# "The Negatives Are Coming! The Negatives Are Coming!" Effective October 1, 2011

Food Nutrition Services rules change effective October 1, 2011 for the Federal Fiscal Year 2012 for Negative Case Reviews as follows:

#### No Break In Benefits:

- 1. Negative Actions (denied, terminated or suspended benefits) taken even when rescinded or reversed and there is no break in issuance are now subject to review and must be determine to be a valid or invalid action.
  - a. A case can appear in the Active and Negative sample (frame) for the same month.
- i. Example: worker discontinues benefits on 10/18 for failure to provide verification that was due on 10/12. The NOAA was mailed on 10/13. The verification is date stamped into the county on 10/12. The worker receives the verification on 10/14, rescinds the negative action, approved the benefits and the issuance is sent to EBT on the normal issuance date. This case is subject to review and the negative action is invalid as the verification was received prior to the negative action.

#### **Negative Reason and Notice Must Match and Be Correct:**

- 2. FSQA must review the action taken and the Notice of Adverse Action (NOAA). The reason for the negative action must be valid and the reason on the notice must match the negative action reason for the case to be valid.
  - a. If a notice is not sent, the case will be cited as invalid.
- i. Application Initiation "Collect Withdraw/Deny/Cancel/Terminate" does <u>not</u> generate a notice and is appropriate for administrative actions such as correcting an application date or HLPG was included in error, etc (see Field Definition Guide Index for Application Initiation Cancel Application for appropriate uses).
  - b. If a preliminary eligibility decision is made and the client withdraws due to this decision, the case is invalid.
- i. Example: Worker indicates to applicant that the household is over income and the household subsequently decides to withdraw, the withdraw action is invalid.
- c. If the notice is missing dates or indicates more than one reason and all reasons are not accurate, the case is invalid.
- d. A Notice of Missed Interview (NOMI) must be mailed prior to the negative action. Applications cannot be denied prior to day 30.
- e. Interim Report (due at mid-point of a 24-month certification) must send a reminder notice that Interim Report has not been received or this will be considered invalid.

### State Food Assistance Program (FAP) Actions:

3. FAP has completed the formal requests to correct the erroneous and missing dates on NOAA's. Further, FAP has also completed the formal requests to correct the NOAA's that state a household has been approved in the past and denied currently.

## **County Actions:**

- 4. Follow the FAP Procedure on Denying Applications/RRR's for Failure to Provide Verification;
- a. Ensure the Verification Due Date has expired and the verification has had time to be matched to the case prior to taking a negative action.
  - 5. Ensure proper use of a "Withdraw:"
- a. The applicant/recipient must initiate the withdraw for reasons other than the worker believes and/or informed the household that they are ineligible.
- 1. Example: Household states they do not wish to complete the application because they do not wish to cooperate with verification requirements (or Employment First, etc) or they have changed their mind.
  - 6. Follow the FAP Procedure and Agency Letter FA-11-01-I for failure to complete the required interview:

- a. Ensure you send the initial Notice of Appointment;b. Ensure you send the Notice of Missed Appointment; and
- c. Ensure you deny the application on the 30th day (the 30th day starts the day after the application is received or

day 31).