

## 04 Authorized Representatives



An authorized representative is a non-budgetary unit member chosen by the Primary Informant (PI) to assist on their behalf in the application process.

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### Policy

The [primary informant\(g\)](#) can appoint an authorized representative. An authorized representative chosen by the Primary Informant (PI) to assist on their behalf may provide assistance with **any** of the following:

- Completing an application
- Completing forms (work registration, when required)
- Completing the interview
- Reporting changes
- Providing verification
- Receiving notification

NOTE See [EBT Alternate Card Holder](#) for more information regarding an EBT Alternate Card Holder.

When the PI requests an authorized representative they need to submit a written request using **any** of the following:

- The Application for Benefits (FAA-0001A) form
- The Authorized Representative Request (FAA-1493A) form
- The Nutrition Assistance (NA) Authorized Representative Request (FAA-1826A) form
- The Request for Authorized Representative (C034) notice

NOTE When the only adult participant in the budgetary unit has a court-appointed legal guardian, the legal guardian is the only person required to sign the form to request an authorized representative. The signature of the PI is not required.

When the PI is residing in an authorized drug and alcohol treatment center (DAATC), the PI is required to appoint the center's NA representative as their authorized representative, to continue receiving NA benefits while in treatment. See [Residents of Institutions for NA](#) for more information about the DAATC authorized representative requirement.

A different authorized representative may be chosen for each program. See **all** of the following for additional information and policies:

- [Authorized Representatives Rights and Responsibilities](#)
- [Authorized Representative of Multiple Cases](#)

- [Authorized Representatives NA](#)
- [NA Emergency Representative](#)
- [Authorized Representatives CA](#)
- [CA Participant Payee \(CA PI\)](#)
- [Reasons to Assign a CA EBT Alternate Card Holder](#)
- [CA EBT Alternate Card Holder Emergency Situations](#)
- [Death of the CA PI](#)
- [Revoking an Authorized Representative](#)

### Authorized Representative's Rights and Responsibilities

When an authorized representative is appointed, FAA ensures both the PI and the authorized representative are informed of their rights and responsibilities.

The authorized representative is required to meet **all** of the following requirements:

- Be appointed in writing with a signature by the PI.  
NOTE The PI and authorized representative are required to provide a written, electronic, or recorded telephonic signature. The signature of the PI is not required when they have a legal guardian. See [Signing the Application and Other Documents](#) for acceptable methods to sign the application or other documents.
- Be an adult non-budgetary unit member.
- Be fully aware of the budgetary unit's relevant household circumstances.
- Attest to whether they are currently disqualified from receiving NA due to an [intentional program violation\(g\)](#).

The authorized representative remains in effect until **one** of the following occurs:

- The PI can request, at any time to revoke their consent of the authorized representative by submitting **one** of the following:
  - Written participant statement
  - Authorized Representative Removal (FAA-1494A) form
- NOTE See [Revoking an Authorized Representative](#) for information on removing an authorized representative.
- The authorized representative requests, in writing, to be removed from the case. The PI needs to select another authorized representative, when needed.
- The application for assistance is withdrawn or denied. The authorized representative is still required to participate in an appeal.
- The eligibility ends and there is a break in benefits.
- The PI is no longer residing at an authorized drug and alcohol treatment center

(DAATC).

- The authorized DAATC NA representative is no longer an employee of the DAATC.

When an eligibility decision is being appealed, **all** of the following apply regarding the authorized representative:

- The authorized representative designated at the time of the action being appealed is required to be involved in any proceedings involving the same action.
- A new authorized representative, when designated, may handle any future actions related to the programs for which the representative is the designee.

The PI is responsible for **all** of the following:

- The accuracy of all information provided by the authorized representative. This includes information written on the application and stated during interviews.

NOTE The authorized representative can be held personally liable when a court determines that they are responsible for causing the budgetary unit an overpayment.

- Making sure their authorized representative is providing accurate information and is maintaining awareness of the budgetary unit's circumstances.
- Providing updated authorized representative information to FAA each time the budgetary unit renews benefits.

An authorized representative found responsible for providing false or fraudulent information or committing an intentional program violation (IPV) is subject to **all** of the following:

- Jail sentences
- Monetary fines
- Repayment of inappropriately obtained benefits
- Disqualifications

The authorized representative is responsible for **all** of the following:

- Providing accurate information to FAA.
- Maintaining awareness of the budgetary unit's circumstances.
- Attending interviews for the budgetary unit, when needed. These interviews may be in person or over the phone. See [NA authorized representative](#) and [CA authorized representative](#) for more information on program specific requirements.

NOTE The authorized DAATC NA representative is required to sign the application and conduct all interviews on behalf of the DAATC residents.

- Providing verification requested by FAA during the application process.
- Assisting the budgetary unit with completing applications and forms.
- Assisting the budgetary unit with reporting changes and getting any required

verification regarding the change.

- Providing their own updated information to FAA each time they help the budgetary unit renew benefits.

**NOTE** The appointed authorized representative is required to confirm that they agree to being the authorized representative and for NA, that they are not disqualified for an IPV.

The PI and the NA authorized representative shall be informed about the rules and penalties regarding the IPV. The Authorized Representative Request (FAA-1493A) form and the Nutrition Assistance (NA) Authorized Representative Request (FAA-1826A) form are available in the Documents Center on the DES internet website.

The authorized representative has the right to review the [case file\(g\)](#) and obtain information from it at any time. See [Right to Confidential Case Information](#) for information about who can review case information.

### **Authorized Representative of Multiple Cases**

An NA or CA authorized representative may represent no more than three budgetary units at a time.

**NOTE** An authorized representative who is employed and designated by an authorized drug and alcohol treatment center (DAATC) to act for residents of the center has no limit to the number of budgetary units that they may represent.

When the NA or CA authorized representative has access to multiple cases, FAA ensures **all** of the following:

- The PI freely requests the help of the authorized representative
- The budgetary unit is being represented correctly
- The budgetary unit is receiving the correct amount of benefits

An NA or CA authorized representative may be needed for **any** of the following reasons:

- The participant has been assigned a legal guardian
- The participant has difficulty completing the application process
- As a precaution in the event the participant has an emergency

The PI and the authorized representative are required to be aware of their rights and responsibilities. See [Authorized Representatives – Rights and Responsibilities](#) for additional information.

### **Authorized Representatives NA**

An NA authorized representative cannot be **any** of the following:

- A retailer involved in the acceptance of NA
- A provider of prepared meals for the [homeless\(g\)](#) when they are representing a homeless participant
- A state agency employee involved in the issuance of NA, unless authorized in

writing by the Region Program Manager (RPM)

- Someone disqualified from receiving NA for an IPV during their disqualification period

**NOTE** When no one else is available to act as an authorized representative, the person serving an IPV disqualification may act as the authorized representative. This is required to be attested to by the PI on one of the following:

- The Application for Benefits (FAA-0001A) form
- The Authorized Representative Request (FAA-1493A) form
- The Nutrition Assistance (NA) Authorized Representative Request (FAA-1826A) form
- The Request for Authorized Representative (C034) notice

The PI is not required to be present at the NA interview when the NA authorized representative conducts the interview on behalf of the PI.

The person designated to act as the NA authorized representative is required to take **all** of the following actions:

- Complete the authorized representative section on the C034 notice or **one** of the following forms:
  - FAA-0001A
  - FAA-1493A
  - FAA-1826A
- Check the appropriate box to indicate whether they are currently serving an NA disqualification due to an IPV.
- Sign the form in the designated area.

**NOTE** When the PI has attested that the person being requested is the only one available to serve as the NA authorized representative in writing, then the authorized representative is not required to provide their date of birth.

### **NA Emergency Representative**

An NA emergency representative may be named when an emergency occurs, and a participant or the authorized representative is unavailable.

To be named, the emergency representative is required to provide **all** of the following:

- A written statement from a responsible participant
- Personal identification

The NA emergency representative may then complete the application and obtain and use the NA benefits for the participants in the budgetary unit.

### **Authorized Representative CA**

A CA authorized representative may be needed for **any** of the following reasons:

- The participant has been assigned a legal guardian
- The participant has difficulty completing the application process
- As a precaution in the event the participant has an emergency

The PI is required to be present at the CA interview when the CA authorized representative conducts the interview on behalf of the PI. See [Reasons to Assign a CA EBT Alternate Card Holder](#) and [CA EBT Alternate Card Holder Emergency Situations](#) for more information on CA EBT alternate card holders.

The PI and the authorized representative must be aware of their rights and responsibilities. See [Authorized Representatives – Rights and Responsibilities](#) for more information.

### **CA Participant Payee (CA PI)**

The CA participant payee (CA PI) is the person who is requesting CA benefits for **any** of the following:

- Themselves
- Dependent children
- Participants related to the dependent children

The CA PI completes the application and is present during the interview. The CA authorized representative may complete the application for the CA PI. However, the CA PI is required to be present during the interview. The CA PI should be properly related to the participants and be able to act responsibly.

A budgetary unit may include a parent and their [spouse\(g\)](#), and the spouse is the dependent child's stepparent. When this occurs, either the parent or the stepparent may be the CA PI. A dependent child may never be the CA PI.

The CA PI may be either eligible or ineligible for the benefit month. The eligibility status of the CA PI has no bearing on the right to file an application or be the CA PI.

### **Reasons to Assign a CA EBT Alternate Card Holder**

A CA EBT alternate card holder receives the CA benefit for the CA participants. A CA EBT alternate card holder may be needed for **any** of the following reasons:

- Assigned by the Department of Child Safety (DCS) or Tribal Social Services
- Disqualified CA participants
- Emergency situations - See [CA EBT Alternate Card Holder - Emergency Situations](#) for more information.

DCS or Tribal Social Services may instruct FAA to name a CA EBT alternate card holder other than the participant currently receiving the CA benefit. This may be due to **any** of the following:

- Neglect or abuse of the children

- Mismanagement of the family money

DCS or Tribal Social Services is responsible for monitoring the participant's case.

They inform FAA when the CA EBT alternate card holder is no longer needed.

When DCS anticipates that a CA EBT alternate card holder is needed for more than two years, they take **all** of the following actions:

- Seek judicial appointment of a guardian
- Place the children in Foster Care

### **CA EBT Alternate Card Holder Emergency Situations**

An emergency CA EBT alternate card holder may be named when there is not enough time to make any other plans for the child's care and support. Emergency situations include, and are not limited to **any** of the following:

- Death of the CA PI
- The CA PI abandons or deserts the child
- The CA PI Is incarcerated
- The CA PI Is committed to a hospital for the mentally ill

A person is named as an emergency CA EBT alternate card holder when FAA is notified that the person is acting as a representative for, or on behalf of the CA PI. It is not necessary that the CA EBT alternate card holder be a caretaker relative, provided they are caring for the child.

**All** of the following apply to payments made available to a CA EBT alternate card holder:

- The payments are for the child or children receiving cash benefits
- The payments received by the emergency CA EBT alternate card holder are for a period not to exceed 90 [calendar days\(g\)](#)

### **Death of the CA PI**

**All** of the following apply when the death of the CA PI occurs during the application process and a new application is turned in during the 45-calendar day processing period of the original application:

- The children of the original case may be eligible from the date of the original application.
- The new CA PI may be eligible from the date of the new application.

NOTE The new CA PI is required to be an appropriate caretaker relative.

When the death of the CA PI is reported during the approval period, benefits for the remaining CA budgetary unit participants may be issued to an emergency CA EBT

alternate card holder. See [Death of a Participant – Effecting Changes](#) for policy and procedures regarding the death of the PI.

### Revoking an Authorized Representative

The PI may revoke the authorization, in writing, at any time. Any written statement from the PI is acceptable when they are revoking an authorized representative. The use of the FAA-1494A form is optional.

When an eligibility decision is being appealed, **all** of the following apply concerning the authorized representative:

- The authorized representative designated at the time of the action being appealed is required to be involved in any proceedings involving the same action.
- A new authorized representative, when designated, may handle any future actions related to the program for which the representative is the designee.

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### Procedures

FAA staff must review the information on the request for an authorized representative to determine whether the person selected as an authorized representative is serving a current NA disqualification due to an [intentional program violation\(g\)](#).

Participants who live in an authorized drug and alcohol treatment center must have an authorized representative. The authorized representative must be an employee of the center and is required to sign the application and conduct the interview on behalf of the participant.

When an authorized representative is appointed, see [Authorized Representative Rights & Responsibilities](#) (FAA-1492A) pamphlet and provide it to the PI and authorized representative for information on how to access the FAA-1492A pamphlet. The FAA-1492A is available in the Document Center on the DES Internet website.

Complete **all** of the following when determining whether the person is eligible to act as an NA authorized representative:

- Determine whether the selected authorized representative is currently serving an NA disqualification for an intentional program violation (IPV). When they state they are serving an NA disqualification for an IPV, they are not eligible to act as the authorized representative unless the [primary informant\(g\)](#) attested to the fact that no one else is available on **any** of the following:
  - The Application for Benefits (FAA-0001A) form
  - The Authorized Representative Request (FAA-1493A) form
  - The Nutrition Assistance (NA) Authorized Representative Request (FAA-1826A) form
  - The Request for Authorized Representative (C034) notice
  - The Authorized Representative Request OnBase unity form
- When the authorized representative states they are not currently serving a disqualification for an IPV, review **all** of the following information in AZTECS:



Search on CLIN using the person's name and date of birth.

When the person is keyed as DF in an active NA case, review PRAP to determine whether they are disqualified for an IPV. An IPV is indicated by an IP code displayed on PRAP.

- When the person is serving a current disqualification period, inform the primary informant (PI) that the person is ineligible to act as the authorized representative unless there is no one else who can serve as the authorized representative.
- When it is determined that the person is not eligible to serve as an NA authorized representative, this must be documented in the case file.
- When the person answers that they are not currently disqualified for an NA IPV, they are eligible to serve as the authorized representative when **one** of the following occurs:

AZTECS data and case file documentation does not indicate the person is disqualified for an IPV.

The person cannot be located in AZTECS.

- When the only adult participant is unable to complete the authorized representative form and a legal guardian has been appointed, complete **all** of the following:

Verify the authorized representative has been appointed as the participant's legal guardian.

Confirm that an authorized representative form was completed.

NOTE The PI is not required to sign the authorized representative form when a legal guardian has been court-appointed.

Document the case file and include **all** of the following:

- The participant has been appointed a legal guardian.
  - The type of legal documentation provided to verify the guardianship.
- Document the case file to indicate the person is eligible to act as the NA authorized representative.

NOTE When the selected person is currently serving a disqualification for an IPV and the PI names a different person, the steps above must be repeated for the new person.

Participants who live in a [group living arrangement\(g\)](#) and decide to have an authorized representative, may choose **any** of the following based on their abilities:

- The authorized representative of the group living arrangement (GLA)
- Their own authorized representative

The authorized representative consent must be reviewed at each renewal.

See **all** of the following when assigning a CA EBT alternate card holder:

- [EBT Alternate Card Holder](#)

- [CA EBT Reasons to Assign an Alternate Card Holder](#)

When an emergency CA EBT Alternate card holder is named, send the Request for an Emergency Representative (C000) notice. The C000 notice informs the CA EBT alternate card holder of **all** of the following:

- To complete an application.
- For the remaining persons, benefits continue for 90 [calendar days\(g\)](#).
- Benefits are stopped when an application is not received by the 90th calendar day. Enter in the notice the date of the 90th calendar day from the date the CA EBT alternate card holder is established.

Stop CA benefits the month following the end of the 90th calendar day, send an adequate notice and document actions in the case file.

When DCS or Tribal Social Services orders a CA EBT alternate card holder, FAA must discuss the naming of a CA EBT alternate card holder with the participant.

Name a CA EBT Alternate Card Holder whether agreement can be reached or not.

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### Verification

System interface and the [case file\(g\)](#) must be reviewed before verification is requested. No additional verification is needed when AZTECS interface or HEAplus hubs have verified all required eligibility factors.

The participant has the primary responsibility for providing verification. (See [Participant Responsibilities – Providing Verification](#) for additional policy.)

System interface that FAA has with other agencies for verification purposes may be used by FAA for some information.

NOTE System interface cannot verify every situation.

Examples of verification for legal guardianship include **any** of the following documents:

- Court Order
- Letter of Acceptance of legal guardianship

NOTE A petition cannot be used as verification.

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### AZTECS Procedures

When the death of the CA PI is reported during the application process, complete **all** of the following by the 45th day from the date of application:

- Key the DH Denial Closure Reason Code on AFED.
- Send the Cash Assistance Deny/Close (A200) notice.

For more information on the death of the PI for NA and CA, see [Death of a Participant - Effecting Changes](#).

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### Legal Authorities

7 CFR 273.2(n)

7 CFR 273.2(n)(1)

7 CFR 273.2(n)(1)(i)

7 CFR 273.2(n)(1)(i)(ii)

7 CFR 273.2(n)(2-3)

7 CFR 273.2(n)(4)(i)(A-D)

7 CFR 273.2(n)(3)

7 CFR 273.2(n)(4)(i)

7 CFR 273.2(n)(4)(D)(2)

[Prior Policy](#)

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