Discrimination based on age, race, color, sex, disability, religion, national origin, or political belief is prohibited. All local offices must prominently display the nondiscrimination poster provided by the Central Office. In addition, the local office must provide bilingual services if needed in the area.

1-001.04B1 Filing of Civil Rights Complaints: Persons or agencies desiring to file a complaint alleging discrimination on the basis of age, race, color, sex, disability, religion, national origin, or political belief may contact:

1. Director, Office of Civil Rights, ~~Room 326-W, Whitten Building,~~ 1400 Independence Avenue, S.W., Washington, DC 20250-9410; and/or
2. Mountain Plains Regional Office, United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), 1224 Speer Blvd., Suite 903, Denver, Colorado 80204; and/or
3. Nebraska Health and Human Services, Office of Economic and Family Support, Food Program Unit, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, NE 68509.

The civil rights complaint must be filed no later than 180 days from the date of the alleged incident of discrimination if the person requests action on the complaint.

1-001.04B2 Discrimination Complaint Requirements: Discrimination complaints must contain the following information:

1. The name, address, and phone number of the person alleging discrimination, or other means of contacting this person;
2. The location and name of the office which is accused of discriminatory action;
3. The nature of the incident, action, or program administration that led to the complaint;
4. The reason for the alleged discrimination (age, race, color, sex, disability, religion, national origin, or political belief);
5. The names, titles (if appropriate), and addresses of persons who may have knowledge of the alleged discriminatory act; and
6. Each date on which the action occurred.

1-001.04B3 Verbal Complaints: If the complainant makes accusations verbally to a Department worker and is unable or reluctant to put the allegations in writing, the worker must ask the client to contact FNS directly. If the complainant is unwilling to do so, the worker must document the complaint and forward it to the Director, Office of Civil Rights.

{Effective 1/3/2005}

1-001.05 Availability of Public Information: Federal regulations, state plans of operation, federal procedures, the Nebraska Food Stamp Program Policy Manual and supplemental instructions issued for use in certifying households are maintained at the Central Office for examination by the general public on regular work days during office hours.

1-001.06 Policy Interpretation: The policies and procedures presented in the Nebraska Food Stamp Program Policy Manual are intended to be a guide for food stamp certification and are broadly written within the limits imposed by the Food Stamp Act and food stamp regulations. It is impossible to write a procedure that will cover every possible circumstance that specific cases may present to the worker.

1-001.07 Prudent Person Principle: The worker needs to assess all circumstances regarding case eligibility and to use good judgment in requiring further verification or information before determining eligibility and benefit level.

1-001.08 Disasters: In case of a declared presidential major disaster, the local office must immediately contact the Central Office for proper forms and instructions.

1-001.09 Parties to a Strike: The local office must not employ persons or organizations involved in a work strike or lockout in any food stamp certification activity. Food stamp certification and/or interviews must not be conducted in the work facilities of persons or organizations involved in a strike.

1-002 Program Definitions: The following definitions apply to the Food Stamp Program:

ABAWD (Able-Bodied Adult Without Dependents): An individual age 18 through 45 who lives in a household without children age 17 or younger.

Accounts Receivable: Overpayment(s) which have been grouped together on the automated system for tracking and collection purposes.

ADC: Aid to Dependent Children Program.

Adequate Notice: A written notice which contains the following:

1. The action the local office has taken or intends to take;
2. The reason for the intended action;
3. The household's right to request a fair hearing;
4. The name of a person to contact for additional information;
5. The availability of continued benefits; and
6. The household's liability for over-issuances received while awaiting a fair hearing decision which is adverse to the household.

Adjustment: An adjustment can be made to an EBT account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error.

Aggregate Benefit: The second month of a combined allotment. All of the following conditions must be met to be an aggregate benefit:

1. The application month must be expedited;
2. The eligibility for benefits must be determined during the application month;
3. The application date must be the 16th of the month or later; and
4. The household must be eligible for benefits for both the application month and the following month.

Allotment: The total value of benefits a household is authorized to receive during each month of the certification period.

Application Form: The Food and Nutrition Service approved application form completed by a household member or authorized representative.

Boarder: An individual who either lives in a commercial boardinghouse or lives with a household and pays reasonable compensation in cash for meals and lodging. A boarder is not considered a member of a participating household and his/her income and resources are not considered available to the household.

Categorically Eligible: Households in which:

1. All members receive or are authorized to receive ADC, AABD, SDP or SSI payments; or
2. At least one member is authorized or receives:
   a. ADC Emergency Assistance; or
   b. Employment First supportive services.

Certification Worker: Local office staff qualified through the State Personnel System to perform certification services for applicant households.

Chemical Dependency Treatment and Rehabilitation Program: Any chemical dependency treatment and rehabilitation program which is a private, nonprofit organization or institution or a publicly operated community health center. Private, nonprofit treatment programs do not need to be funded under Title XIX, but must qualify for the same essential conditions as those publicly operated programs under Title XIX funding. The program must be certified to provide treatment that can lead to rehabilitation in accordance with the agency responsible for the administration of drug or alcoholic treatment and rehabilitation programs.

CIS: Citizenship and Immigration Services, U.S. Department of Homeland Security.

Combined ~~Benefit~~ Allotment: The prorated first month's expedited benefit and the second full month's aggregate benefit issued together as one ~~benefit~~allotment. Combined ~~benefits~~ allotments are only issued to households entitled to expedited service which apply on or after the 16th of the month.

Date of Discovery: The date a potential overpayment is initially discovered.

Department: The Nebraska Department of Health and Human Services.

Desk Review: A redetermination by the worker of a household's eligibility completed by reviewing the points of eligibility and updating the food stamp case. A client is not required to submit a new application and/or have an interview.

Homeless Individual: A person who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

1. A supervised shelter designed to provide temporary lodging;
2. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
3. Temporary lodging in the home of another individual ~~for no more than 90 days~~;
4. A place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

Homeless Meal Provider: A Department-approved public or private non-profit establishment (such as a soup kitchen or temporary shelter) that feeds homeless persons. A restaurant that contracts with the Department to offer meals at low or reduced prices to homeless persons.

Ineligible Household Member: A financially responsible individual who purchases and prepares meals with a food stamp household but is not eligible to participate.

Initial Month: The first month the household is certified to participate, or the first month the household is certified after not participating for more than one month.

Interfaces: Automated data exchanges that act as a clearing house for applicants and recipients and provide financial information.

Issuance: The amount of benefits placed in recipient EBT accounts.

Issuance and Collections Center (ICC): The Department staff designated to issue all Electronic Benefits Transfer (EBT) cards and to perform collection activities for the Food Stamp Program. ICC also coordinates and tracks all transactions with the Treasury Offset Program (TOP).

Local Office: The geographic area office designated by the Department as the administrative unit for local program operations.

Medicaid: Medical assistance received under Title XIX of the Social Security Act.

Migrant: A person who travels away from the place s/he calls home on an overnight basis in order to seek or perform agricultural work at one or more locations.

Non-Assistance (NA) Household: A household that does not meet the definition of a public assistance (PA) household.

Non-Household Member: An individual who lives with the food stamp household but does not receive benefits because:

Reinstatement Month: A month during the certification period when a household's eligibility is re-established. The household had a change in circumstances which determined the household ineligible for a period of 30 days or less. The household receives a prorated amount of benefits during the reinstatement month.

Reporting Categories: There are three separate reporting categories for food stamp households. The reporting categories are:

1. Six-month Reporting;
2. Transitional Benefit Reporting; and
3. Change Reporting.

Request for Contact (RFC): A written request that is issued during a certification for needed information and/or verification. It must be in writing and clearly advise the household of the verification and/or information it must provide. The client is given at least ten days to respond. It includes the consequences of failing to respond.

Residents of Institutions: Persons living in a group home situation which is not authorized to accept food stamp benefits and which provides its residents with the majority of their meals as part of the institution's normal services. Residents of institutions are not eligible for participation for program benefits except for the following:

1. Residents of federally subsidized housing for the elderly under Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;
2. Residents of a chemical dependency treatment and rehabilitation program;
3. Individuals who are disabled by the Food Stamp Program definition who are residents of group living arrangements;
4. Women or women with children temporarily residing in shelters for battered women and children. These persons are considered as individual household units for the purpose of applying for and participating in the Food Stamp Program; and
5. Residents of public or private non-profit shelters for homeless persons.

Restoration: Benefits issued to a household due to an underpayment in a prior month.

Retail Food Store: Any of the following:

1. An establishment or a house-to-house trade route whose eligible food sales volume is more than 50 percent staple food items for home preparation and consumption;
2. Public or private communal dining facilities and meal delivery services, chemical dependency treatment and rehabilitation programs, public or private non-profit group homes, or public or private non-profit shelters for battered women and children;
3. Any private non-profit cooperative food purchasing venture, including those whose members pay for food before receipt of the food;
4. Public or private non-profit establishments that feed homeless persons; or
5. A farmer’s market.

Seasonal Farmworker: A person who works on a farm or ranch on a seasonal basis when the work is generally within commuting distance of his/her home. A person who works on his/her own or leased or rented farmland on a year-round or seasonal basis is neither a seasonal farmworker nor a migrant.