

.03 Accumulating 40 Quarters after December 1996

Do not use a calendar quarter to qualify a noncitizen when the [Federal Means Tested\(g\)](#) Public Benefits are received on or after January 1, 1997 and either of the following apply:

- The noncitizen received Federal Means Tested Public Benefits from any state in any of the three months of the quarter.

NOTE In this situation, the noncitizen cannot use the quarter of a spouse or a parent.

- The spouse or parent providing the quarter received Federal Means Tested Public Benefits from any state in any of the three months of the quarter.

EXCEPTION

The quarter may be counted toward the 40 quarters requirement when ALL of the following apply:

- The noncitizen was ineligible to receive a Federal Means Tested Public benefit
- The noncitizen received a benefit in error
- The noncitizen has repaid the overpayment in full

NOTE A participant cannot make a quarter countable by repaying benefits they were eligible to receive.

(See Example [Federal Means Tested](#))

NOTE Do not use a quarter as a qualifying quarter when a supplement is issued for a prior month.

EXCEPTION

A CA case may close as a result of [progressive sanctions](#), and the [sanction amount](#) is budgeted for the remainder of the current [NA approval period](#). Do not count the months the SA income is budgeted for the NA DI participant as months in which Federal Means Tested Public Benefits are received when determining qualifying Quarters.