

CHAPTER 2-000 ELIGIBILITY REQUIREMENTS: RRP/MA is a program of categorical assistance, i.e., it provides assistance to a specific category of individuals. The following elements of eligibility must be met:

1. Application (see 470 NAC 2-001);
2. Refugee status (see 470 NAC 2-002 ff.);
3. Time limit (see 470 NAC 2-003);
4. Nebraska residence (see 470 NAC 2-004 ff.);
5. Social Security number (see 470 NAC 2-005 ff.);
6. Ineligibility for other categorical assistance (see 470 NAC 2-006 ff.);
7. Resources (see 470 NAC 2-007 ff.);
8. Income (see 470 NAC 2-008 ff.);
9. Employment or training requirements (see 470 NAC 2-009 ff.); and
10. Other related requirements (see 470 NAC 2-010 ff.).

{Effective 6/28/11}

2-001 Application: An individual wishing to apply for assistance must complete and submit an application. A relative or other person acting for the client may complete the application.

The agency will conduct a face-to-face interview if requested by the client, or determined necessary by the agency using the prudent person principle (see 470 NAC 1-008). For medical benefits only, an application may be signed by and an interview held with a relative or another individual acting on the client's behalf.

{Effective 6/28/11}

2-002 Refugee Status: A refugee is defined as an alien who is unable or unwilling to return to his/her country because of persecution or fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

2-002.01 Eligible Individuals: The following categories of people are eligible for assistance and services if they meet the other eligibility requirements of the program:

1. Refugees admitted under Section 207 of the Immigration and Nationality Act (INA) and Amerasians from Vietnam admitted with a visa with Section 204 indicated.
Documentation Required: Form I-94 indicating that the person has been admitted as a refugee under Section 207 or a visa indicating admission under Section 204 as an Amerasian.
2. Asylees under Section 208 of the INA.
Documentation Required: Form I-94 indicating that the person has been granted asylum under Section 208.
3. Persons whose alien status has been adjusted: A person from any country is eligible if his/her status has been adjusted to a permanent resident alien from one of the previously listed statuses.
Documentation Required: Form I-551 (Permanent Resident Card) which identifies the person as a resident alien. Documentation of previous status is documented on the back of the I-551.
4. Asylees or parolees as refugees.
Documentation Required: Form I-94 indicating that s/he has been paroled under Section 212(d)(5) of the INA as a refugee or asylee.
5. Individuals admitted as conditional entrants under Section 203(a)(7) of the INA.
6. Victims of severe forms of trafficking, as determined by the Office of Refugee Resettlement.

{Effective 8/12/08}

2-002.02 Individuals Included in the Unit: When a member of the unit reaches his/her time limit for assistance, his/her needs are removed from the grant. The standard of need for the number of eligible individuals is used. Income and resources of a responsible adult who is no longer eligible are counted for the rest of the unit. The resources are allowed RRP/MA resource exclusions (see 470 NAC 2-007.02B).

2-002.03 Ineligible Individuals: The following categories of individuals are not eligible for assistance under RRP/MA.

2-002.03A Immigrants Without Refugee or Asylee Status: Persons from any country who enter the United States as resident aliens (i.e. immigrants) and who did not previously have the status of refugee, asylee (including parolees as a refugee or asylee), or conditional entrant are not eligible under RRP/MA.

2-002.03B Cuban and Haitian Entrants: Cuban and Haitian entrants are not eligible under RRP/MA even though some have been granted conditional entry status under Section 203(a)(7) of the INA.

2-002.03C Entrants Under the Orderly Departure Program: Persons who enter the United States as immigrants under the Orderly Departure Program are not eligible for RRP/MA.

2-003 Time Limit on Cash and Medical Assistance: A refugee may receive a maximum of eight months of refugee cash and medical assistance. Eligibility begins with the date of arrival in the U.S., if the refugee meets all eligibility requirements. For asylees, the eight months of eligibility begin with the date of granted asylum.

If the refugee applies after the date of arrival in the U.S., s/he may receive assistance for the remaining months of the eight-month eligibility period. The same is true for an asylee who applies after the date s/he is granted asylum.

The time limit is applied to each client separately, not to the unit as a whole. Therefore, there may be some members of the household who are eligible for assistance and some who are not.
{Effective 8/12/2008}

2-004 Residence: To be eligible for assistance, a client must be a Nebraska resident. A resident is defined as an individual who is living in the state voluntarily with the intent of making Nebraska his/her home and who is not receiving RRP from another state.

Residence starts with the month the client moves into the state, even if the client received categorical assistance in another state. The agency may not deny assistance because an individual has not resided in the state for a specified period within the eight-month time limit.

2-004.01 Absence From the State: The agency must not deny assistance because an individual is temporarily absent from the state.

2-004.01A Temporary Absence: The agency must not terminate a resident's eligibility because of that person's temporary absence from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined that the person is a resident there for assistance purposes.

2-004.01B Loss of State Residence: Eligibility for assistance ends if the individual or family unit leaves Nebraska with the intent of establishing its home in another state. The family may receive RRP/MA from Nebraska (if otherwise eligible) for a period not to exceed two months to enable the other state to process the application.

Exception: Individuals who leave the state for longer than two months may continue to receive assistance in Nebraska if they are absent for a temporary purpose and intend to return.

2-004.01C Out-of-State Medical: If an out-of-state provider does not sign an agreement with Medicaid and accept the reimbursement rate, the client is liable for any medical bills. Payment may be approved for services provided outside Nebraska in the following situations:

1. When an emergency arises from accident or sudden illness while a client is visiting in another state and the client's health would be endangered if care is postponed until s/he returned to Nebraska or if s/he traveled to Nebraska;
2. When a client customarily obtains service in another state because the service is more accessible;
3. When the client requires a medically necessary service that is not available in Nebraska but is available in another state; and
4. When long term care services are provided in another state.

Payment for items 3 and 4 must be prior authorized by the Division of Medicaid and Long Term Care before the services are provided. The provider must request prior authorization of payment from the appropriate staff of the Division. Prior authorization of item 3 may include economical transportation as a provider payment if needed.

2-004.03 Disqualification for Misrepresenting Residence: Any person convicted in federal or state court of having fraudulently misrepresented his/her residence in order to obtain refugee assistance in two or more states is ineligible for refugee assistance.

2-005 Requirement of Social Security Number (SSN): All eligible members of the RRP unit must apply for a Social Security number. The SSN, in conjunction with other information, provides evidence of identity of the individual.

{Effective 6/28/11}

2-005.01 Application for an SSN: If the client has not applied within 30 days of the date s/he is given the Referral for Social Security Number Application, the worker must not include the client in determining the size of the assistance unit. Before taking adverse action, the worker must taken into consideration the client's ability to follow through on the referral (such as lack of transportation, no visit by SSA to the contact station, lack of required verification documents, etc.) and use prudent person principle.

{Effective 6/28/11}

2-005.02 Assistance Pending Verification of SSN: After the client has been referred to SSA, if s/he is otherwise eligible, assistance is not delayed, denied, or discontinued pending the verification or assignment of an SSN.

{Effective 6/28/11}

2-006 Ineligibility for Other Categorical Assistance: RRP assistance is available only if the individual or family is ineligible for another categorical assistance program. An individual with a dependent child should be referred to ADC. Exception: An 18-year-old who is not in school may apply as a separate grant case if his/her time limit for eligibility has not expired and s/he meets other eligibility requirements.

An individual who is disabled or age 65 or older should be referred to AABD.

2-006.01 Effective Birthdate if Information Is Incomplete: When birth information is incomplete, a birthdate is designated as follows:

1. If the year but not the day or the month is known, July is used.
2. If the day of the month is not known, the 15th is used.
{Effective 2/10/2002}

2-007 Resources: The total equity value of available non-exempt resources of the RRP/MA unit is determined and compared with the established maximum for available resources which the RRP/MA unit may own and still be considered eligible. If the total equity value of available non-exempt resources exceeds the established maximum, the RRP/MA unit is ineligible for a grant. The following are examples of resources:

1. Cash on hand;
 2. Cash in savings or checking accounts;
 3. Certificates of deposit;
 4. Stocks;
 5. Bonds;
 6. Investments;
 7. Collectable unpaid notes or loans;
 8. Promissory notes;
 9. Mortgages;
 10. Land contracts;
 11. Land leases;
 12. Revocable burial funds;
 13. Trust or guardianship funds;
 14. Cash value of insurance policies;
 15. A home;
 16. Additional pieces of property;
 17. Trailer houses;
 18. Burial spaces;
 19. Motor vehicles;
 20. Life estates;
 21. Farm and business equipment;
 22. Livestock;
 23. Poultry and crops;
 24. Household goods and other personal effects;
 25. Contents of a safe deposit box; and
 26. Federal and state tax refunds (excluding EIC's).
- {Effective 9/11/91}

2-007.01 Verification of Resources: Before determining eligibility of an RRP/MA client, the worker must verify and document in the case all resources if the total amount of countable resources indicated on the application is \$1500 or more. Client declaration is accepted when total resources are less than \$1500.

{Effective 6/28/11}

2-007.02 Definition of Available Resources: For the determination of eligibility, available resources include cash or other liquid assets or any type of real or personal property or interest in property that the client owns and may convert into cash to be used for support and maintenance.

2-007.02A Unavailability of Resource: Regardless of the terms of ownership, if it can be documented in the case record that the resource is unavailable to the client, the value of that resource is not used in determining eligibility. The worker must consider the feasibility of the client's taking legal action to make resources available. If the worker determines that action can be taken, the worker must allow the client 60 days to initiate action. After 60 days, if the client has not initiated legal action, the resource is counted. The resource is not considered available until the legal action is completed.

In evaluating the availability of benefit funds, such as funds raised by a benefit dance or auction, the worker must determine the purpose of the funds and if the client has access to them.

The worker must determine a reasonable period of unavailability based on the circumstances of the case. The worker shall monitor the status of the resource.

Note: Resources in a client's country of origin are not considered available.
{Effective 2/10/2002}

2-007.02B Excluded Resources: The following resources are excluded in making a determination of eligibility:

1. Real property which the unit owns and occupies as a home;
2. Goods of moderate value used in the home;
3. Clothing;
4. One motor vehicle if it is used for employment or medical transportation;
5. A motor vehicle used as the client's home;
6. Irrevocable burial trusts up to \$3,000 per individual and the interest if irrevocable (see 470 NAC 2-007.07A2);
7. Proceeds of an insurance policy that is irrevocably assigned for the purpose of burial of the client;
8. Burial spaces (see 468 NAC 2-008.07B15);
9. Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
10. The value of food stamp benefits;
11. The value of assistance under the National School Lunch Act or the Child Nutrition Program;
12. Any student financial assistance;
13. The value of federally donated foods;
14. The value of assistance paid under the U.S. Housing Act of 1937, National Housing Act, section 101 of Housing and Urban Development Act of 1965, Title V of Housing Act of 1949;

15. Fuel assistance payments and allowances;
16. Payments from the Nutrition Program for the Elderly;
17. Payments from Foster Grandparents, etc.;
18. Payments from Green Thumb;
19. Payments from Americorps;
20. Tax credits, including Earned Income Credits and Advanced Earned Income Credits;
21. Assistance received under the Disaster Relief Act of 1974 or under a federal statute because of catastrophe declared to be a major disaster by the President of the U.S. is excluded in determining countable resources for a period of nine months from the date of receipt. The same guideline applies to any interest earned on the assistance. The initial nine-month period will be extended for a reasonable period up to an additional nine months when circumstances beyond the individual's control prevent the individual from having the necessary repairs or replacement of damaged property completed;
22. Stocks, inventories, and supplies used in self-employment (see 470 NAC 2-007.06B5);
23. An available job-related retirement account that is held by the employer; and
24. An Individual Development Account (an account set up for postsecondary education, purchase of a client's first home, or establishment of a business).

The worth of resources, both available and exempt, is determined on the basis of their equity.

For any of these funds to be excluded as a resource, they must be segregated in a separate account so that they can be identified. If the funds are not in a separate account the worker must allow the client 30 days from notification of the requirement to set up a new account. After 30 days the resource is included in the limit if the client fails to segregate the funds. If this makes the client ineligible for a grant and the client subsequently segregates the funds, the worker must determine eligibility for a grant for the month of segregation.

Several excludable resources may be combined in a single account.

{Effective 2/10/2002}

2-007.02C Resources of an Ineligible or Sanctioned Individual: The resources of an ineligible or sanctioned individual are included in the resource total for the unit. The ineligible or sanctioned individual is allowed RRP/MA resource exclusions.

2-007.03 Determination of Ownership of Resources: A resource which appears on record in the name of an RRP/MA client must be considered belonging to the client.

2-007.03A Jointly Owned Resources: When a client has a jointly owned resource that is considered available, the worker uses the guidelines in the following regulations.

2-007.03A1 Resources Owned With Other Clients: If a client owns a resource with another client who is on categorical assistance, the worker divides the value of the resource by the number of owners, regardless of the terms of ownership. The appropriate value is counted for each unit.

This reference also applies to resources owned with a spouse or child.

2-007.03A2 Resources Owned With Non-Clients: If a client owns a resource with an individual who is not receiving categorical assistance, the worker determines the appropriate value to be assigned to the client in accordance with the following regulations.

2-007.03A2a General Rule: As a general rule, the words and/or or or appearing on a title or other legal contract denote joint tenancy. This means that either owner could sign and turn the resource to cash without the other; therefore, the total resource is considered available to either owner.

The term and generally refers to "tenancy in common." This means that each owner holds an undivided interest in the resource without rights of survivorship to the other owner(s). Only the proportionate share based on the number of owners of the resource is available to each owner.

If the worker substantiates that the client is not the true owner of a resource, it is permissible to allow the client to remove his/her name from the title of ownership in order to reflect true ownership. The client is allowed 60 days to make this change without affecting eligibility.

2-007.03A2a(1) Real Property and Motor Vehicles: For cars and real estate, regardless of the terms of ownership, only the proportionate share is counted as a resource.

2-007.03A2a(1)(a) Real Estate: The worker verifies ownership of real estate through records in the offices of the register of deeds or county clerk. The worker verifies the terms on which property is held in cases of joint ownership. Records of the court have information in regard to estates which have not been settled or which are in probate. The worker consults the records of the court if the property has come to the holder as a part of an estate; if by joint purchase, the facts will appear in the record of the deed.

2-007.03A2a(1)(b) Motor Vehicles: The worker verifies ownership of a motor vehicle. The title, not the registration, of a motor vehicle legally determines ownership.

2-007.03A2a(2) Bank Accounts: The worker verifies the terms of the account with the bank. If any person on the account is able to withdraw the total amount, the full amount of the account is considered the client's. If all signatures are required to withdraw the money, the proportionate share must be counted toward the client.

If the client verifies that none of the money belongs to him/her, the client must be allowed 60 days to remove his/her name from the account. The client must provide proof of the change. After the client removes his/her name from the bank account, eligibility may be determined retrospectively and/or prospectively. If the client does not remove his/her name in 60 days, the money is counted as a resource.

If a portion is the client's, the worker notifies the client of the requirement to put the money in a separate account.

2-007.04 Consideration of Relative Responsibility: When the client (i.e., a spouse or parent) has relative responsibility for a client in another assistance unit and the responsible relative owns the resource(s), the worker divides the value by the number of units to determine the amount to be counted to each. An AABD/MA or SDP/MA couple is considered one unit.

Exception: If the responsible relative receives SSI, none of the value of the resource(s) is considered to the other unit.

When the client (i.e., a spouse or parent) has relative responsibility for a client in another assistance unit and both clients own the resource(s), regulations in 470 NAC 2-007.03A1 are followed and the resource is divided by the number of owners only. This meets the requirements of relative responsibility.

2-007.05 Value and Equity: See 468 NAC 2-008.06.

2-007.06 Types of Resources: Resources can be divided into two categories: liquid and non-liquid.

2-007.06A Liquid Resources: Liquid resources are assets that are in cash or financial instruments which are convertible to cash. They include resources such as:

1. Cash on hand;
2. Cash in savings or checking accounts; and
3. Collectable unpaid notes or loans.
{Effective 2/10/2002}

For other liquid resources, see 468 NAC 2-008.

2-007.06A1 Cash, Savings, Investments, Money Due: Cash on hand, cash in checking and savings accounts, salable stocks or bonds, certificates of deposit, promissory notes and other collectable unpaid notes or loans, and other investments are available resources.

2-007.06A2 Funds Set Aside for Burial: See 468 NAC 2-008.07A3ff.

2-007.06A3 Whole Life Insurance: See 468 NAC 2-008.07A4.

2-007.06B Non-Liquid Resources: Non-liquid resources are tangible properties which need to be sold if they are to be used for the maintenance of the client. They include all properties not classified as liquid resources, such as:

1. A home;
2. Additional pieces of property;
3. Trailer houses;
4. Burial lots;
5. Motor vehicles;
6. Life estates;
7. Farm and business equipment;
8. Livestock;
9. Poultry and crops; and
10. Household goods and other personal effects.

2-007.06B1 Exemption of Home: See 468 NAC 2-008.07B1ff.

2-007.06B2 Motor Vehicles: The worker disregards one motor vehicle regardless of its value as long as it is necessary for the client or a member of his/her household for employment or medical treatment. The client's verbal statement that the motor vehicle is used for employment or medical treatment is sufficient.

If the unit has more than one vehicle, the worker applies the exemption to the vehicle with the greatest equity. If the client owns the vehicle jointly with other persons, the worker shall refer to 470 NAC 2-007.03A in determining how to divide the resulting value of the resource.

Note: If the client is living in his/her vehicle, the total equity value is exempted from resources.

For determination of fair market value, see 468-000-335.

2-007.06B3 Life Estates: See 468 NAC 2-008.07B9.

2-007.06B4 Business Equipment, Fixtures, Machinery: The worker determines the value of these resources by using the owner's estimate of the current market price for business equipment, fixtures, or machinery. If the client is unable to provide an estimate or if the worker feels the estimate is inaccurate, other sources may be used, such as an auctioneer, county assessor, etc. For a self-employed individual, see 470 NAC 2-007.06B9.

2-007.06B5 Livestock, Poultry, Crops (Growing and on Hand): The agency determines the value of these resources by using the owner's estimate of the current market price for livestock, poultry, and crops (growing and harvested). If the client is unable to provide an estimate or if the worker feels the estimate is inaccurate, other sources may be used, such as an auctioneer, county assessor, etc. For a self-employed individual, see 470 NAC 2-007.06B9.

2-007.06B6 Household Goods and Personal Effects: Household goods and personal effects of a moderate value used in the home are exempt. Household goods are defined as including household furniture and furnishings, tools, and equipment used in the operation, maintenance, and occupancy of the home or in the functions and activities of the home and family life, as well as those items which are for comfort and accommodation. Personal effects include clothing, jewelry, items of personal care, etc.

2-007.06B7 Loans: A bona fide loan is disregarded as income or a resource. A bona fide loan is defined as one that must be repaid. The agreement for repayment may be verbal or written and the loan may be owed to an individual or to an organization or agency. Using prudent person principle the client's statement is adequate verification that the loan must be repaid.

2-007.06B8 Burial Spaces: See 468 NAC 2-008.07B15.

2-007.06B9 Stock, Inventories, and Supplies Used in Self-Employment: If necessary and essential to produce his/her income, the following may be disregarded as a resource for a self-employed person:

1. Livestock;
2. Poultry;
3. Crops (growing and on hand);
4. Tractors and machinery;
5. Tools and equipment;
6. Business equipment; and
7. Other goods and equipment essential to the production of income.

Note: Real property that is used solely for self-employment is considered a resource.

2-007.07 Maximum Available Resources: The established maximum for available resources which the unit may own and still be considered eligible is \$4,000 for a single individual and \$6,000 for two or more. For resource levels for RMAP, see 470 NAC 4-006.

2-007.08 Determination of Value of Total Available Resources: The total value of all available resources is the total value of real and personal property figured in accordance with the preceding instructions. If the total value is in excess of the limit allowable for an RRP grant, the individual or unit is ineligible for a grant but may be eligible for RMAP.

2-007.09 Deprivation of Resources: See 468 NAC 2-008.10.

2-007.10 Reduction of Resources: The client may reduce available resources to the maximum without affecting eligibility if the case record contains documentation that the resources have been reduced and the unit is within the resource limits. The client's statement of debts may be acceptable. Unsecured debts do not reduce the value of resources unless they are actually paid.

An application for an individual who has excess resources may be held pending until the resources are reduced.

Payment may begin no sooner than the date the applicant has actually expended the excess resources, if all other eligibility requirements are met. Medical eligibility begins with the first day of the month of the incurred obligation which was used to reduce the resources to the allowable maximum (see 470 NAC 4-006.01). Medical eligibility may not be established earlier than the three-month retroactive period.

2-008 Income

2-008.01 Standard of Need: The standard of need is a consolidation of items necessary for basic subsistence. Included in this standard are food, clothing, sundries, home supplies, utilities, laundry, and shelter. (Shelter includes rent, mortgage payment, taxes, and insurance.) Also included in this standard amount are meals prepared away from home, therapeutic diet, meals furnished to a household employee, transportation other than for employment, subsistence to obtain medical care, moving expenses, Social Security tax paid to an approved household employee, back taxes, furniture, appliances, etc.

2-008.01A Standard of Need Chart: Effective July 1, 2009, the standard of need by unit size for the determination of eligibility and payment is as follows:

Number in Unit	1	2	3	4	5	6	7	8	9	10
Standard	485	597	710	823	935	1,048	1,162	1,274	1,387	1,500

One hundred thirteen dollars are added for each eligible individual.

For eligibility for RMAP, see 470 NAC 4-000.
{Effective 6/21/2009}

2-008.02 (Reserved)

2-008.03 Earned Income: Earned income is money received from wages, tips, salary, commissions, profits from activities in which an individual is engaged as a self-employed person or as an employee, or items of need received at no cost in lieu of wages.

Earned income also includes earnings over a period of time for which settlement is made at one given time, as in the instance of farm crops or poultry. Earnings so received are prorated for the same number of ensuing months as was included in the earning period.

Note: Reimbursement for employment-related expenses such as mileage, lodging, or meals is not considered earned income.

2-008.03A Earned Income Disregard: After gross earned income for the unit is totaled, a 20 percent disregard is deducted to determine the amount of net earned income used in the budgeting process. Self-employment income is allowed disregards before application of the 20 percent disregard.

2-008.03A1 Disregards for Self-Employment: See 468 NAC 2-009.02A1a.

2-008.03B Two Adult Household: When one spouse reaches his/her time limit and the other spouse continues to be eligible, any income of the ineligible spouse is included in the budget of the eligible spouse. The ineligible spouse is not allowed the work allowance.

2-008.04 Unearned Income: Unearned income is any cash benefit that is not the direct result of labor or services performed by the individual as an employee or a self-employed person. Unearned income includes, but is not limited to:

1. Retirement, Survivors, and Disability Insurance (RSDI) under the Social Security Act;
2. Railroad Retirement;
3. Veteran's or military service benefits;
4. Unemployment compensation or disability insurance benefits;
5. Disability benefits paid by the employer (this does not include sick leave);
6. Worker's compensation;
7. Child/spousal support;
8. Lease income;
9. Annuities;
10. Pensions, or returns from investments or securities in which the individual is not actively engaged; and
11. Civil service benefits;

For further treatment of unearned income, see 470 NAC 2-008.09.

2-008.04A Resettlement Assistance: Supportive services may be provided by an individual, a family, or a group of people representing a church or another organization who have agreed to sponsor a refugee family or individual. Assistance may include, but is not limited to, clothing, food, and housing. The assistance is disregarded as income.

Voluntary resettlement agencies may provide cash assistance for the initial resettlement of the refugee family or individual. The entire resettlement payment may be provided at the time the refugee is first resettled by the voluntary agency or may be made available as needed. The amount of payment varies as each voluntary agency sets its own resettlement payment rate. The worker contacts the voluntary agency for verification of payment. The name of the voluntary agency is located on Form I-94.

Resettlement assistance from a voluntary resettlement agency is disregarded.

2-008.04B Contributions

2-008.04B1 From an Individual Not in the Household: If an individual who is not living in the household gives money to the unit, the income must be counted in the budget.

In order to determine how to treat the income, the worker determines to whom the contribution is paid. The following are not considered contributions:

1. Energy assistance;
2. Emergency assistance;
3. General assistance;
4. Crisis assistance from a community agency, service agency, or an individual; or
5. Assistance provided by an individual sponsor or a voluntary resettlement agency.

{Effective 4/11/95}

2-008.04B2 From an Individual in the Household: The standard of need is not reduced when a self-supporting individual(s) and a client(s) are living in the same household; however, the grant may be reduced depending on the financial arrangements.

2-008.04B2a Counted as Income: If the self-supporting individual is paying the entire expense for shelter, the worker uses the chart in 470 NAC 2-008.04B4 to determine the figure to count as income.

If the self-supporting individual is paying shelter directly to the vendor, the worker follows the regulations in 470 NAC 2-008.04B2b.

If an individual is paying board and room to a client, it is considered earned income (see 470 NAC 2-008.09).

{Effective 4/11/95}

2-008.04B2b Not Counted as Income: The client's grant is not reduced because of a self-supporting individual in the following situations:

1. The self-supporting individual pays the client for a portion of the shelter expenses;
2. The client states that they are sharing expenses; the worker documents the statement in the case record;
3. Two or more assistance units are in the same household and share expenses. Income of one unit is not counted toward another unit; and
4. In determining initial eligibility only when the applicant:
 - a. Has no income and has been forced to share a living arrangement with a self-supporting individual because of a crisis situation; and
 - b. Plans to make other arrangements (either to move or pay a share of the expenses) as soon as s/he has income.

The worker investigates to see if a contribution needs to be counted on the client's budget as soon as the client begins receiving income.

2-008.04B3 Shelter Furnished in Lieu of Wages: Shelter furnished in lieu of wages is treated as earned income (see 470 NAC 2-008.03 ff.).

{Effective 4/11/95}

2-008.04B4 Shelter Amounts From Payment Maximums

RRP/MA Unit Size

1 2 3 4 5 6 7 8 9 10 11 12

Shelter 101 101 103 105 108 109 111 112 113 114 123 133

Shelter includes taxes and insurance.

The worker compares the shelter obligation to the chart, using the amount shown for the RRP/MA unit size.

{Effective 4/11/95}

2-008.04C SSI Benefits: SSI benefits are considered unearned income but the SSI payment is not used in computing the budget.

2-008.05 Treatment of Lump Sums: Lump sums are not considered income. Any unspent remainder is considered a resource in the month following the month of receipt or report, taking into account the timely notice provision.

2-008.05A Insurance Settlements: Insurance payments for damage to personal property caused by a disaster are not treated as a lump sum. The client is allowed a reasonable period of time to repair or replace the property.

When a client is a beneficiary of life insurance, verified payment of debts or obligations of the deceased are subtracted from the settlement.

The worker documents in the case record the availability of settlement or inheritance funds to the client.

When a client receives an insurance settlement or other lump sum, the worker deducts from the lump sum any bills relating to the cause of the settlement that the client is obligated to pay.

2-008.06 Potential Income: Potential income is defined as income based on entitlement or need which is usually determined by an administering agency as a result of an application for benefits by the individual. Potential income includes, but is not limited to, RSDI, categorical assistance, unemployment compensation, disability insurance benefits, and worker's compensation. Medicare, EIC's, and AEIC's are not considered potential benefits. The worker explores each individual's potential entitlement for benefits. The client is required to apply for any benefits for which s/he appears to be entitled within 60 days of the date the worker notifies the client of the requirement. The worker must not delay determination of eligibility for assistance and authorization of payment pending determination of entitlement for benefits.

2-008.07 (Reserved)

2-008.08 Contractual Income: The worker prorates income paid on a contractual basis. The worker prorates the income over the number of months covered under the contract, even if the client is paid in fewer months than the contract covers.

Income received intermittently, such as farm income, is prorated over the period it is intended to cover if the income is expected to continue.

The worker notifies the client on a Notice of Action that income is being treated as contractual income and how it is budgeted.

2-008.09 Income Listing: The worker computes the budget using the following guidelines for income treatment.

TYPES OF INCOME	TREATMENT OF INCOME
1. Assistance provided by an individual sponsor; and Resettlement payment from a voluntary agency for initial resettlement	1. Disregard.
2. HUD rental and/or utility subsidies under Section 8 of the Housing Act (lump sum or monthly payments)	2. Disregard.
3. Declared cash winnings, interest, a gift that marks a special occasion, small and insignificant children's cash allowances	3. Disregard if \$10 or less per month per individual for each income type. If more than \$10 per individual, count the amount that exceeds \$10 as unearned income.
4. Income from securities and investments	4. See number 3.
5. Interest on Series H savings bonds and other bonds which pay dividends or interest	5. See number 3.
6. Sale of home produce, livestock, poultry	6. Consider as earned income.
7. Home produce from garden, livestock, and poultry used by the household for their own consumption	7. Disregard.

8. Income from boarders, rented rooms, and apartments	8. Consider as earned income (see 470 NAC 2-008.03). Treat like a small business (see 468 NAC 2-009.02A1a). <u>Exception:</u> Income received from foster care payments is disregarded.
9. Picket pay or strike pay	9. Consider as earned income.
10. A bona fide loan from any source	10. Disregard.
11. Payments to a client participating in training or school attendance subsidized by the Division of Vocational Rehabilitation	11. Disregard.
12. Food stamp benefits	12. Disregard.
13. The value of federally donated foods	13. Disregard.
14. Federal and state income tax refunds	14. Disregard.
15. Payments to AmeriCorps volunteers	15. Disregard.
16. Christmas bonus	16. Consider as earned income lump sum (see 470 NAC 2-008.05).
17. Energy payments	17. Disregard.
18. EIC's	18. Disregard.

19. AEIC's	19. Disregard.
20. Income from the Green Thumb Program	20. Disregard.
21. Income from the sale of blood or plasma	21. Consider as earned income from self-employment (see 468 NAC 2-009.02A1a).

2-008.10 Income Verification: Verification of income consists of at least the following:

1. The source of the income;
2. The date paid or received;
3. The period covered by the payment or benefit; and
4. The gross amount of payment or benefit.

The worker records all verification information and computations in the case record.

Generally eligibility cannot be established until all income is verified. See 470-000-300 for further discussion of income verification.

2-009 Compliance With Employment and Training Requirements: Unless determined exempt by the worker, a refugee is required to register for employment services within three days from the date of application.

The refugee must register for employment service and/or employment orientation with the initial sponsoring Voluntary Resettlement Agency that initially resettled the refugee. If the initial sponsoring Voluntary Resettlement Agency is located outside the city or state the worker must notify the agency that the refugee has applied for refugee assistance. In this case, the worker must refer the refugee to an appropriate agency providing employment services funded under the RRP. If there is no Voluntary Resettlement Agency or a funded agency providing employment services in the area, the refugee must register with the local employment service.

The refugee is also required to accept an appropriate employment or training opportunity.

{Effective 8/12/2008}

2-009.01 Voluntary Agencies: The Voluntary Resettlement Agency is responsible for providing core services to refugees resettled through its agency.

2-009.01A Voluntary Termination or Refusal of Employment: The worker determines that within 30 consecutive calendar days immediately before receiving assistance, an employable refugee has not:

1. Voluntarily quit for the purpose of receiving assistance; or
2. Refused to apply for or accept an appropriate offer of employment.

2-009.01B Appropriate Work and Training Criteria: The worker determines appropriate work by the following criteria:

1. Appropriate work may be temporary, permanent, full-time, part-time, or seasonal if this work meets the other work standards outlined in this section;
2. The wage must meet or exceed the minimum wage established by law;
3. The daily and weekly hours of work may not exceed those customary to the occupation;
4. No individual may be required to accept employment if:
 - a. The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;
 - b. The individual would be required to work for an employer contrary to the conditions of his/her existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which s/he has membership may be determined appropriate; and
 - c. The following additional standards must be met before a refugee may be required to accept a work or training assignment:
 - (1) The work or training assignment must be related to the physical and mental capability of the individual to perform the task on a regular basis. Any claim of adverse effect on an individual's physical or mental health must be substantiated by adequate medical statements; and
 - (2) The commuting time to and from home to the work or training site should not normally exceed two hours. (This does not include the time it takes to transport a child to and from a child care facility).

Enrollment in English classes does not qualify as a training program and therefore does not exempt the refugee from the employability requirement. English classes may be part of the employability plan.

2-009.01C Noncooperation With Employment Requirements: If an employable adult refuses to comply, accept, or participate in employment services with the appropriate agency serving the refugee, the agency notifies the local Department eligibility worker of the refugee's refusal to cooperate on Form IM-42. Then the actions described in 470 NAC 2-009.01C1 through 2-009.01C2a must be taken. See 470 NAC 2-009.03 for good cause for noncooperation.

Note: If the resettlement agency is also providing employment services, the eligibility worker does not need to send notice of noncooperation.

2-009.01C1 For an Applicant: If an employable adult applicant refuses to register for, accept, or continue services of an agency providing services to refugees, s/he is ineligible.

Note: If an applicant refuses to seek or accept employment before s/he is referred to the service agency, s/he is treated according to regulations in 470 NAC 2-009.02A1.

2-009.01C2 For a Recipient: Within ten days the eligibility worker must contact the refugee and the refugee service worker or counselor to schedule a mediation session. The refugee is allowed one mediation period of up to seven days.

During the mediation period, the eligibility worker must:

1. Provide the recipient with written notice of the alleged failure to participate; and
2. Schedule an office interview with the eligibility worker, refugee service worker or counselor, and the refugee. The purpose of the interview is to discuss:
 - a. Reasons for not participating;
 - b. Barriers to participation;
 - c. Attitude of the recipient;
 - d. Responsibilities of the recipient; and
 - e. Possible solutions.

The recipient is not removed from the RRP/MA unit during the mediation period unless the mediation period is terminated because the recipient is uncooperative or refuses counseling. The worker documents in the case record the reasons that the recipient was determined uncooperative or refused counseling.

If the grant is zeroed during a mediation period, the mediation continues during the zero grant period.

2-009.01C2a Actions Following the Mediation Period: If the employable refugee client continues to refuse refugee services, the case is closed.

2-009.01D Training Requirements for Employed Refugee Clients: In the instance of a refugee who is employed and receiving supplementary assistance, the agency must:

1. Require part-time training such as English-language or skill training, if available and determined appropriate, if the refugee is employed part-time (less than 100 hours per month), as a condition for continued receipt of assistance; or
2. Encourage, but not require, part-time English-language or skill training, if available and determined appropriate, if the refugee is employed full-time (100 or more hours per month).

2-009.02 Counties Without Service Agencies: In counties without an RRP-funded employment service program, all non-exempt refugees are required to accept available employment. The eligibility worker must do an appraisal to determine whether a refugee may be exempt from employability requirements.

The non-exempt refugee is required to register with Job Service if there is one in the area. A Job Service Office is considered to be in the area when:

1. There is an office in the county; or
2. A Job Service worker periodically comes to a community within the county to register individuals.

The worker may require verification from the refugee of his/her job contacts. The worker must not require written verification from the employer.

If there is no Job Service Office in the area, the refugee must report monthly to the worker with proof that s/he is actively seeking employment. Using the prudent person principle (see 470 NAC 1-008), if the worker needs further verification of employment contacts, s/he may contact the employer. The worker must not require written verification from the employer.

In planning with the refugee the number of necessary job contacts, the worker considers the availability of work in the community and the capabilities of the client. If the worker is aware that there are no jobs in the community, s/he must not require the client to make a specified number of job contacts.

2-009.02A Noncooperation in Seeking or Accepting Employment

2-009.02A1 Applicant: If an applicant refuses to seek employment, s/he is ineligible. If an applicant refuses without good cause to accept a bona fide offer of employment or training, his/her needs are not included in the grant unit. See 470 NAC 2-009.03 for good cause.

If the applicant begins to cooperate while the RRP application is still pending, the applicant is eligible to receive RRP effective with the date of application if all other eligibility factors are met.

If the applicant begins to cooperate after the application has been approved, his/her RRP benefits resume effective the first day of the month during which the individual successfully participates.

2-009.02A2 Recipient: If the refugee refuses to actively seek employment, the refugee is allowed one mediation period of seven days. Within ten days the eligibility worker must contact the refugee to schedule a mediation session. During the mediation period, the eligibility worker must:

1. Provide the recipient with written notice of the alleged failure to participate; and
2. Schedule an office interview with the refugee. The purpose of the interview is to discuss:
 - a. Reasons for not actively seeking employment;
 - b. Barriers for actively seeking employment;
 - c. Attitude of the recipient;
 - d. Responsibilities of the recipient; and
 - e. Possible solutions.

The recipient is not removed from the RRP/MA unit during the mediation period unless the mediation period is terminated because the recipient is uncooperative or refuses counseling. The worker documents in the case record the reasons that the recipient was determined uncooperative or refused counseling.

If the grant is zeroed during a mediation period, the mediation continues during the zero grant period.

2-009.02A2a Sanction Following Mediation Period: If the refugee refuses to actively seek employment, the case is closed.

The sanction continues even if the refugee starts employment, becomes exempt, or the case is closed and the refugee reapplies.

The worker must notify the refugee's sponsor or the voluntary agency, (if there is no sponsor) of the sanction.

2-009.03 Good Cause for Refusing Employment or Training or Not Cooperating With the Service Agency: Some examples of good cause for refusing employment or training or refusing to cooperate with the service agency include but are not limited to:

1. The distance of the job, training, or service agency from home;
2. A wage that is less than the federal or state minimum wage;
3. Hazardous working conditions;
4. Unreasonable cost involved in employment or training; or
5. The client's mental or physical inability to do the work or training.

2-010 Eligibility for Medical Assistance Following Ineligibility for a Grant: If s/he is still within his/her time limit for eligibility, an RRP grant recipient may receive medical assistance without a Share of Cost if s/he becomes ineligible for a grant because of earnings from employment - the beginning of earnings, increased earnings, or increased hours of employment. A review is not required during the months of MA.

The months of MA begin with the month after the last grant payment is issued (or the unit was eligible but did not receive a payment because of the \$10 minimum).

{Effective 2/10/2002}

2-011 Other Related Eligibility Requirements

2-011.01 Receipt of Other Assistance: An individual whose needs are included in the RRP payment must not at the same time receive a payment of another type of categorical assistance that is administered by the Department.

Assistance from a source other than the Department may be used to supplement, but not to duplicate, an assistance payment made for a particular case.

2-011.01A SSI and RRP: A client or an essential person in the Supplemental Security Income Program (SSI) is not included in the RRP/MA budget.

2-011.01B Notification of Social Security Administration: When one parent is receiving SSI and another is a member of an RRP or RRP-related medically needy unit, the worker notifies the Social Security Administration that the income of the parent in the RRP or RRP-related medically needy unit is being used to determine RRP benefits. The Social Security Administration will then reduce the amount that is deemed or will stop deeming.

2-011.02 Ineligibility of Fleeing Felon: An individual is ineligible for RRP/MA during any period in which the individual is:

1. Fleeing to avoid prosecution or custody or confinement after conviction for a crime in the U.S. or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing; or
2. Violating a condition of U.S. federal or state probation or parole.

2-011.03 Ineligibility for Drug Related Felonies: An individual who has committed and been convicted under federal or state law after August 22, 1996, of any offense which is classified as a felony and which has as an element the possession, use, or distribution of a controlled substance, is permanently ineligible for RRP cash assistance. Other family members may continue to receive benefits.