
**FOOD STAMP CERTIFICATION
ELIGIBILITY REQUIREMENTS
Household Concept**

**FS 210 Household Concept
Change #1-2006
April 1, 2006**

210.01 HOUSEHOLD CONCEPT REQUIREMENT

All individuals who eat together must be included in the same food stamp unit (FSU). At application, recertification, and reported change in household composition, determine the total number of people who live in a residence, their relationship to each other, and their ages. Ask about the arrangements for purchasing and preparing meals. Using the rules below, evaluate the information in order to establish the FSU.

210.02 DEFINITION OF A FSU

A FSU is a person or a group of people applying for or receiving food stamp benefits. A FSU can be any of the following.

- A. A person living alone;
- B. A group of people living together who purchase and prepare meals together;
- C. A person or group of people who state they will purchase and prepare meals separate from the others with whom they live upon receipt of food stamp benefits;
- D. In certain situations, a person or group of people living with others but who purchase food and prepare meals separate and apart from those others;
- E. A homeless person or group of homeless people who purchase food; **or**
- F. Certain residents of group homes, shelters, and institutions.

210.03 INDIVIDUALS WHO MUST BE INCLUDED IN THE SAME FSU

Individuals who must be included in the same FSU are:

- A. Individuals who live together and purchase and prepare their food together;
- B. Spouses living together regardless of whether they purchase and prepare their food together. Spouse refers to individuals who are married to each other under applicable State law or who are living together and are representing themselves as husband and wife to relatives, friends, neighbors, or tradespeople;

NOTE: Couples who live together and do not have common children are not required to be included in the same FSU unless they are representing themselves as husband and wife and/or purchasing and preparing their food together.

- C. A child 21 years of age and under living with his/her natural, adoptive, or stepparents unless the conditions in 210.04 G. are met. If the household consists of a natural parent and an adoptive parent, the child must be included in the FSU with the adult who exercises parental control; **or**
- D. A child (other than a foster child) 17 years of age and younger who lives with and is under the parental control of a household member other than his/her parent.

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NOTE: For purposes of this provision, parental control exists if a child, age 17 or younger, is financially or otherwise dependent on a member of the household.

210.04 INDIVIDUALS WHO CAN BE SEPARATE FSU'S

The following individuals may be a separate FSU from other household members if they state they purchase and prepare food separately from others in the home or will do so upon receipt of food stamp benefits.

- A. An adult child age 22 and over living with his/her natural, adoptive, or stepparent.
- B. An individual age 18 and over living with anyone other than his/her natural, adoptive, or stepparent.
- C. An individual age 17 and under who is living with anyone other than a natural, adoptive, or stepparent as long as he/she is not under the parental control of an adult FSU member.
- D. Natural, adoptive, half, or step-siblings under 18 who live together if one is a parent living with his child(ren) or neither exerts parental control over the other (Once 18, parental control is not an issue.).
- E. Two adults who are not married to each other and live together. See 210.03 for exceptions.
- F. A specified person who is not a child under age 22 whose food is purchased and prepared separately by another household member. See 210.05 for the definition of a specified person.
- G. An individual age 60 or older and his spouse may be a separate FSU if the individual and spouse share meals with others because they are unable to purchase and prepare their own meals because of a disability defined in 210.05. **These are the only parents who may choose to be a separate FSU from their child(ren) under age 22.** The gross income of the other household members cannot exceed 165% of the poverty level. Exclude the income of the elderly individual and his spouse to make this income determination. See Section 285.03 for income limits.

210.05 DEFINITION OF SPECIFIED PERSON

A specified person is an individual 60 years of age or older, or one of the following.

- A. A person who receives supplemental security income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act.
- B. A person who receives federally or State administered supplemental benefits under Section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act.
- C. Receives disability benefits from a governmental agency based on permanent Social Security disability requirements.
- D. Is a Veteran who receives 100% Veterans Administration (VA) disability payments (service or non-service connected) or is rated as 100% disabled but receives less than 100% disability payment.

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- E. Is a Veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the U. S. Code.
- F. Is a disabled surviving spouse or disabled surviving child of a veteran and in need of regular aid and attendance or permanently housebound or considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the U. S. Code.
- G. Receiving Railroad Retirement and determined to be eligible for Medicare.
- H. Receiving Interim Assistance Payments (DSS General Assistance to applicants for SSI that is repaid by SSA upon approval of the SSI application).
- I. Receiving Medicaid based on disability.
- J. Benefits under the Federal Employees Compensation Act (FECA) based on Social Security disability requirements.

210.06 INDIVIDUALS WHO MAY CHOOSE TO PARTICIPATE AS A MEMBER OF A FSU

Unless specifically required to be a FSU member as defined in 210.03, the following individuals are not required to be included in the FSU but may choose to be included.

A. Boarders

Individuals living with others and paying reasonable compensation to the others for lodging and meals (excluding residents of a commercial boarding house) are boarders. Boarders are not eligible to participate in the program separate from the household providing the board. They may participate as members of the FSU which provides the boarder services to them upon request by the FSU.

The household within which a boarder resides (including the household of the proprietor of a commercial boarding house) may participate in the program if the household meets all the eligibility requirements for program participation.

Residents of commercial boarding houses are ineligible to participate. A commercial boarding house is defined as an establishment licensed as an enterprise which offers meals and lodging for compensation. In areas without licensing requirements, a commercial establishment which offers meals and lodging for compensation with the intent of making a profit will be considered a commercial boarding house. The number of boarders residing in a boarding house is not a criteria for determining if a boarding house is a commercial enterprise.

Do not consider the following as boarders.

1. The spouse of a FSU member; **or**
2. A child under age 18 who is under the parental control of a FSU member; **or**
3. Parents living with their natural, adoptive, or stepchildren under age 22 who are FSU members or such children living with their parents; **or**
4. A sibling of a FSU member when the sibling is under age 18 and the adult FSU member exerts parental control over the sibling; **or**

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5. Individuals paying less than a reasonable monthly payment for meals. Individuals who pay less than reasonable compensation must be considered part of the FSU providing the service.
- a. To determine if an individual is paying reasonable compensation, count only the amount paid for meals provided that the amount is distinguishable from the amount paid for lodging. Reasonable monthly payment may be either of the following.
- (1) If the board arrangement is for more than two meals per day, the boarder must pay an amount that equals or exceeds the maximum food stamp allotment for the size of the boarder household,
- or**
- (2) If the board arrangement is for two meals or less per day, the boarder must pay an amount that equals or exceeds two-thirds of the maximum food stamp allotment for the size of the boarder household.
- b. Individuals who pay less than reasonable compensation must be considered part of the household providing the services.

EXAMPLE: Mrs. Jackson applies for food stamps and states that Mr. Jones is a boarder who pays her \$10 each week for three meals per day. Since his monthly payment of \$43 (\$10 x 4.3) does not equal or exceed the maximum allotment for one person, Mr. Jones must be included in Mrs. Jackson's FSU.

EXAMPLE: Mrs. Johnson applies for food stamps and states that Mr. Smith and his two children are boarders who pay \$400 per month for three meals per day. Since his monthly payment exceeds the maximum allotment for three persons, Mr. Smith and his children are boarders. Mrs. Johnson may choose, but is not required, to include them in her FSU.

B. Foster Care Individuals

Individuals placed in the home of relatives or others by a federal, State, or local governmental foster care program are not eligible to participate in the program as a separate FSU from the household providing their care. However, they may be included in the FSU at its request. If the FSU chooses this option, count foster care payments received as unearned income to the FSU.

C. Individuals Receiving Guardianship Payments

Individuals placed in the home of relatives or others who receive Title IV-E Guardianship Payments are not eligible to participate in the program as a separate FSU from the household providing their care. However, they may be included in the FSU at its request. If the FSU chooses this option, count guardianship payments received as unearned income to the FSU.

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D. Live-In Attendant

A live-in attendant is a person who resides in a household solely to provide medical, housekeeping, child care, or similar personal services and is not a part of the required FSU. The household has the option of including the attendant in its FSU, **or** the attendant may participate as a separate FSU, if otherwise eligible.

E. Specified Persons

An otherwise eligible member of a FSU who is 60 years of age or older **and** disabled has the option, along with his/her spouse, of being a separate FSU if:

1. The individual and spouse share meals with others because they are unable to purchase and prepare food separately due to a permanent disability, **and**
2. The total gross income of the other members of the FSU does not exceed the income standard for separate FSU status (165 % of poverty level). Exclude the income of the elderly and disabled individual and his/her spouse to make the above income determination.

NOTE: If an elderly and disabled person is living with a child, the child's age is not an issue.

210.07 INDIVIDUALS WHO CANNOT BE INCLUDED IN THE FSU

A. Ineligible Able-Bodied Adult Without Dependent (ABAWD)

Able-bodied adults from the ages of 18 (beginning the month after the 18th birthday) through age 49 (the month before the 50th birthday, as ABAWD no longer applies) without dependents may be ineligible to participate in the program unless they meet the ABAWD requirements. Refer to Section 245, ABAWDS. Document the case file.

B. Ineligible Aliens

Individuals who do not meet the citizenship or alien status requirements as defined in Section 225, Citizenship and Alien Status, are ineligible to participate in the program. Document the case file.

C. Ineligible as a Fleeing Felon or Probation/Parole Violator

Applicants are required at application and recertification to sign a statement declaring whether any member of the FSU is a fleeing felon or a probation/parole violator. This includes SSI recipients. Use the Department of Corrections (DOC) website at www.doc.state.nc.us/offenders/ as a lead to confirm an individual's status. Document the case file.

1. Fleeing felons are individuals who are acting with the intent to avoid prosecution. In cases where a warrant has been issued, the individual must have knowledge that a warrant has been issued for his arrest in order to be considered fleeing. If the county determines during the application processing time period that an individual has a warrant out for arrest, verify with the individual whether they have knowledge of the warrant. Counties should give the individual an opportunity to submit documentation that the warrant has been satisfied. Once the individual has been advised of the warrant, he/she is considered fleeing at that time.

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2. An individual can only be considered to have violated probation or parole when a judge rules that a violation has occurred. Obtain verification from the Clerk of Court to determine if the violation has been cured.

D. Ineligible Students

Persons from the age of 18 through 49 who are enrolled in an institution of higher education and fail to meet the eligibility criteria in Section 230, Students, are ineligible to participate in the program. Document the case file.

E. Disqualified for Enumeration

Persons who fail or refuse to provide or apply for a social security number as defined in Section 235, Social Security Enumeration, are disqualified from participating in the program. Document the case file.

F. Disqualified for a Controlled Substance Felony Conviction

Applicants are required at application and recertification to sign a statement declaring whether any FSU member has been convicted of a drug-related felony committed on or after August 23, 1996. Individuals convicted of a felony involving possession, use, or distribution of a controlled substance after this date are permanently disqualified from the program. This includes SSI recipients. Refer to Section 290, Controlled Substance Felons, for requirements and exceptions. Document the case file.

G. Disqualified for Fraudulently Misrepresenting Identity and Residence

A recipient who fraudulently misrepresents his/her identity or residence in order to receive multiple food stamp benefits is disqualified for ten years. Complete an inquiry into the disqualification menu in EPICS. Code the length of disqualification as 97. Document the case file.

H. Disqualified for Intentional Program Violation (IPV)

A person disqualified for an IPV is not eligible to participate in the program for the period of their disqualification. Refer to Section 800, Claims. Complete an inquiry into the disqualification menu in EPICS. The length of disqualification will be coded as the number of months disqualified or as 99 which is a permanent disqualification. Document the case file.

I. Disqualified for Transferring a Resource

An individual who transfers a resource for the purpose of becoming eligible for food stamp benefits may make the entire FSU ineligible to participate in the program for a period of time determined by the value of the transferred resource. See Section 250, Resources. Document the case file.

J. Disqualified for Voluntary Quit or Other Work-Related Reasons

An individual may be disqualified if he/she voluntarily quits a job without good cause, voluntarily and without good cause reduces his work effort to less than 30 hours per week, or refuses without good cause to provide sufficient information to allow a determination of employment status or job availability. The individual may be ineligible to participate in the program for a period of time as defined in Section 240, Work Requirements. Document the case file.

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K. Disqualified for Work Registration/Workfare

An individual disqualified for failing or refusing to comply with Employment and Training or Workfare requirements is ineligible to participate in the program for a period of time as defined in Section 240, Work Registration Requirements. Document the case file.

L. Roomers

A roomer is an individual who pays for lodging but not for meals. Individuals who must be members of the FSU as stated in 210.03 cannot be roomers. Roomers are not eligible to be members of the FSU. Document the roomers in the application workbook. A roomer is eligible to apply as a separate FSU.

210.08 VERIFICATION OF HOUSEHOLD SIZE AND COMPOSITION

Request that the FSU provide verification of household size and composition only if questionable. This policy applies to applications, recertifications and changes.

Household size and composition are considered questionable when the household composition is inconsistent with statements made by the applicant or with other information in agency case files. Document case files with the reason a household s composition is considered questionable.

A. Allow at least ten calendar days for the FSU to provide verification.

B. Give the FSU a DSS-8650, Notice of Information Needed to Complete Your Food Stamp Application.

C. Acceptable collateral contacts include landlords, neighbors, or other persons, preferably non-related, with knowledge of the FSU's circumstances. Documentary evidence such as agency records and/or school records may be used as written confirmation of a FSU s circumstances.

D. If needed, offer assistance to the FSU in obtaining verification.

E. Resolve any discrepancies prior to certifying the case.

210.09 DOCUMENTATION OF HOUSEHOLD SIZE AND COMPOSITION

Upon receipt of the requested verification, document the case file including:

A. The source;

B. The method of verification;

C. The date verification is received; **and**

D. The details of how any discrepancies were resolved.

210.10 VERIFICATION AND DOCUMENTATION OF SEPARATE HOUSEHOLD STATUS

Explore separate household status for the purpose of receiving food stamp benefits at application, recertification, and when a change in household size and composition becomes known. List the names of individuals in the home who purchase food and prepare meals

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separately or those who will do so upon receipt of food stamp benefits. Request the applicant/authorized representative sign and date a statement declaring the separate arrangements.

Accept the applicant's signed statement as verification of separate household status. A signed statement from the other household is not required.

210.11 HEAD OF THE FSU

The FSU must designate an individual to be the head of the FSU. The person chosen as the head of the FSU must:

- A. Have primary responsibility for the health and well-being of the FSU members; **and/or**
- B. Have responsibility for the financial obligations of the FSU; **and/or**
- C. Be otherwise exercising control over the FSU.

The designation as head of the FSU may be changed at application, recertification, or removal of the current head of the FSU. Keep in mind that the household's EBT card will be issued to the head of household. The individual who will purchase groceries and handle daily business transactions would be an appropriate head of household.

Do not use the head of the FSU designation to impose special requirements, such as requiring that the head of the FSU, rather than another responsible member of the FSU, make application for benefits.

210.12 INDIVIDUALS RESIDING IN A SPECIAL ARRANGEMENT

Individuals are considered residents of an institution when the institution provides them with the majority of their meals (over 50% of three meals daily) as part of the institution's normal services. These individuals are not eligible to participate except as specified below.

- A. Group Home/Group Living Arrangement (GLA)

A GLA is a public or private non-profit residential setting that serves no more than 16 residents. A GLA resident must be blind or disabled or receiving benefits under Title II or Title XVI of the Social Security Act to be eligible for food stamp benefits.

- 1. The GLA must meet the following conditions prior to certifying any of its residents for food stamp benefits:
 - a. Be authorized by USDA to accept food stamp benefits, **or**
 - b. Be certified by the State as a GLA, **and**
 - c. The GLA must be determined to be a non-profit organization.
- 2. Residents can apply through the facility which will serve as an authorized representative. Eligibility must be determined as a one-person FSU; **or**
- 3. The resident may apply on his own behalf or select an authorized representative of his own choice. This will be determined by the GLA, based on the individual's mental and physical ability to handle his/her own affairs. The FSU size will be based on the number of individuals purchasing and preparing meals together.

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4. The GLA may only purchase food for eligible food stamp recipients if the food stamp recipient makes someone at the GLA his/her Authorized Representative. Refer to Section 220, Authorized Representatives.

B. Residents of a Shelter for Battered Women and Children

Battered Women and Children's Shelter is a public or private non-profit residential facility that serves battered women and their children. If such a facility services other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

Residents of shelters may be considered as either an individual FSU (including their children) or a group FSU. To make this determination, you will need to know whether food is customarily purchased and prepared separately or in common with the group. These provisions apply to battered women and children but do not apply to battered men. These special provisions concern food stamp eligibility for residents of shelters for battered women and children that provide meals to their residents.

1. Prior to certifying residents of a battered women's shelter:

- a. Verify that the shelter meets the definition of a shelter for battered women and children. Shelters authorized by USDA to accept EBT benefits meet the definition of a battered women's shelter.
- b. Shelter residents may appoint an authorized representative though it is not required. See Section 220, Authorized Representatives, for more details.

2. When the resident of the battered women's shelter is in a currently certified FSU:

- a. Shelter residents may apply for and receive food stamp benefits separately from the household they are currently certified in. This can only be done if they are a member of a certified household that contains the person who subjected them to the abuse.
- b. Shelter residents who are included in a currently certified FSU may receive an additional allotment as a separate FSU only once a month.
- c. Certify shelter residents based on their income, resources, and allowable expenses. Do not consider the former household's income, resources, or other expenses against the shelter individual(s).
- d. Take prompt action to ensure that the shelter residents are removed from their former FSU.

C. Certain Residents of Federally Subsidized Housing

Residents of federally subsidized housing for the elderly built under Section 202 of the Housing Act of 1959 are residents of institutions. These individuals are allowed to participate in the Food Stamp Program.

D. Residents of an Alcohol and Drug Treatment Center

1. For food stamp purposes, Alcohol and Drug Treatment Centers (ADTC) are non-profit institutions providing treatment that can lead to the rehabilitation of the residents.

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2. Narcotic addicts or alcoholics who regularly participate in drug or alcoholic treatment and/or rehabilitation program(s) on a resident basis, and their children

who live with them, may participate in the Food Stamp Program providing all points of eligibility are met.

- a. Center residents must apply through an authorized representative named by the treatment center.
- b. Certify residents as a one-person FSU unless their child(ren) resides with them.
- c. Verify approved drug treatment programs through:

Chief, Drug and Rehabilitation Branch
Division of Mental Health/DD/SAS
Department of Health and Human Services
3007 Mail Service Center
Raleigh, North Carolina 27699-3007
(919) 855-3795

3. Responsibilities of the ADTC when participating in the Food Stamp Program

- a. The facility must be an approved treatment center. Verify approved alcohol treatment center programs through the Division of Mental Health.
- b. The treatment center must report changes in the FSU's situation, such as income, resources, and circumstances of individuals in the assistance unit. Refer to appropriate Sections 400 thru 500 for reportable changes.
- c. When the FSU leaves the treatment center, the ADTC is responsible for notifying the county of the change. Using SLAR, deactivate the ADTC as the authorized representative for the case.

- (1) If the whereabouts of the client are known, update the address using the DSS-8590 screen. At this time, the SLIC screen will appear. Request an EBT card be issued to the head of household.
- (2) If the ADTC does not know the whereabouts of the individual, complete a TC 8 and re-enter the worker's district number to get access to the SLIC screen. When the SLIC screen appears, enter an N to set up an account for the remaining benefits. Do not issue an EBT card until the whereabouts of the client are known.

E. Residents of Public or Private Nonprofit Shelters for Homeless Persons

Residents of public or private nonprofit shelters for homeless persons are allowed to use their food stamp benefits to purchase prepared meals from USDA-approved homeless meal providers.

Individuals who are residents of public or private nonprofit shelters for the homeless are the exception to the requirement that states residents of institutions that provide

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individuals with the majority of their meals (over 50%) of three meals daily are not eligible for food stamp benefits.

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A homeless shelter, however, can not be the authorized representative for the homeless individual. Even though a shelter provides meals, it does not mean that the individual that stays in the shelter is there to partake of the meal provided. The individual is still homeless and may still wander during the day and stay at the shelter at night. The individuals in a homeless shelter can participate in the program and must be treated as separate households from the others with whom they reside, subject to mandatory household combination as required by law (i.e., homeless husband and wife in the same shelter can not be a separate household).

210.13 HOUSEHOLDS WITH SPECIAL CIRCUMSTANCES

A. Temporary Absence

There is no provision for temporary absence in the Food Stamp Program. Exclude an individual who is residing away from the FSU on a temporary basis. Add the individual to the case when he/she returns.

B. Absent Wage Earners

An absent wage earner is an individual who is often away from his/her residence because of the distance to work. Include an absent wage earner in the FSU. To exclude the absent wage earner, the FSU is responsible for establishing that the wage earner is not a FSU member. If the absent wage earner maintains a separate residence from the FSU, consider whether the individual is separate from the FSU. Evaluate each case on its own merit using the best available information.

Some examples of absent wage earners may include, but are not limited to, individuals who drive trucks, fish commercially, and those who are traveling salespeople.

C. Military Personnel

Military personnel are often stationed away from their households with little advance warning. Individuals "left behind" for undetermined periods of time that are 30 days or more in length may apply for food stamp benefits. This applies to both temporary duty (TDY) and permanent change of station (PCS). Determine eligibility based on the situation of the remaining FSU members. Consider any gain or benefit that is not in the form of money as in-kind and exclude it as income. Count any contribution made by the member to the FSU as unearned income. If a military allotment is being sent to the FSU, count as unearned income to the FSU. If the FSU shares a joint bank account with the absent military personnel and their pay is directly deposited into this account, count the money as unearned income to the FSU. Upon return of the military member to the FSU, count all income and resources at the time the change occurred. See Section 250, Resources, and 260, Income, for resources and income procedures.

D. Migrants

Migrant farm laborers travel either in state or out-of-state often following a particular crop. Because these households have no fixed place to reside during the work season, residency can be difficult to determine. Verifications may be obtained through the crew leader, the local farmer, or the following organizations.

1. Employment Service
2. Farm Labor Bureau
3. Rural Manpower Development
4. Farmer's Cooperative Service

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5. The Grower's Organization
6. Migrant Service Organization
7. The County Agriculture Extension Services Agency

E. Strikers

A striker is anyone involved in a strike. Persons on strike are not considered to have quit their jobs. FSU s containing a striker(s) are **ineligible** unless the striker(s) is exempt from work registration (See Section 240.) or was eligible prior to the strike. See Section 260, Income, for budgeting procedures to determine if the FSU was eligible for food stamps prior to the strike.

F. Joint Custody

In cases of joint custody where a child spends exactly the same amount of time with each parent, the household that applies for food stamp benefits first may include the child in their FSU.

G. Students

If a student attends college and returns home often, the residence is determined by where the student states that he/she eats the majority of his/her meals. This only applies to students who are eligible to receive food stamp benefits based on the eligibility requirements in Section 230, Students.

H. House Arrest

A person placed under house arrest by the court is to be included in the FSU unless their conviction is a drug-related felony. See 210.06. The individual must still meet all food stamp eligibility requirements, such as Work Registration, Resources, etc.

I. Refusal to Cooperate With Quality Control Review

A household is ineligible to participate in the Food Stamp Program if it refuses to cooperate with State and/or USDA staff who conduct Quality Control (QC) Reviews. Cooperation includes, but is not limited to, being available for a personal interview and providing requested information. Terminate food stamp benefits if a State or Federal QC Reviewer informs the agency of a household s refusal to cooperate. If a household is terminated for refusal to cooperate with a QC Reviewer, the household can reapply at any time but cannot be determined eligible until it cooperates or the disqualification time period ends. The QC Referral will indicate the maximum disqualification for refusal to cooperate. Do not terminate food stamp benefits based on a FSU s failure to cooperate with QC in another state.