



## Ohio Administrative Code

### Rule 5101:4-7-13 Food assistance: reducing, suspending, or cancelling food assistance benefits.

Effective: February 1, 2021

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This rule sets forth the procedures to be followed when the secretary of the United States department of agriculture (USDA) mandates a reduction, suspension or a cancellation of monthly supplemental nutritional assistance program (SNAP) allotments in order to stay within federal appropriations pursuant to section 18 of the Food and Nutrition Act of 2008.

(A) What actions may be needed to comply with section 18 of the Food and Nutrition Act of 2008?  
state="unchanged"/>

(1) A suspension of allotments for one or more months;

(2) A cancellation of allotments for one or more months;

(3) A reduction in allotment levels for one or more months; or

(4) A combination of these three actions.

(B) What are the requirements applicable to reductions, suspensions or cancellations?

The provisions in this rule are applicable to all three of the above cost-saving measures. Also, once these provisions are put into effect, they supersede and override other comparable rules used during the program's normal operation.

(1) Notification

Reductions, suspensions, and cancellations of allotments shall be considered to be federal adjustments to allotments. As such, state and county agencies shall notify assistance groups of reductions, suspensions, and cancellations of allotments in accordance with the notice provisions of rule 5101:4-7-03 of the Administrative Code, except that county agencies shall not provide



individual notices of adverse action to assistance groups affected by reductions, suspensions, or cancellations of allotments.

(2) Fair hearings

Any assistance group that has its allotment reduced, suspended, or cancelled as a result of an order issued by food and nutrition service (FNS) may request a fair hearing when it disagrees with the action, subject to the following conditions:

(a) Benefit level computed incorrectly

The Ohio department of job and family services (ODJFS) shall not be required to hold fair hearings unless the request for a fair hearing is based on an assistance group's belief that its benefit level was computed incorrectly under these rules or that the rules were misapplied or misinterpreted. ODJFS shall be allowed to deny fair hearings to those assistance groups who are merely disputing the fact a reduction, suspension, or cancellation was ordered.

(b) No continuation of benefits

Since the reduction, suspension, or cancellation would be necessary to avoid an expenditure of funds beyond those appropriated by congress, assistance groups do not have a right to a continuation of benefits pending the fair hearing.

(c) Restored benefits

An assistance group may receive restored benefits in an appropriate amount if it is determined its benefits were reduced by more than the amount that the county agency was directed to reduce benefits.

(3) Points and hours of certification and issuance services

In months the issuance of benefits has been suspended or cancelled, county agencies shall determine what types of issuance services to make available, where they should be located, and when they



should be available. County agencies' determinations should be based on the schedule and volume of issuance in the affected month and on the variables affecting the provision of issuance services.

(4) Application processing

Determinations of the eligibility of applicant assistance groups shall not be affected by reductions, suspensions, or cancellations of allotments. County agencies shall accept and process applications during a month(s) that a reduction, suspension, or cancellation is in effect.

(a) Eligibility determinations during reductions

When an applicant is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated by reducing the normal maximum SNAP allotment amount for the assistance group size by the reduction percentage that was ordered, and then deducting thirty per cent of the assistance group's net SNAP income from the reduced maximum SNAP allotment amount.

(b) Eligibility determinations during suspensions or cancellations

When an applicant is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the applicant until issuance is again authorized by FNS.

(5) Expedited service

Assistance groups eligible to receive expedited service shall have their cases processed as follows:

(a) Reductions

Assistance groups eligible for expedited service will be issued reduced benefit amounts and will have their cases processed in accordance with rule 5101:4-6-09 of the Administrative Code.

(b) Suspensions

Those assistance groups eligible to receive expedited service in months that suspensions are in effect



and determined to be eligible shall have benefits issued to them in accordance with rule 5101:4-6-09 of the Administrative Code. However, when the suspension is still in effect at the time issuance is to be made, the issuances shall be suspended until the suspension is ended.

(c) Cancellations

Assistance groups eligible to receive expedited service who apply for program benefits during months that cancellations are in effect shall receive expedited service. Assistance groups with zero net income shall have their benefits determined within twenty-four hours, or when mitigating circumstances occur, within seventy-two hours. However, the deadline for completing the processing of other expedited assistance groups shall be five calendar days or the end of the month of application, whichever is later. All other rules pertaining to expedited service shall be applicable to these cases.

(6) Recertifications

The reduction, suspension, or cancellation of allotments in a given month shall have no effect on the certification periods assigned to assistance groups. Those participating assistance groups whose certification periods expire during a month that allotments have been reduced, suspended, or cancelled shall be recertified. Assistance groups found eligible to participate during a month that allotments have been reduced, suspended, or cancelled shall have certification periods assigned.

(7) Restoration of benefits

Assistance groups whose allotments are reduced or cancelled as a result of the enactment of these procedures are not entitled to the restoration of lost benefits at a future date. However, when there is a surplus of funds as a result of the reduction or cancellation, FNS shall direct state agencies to provide affected assistance groups with restored benefits unless the USDA determines that the amount of surplus funds is too small to make this practicable. County agencies must still keep a record of all benefits to be restored during these periods so that in the event FNS directs the restoration of benefits, such benefits are issued promptly.

(8) Ninety per cent rule



In the event of a suspension or cancellation, or a reduction exceeding ninety per cent of the affected month's projected issuance, all assistance groups, including one- and two-person assistance groups, shall have their benefits suspended, cancelled, or reduced by the percentage specified by FNS.

(9) Penalties

Notwithstanding any other provision of this rule, FNS may take one or more of the following actions against a county agency failing to comply with a directive to reduce, suspend, or cancel allotments in a particular month.

(a) When FNS and ODJFS ascertain that a county agency does not plan to comply with a directive to reduce, suspend, or cancel allotments for a particular month, a warning will be issued advising the county agency that if it does not comply, ODJFS may cancel a share of the county agency's administrative costs for the affected month(s). If, after receiving such a warning, a county agency does not comply with a directive to reduce, suspend, or cancel allotments, ODJFS may cancel a share of the county agency's administrative costs for the affected month(s).

(b) After warning a county agency, if ODJFS ascertains that the county agency does not plan to comply with a directive to reduce, suspend, or cancel allotments, a court injunction may be sought to compel compliance.

(c) When a county agency fails to reduce, suspend, or cancel allotments as directed, FNS will bill the state agency for all resulting overpayments. When a state agency fails to remit the billed amount to FNS within a prescribed period of time, the funds will be recovered through offsets against the federal share of the state agency's administrative costs, or any other means available under law. The state, in turn, will demand repayment of these funds from the affected county(s).

(C) How are reductions processed?

When a decision is made to reduce monthly SNAP allotments, ODJFS shall notify county agencies of the date the reduction is to take effect and by what percentage maximum SNAP allotment amounts are to be reduced.



(1) Reduction method

Revised allotment tables showing the reduced amounts will be distributed to county agencies if such tables are available in a timely manner from FNS. However, if the reduction must be done manually, the procedure illustrated in paragraph (C)(2) of this rule must be followed.

(2) Manual reduction procedure

When a benefit reduction is ordered, county agencies shall reduce the maximum SNAP allotment amounts for each assistance group size by the percentage ordered in the FNS notice on benefit reductions. County agencies shall multiply the maximum SNAP allotment amounts by the percentage specified in the FNS notice and shall round the result up to the nearest higher dollar amount when it ends in one through ninety-nine cents, and subtract the result from the normal maximum SNAP allotment amount. County agencies shall then deduct thirty per cent of each assistance group's net SNAP income from the reduced maximum SNAP allotment amount.

(3) Minimum allotment

Except as provided in paragraph (C)(4) of this rule, when the amount of benefits obtained by the calculation in paragraph (C)(2) of this rule is less than the minimum benefit for one- and two-person assistance groups only, the assistance group shall be provided the minimum benefit.

(4) Ninety per cent reductions

In the event the national reduction in benefits is ninety per cent of the projected issuance for the affected month, the provision for a minimum benefit may be disregarded and all assistance groups may have their benefits lowered by reducing maximum SNAP allotment amounts by the percentage specified by FNS. The benefit reduction notice issued by FNS to effectuate a benefit reduction will specify whether minimum benefits are to be provided to assistance groups.

(5) Timeliness standard

Whenever a reduction of allotments is ordered for a particular month, reduced benefits shall be



calculated for all assistance groups for the designated month.

(6) Restored or retroactive benefits

Allotments or portions of allotments representing restored or retroactive benefits for a prior unaffected month shall not be reduced, suspended, or cancelled, even when they are issued during an affected month.

(D) How are suspensions and cancellations processed?

When a decision is made to suspend or cancel the distribution of SNAP benefits in a given month, ODJFS shall notify county agencies of the date the suspension or cancellation is to take effect.

(1) Minimum allotment provision deleted

In the event of a suspension or cancellation of benefits, the provision for the minimum benefit for assistance groups with one or two members shall be disregarded and all assistance groups shall have their benefits suspended or cancelled.

(2) Timeliness standard

Upon receiving notification that an upcoming month's issuance is to be suspended or cancelled, county agencies shall take immediate action to effect the suspension or cancellation in the month indicated. No delays will be permitted.

(3) Resumption benefits

Upon being notified by ODJFS that a suspension of benefits is over, county agencies shall act immediately to resume issuing benefits to certified assistance groups and shall resume benefit issuance as soon as practicable.

(4) Cases still must be processed



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When the action in effect is a suspension or cancellation, eligible assistance groups shall have their allotment levels calculated according to normal procedures. However, the allotments shall not be issued for the month the suspension or cancellation is in effect.