Ohio Administrative Code

Rule 5101:4-4-31 Food assistance: anticipating income.

Effective: October 1, 2024

(A) What is the general standard for anticipating income?

For the purpose of determining the supplemental nutrition assistance program (SNAP) assistance group's eligibility and monthly benefit, the county agencyis to take into account the income already received by the assistance group during the certification period and any anticipated income the assistance group and the county agency are reasonably certain will be received during the remainder of the certification period. When the amount of income that will be received or when it will be received is uncertain, the county agency is not to count that portion of the assistance group's income that is uncertain. When the exact amount of the income is not known, that portion of it that is anticipated with reasonable certainty is considered income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the county agency is to average income.

(B) How is income anticipated?

Income received during the past thirty days is to be used as an indicator of the income that is and will be available to the assistance group during the certification period. However, the county agency is not to use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. When income fluctuates to the extent that a thirty-day period alone cannot provide an accurate indication of anticipated income, the county agency and the assistance group may use a longer period of past time when it will provide an accurate indication of anticipated fluctuations in future income. Similarly, when the assistance group's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last thirty days, as one indicator of anticipated income. The county agency is to exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event is the county agency to automatically attribute to the assistance group the amount of any past income. The county agency is not to use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

(C) When is income anticipated for the month received?

Income anticipated during the certification period is to be counted as income only in the month it is expected to be received, unless the income is averaged as described in paragraph (I) or (J) of this rule. Nonrecurring lump-sum payments are counted as a resource starting in the month received and not counted as income.

(D) How is income anticipated when an assistance group is steadily employed?

In cases where the assistance group name is steadily employed, income from the previous month is usually a good indicator of the amount of income that can be anticipated in the month of application and subsequent months. When information supplied by the assistance group or a collateral contact indicates that future income will differ from the previous month's income, the county agency will use such information to make a reasonable estimate of anticipated income. The method used to determine income is to be fully documented in the case file.

(E) How are hourly and piecework wages anticipated?

When income is received on an hourly wage or piecework basis, weekly income may fluctuate when the wage earner works less than eight hours some days or works overtime on others. In this case the county agency should consult with the assistance group to determine the normal amount of income to be expected as a result of one week's work and when this is reasonably certain to be available during the certification period. This amount should be used to determine monthly income.

(F) Are withheld wages treated as income?

Wages held at the request of the employee is to be considered income to the assistance group in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even when in violation of law, are not counted as income to the assistance group, unless the assistance group anticipates that it will ask for and receive an advance or that it will receive income from wages that were previously held by the employer as a general practice and were, therefore, not previously counted as income by the county agency. Advances on wages is to count as income in the month received only when reasonably anticipated.

(G) How is monthly or semimonthly income of varying amounts anticipated?

An assistance group receiving income on a recurring monthly or semimonthly basis is not to have its monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

(H) When should actual income be used instead of converted income?

When a full month's income is anticipated and income is received on a weekly or biweekly basis, the county agency is to determine monthly income by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15. In one-month certifications, income on less than a monthly basis may be computed by using the actual income that is to be received. When income that was received on a weekly or biweekly basis has stopped, actual income (not converted) is used.

(I) When is income averaged?

Except for destitute assistance groups, income received on a monthly basis but whose amount fluctuates from month-to-month and income received less often than monthly are to be averaged. Income is not to be averaged for a destitute assistance group since doing so would result in assigning to the month of application income from future periods which is not available to the assistance group for its current food needs. To average income, the county agency is to use the assistance group's anticipation of income fluctuations over the certification period. (For example, an assistance group receives one hundred dollars every other month, fifty dollars per month income may be used.) The number of months used to arrive at the average income need not be the same as the number of months in the certification period. An average is to be recalculated at recertification and in response to changes in income, in accordance with paragraph (K)(1) of rule 5101:4-7-01 of the Administrative Code, and the county agency is to inform the assistance group of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (H) of this rule does not constitute averaging.

(J) How is contract or self-employment income anticipated?

Assistance groups which, by contract or self-employment, derive their annual income in a period of time shorter than one year is to have that income averaged over a twelve-month period, provided the income from the contract is not received on an hourly or piecework basis. These assistance groups may include school employees, share croppers, farmers, and other self-employed assistance groups. However, these provisions do not apply to migrant or seasonal farm workers. Contract income which is not the assistance group's annual income and is not paid on an hourly or piecework basis is to be prorated over the period the income is intended to cover.

(K) What expenses are included in income deductions?

Deductible expenses include only the costs described in rule 5101:4-4-23 of the Administrative Code.

(L) What types of expenses are not allowed as deductions?

(1) Any expense, in whole or in part, covered by educational income which is excluded income as defined in rule 5101:4-4-13 of the Administrative Code.

(2) Any expense covered by excluded reimbursements as described in rule 5101:4-4-13 of the Administrative Code (including reimbursements under employment and training programs) or vendor payments (except an energy assistance payment made under the Low Income Home Energy Assistance Act of 1981, as amended). For example, the portion of rent covered by excluded vendor payments is not calculated as part of the assistance group's shelter costs. In addition, an expense which is covered by an excluded vendor payment that has been converted to a direct cash payment under the approval of a federally authorized demonstration project are not deductible.

(3) The portion of an allowable medical expense which is not reimbursable is to be included as part of the assistance group's medical expenses. When the assistance group reports an allowable medical expense at the time of certification but cannot provide verification at that time, and when the amount of the expense cannot be reasonably anticipated based upon available information about the recipient's medical condition and public or private medical insurance coverage, the assistance group

is to have the nonreimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified.

(4) An utility expense which is reimbursed or paid by an excluded payment, including the department of housing and urban development (HUD) or the farmers home administration (FMHA) utility reimbursements as described in rule 5101:4-4-13 of the Administrative Code, are not deductible. Expenses are to only be deductible when the service is provided by someone outside of the assistance group and the assistance group is responsible for the expense. For example, a dependent care deduction is not allowed when another assistance group member provides the care, or compensation for the care is provided in the form of an in-kind benefit, such as food.

(M) When are billed expenses deducted?

Except as provided in paragraph (N) of this rule, a deduction is considered in the month the expense is billed or otherwise becomes due. However, in the case of reimbursable medical expenses, a deduction can only be considered within thirty days of receiving the verification of the amount of reimbursement. The phrase "otherwise becomes due" is meant to provide for deductions in situations where regular billing statements are not issued but the expenses nevertheless become due each month as in most rental arrangements. All of the preceding applies regardless of when the assistance group intends to pay the expense. Amounts carried forward from past billing periods are not deductible even if included with the most recent billing and actually paid by the assistance group. In any event, a particular expense may only be deducted once. Past due bills, except in the situation of medical expenses awaiting reimbursement, is not to be deducted.

(N) How are expenses anticipated?

The county agency is to calculate an assistance group's expenses based on the expenses the assistance group expects to be billed for during the certification period. Anticipation of the expense is to be based on the most recent month's bills unless the assistance group is reasonably certain a change will occur. At certification and recertification, the assistance group is to report and verify all medical expenses. The assistance group's monthly medical deduction for the certification period is to be based on the information reported and verified by the assistance group, and any anticipated changes in the assistance group's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition, public or private insurance coverage, and current verified medical expenses. The assistance group is not required to report changes about its medical expenses during the certification period. When the assistance group voluntarily reports a change in its medical expenses, the county agency is to act upon the change in accordance with paragraph (K)(3) of rule 5101:4-7-01 of the Administrative Code when the change would increase the assistance group's allotment. In the case of a reported change that would decrease the assistance group's allotment, or make the assistance group ineligible, the county agency is to act on the change without first requiring verification in accordance with paragraph (K)(4) of rule 5101:4-7-01 of the Administrative Code.

(O) When should expenses be converted?

When the assistance group is billed more frequently than monthly for expenses, the county agency is to use the conversion procedure.

(P) How are expenses averaged?

Assistance groups may elect to have fluctuating monthly expenses deducted entirely in the month incurred or averaged.

(1) Averaging less frequent bills

Assistance groups may elect to have expenses that are billed less often than monthly treated as follows:

(a) The entire expense may be deducted during the month the expense is billed or otherwise becomes due.

(b) The expense may be averaged forward over the interval between scheduled billings.

(c) When there is no scheduled interval between billings, the expense may be averaged forward over the period the expense is intended to cover.

(d) Whether expenses are averaged forward between scheduled billings or averaged forward over the period the expense is intended to cover, deductions are not to be limited to the certification period in which the bill was received. When the expense is incurred on an ongoing basis, it may be deducted on an ongoing basis.

(e) "One-time-only" expenses may be averaged over the entire certification period in which they are billed when they are verified at the time of certification.

(2) Averaging "one-time only" expenses excluding medical

Assistance groups reporting "one-time-only" expenses (excluding medical expenses) during their certification period may elect to have them treated as follows:

(a) The total "one-time-only" expense may be deducted in the month it is billed, rather than have the expenses averaged; or

(b) "One-time-only" expenses may be averaged over the certification period in which they were billed. For example, when the expense occurs during the fourth month of a six-month certification period, then only one-sixth of the expense can be deducted in each of the remaining two months. The other unused portion is lost. In these cases, it may be to the assistance group's advantage to have the total expense deducted in the month it is billed, rather than to have the expense averaged.

(3) Averaging medical expenses

Assistance groups reporting "one-time-only" medical expenses during their certification period may elect to have them treated as follows:

(a) The total medical expense in excess of thirty-five dollars may be deducted for one month; or

(b) The medical expense may be averaged forward over the remaining months of the certification period. When this option is chosen, only the amount in excess of thirty-five dollars each month may be deducted. Averaging is to begin the month the change becomes effective.

(c) When an assistance group is certified for thirty-six months, the "one-time-only" medical expenses incurred during the first twelve month in excess of thirty-five dollars will be treated as follows:

(i) The medical expense may be deducted for one month; or

(ii) The medical expense may be averaged over the remainder of the first twelve months of the certification period; or

(iii) The medical expense may be averaged forward over the remaining months of the certification period. Averaging is to begin the month the change becomes effective.

(d) When an assistance group is certified for thirty-six months, the "one-time-only" medical expenses incurred after the first twelve months in excess of thirty-five dollars will be treated as follows:

(i) The medical expense may be deducted for one month; or

(ii) The medical expense may be averaged forward over the remaining months of the certification period. Averaging is to begin the month the change becomes effective.

(Q) How is SNAP eligibility determined and how are the appropriate gross and net income standards applied?

Assistance groups who are eligible in accordance with rule 5101:4-2-02 of the Administrative Code are not subject to the SNAP one hundred thirty per cent gross income or the net income standards.

(1) Assistance groups that do not contain at least one elderly or disabled member, as defined in rule 5101:4-1-03 of the Administrative Code and who are not eligible in accordance with rule 5101:4-2-02 of the Administrative code are to meet the SNAP one hundred thirty per cent gross income and the net income standards. The assistance group is to have its gross monthly income, as calculated in accordance with this rule, compared to the gross income standard for the appropriate assistance

group size to determine eligibility. When the gross income is more than the standard for the appropriate assistance group size, the assistance group is ineligible. When the assistance group's gross monthly income is equal to or less than the gross income standard for the appropriate assistance group size, the assistance group is to then have it's net monthly income, as calculated in this rule, compared to the income standard for the appropriate assistance group size to determine eligibility. When the assistance group's net income is equal to or less than the appropriate net income standard, the assistance group's level of benefits is determined, if otherwise eligible.

(2) Assistance groups that contain at least one elderly or disabled member, as defined in rule 5101:4-1-03 of the Administrative Code and who are not eligible in accordance with rule 5101:4-2-02 of the Administrative code do not have to meet the SNAP one hundred thirty per cent gross income standard, but are to meet the net income standards. The assistance group is to have its net monthly income as calculated in this rule compared to the net income standard for the appropriate assistance group size to determine eligibility. When an assistance group contains a member who is fifty-nine years old on the date of application, but who will become sixty before the end of the month of application, the county agency is to determine the assistance group's income eligibility by comparing it to the net income standard. When the assistance group's net income exceeds the appropriate net income standard, the assistance group is ineligible to participate in SNAP. When the assistance group's net income is equal to or less than the appropriate net income standard, the assistance group's level of benefits is determined, if otherwise eligible.

(3) An assistance group containing a student with excluded income who turns eighteen during the month of application or during the certification period is to have its income eligibility determined in accordance with paragraph (G) of rule 5101:4-4-13 of the Administrative Code.

(R) How is gross monthly income calculated?

To determine the assistance group's total gross income, add the gross monthly income earned by all assistance group members and the total monthly unearned income of all assistance group members, minus income exclusions. When an assistance group has income from a farming operation (with gross proceeds of more than one thousand dollars per year) that operates at a loss, see rule 5101:4-6-11 of the Administrative Code. The total gross income is compared to the gross income eligibility standard for the appropriate assistance group size. When the total gross income is equal to or less than the standard, proceed with calculating the adjusted net income as described in paragraph (S) of this rule. When the total gross income is more than the standard, the assistance group is ineligible for program benefits and the case is either denied or terminated at this point.

(S) How is net monthly income calculated?

Assistance groups who are determined eligible after applying the gross income eligibility test, will have their net income compared to the net income standard prior to determining level of benefits as described in this paragraph. After determining net income, the "Basis of Coupon Issuance Tables" located in rule 5101:4-4-27 of the Administrative Code is used to determine the assistance group's allotment.

(1) Total gross income

Add the gross monthly income earned by all assistance group members and the total monthly unearned income of all assistance group members, minus earned income exclusions, to determine the assistance group's total gross income. Net losses from the self-employment income of a farmer are to be offset in accordance with rule 5101:4-6-11 of the Administrative Code.

(2) Earned income deduction

Multiply the total gross monthly earned income by twenty per cent and subtract that amount from the total gross income.

(3) Standard deduction

Subtract the standard deduction.

(4) Excess medical deduction

When the assistance group is entitled to an excess medical deduction, determine if total medical expenses exceed thirty-five dollars. If so, subtract that portion which exceeds thirty-five dollars.

(5) Dependent care deduction

Subtract monthly dependent care expenses, if any.

(6) Legally obligated child support deduction

Subtract the allowable monthly child support payments in accordance with rule 5101:4-4-23 of the Administrative Code.

(7) Standard homeless shelter deduction

Subtract the standard homeless shelter deduction amount if any, when the assistance group is homeless and it incurs shelter costs during the month and has not claimed an excess shelter cost according to paragraph (S)(8) of this rule.

(8) Determining any excess shelter cost

Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (S)(7) of this rule. Subtract from total shelter costs fifty per cent of the assistance group's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. When there is no excess shelter cost, go to the next step.

(9) Applying any excess shelter cost

Subtract the excess shelter cost up to the maximum amount allowed (unless the assistance group is entitled to the full amount of its excess shelter expenses) from the assistance group's monthly income after all other applicable deductions. Assistance groups not subject to the shelter limitation are to have the full amount exceeding fifty per cent of their adjusted income subtracted. The assistance group's net monthly income has been determined.

(T) What is the rounding technique used when calculating monthly income?

In calculating gross income (both earned and unearned) the monthly amounts are to be rounded down to the nearest whole dollar by dropping all cents. All cents in gross weekly, biweekly, or semimonthly income are to be dropped before and after adding, dividing or multiplying. Hourly rates that contain cents are not rounded. However, because these procedures could result in a significant decrease in the medical and shelter expenses the assistance group may be entitled to use in determining excess medical and shelter costs, the individual costs used in paragraphs (S)(4) and (S)(8) of this rule are to be computed using exact dollars and cents. The cents will be dropped from the total medical and shelter costs prior to determining the medical and shelter deductions for the assistance group's net monthly income.

(U) What is the rounding technique used when calculating the monthly allotment?

In manually calculating monthly allotments as described in rule 5101:4-4-39 of the Administrative Code, after multiplying the net income by thirty per cent, the county agency is to round the product up to the next whole dollar when it ends in one through ninety-nine cents prior to subtracting that amount from the maximum SNAP allotment.

(V) What is the rounding technique used when calculating the initial month benefit?

The county agency is to determine initial benefits based on the day of the month assistance groups apply for benefits. In manually calculating the initial month's benefits, the county agency is to use the formula described in rule 5101:4-4-27 of the Administrative Code. When the result ends in one through ninety-nine cents, the county agency is to round the product down to the nearest lower whole dollar. When the computation results in an allotment of less than ten dollars, then no issuance is to be made for the initial month.

(W) How is income anticipated for destitute assistance groups?

For assistance groups considered destitute, the county agency is to determine an assistance group's eligibility by first applying the procedures contained in rule 5101:4-6-09 of the Administrative Code and then apply the appropriate income standard in accordance with paragraph (Q) of this rule. For destitute assistance groups who apply after the fifteenth of the month and who have postponed submitting mandatory verifications, refer to paragraph (G) of rule 5101:4-6-09 of the Administrative

Code.