



Department of Human Resources  
311 W. Saratoga St.  
Baltimore, MD. 21201-3521

## FIA ACTION TRANSMITTAL

Issuance Date: OCTOBER 15, 1996

Effective Date: UPON RECEIPT

Control Number: FIA/OPA # 97-39

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
FAMILY INVESTMENT SUPERVISORS/ELIGIBILITY STAFF**

*K Cook for K Mahon*  
**FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA**

**RE: UPDATE OF FOOD STAMP MANUAL SECTION 403**

**PROGRAMS AFFECTED: FOOD STAMPS**

**ORIGINATING OFFICE: OPA/ DIVISION OF PROGRAM POLICY AND  
REGULATION**

### BACKGROUND:

Action Transmittal IMA/OPA #96-37 was issued April 30, 1996. It advised of the USDA Food and Consumer Services (FCS) request to update the Client Rights and Responsibilities section of the Food Stamp Manual. The Action Transmittal IMA/OPA #96-37 REVISED was issued July 25, 1996. It made IMA/OPA #96-37 obsolete.

Due to printing errors, pages were omitted from IMA/OPA #96-37 REVISED, rendering it useless. This FIA/OPA Action Transmittal replaces and obsoletes IMA/OPA #96-37 REVISED.

### ACTION REQUIRED:

Use the revised manual pages attached to this Action Transmittal to replace the existing pages in section 403 - Client Rights and Responsibilities of the Food Stamp Manual. Essentially, the changes are as follows:

1. The name and address of the current FCS Regional Civil Rights Director has been included.
2. At the request of FCS, the word "handicap" has been changed to "disability".
3. An office title (Office of Policy Administration) and program name, Transitional, Emergency, Medical and Housing Assistance (TEMHA) have been updated.
4. The requirement for a household to report changes in medical expenses has been deleted.
5. Specific information regarding when to disclose information to a prosecutor has been added.

**ACTION REQUIRED OF:**

All Local Departments of Social Services.

**ACTION DUE DATE:**

Immediately upon receipt of this transmittal.

Attachments

Distribution:

DHR Executive Staff  
FIA Management Staff  
Constituent Services



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- 403.1 PURPOSE: This section describes the general rights and responsibilities of applicants for and recipients of food stamp benefits. They have been brought together in this section, as they should be generally discussed with the household during the application process.
- GENERAL INFORMATION:
- 403.2 o Rights Under the Privacy Act of 1974 The household must be informed of its rights under the Privacy Act of 1974 whenever personal information or Social Security numbers are requested. These rights are:
- . The legal basis for the request and whether it is voluntary or mandatory to give the information.
  - . The uses which may be made of the information.
  - . To whom the information may be disclosed outside the U.S. Department of Agriculture.
  - . The effects of not providing all or part of the information.
- NOTE: Even though personal information must be furnished voluntarily, the worker has the right to deny or terminate food stamp benefits if the information withheld is required for verification purposes and no alternate means of verification is available.
- 403.3 o Confidentiality Information obtained from households for Food Stamp purposes may be generally released to persons directly connected with the administration or enforcement of the following programs:
- . Food Stamps
  - . Temporary Cash Assistance (TCA)
  - . Medicaid (MA)
  - . Supplemental Security Income (SSI)
  - . Transitional Emergency, Medical, and Housing Assistance (TEMHA), or
  - . Any other federal or federally-aided, means tested assistance programs.



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403.3	<p>GENERAL INFORMATION: (Con'd)</p> <ul style="list-style-type: none"> <li>o Confidentiality</li> </ul>	<p>Information may also be disclosed to a court, or county prosecutor when required in civil or criminal proceedings. The information, however, can only be released if the proceedings pertain to an alleged Food Stamp Program violation. The request for information must be in writing and must include the identity of the individual requesting the information and his authority to do so, the violation being investigated and the identity of the person on whom the information is requested. Access to food stamp case record information may also be provided to employees of the Federal Comptroller General's Office (General Accounting Office) and to local, State and Federal law enforcement officials who are pursuing investigation of any violation the Food Stamp Act.</p> <p>Additionally, information may be released if the person regarding whom the information is requested signs a waiver. The waiver must be dated, and specify the person to whom the information is to be released, the information to be released (either itemizing or stating a general release of any information) and the period of time covered.</p>
403.4	<ul style="list-style-type: none"> <li>o Household Access to Case File</li> </ul>	<p>Upon written request by a responsible member of the household, its authorized representative or a person acting in behalf, the material and information contained in the casefile must be made available for inspection during normal business hours. Confidential information about the household without its knowledge or the nature or status of pending criminal prosecution, must not be released.</p>
403.5	<ul style="list-style-type: none"> <li>o Right to Apply</li> </ul>	<p>The local department must provide an application for food stamps to any person upon request. The household has the right to file the application on the same day it contacts the local department. The application may be filed in person or by mail.</p>
403.6	<ul style="list-style-type: none"> <li>o Right to Non-discrimination</li> </ul>	<p>Households must not be discriminated against for reasons of age, race, color, sex, handicap, religious creed, national origin or political beliefs in any aspects of program administration. This includes, but is not limited to, certification, issuance, the conduct of fair hearings, or the conduct of any other program services.</p>

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GENERAL  
INFORMATION: (Con't)

403.6      ○ Right to Non-Discrimination      In order to publicize this policy, all certification and issuance offices must prominently display the FCS non-discrimination poster, "And Justice For All", which can be requested from the Director, Office of Policy Administration, DHR/IMA.

403.7      ○ Discrimination Complaints      An individual who believes he has been discriminated against for the above reasons has the right to file a written complaint. A worker or other DHR employee to whom the complaint is made shall advise him within 10 days of the complaint of this right and to whom to address the complaint and the information required to facilitate the investigation. The complaint should be sent to the:

Director, Equal Opportunity Office  
Department of Human Resources  
311 W. Saratoga Street  
Baltimore, Maryland 21201

and

Ellen E. Shannon,  
Regional Civil Rights Director  
USDA, Food and Consumer Services  
Mercer Corporate Park  
300 Corporate Boulevard  
Robbinsville, New Jersey 08691-1598

The complaint must be filed within 180 days of the alleged discrimination unless filing time is extended by the Regional Director. The complaint should contain as follows:

1. The name, address and telephone number or other means of contacting the person alleging discrimination.
2. The location and name of the organization or office which is accused of discriminatory practices.
3. The nature of the incident, action, or the aspect of program administration that led the person to allege discrimination.



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4. The reason(s) for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin or political belief).
5. The names, titles (if appropriate), and addresses of persons who may have knowledge of the alleged discriminatory acts.
6. The date (s) on which the alleged discriminatory action(s) occurred.

If the individual is unable or reluctant to put the complaint in writing, the worker or other DHR employee shall advise in writing the Director, Equal Opportunity Office and FCS Administrator and make every effort to obtain the information above. The complaint will be accepted even if the above information is lacking; however, investigation will only be conducted when the first four items are provided.

The Director, Equal Opportunity Office, DHR is responsible for the following:

1. Reporting to the Mid Atlantic Regional Office of FCS each discrimination complaint processed by DHR within 90 days of the date the complaint is filed in accordance with FCS Instruction 113-7 and after advising the Director, Office of Policy Administration, DHR/IMA of the complaint.
2. Advising the Executive Director, IMA if a matter of non-compliance still exists after a violation determination from any complaint or from any compliance review, investigation or other monitoring process.

403.8

o General Complaints

The household has the right to present general complaints regarding their treatment to the local department administration, or the FCS Regional Office. The address of the FCS Regional Office for Maryland is:

Mid-Atlantic Regional Office  
 USDA/FCS  
 Food and Consumer Service  
 300 Corporate Boulevard  
 Robbinsville, New Jersey 08691



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403.9

- o Supervisory Conference Fair Hearing

Any applicant, recipient or person acting responsibly for him has the right to request a supervisory conference or fair hearing. This may be requested whenever a client is dissatisfied with any action, failure to act, or delay by the local department.

403.10

- o Responsibility of the Household to Cooperate

The household has the responsibility to cooperate with the local department to determine eligibility, review its eligibility due to reported changes or recertification, and during quality control reviews. The household may be denied or terminated from the program for refusal to cooperate.

For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed and not merely fail to appear for the interview. If there is any doubt regarding whether the household has refused to cooperate rather than merely failed to cooperate, the household can not be denied for this reason.

403.11

- o Responsibility to Report Changes

Households must report the following changes within 10 days of the date the change becomes known to the household.

- . All changes in the source of income or in the amount of gross monthly income of more than \$25, except changes in the AFDC or TEMHA grant.
- . All changes in household composition (addition or loss of a household member).
- . Changes in residence and the resulting change in shelter costs.
- . When cash on hand, stocks, bonds and more in a bank account or savings institution reach or exceed a total of \$2,000 or \$3,000 for an elderly household.