household will state that no further benefits will be issued until the verification requirement is completed. The notice also advises that if verification results in changes in eligibility or SNAP benefit amount, ISD will act on these changes without advance notice of adverse action.

**(5) Continuation of benefits:** Households providing verification by the 30th day after the application date will have their benefits continued. The second month's benefits will be issued within five working days from the date verification is received, or the first day of the second month, whichever is later.

**(6) Termination of benefits:** Except for migrant farm workers needing out-of-state verification, when the verification requirement is not completed within 30 days of the date of application, the household's participation in the program will be terminated and no further benefits issued.

**(7) Denial of expedited service:** Households determined ineligible for expedited service will have their applications processed according to normal standards. A household wishing to contest a denial of expedited service will be offered an agency conference to discuss the denial. The conference will be scheduled within two working days of the request for a conference, unless the household requests a later date or states that it no longer wishes to have an agency conference.

**C. Number of expedited issuances:**

**(1) Limits:** There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification the household either has completed the verification requirements outstanding from the last expedited certification or has been certified under normal processing standards since the last expedited certification.

**(2) At every application:** Expedited services will be available at initial application based on the circumstances existing in the month of application. If a participating household applies for recertification before the end of its current certification period, the expedited service provision will not be applied.

[2/1/1995, 6/1/1995, 1/1/1997, 7/1/1998, 8/1/1999; 8.139.110.16 NMAC - Rn, 8 NMAC 3.FSP.119, 5/15/2001; A, 7/15/2013; A, 3/1/2017; A, 12/1/2018]

**HISTORY OF 8.139.110 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 411.0000, General Terms and Conditions, 7-21-80.

ISD-Rule 411.0000, Food Assistance - Time Limits for Processing Applications, 11-4-82.

ISD 421.0000, Application Processing, 7-31-80.

ISD-Rule 410.0000, Food Assistance - Application Processing, 11-4-82.

ISD-Rule 412.0000, Food Assistance - Filing an Application, 11-4-82.

ISD-Rule 412.0000, Food Assistance - Filing an Application, 9-8-83.

ISD 413.0000, Operating Guidelines, 7-21-80.

ISD-Rule 413.0000, Food Assistance - Handling Applications, 11-4-82.

ISD-Rule 413.0000, Food Assistance - Handling Applications, 9-8-83.

ISD-Rule 413.0000, Food Assistance - Handling Applications, 1-12-84.

ISD-Rule 414.0000, Food Assistance - Interviews, 11-4-82.

ISD-Rule 414.0000, Food Assistance - Interviews, 9-8-83.

ISD-Rule 414.0000, Food Assistance - Interviews, 4-24-84.

ISD-Rule 416.0000, Food Assistance - Handling Applications for FA, GA, and SSI Households, 11-4-82.

ISD Rule 416.0000, Food Assistance - Handling Applications for AFDC, SSI, and GA Households, 3-2-87.

ISD-Rule 438.0000, Food Assistance - Actions Due to Delayed Eligibility Determinations, 11-4-82.

ISD-Rule 452.0000, Food Assistance - SSI Households/Joint Processing, 11-5-82.

ISD-Rule 452.0000, SSI Households/Joint Processing, 10-13-83.

ISD-Rule 452.0000, SSI Households/Joint Processing, 4-24-84.

ISD FS 210, Food Stamp Application Process, 6-2-89.

ISD-Rule 417.0000, Food Assistance - Expedited Service Provisions, 11-4-82.  
ISD-Rule 417.0000, Food Assistance - Expedited Service Provisions, 2-9-83.  
ISD-Rule 417.0000, Food Assistance - Expedited Service Provisions, 5-18-83.  
ISD FS 220, Expedited Food Stamp Service, 2-29-88.

**History of Repealed Material: [RESERVED]**