

5.2.4 Income

References: 7CFR 246.7 (d) (2)

Policy: Each applicant must provide proof of income eligibility for WIC, either through an automatic/adjunctive program or with documentation of household income at each certification.

Purpose: To establish income eligibility of the applicant.

Procedures:

Applicants are determined to be income eligible in **one** of these ways:

- Automatic/Adjunctive eligibility based on being currently certified eligible to receive benefits from another program with comparable income guidelines or a member of a household in which member is currently certified eligible for an adjunctive program.
- Traditional Income Determination based on household size and income.
- Applicants whose income is above traditional income guidelines must apply for Minnesota Health Care Programs (MHCP) and be determined eligible before they can be eligible for WIC.

Automatic/Adjunctive Eligibility:

1. Applicants are eligible for WIC, regardless of household gross income, if they are:
 - Currently certified eligible to receive benefits from Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps), Medicaid, Minnesota Family Investment Program (MFIP), or MinnesotaCare or a member of a household in which a member is currently eligible for one of these programs.
 - Currently certified eligible to receive benefits from a program using comparable income guidelines such as Free or Reduced Price Meal Eligibility for the National School Lunch Program, Energy Assistance or Headstart or a member of a household in which a member is currently eligible for one of these programs.
 - Currently eligible for Tax Equity Fiscal Responsibility Act (TEFRA) or Supplemental Security Income (SSI); in this situation other household members would not be WIC eligible.
2. Staff must verify current eligibility using:
 - *Notice of Eligibility Letter*;
 - Other written documentation of eligibility from the appropriate agency;
 - On-line or telephone access to adjunct programs that verify current eligibility (such as CTC database); or
 - Direct contact with the appropriate agency.

Minnesota Health Services Card alone is not adequate unless staff have verified current eligibility for MA.

3. When current eligibility is determined, document this information in the data system by clicking on MA, FS, MFIP, etc

4. Proceed with the certification.

Traditional Income Determination:

- If the applicant is not eligible under an adjunct program, determine household size and proceed with eligibility determination based on traditional income guidelines.

Household Size

- For WIC purposes, “household” is defined as a group of related or non-related individuals who usually, but not always, live together as an economic unit and who share income and the consumption of goods and services.

Questions to ask to Determine Separate Household	Household Size
<ul style="list-style-type: none"> • Does the household provide free food, clothing, shelter, etc. with no expectation of payment or in-kind benefits? 	If Yes – applicant is not counted as a separate household – include in the household size If No – count as a separate household
<ul style="list-style-type: none"> • Does the applicant pay the household for living in their home? 	If Yes – count as a separate household If No – include in the household size
<ul style="list-style-type: none"> • Does the applicant exchange work, (e.g. household chores, babysitting) for the ability to live in the home? 	If Yes – count as a separate household
<ul style="list-style-type: none"> • Does the applicant share income and expenses with other people in the household? 	If Yes – include in the household size If No – count as a separate household
<ul style="list-style-type: none"> • Can the applicant provide current eligibility of Minnesota Health Care Programs, Food Stamps, or MFIP? 	If Yes – count as a separate household
<ul style="list-style-type: none"> • Can the applicant verify their status as an emancipated minor (reported or as determined by the Court)? 	If Yes – may be an indicator of a separate household

- Other examples:
 - Active military duty: If the household includes a parent or stepparent who is on active military duty, the absent member may be considered a member of the household. If the child is living with others such as grandparents because the parent(s) is on active military duty, the child(ren) may be considered a separate household if this is more favorable to their eligibility.
 - Split or joint custody: When the custody of the child is split, the child shall be considered a member of the household in which he or she lives the majority

of the time. If the parents share custody 50/50, the child can only qualify for WIC in one parent's household. Parents can be encouraged to share the food or make the other parent a proxy on the ID folder for the child.

- A foster child, who is living with a family but remains the legal responsibility of a social service or other agency, should be considered a family of one. The child's income is equal to the payments made by the agency for that child.
- If an adult in the household are making child support payments for a child not living in this household and who is not receiving WIC benefits in another household, this child may be counted as a member of the household. Child support payments do not reduce family income.
- A pregnant woman should be counted as two or more, taking into account the unborn fetus(es).

Income Determination:

- Income means gross cash income before deductions. Use the Total Income line if verifying income from the most recent federal income tax return.
- When calculating income, consider what information reflects the family's current status most accurately: the past 12 months, the month prior to application, or the current income.
- Income sources include but are not limited to the following:
 - Monetary compensation for services, such as wages, salary, commissions or fees.
 - Net income from farm or self-employment (use Total Income line on the most recent tax return).
 - Social security benefits.
 - Dividends or interest on savings or bonds, income from estates, or net rental income.
 - Public assistance or welfare payments, unemployment compensation.
 - Government civilian employee or military retirement or pensions or veteran's payments.
 - Private pensions or annuities.

- Alimony or child support payments.
- Regular contributions from persons not living in the household.
- Net royalties.
- Other cash income. This includes, but is not limited to, cash amounts received or withdrawn from any source, including savings, investments, trust accounts and other resources that are readily available to the family.
- Income does **not** include the following:
 - Student loans and grants used for tuition, student fees, the costs for rental or purchase of any required equipment, materials, supplies, books, transportation and miscellaneous personal expenses for a student:
 - Pell grant
 - Supplemental Educational Opportunity Grant (SEOG)
 - State Student Incentive Grants
 - Perkins Loans
 - PLUS
 - College Work Study
 - Byrd Honor Scholarships
 - National Direct Student Loans
 - Payments under the Carl D. Perkins Vocational Education Act as amended by the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990
 - Mandatory salary reduction amount for military service personnel to fund the Veteran's Educational Assistance Act of 1984 (GI Bill)
 - Military Pay
 - Basic allowance for housing (BAH) received by military services personnel residing off military installations or in privatized housing, whether on- or off-base.
 - Cost-of-living allowance provided to a member of uniformed services who is on duty outside the contiguous states of the United States (OCONUS COLA).
 - Payments made to members of the armed forces and their families for Family Subsistence Supplemental Allowance (FSSA), if the inclusion of this amount makes the family ineligible for WIC
 - Combat pay for household members who are on active military duty; detail may be found in the Entitlements column of the military Leave and Earning Statement (LES).
 - Payments pursuant to Agent Orange Compensation Exclusion Act.

- Funds received from Filipino Veteran Equity Compensation Fund
- The value of in-kind housing or other in-kind benefits. An in-kind benefit is anything of value that is not provided in the form of cash.
- Loans, except amounts to which the applicant has constant or unlimited access.
- The value of assistance to children or their families from the following programs:
 - School Lunch Program
 - Farmer's Market Nutrition Program
 - Food Stamp Program
- Any child care payments from the following programs:
 - At-Risk Child Care programs
 - Child Care Development Block Grant
 - Any program under Section 402 of the Social Security Act
- Lump sum payments that represent reimbursements including those received from insurance companies for loss or damage of property and payments of medical bills resulting from an accident or injury.
- Payments received under the Job Training Partnership Act from the following programs:
 - Adult and Youth Training Programs
 - Summer Youth Employment and Training Programs
 - Dislocated Worker Programs
 - Programs for Native Americans
 - Migrant Seasonal Farm-workers Program
 - Veterans Employment Program
 - Job Corps
- Payments under the Low Income Energy Assistance Act, as amended.
- Any payment to volunteers under Title 1 (VISTA and others) and Title 11 (RSVP, foster grand parents, and others) of the Domestic Volunteer Service Act of 1973.
- Payment to volunteers under Section 8 (b)(1)(B) of the Small Business Act (SCORE and ACE).
- Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989.

- Payments received for Wartime Relocation of Civilians under the Civil Liberties Act of 1988.
- Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Payments received under Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2000.
- Payments received under the Judgment Award Authorization Act, as amended.
- Payments received under the Cranston-Gonzales National Affordable Housing Act, unless the income of the family equals 80 percent of the median income of the area.
- Payments received under the Housing and Community Development Act of 1987, unless the income of the family increases at any time to not less than 50 percent of the median income of the area.
- Payments received under the Alaska Native Claims Settlement Act.
- Federal compensation to the following Native American groups: Yakima Indian Nation (Indian Claims Commission Payment); the Apache Tribe of the Mescalero Reservation (Indian Claims Commission Payment); Navaho and Hopi Tribe (relocation assistance); Black feet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona): Chippewas: Mississippi, Michigan, Red Lake, Saginaw, Turtle Mountain; Sac and Fox Indian (claims settlement); Passamaquoddy Tribe and Penobscot Nation (Maine Indian Claims Settlement Act, 1980); and Ottawa Indians, Grand River Band or income from submarginal U.S. land held in trust for certain Indian tribes.

Documentation of Income:

1. At the certification, determine household size, and use the Income Eligibility screen in the data system to figure total income. The applicant must provide documentation of income. Acceptable forms of proof of income include:
 - Pay stub
 - W-2 forms
 - Tax Return
 - Written statement from the employer
2. If the information is adequate, and the applicant meets income guidelines, document sources and amount of income in the data system.

3. Proceed with the certification.

If documentation is not available:

1. If the documentation is not available, finish the certification using “Not currently available” (in the drop-down menu) for the documentation of income.
2. Inform applicant that s/he has temporary eligibility for WIC and that s/he must provide the income documentation within 30 days.
3. Give the applicant a written reminder of what information is needed.
4. Provide the applicant with one month of vouchers and arrange for a visit the next month.
5. Add an alert (or create some other type of reminder) to ask for the documentation at the next visit.
6. At the next visit, staff must review appropriate documentation and make a determination of current eligibility. Add documentation information into the participant record. Issue vouchers as appropriate or initiate ineligibility procedures.
7. If the applicant has the required documentation but fails to bring it, the applicant should not be given vouchers but told to return with the required information.

Presumptive Eligibility

The applicant may be presumptively eligible for WIC if their household income is greater than 185% but less than 275% of federal poverty guideline. They must apply for Minnesota Health Care Programs within 10 days and be determined eligible MHCP. Staff may issue up to 3 months of vouchers. An alert and a note must be written. At the next visit, staff must determine current status of the MHCP application and document in the participant record. Follow up shall continue until a final determination of eligibility is made.

Exceptions:

In limited circumstances, staff may determine that the applicant is in a situation in which written documents are not available. Examples might include:

- Fire
- Theft
- Disaster
- Migrant families
- Homeless individual or family
- Applicant whose spouse or partner refuses to provide income documentation
- Employer who refuses to provide documentation of income, such as a cash payment

1. In these situations, the applicant must complete and sign the Waiver portion of the *Your Rights and Responsibilities* in WIC form (Exhibit 1-K), including the reason documentation is not available.
2. Complete the certification using the “Waiver Signed” (in the drop down menu) for the documentation of income.
3. Assess the individual situation and issue the appropriate set(s) of vouchers that best meet the needs of the applicant.

Reassessment of Income Eligibility During the Certification:

Participants are not required to report income changes during the certification period nor are local agency staff required to inquire about changes. However, if both the following conditions are met for an active participant, local agency staff must reassess income eligibility:

- Staff receives information indicating a change in the participant’s income or a change in family size that would result in that person/family no longer qualifying for WIC services.
- It is more than 90 days until the end of the certification period.

If both of these conditions are met, then staff should reassess income eligibility, including screening for adjunctive eligibility and/or traditional income eligibility. Explore all other options for participation in programs that may grant adjunctive eligibility for WIC.

If the individual is found to be no longer eligible, the individual must be disqualified and informed of his/her ineligibility. This must be done at least 15 days before the participant is disqualified. S/he may be given a partial food package to the date of the termination.

Participation of other active family members must be terminated if it is determined that they are no longer income eligible for the WIC program

When participants are found to be no longer eligible during a certification, staff must enter new information (such as new income or change in family size) and SAVE the changes. The data system will record the ineligibility and produce a *Letter of Ineligibility*.

Staff must document the reason for reassessment and termination in the record.

Migrants:

Income eligibility for instream migrant farmworkers must be documented only once in 12 months. The date of the last income determination should be documented in the appropriate space on the *Identification Folder* (Exhibit 5-Z).

Guidance:

- If income has been documented for one family member within the last 3 months, it can be used for other family members being certified within that 3 month period.
- If an applicant is determined ineligible during the certification, refer to Section 5.4 Ineligibility.
- Applicants do not need to be a US citizen to receive WIC benefits.
- Staff should assist applicants by suggesting ways to meet the income requirement.