

## 2.06 Income Eligibility Requirements

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### **POLICY:**

Applicants for WIC benefits will be considered economically eligible if their total income is no higher than one-hundred eighty-five (185) percent of the poverty income guidelines. The State Agency will announce and transmit revised income guidelines to the Local Agency as changes in the poverty guidelines occur.

### **DEFINITIONS:**

**Adjunct Income Eligibility:** Automatic income eligibility for the Program is granted for any applicant who documents that he/she is certified as fully eligible to receive food stamps, or certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process to receive TANF, Medicaid or PEIA/CHIP; or a member of a family that is certified eligible to receive assistance under TANF, or a pregnant woman or an infant is certified eligible to receive assistance under Medicaid or PEIA/CHIP.

**Adopted Child or Infant:** When a family has an adopted child, or a family has accepted legal responsibility of a child, the child is counted in the family size with whom he/she resides.

**Child Support Payments:** Payments considered as income for the family with whom the child lives. The payments cannot be deducted from the income of the family paying the support. The child for whom support is paid cannot be counted in the household paying the support.

**Current Income:** Income of an applicant's family during the thirty (30) days prior to application.

**Economic Unit:** A household or economic group of persons who usually live together and share income and the consumption of goods and services purchased as result of that income.

**Family:** Persons residing together as an economic unit, excluding residents of institutions.

**Foster Child:** A foster child who is the legal responsibility of the Department of Health and Human Resources (DHHR) or other agency is considered a family of one (1) for WIC purposes.

**Homeless Individual:** A person who lacks a fixed and regular nighttime residence; or whose primary nighttime residence is: a shelter designated to provide temporary accommodation, an institution that provides a temporary residence for persons intended to be institutionalized, a temporary accommodation in the residence of another individual (not to exceed 365 days), or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.

**Income:** Gross income before deduction for income taxes, employee's Social Security withholdings, insurance premiums, retirement plans and wage garnishment for the calendar year. This includes all money a household receives in actual cash.

**Income Exclusions:** Income not to be considered in determining economic eligibility includes, but is not limited to the following:

- < Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Public Law 91-646, Section 216);

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- < Payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Services Act of 1973 (Public Law 93-113), Section 404 (g), to the extent excluded by that Act; This includes payment to AmeriCorps Volunteers.
- < Payment to volunteers under Section 8 (b) (1) of the Small Business Act (SCORE and ACE) (Public Law 95-510, Section 101);
- < Payments received under the Job Training Partnership Act (Public Law 97-300, Section 142 (b), 29 U.S.C. 1552 (b));
- < Value of assistance received by children or their families under the National School Lunch Act, the Child Nutrition Act of 1966 and the Food Stamp Act of 1977;
- < Payments of allowances received pursuant to the Home Energy Assistance Act of 1980 (Public Law 96-223. Title III, Section 313 (c) (1));
- < Student financial assistance received by an individual from any program funded under Title IV of the Higher Education Amendment, 1986 including the Pell Grant, Supplemental Educational Opportunity Grant, State Incentive Grant, National Direct Student Loan, PLUS, College Work Study and Byrd Honor Scholarship Programs, which is used by the student for costs directly related to educational expenses, such as books, materials, tuition, fees, supplies and transportation (Public Law 99-498, Section 472 (1) and (2));
- < Post 9-11 GI Bill – Excluded benefits include: Tuition and Fees paid directly to the school, The Yellow Ribbon Program, Basic Allowance for Housing (BAH), and an annual book and supplies stipend.
- < Military allowances:
  - < Basic allowances for housing received by military services personnel residing in privatized on or off base housing. This is indicated on the Leave and Earnings Statement (LES) as: Basic Allowances for Housing (BAH), Basic Allowances for Quarters (BAQ), or Variable Housing Allowance (VHA).
  - < Cost-of-living allowance received by military service personnel residing outside the United States. This is indicated on the Leave Earnings Statement (LES) as: Cost of Living Allowance (COLA).
  - < Family Subsistence Supplemental Allowance (FSSA) provided by the Department of Defense to low-income members of the Armed Forces.
  - < Combat pay that is received in addition to the service member’s basic pay; and is the result of the service member being deployed to or serving in an area that has been designated a combat zone; and was not received by the service member prior to deployment to or service in the designated combat zone.
  - < Deployment Extension Incentive Pay (DEIP), also known as Deployment Extension Stabilization Program (DESP). DEIP/DESP is given to active duty service members who

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- agree to extend their military service by completing deployment with their units without re-enlisting. This exemption applies only until the service member returns to his/her home station. (Home station means a military installation within the United States.) Any additional Deployment Extension Incentive Pay (DEIP), or Deployment Extension Stabilization Program (DESP) payment received by the service member while serving at home station must be counted as income, as the service member is no longer considered deployed.
- < Value of inkind housing and other inkind benefits; (Example: food or housing received in lieu of wages)
  - < Loans; not including amounts to which the applicant has constant or unlimited access.
  - < Payments as a reimbursement for lost assets or injuries such as payments from insurance companies for loss/damage of real or personal property or payments intended for a third party to pay for a specific expense incurred by the household
  - < Payments received by property owners under the National Flood Insurance Program (NFIP).

**Income Sources:** Income considered in the determination of economic eligibility:

- < Monetary compensation for services: wages, salary, commission, fees, overtime;
- < Net income from farm and non-farm self-employment;
- < Social Security benefits;
- < Dividends or interest on savings, checking accounts, bonds;
- < Income from estates or trusts or net rental income;
- < Public assistance or welfare payments, not including Food Stamps;
- < Unemployment compensation;
- < Striker's benefits;
- < Government civilian employee or military retirement, pensions, veteran payments;
- < Private pensions or annuities;
- < Alimony or child support payments;
- < Regular contributions from persons not living in the household;
- < Net royalties;
- < Student financial assistance not related to educational expenses (room, board, dependent care expenses);

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- < Other cash income including, but not limited to, cash amounts received or withdrawn from any source including: savings, investments, trust accounts and other resources which are readily available to the family;
- < Lump sum payments that represent new money for use as income including, but not limited to: gifts, inheritances, lottery winnings, workman's compensation for lost income, severance pay.
- < A one-time Rural Benefit Payment from the Post 9-11 GI Bill.

**Instream:** Migrant farm workers who are currently performing agricultural labor in a particular geographic area. All migrant farm workers in West Virginia are considered instream.

**Migrant Farm Worker:** An individual with principal employment in agriculture on a seasonal basis and has been so employed within the last twenty-four (24) months and establishes a temporary abode for the purposes of such employment.

**Military Family:** An applicant, whose family members include military service personnel, is not determined income ineligible because of the temporary absence of one (1) or more military household members. Military personnel serving overseas or assigned to a military base are considered members of the economic unit even though they are not living with their families.

**Net Income:** Income from farm and non-farm self-employment determined by subtracting farm or business operating expenses from gross receipts.

**Poverty Income Guidelines:** The Poverty Income Guidelines are updated by the U.S. Department of Health and Human Services. The WIC guidelines are a percentage of the Poverty Income Guidelines and are determined by the U.S. Department of Agriculture.

**Self-Employment:** Net income is used to determine income eligibility for self-employed persons by subtracting the operating expenses from gross receipts. For farm income, operating expenses may include cost of feed, fertilizer, seed and other farming supplies; cash wages paid to farmhands; depreciation; cash rent; interest on farm mortgages; farm building repairs; and farm taxes (but not State and Federal income taxes). The value of fuel, food or other farm products consumed by the family is not included as an operating expense. For non-farm self-employed persons, operating expenses may include the cost of goods purchased, rent, heat, utilities, depreciation, wages and salaries paid, business taxes (but not personal income taxes). The value of saleable services and merchandise used by the family is not included as an operating expense.

**Temporary Absence:** A family member may be considered as part of an economic unit when temporarily absent because of school, training, employment, hospitalization, institutionalization, etc. and the family continues to provide the economic support.

**Temporary High Income:** Income which is above a family's normal level because of lump sum payments that represent new money intended for use as income including, but not limited to: gifts, inheritances, lottery winnings, workman's compensation for lost income, severance pay.

**Temporary Low Income:** Income which is below a family's normal level because of infrequency or irregularity of employment. Families who may qualify for this category can include: self-employed

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persons (including farmers or seasonally employed persons whose income fluctuates), a family member who is on a temporary leave of absence from employment (such as maternity leave or extended illness), teachers who are paid on a ten (10) month basis and are temporarily on leave during the summer months, and college students who work only during the summer months and/or through school breaks.

**Unemployed Person:** An adult member of a family who is not engaged in a gainful occupation. This may include a person on strike or laid off.

### **PROCEDURE:**

#### **A. Implementation of Policy**

The Local Agency will implement the above policy and definitions for determination of income eligibility based on most recent revision of income guidelines announced by the State Agency.

1. Income eligibility determination should be a simple process and not present an impediment to participation of the applicant.
2. In situations where eligibility is not clear, WIC personnel will use reasonable judgment.
3. The WIC personnel may contact the State Agency for assistance.

#### **B. Documentation of Income**

Each applicant will be interviewed regarding their monthly or yearly income, whichever is appropriate, during each certification for WIC benefits and provide documented proof of income or continued participation in Human Service Programs (TANF, Food Stamps, Medicaid or PEIA/CHIP) at the time of certification.

1. Inform applicants of the requirement for screening for income eligibility prior to the certification appointment.
2. Request one (1) of the following forms of documentation:
  - < Pay stub(s) for the thirty (30) days preceding the certification appointment;
  - < W-2 Form or income statement for the previous calendar year; documentation should be reflective of applicant's current economic situation. If documentation is not reflective of the applicant's current economic situation, then additional documentation may be required.
  - < Valid Medicaid card (an OMCH card or OBRA card will **not** be accepted), valid PEIA/CHIP card, proof of Food Stamps eligibility, or proof of TANF eligibility;
  - < Unemployment compensation;
  - < Social Security benefits;

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- < Statement from employer regarding weekly, monthly, or yearly earnings; or
  - < Other forms of documented unearned income.
3. Additional documentation may be requested when gross cash income is not satisfactorily determined. This may require verification from the source of income, such as employer.

### C. Determination of Income Eligibility

1. A family's gross cash income may not be reduced for any reason, including: hardships, high medical bills, or child care payments. The income guidelines contain a built-in standard deduction to account for financial hardships.
2. The family's income during the past twelve (12) months or the family's current (past month) income may be used to determine the best indicator of income. Exceptions include:
  - < **Temporary Low Income/High Income:** Income must be determined over the past twelve (12) months; and
  - < **Unemployed Person:** Income must be determined by reviewing the family's current income during the period of unemployment.
3. When an applicant presents full proof of their most recent monthly income, local clinics will calculate the monthly income as it is presented to them. (Example: A participant is paid biweekly and comes in with two consecutive bi-weekly pay stubs. The local agency will add all the pay stubs together to determine monthly income)
4. When an applicant is missing consecutive pay stubs or full proof of their most recent income, the following calculations may be used to convert all income into monthly amounts:
  - Yearly Income:* divide by 12 then round up to the nearest dollar
  - Weekly Income:* multiply by 4.3 then round up to the nearest dollar
  - Bi-Weekly Income:* multiply by 2.15 then round up to the nearest dollar
  - Semi-Monthly Income:* multiply by 2 then round up to the nearest dollar

### D. Economic Unit

More than one (1) separate economic unit may reside under the same roof.

1. Determine the composition and the dependence or independence of each applicant.
2. An economic unit must have its own source of income.
3. Decide whether the income is adequate to sustain the economic unit.
4. Zero income usually means they are part of another economic unit.

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5. Any benefit which is of value but is not provided to the household in the form of cash is not considered income.
  6. The following questions may be asked to help determine if the income is adequate to sustain the economic unit:
    - a) Are they responsible for all or a portion of own expenses and bills?
    - b) What type of income do they receive?
    - c) Who provides food and clothing?
    - d) Are they primarily independent and receive some goods or services or do the goods and services received result from sharing of income with other individuals?
- E. **Income Eligibility Guidelines (see Attachment #1 2.06)**
1. An applicant's income amount will be compared with the WIC Program income eligibility criteria to determine economic eligibility.
  2. The source of income will be documented in the **STORC Demographics Screen**.
- F. **Self-Declaration of Income**
1. Self Declaration of income may be used when:
    - a. The necessary documentation is not available. (**i.e. work for cash**)
    - b. The applicant has no income. (see **Economic Unit, D.4**)
    - c. The income documentation requirement would present an unreasonable barrier to participation. (**fire, homeless, theft, migrant farmer, physically cannot obtain**).
  2. Such a statement is not required when there is no income. (see **Economic Unit, D.4**)
  3. When self-declaration of income is used and the applicant meets all other criteria, the applicant will receive WIC benefits for the full certification period.
  4. The applicant must sign the **Self-Declaration Form (WIC-40)** stating the income they claim. The form will be kept in the participant's file.
  5. Household size, self-declaration and income declared must be documented in the **STORC Demographics Screen**.
- G. **Applicant Hardship**

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Contact the State Agency for guidance with circumstances of undue hardship for applicants to provide documentation of income.

### H. Adjunctive Income Eligibility

Automatic income eligibility for the Program is granted for any applicant who documents that he/she is certified as fully eligible to receive food stamps, or certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process to receive TANF or Medicaid; or a member of a family that is certified eligible to receive assistance under TANF, or a pregnant woman or an infant is certified eligible to receive assistance under Medicaid.

1. A foster child who remains the legal responsibility of the State and is certified as eligible to receive TANF or Medicaid can never confer adjunct income eligibility to family members. Only the foster child would be adjunctively income eligible for WIC.
2. Participation in these programs will be documented in the **STORC Demographics Screen**. All programs that apply will be marked.
3. Applicants who are adjunctively eligible must not be denied WIC eligibility based on self-reported income or household size.
  - a) Because of minimum data set requirements, the number of persons in the household and a self-reported monthly income for the household must be documented in the **STORC Demographics Screen**.
  - b) Only verbal, self-reported income may be requested.
  - c) It is prohibited by Federal legislation to count Food Stamps as household income.
  - d) Completion of the **Self-Declaration Form (WIC-40)** for self-reported income is **not** required.

### I. Participant Agreement (WIC-05)

1. The applicant determined to be income eligible will sign the **Participant Agreement (WIC-05)** which states that the information provided for WIC eligibility is correct.
2. A copy of the form will be kept in the participant's file.

### J. Notification of Ineligibility

1. An applicant who is found ineligible for the WIC Program because of income eligibility criteria will be given a STORC generated **Notice of Ineligibility (see Policy 2.09, Notification of Ineligibility)** and an explanation of their right to request a fair hearing (see **Policy 1.07, Fair Hearing Policy for Applicants and Participants**).

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2. A copy of the notice will be kept in the participant's file.

### K. Verification of Certification (VOC) Cards

1. Participants with current VOC cards including the **minimum** of participant's name, date of certification and date of certification expiration, will be deemed to meet the Program's income eligibility criteria (see **Policy 2.14, Verification of Certification Cards**).
2. Participants with expired VOC cards who are not instream migrant farm workers will be considered as new WIC Program applicants.

### L. Migrant Farm Workers

Instream migrant farm workers and family members with expired VOC cards are income eligible.

1. A migrant farm worker's income must be determined once every twelve (12) months.
2. Members of an instream migrant farm worker family that have met the income eligibility, either in the migrant's home base before the migrant has entered the stream for a season, or in an instream area during the agricultural season, will meet income criteria for any subsequent certification while the migrant is instream during the twelve (12) month period following determination.

### M. Family Size Increase for Pregnant Applicants

1. When a pregnant applicant does not meet income eligibility requirements on the basis of her current family size, income will be reassessed for eligibility based on a family size increased by one (1) or by the number of expected multiple births (as recorded on proof of pregnancy).
2. This also applies for categorically eligible members of her family.
3. The reassessment is not required in cases where increasing a pregnant woman's family size conflicts with her cultural, personal or religious beliefs.
4. The family size in the **STORC Demographics Screen** will be modified to determine eligibility.

### N. Income Changes during a Certification Period

1. Collection of income changes from a participant during a certification period is not required.
2. Likewise, a WIC participant is under no obligation to report changes of income during a certification period.
3. An individual determined to be adjunctively income eligible will not be disqualified during the certification period solely on the basis of a determination that they are no longer certified as eligible to participate in TANF, Medicaid, or Food Stamps.

