

This is an amendment to 8.139.110 NMAC, Section 12, effective 11/1/2019.

8.139.110.12 PROCESSING APPLICATIONS:

A. HSD is responsible for timely and accurate issuance of benefits to eligible households. All applications for assistance will be processed as soon as possible. Applicants who complete the application process will have their eligibility determined and be given an opportunity to participate within the time limits mandated for expedited or normal application processing. ISD will explain the time limits to the applicant and inform them of the date by which the application will be processed. With the exception of those manual provisions that specify "working days," time limits begin on the first calendar day following the action that triggered the time limit.

B. Household cooperation: To determine eligibility an application form must be completed and signed, a household or its authorized representative interviewed, and certain information on the application verified.

(1) **At application:** If a household refuses to cooperate in completing the process, the application will be denied at the time of refusal. For a determination of refusal to be made, a household must be able to cooperate, but clearly demonstrates that it will not take action that it can take and that is required to complete the application process. If there is any question that a household has failed to cooperate as opposed to refused to cooperate, it will not be denied. Once denied for refusal to cooperate, a household may reapply but will not be determined eligible until it cooperates with ISD.

(2) **Subsequent reviews:** A household will be determined ineligible if it refuses to cooperate in a subsequent review of eligibility. Such reviews include those because of reported changes and at application for recertification. Once terminated for refusal to cooperate, a household may reapply, but will not be determined eligible until it cooperates with ISD.

(3) **Outside sources:** A household will not be determined ineligible when an individual outside the household fails to cooperate with a request for verification. Individuals identified as ineligible household members in 8.139.400.12 NMAC will not be considered as individuals outside the household.

(4) **Cooperation with quality control (QC):** A household will be determined ineligible if it fails or refuses to cooperate in a QC review of eligibility and benefit amount.

(a) Period of ineligibility:

(i) A household that refuses to cooperate with a state QC review will be determined ineligible effective the month following the month the adverse action notice time limit expires. Ineligibility will continue until 95 days from the end of the annual QC review period (January 5) during which non-cooperation is found. The annual QC review period begins October 1 and ends September 30.

(ii) A household that refuses to cooperate with a federal QC review will be ineligible effective the month following the month the adverse action notice time limit expires. Ineligibility will continue until seven months from the end of the annual review period (May 1) during which non-cooperation is found. The annual QC review period begins October 1 and ends September 30.

(b) Re-establishing eligibility:

(i) A household may reapply during the period of ineligibility, but will not be determined eligible until it cooperates with the QC review, and is otherwise eligible.

(ii) A household which reapplies at the end of the period of ineligibility will not be determined ineligible because of its failure or refusal to cooperate with a state or federal QC review. The household must provide verification necessary to determine eligibility at reapplication in accordance with Subsection H of 8.139.110.11 NMAC.

C. Verification standards: Verification is use of third-party information or documentation to establish the accuracy of statements on the application, or information provided by the applicant or recipient.

(1) **Initial certification:** Verification is mandatory for the following information prior to initial certification for both new and reopened cases.

(a) Financial information:

- (i) gross nonexempt income, and
- (ii) resources.

(b) Any of the following if the expense would result in a deduction:

- (i) utility expenses;
- (ii) continuing shelter expenses;
- (iii) dependent care expenses;

(iv) deductible medical expenses including the amount of reimbursements;
(v) legally obligated child support expenses, and amount actually paid;
(vi) if any of the above expenses will not result in a deduction, verification shall not be required (for example, less than \$35 in medical expenses, or shelter expenses that do not exceed fifty percent of income after all other deductions).

(c) Nonfinancial information:
(i) residence;
(ii) citizenship, if questionable, and alien status of household members who are individually applying for benefits only;
(iii) identity of the applicant and authorized representative, if designated;
(iv) household size and composition;
(v) disability, if necessary;
(vi) social security numbers, except that eligibility or issuance of benefits shall not be delayed solely to verify the social security number of a household member, and
(vii) any questionable information that must be verified to determine eligibility.

(2) **Verification subsequent to initial certification: Verification of the following is mandatory [in accordance with the individual's reporting requirements found at 8.139.120.9 through 12 NMAC:] at recertification:**

(a) a change in income if the source has changed or the amount has changed by more than \$50;
(b) a change in utility expenses if the source has changed;
(c) previously unreported medical expenses, and total recurring medical expenses which have changed by more than \$25;
(d) new social security numbers, for individuals who are applying for benefits, that shall be verified as detailed in 8.139.410.8 NMAC;
(e) any other information which has changed or is questionable;
(f) unchanged information shall not be re-verified unless it is incomplete, inaccurate, inconsistent, or outdated. Outdated is defined as unchanged verification that is more than sixty days old relative to the current month of participation.

(g) satisfactory compliance with time limits for individuals subject to the time limit in accordance with 8.139.410.14 NMAC.

(3) **Providing verification:**

(a) If electronic verification is not available, the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.
(b) ISD shall assist a household in obtaining verification, provided the household is cooperating in the application process.
(c) A household or their authorized representative may supply documentary evidence in person, by mail, fax, electronic device or through the YES NM web portal.
(d) A household shall not be required to supply verification in person at the ISD office or to schedule an appointment to provide such verification.
(e) ISD shall accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application.

(4) **Documentation:** A case file shall be documented to support eligibility, ineligibility, and benefit amount determination. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

[2/1/1995, 6/1/1995, 6/15/1996; 8.139.110.12 NMAC - Rn, 8 NMAC 3.FSP.114, 5/15/2001; A, 3/1/2017; A, 11/1/2019]