

## 09 Disqualified Participants



Some participants may not be eligible to receive benefits due to a disqualification. These participants may still be mandatory participants in the budgetary unit.

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### Policy

Some disqualifications apply to both, NA and CA benefits and others are program specific.

Quick Access Menu:

- [NA and CA Disqualifications](#)
- [NA Only Disqualifications](#)
- [Removal of an NA Drug Disqualification](#)
- [NA Special Class of Fleeing Felons](#)
- [CA Only Disqualifications](#)

### NA and CA Disqualifications

**All** of the following participants may not receive NA or CA benefits due to a disqualification:

- Disqualified for noncompliance with SSN enumeration requirements.
- Do not meet citizenship or qualified noncitizen requirements.
- Have questionable citizenship and verification is pending (Nonqualified Noncitizens).
- Have not attested to citizenship or noncitizen status.
- Voluntarily quit a job.
- Reduced their work effort.
- Refused a job offer.
- Committed fraud or have an intentional program violation (IPV).
- Convicted of making fraudulent statements concerning their residence or identity, in order to receive multiple NA benefits.
- On the jail cross match report and who fail to respond to the request for information notice.
- Are convicted of a felony offense that has actual possession, use, or distribution of a controlled substance as an element of the crime. The crime had to have been committed and the participant convicted on or after August 23, 1996. For information on how to remove an NA drug disqualification, see [Removal of an NA](#)

### Drug Disqualification.

NOTE When a drug conviction is set aside, vacated, or expunged by a Court in the State of Arizona, the conviction remains disqualifying for eligibility purposes.

- Are violating a condition of probation or parole imposed by a federal or state law. The participant is ineligible for benefits while the participant continues to violate a condition of probation or parole.
- Are fleeing to avoid prosecution or custody, for a crime, or an attempt to commit a crime, that would be classified as a felony. The participant is ineligible for benefits while the participant continues to flee.

Participants are potentially eligible for NA and CA when convicted of a felony drug conviction related offense adjudicated in **one** of the following courts:

- Juvenile Court
- Tribal Court

Budgetary units with a possible disqualifying drug conviction are still potentially eligible for expedited Nutrition Assistance.

NOTE When the participant requests assistance, FAA will research available resources to verify the drug conviction.

**All** of the following drug related convictions do not cause a disqualification:

- Attempted possession or sale
- Solicitation to possess or sell
- Attempted manufacture of dangerous drugs
- Possession of non-dangerous chemicals to manufacture drugs
- Possession or use of drug paraphernalia
- Facilitation to possess or sell
- Conspiracy to possess

### **Additional Information on NA Disqualifications**

Some disqualifications apply to the NA program only. These participants may still be mandatory participants in the NA budgetary unit.

### **NA Only Disqualifications**

**All** of the following participants are disqualified from receiving NA benefits:

- Disqualified from the Food Distribution Program on Indian Reservations (FDPIR)
- Able Body Adults Without Dependents (ABAWD) after receiving 3 months of NA benefits and not meeting the work requirement or an exemption reason (See [ABAWD Eligibility Requirements](#) for more information.)

- Participants convicted of trading NA benefits for controlled substances or trading controlled substances for NA benefits
- Participants convicted of trafficking NA benefits
- UI comparable disqualification (Participants who are disqualified from receiving unemployment insurance.)

For more NA disqualifications, see [NA and CA Disqualifications](#).

### **Removal of an NA Drug Disqualification**

NA participants who receive a drug conviction may avoid a disqualification or have a prior drug disqualification removed when they meet all NA eligibility requirements and the criteria for the removal of an NA drug disqualification.

The NA participant is required to agree to random drug testing by signing the Nutrition Assistance Drug Testing Agreement (FAA-1565A) form or the NA Drug Testing Agreement (F029) notice and meet **one** of the following requirements:

- Is currently accepted for treatment in a substance abuse treatment program but on a waiting list. The person remains enrolled in the treatment program and enters the treatment program at the first available opportunity.
- Is currently accepted for treatment and is participating in a substance abuse treatment program.
- Has successfully completed a substance abuse treatment program after the offense in question.
- Is determined by a licensed medical provider to not need substance abuse treatment.
- When on probation, is following all terms of probation. This also applies when the probation associated with the drug conviction has been successfully completed.

**NOTE** The date the requirement was met is required to be after the date of the offense. Parole is not considered one of the five requirements listed above.

When a participant with a disqualifying felony drug conviction signs the NA Drug Testing Agreement and meets one of the requirements, the conviction is considered removed.

When a participant has met the requirements for an NA drug disqualification removal but then commits and is convicted of another disqualifying drug felony, the NA drug disqualification removal process is required again.

### **NA Special Class of Fleeing Felons**

Due to a change in law, participants who have certain felony convictions and are not in compliance with the terms of their probation or parole make up a special class of fleeing felons. When the participant states they have one of the felony convictions listed below and are not in compliance with the terms of their probation or parole, no verification is needed. The participant is disqualified until they can verify that they are currently in compliance with probation or parole.

The special class of fleeing felons includes any participant convicted as an adult of **any** of the following felony offenses on or after February 08, 2014:

- Aggravated sexual abuse (by force or threat of another person, including rendering that person unconscious or by administering a drug, intoxicant, or other similar substance, and then engages in a sexual act). This includes anyone who crosses a state line with the intent to engage in a sexual act with a minor.
- Murder.
- A federal or state offense involving sexual assault, domestic violence, dating violence, or stalking as defined in section 40002(a) of the Violence Against Women Act of 1994.
- An offense under State law determined by the Attorney General to be equal to an offense described above.

### CA Only Disqualifications

Some disqualifications apply to the CA program only. Disqualified participants may still be mandatory participants in the CA budgetary unit.

Participants who do not comply with or pass the CA drug test requirements are disqualified from receiving CA benefits. This includes **any** of the following participants:

Those who do not provide a completed Illegal Drug Use Statement (FAA-1415A) form.

Those who do not complete a drug test when it is required by FAA.

Those who complete a drug test with positive results.

For more CA disqualifications, see [NA and CA Disqualifications](#).

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## Procedures

### Drug Conviction Disqualification

NA or CA cases must be closed or denied when **either** of the following occurs:

- The only participant in the budgetary unit has a verified disqualifying felony drug conviction. Research and Analysis (R&A) approval is required before closing or denying the NA or CA case.
- The participant fails to respond to a request for verification of a drug felony. R&A approval is not required before closure or denial of the case.

Review SEPA for the DF Participation Code and PRAP for the FD Alert Code at application or reapplication. NA participants who meet all NA eligibility criteria and the NA drug disqualification removal requirements may avoid a disqualification or have a prior drug disqualification removed.

See [Removal of an NA Drug Disqualification](#), for information on NA removal requirements for a disqualifying felony drug conviction.

For a participant who meets the NA drug disqualification removal requirements, see [NA Drug Disqualification FD EXCEPT](#) to allow the NA disqualified participant to receive

benefits.

When conducting an interview with a previously disqualified participant and they meet all NA expedite criteria, postpone all verification including the NA Drug Testing Agreement (FAA-1565A) form.

When not in compliance with probation or parole, certain felony convictions make-up a special class of fleeing felons. This special class of fleeing felons are automatically ineligible for benefits, and no other verification is needed. For NA, disqualify the participant and document the [case file\(g\)](#). See [NA Special Class of Fleeing Felons](#) for more information.

When a possible disqualification for a felony drug conviction is discovered, **all** of the following apply:

- Participants who are convicted of a felony offense that has actual possession, use, or distribution of a controlled substance as an element of the crime are disqualified. The crime must have been committed and the participant convicted on or after August 23, 1996.
- Ask the participant about the conviction and document the results. The Drug Conviction Information section of the R&A Drug Conviction Checklist OnBase E-Form may be used as a guide for questions to ask. For instructions on how to use the OnBase E-form, see [Accessing OnBase E-Forms](#).
- Advise the participant that the disqualification may be avoided or removed when all NA eligibility criteria and the NA Drug Disqualification Removal Requirements are met. Provide the participant the opportunity to remove the felony drug conviction. For more information, see [Removal of an NA Drug Disqualification](#).
- When more information is needed for the felony drug conviction, use the Information Request and Pending Information Agreement (FAA-0077A) form or send **one** of the following notices:
  - C020
  - F011
- Budgetary units with a possible disqualifying drug conviction are still potentially eligible for expedited NA service.

When the participant fails to respond to the notice or the Information Request and Pending Information Agreement (FAA-0077A) form, see [Drug Conviction Case Denial Closure Procedures](#).

When the drug conviction is verified as a disqualifying felony, complete **all** of the following:

- Priority upload all the information obtained to [OnBase\(g\)](#).
- Elevate the facts of the case to R&A using the R&A Drug Conviction Checklist OnBase E-Form.
- When directed by R&A that a felony drug conviction exists disqualify the participant

on SEPA. Deny or close the case when the only participant is disqualified.

**NOTE** For NA, do not disqualify the participant when they have met the requirements for a NA drug disqualification removal. The date the requirement was met must be after the date of the offense.

When a conviction was set aside, vacated or expunged in another state, elevate the details of the conviction to the Policy Support Team (PST). The PST contacts the Attorney General's (AG) office to determine that the conviction is disqualifying.

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## Verification

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

Verification that can be used to meet the criteria for removal of an NA drug disqualification has to be either a collateral contact or hard copy. A participant's statement cannot be used. Forms of verification include, and are not limited to **any** of the following:

- Court records indicating the participant completed or is following all terms of probation for the drug charge
- Completed treatment certificates for the drug charge that display the date the treatment was completed
- Letters from a probation officer
- Letters from a medical provider
- Letters from a drug treatment center that the participant is on a waiting list for treatment for the drug charge

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## AZTECS Keying Procedures

Disqualified NA and CA participants are keyed differently, depending on the reason they have been disqualified. See **all** of the following for a description of each Disqualification Code:

- [NA Participants Keyed as DF](#)
- [NA Participants Keyed as DI](#)
- [NA Participants Keyed as DE](#)
- [CA Participants Keyed as DF](#)
- [CA Participants Keyed as DI](#)

An Alert Code must be keyed on PRAP. Participants who are disqualified remain disqualified when applying in a separate case. **One** of the following Participant Disqualification Alert Code types must be keyed in the third alert type field on PRAP next to the disqualified participant:

- FD – Felony Drug Conviction
- FF – Fleeing Felon

- IP – IPV

NOTE Keying these alert types in the first or second alert type field on PRAP next to the disqualified elderly participant or person with a disability incorrectly allows the budgetary unit special considerations.

For more information regarding keying PRAP, see, [PRAP - Purpose](#).

### Removal of an NA Drug Disqualification

The conviction is considered removed when a participant with a disqualifying felony drug conviction signs the NA Drug Testing Agreement and meets one of the removal requirements. Key the Participation Code of IN on SEPA. For more information on completing the removal, see [NA Drug Disqualification Removal Requirements](#) and [NA Drug Disqualification FD EXCEPT](#).

### Disqualified NA participants

Disqualified NA participants are keyed differently, depending on the reason they have been disqualified. Key **one** of the following Disqualification Codes on SEPA for NA participation:

- DF
- DI
- DE

### NA Participants Keyed as DF

The following participants may not receive NA benefits due to a disqualification. Key DF in the PT field on SEPA in **all** of the following situations:

- Participants who commit fraud or an intentional program violation (IPV).  
NOTE When an IPV sanction is imposed by another state the same IPV sanction time frames apply in Arizona. See [Electronic Disqualified Recipient System](#) (eDRS) for procedures to identify disqualified NA participants from other states.
- Participants convicted of making fraudulent statements concerning their residence or identity, in order to receive multiple NA benefits.
- Participants on the jail cross match report who confirm or fail to respond to the request for information notice.
- Participants convicted of trading NA benefits for controlled substances or controlled substances for NA benefits.
- Participants convicted of trafficking NA benefits.
- Participants convicted of a felony offense that has actual possession, use, or distribution of a controlled substance as an element of the crime. The crime must have been committed and the participant convicted on or after August 23, 1996.
- Participants who are fleeing to avoid prosecution or custody, for a crime, or an

attempt to commit a crime, that would be classified as a felony. The participant is ineligible for NA benefits while the participant continues to flee.

- Participants, who are violating a condition of probation or parole imposed by a federal or state law. The participant is ineligible for NA benefits while the participant continues to violate a condition of probation or parole.

When not in compliance with probation or parole, certain felony convictions make-up a special class of fleeing felons. This special class of fleeing felons are automatically ineligible for benefits. Additional verification is not required before taking disqualification action. See [NA Special Class of Fleeing Felons](#) for more information.

When the disqualified participant is the only budgetary unit participant, key PRAP with the appropriate Participant Disqualification Alert Code and deny the case using the FF Denial Closure Reason Code on FSED or AFED.

### **NA Participants Keyed as DI**

The following participants may not receive NA benefits due to a disqualification. Key DI in the PT field on SEPA for participants who meet **any** of the following criteria:

- Disqualified for noncompliance with SSN enumeration requirements
- Do not meet citizenship or qualified noncitizen requirements
- Have questionable citizenship and verification is pending (For information on pending citizenship verification, see [Nonqualified Noncitizens](#).)
- Disqualified from the Food Distribution Program on Indian Reservations (FDPIR)
- Have not attested to citizenship or noncitizen status
- Able Body Adults Without Dependents (ABAWD) participants not meeting the work requirement or an exemption reason

### **NA Participants Keyed as DE**

NA non lead participants are disqualified from receiving NA benefits when **any** of the following occurs without good cause:

- Voluntarily quit a job
- Reduced their work effort
- Refused a job offer
- UI comparable disqualification (Participants who are disqualified from receiving unemployment insurance.)

Before disqualifying a participant, review whether the participant has a work requirement disqualification exemption or good cause. (See [Work Requirement Disqualifications](#) for additional information.)

When an exemption or good cause does not apply, key DE in the PT field on SEPA

NOTE The resources of the DE participant count in full.

### **Disqualified CA Participants**



Disqualified CA participants are keyed differently, depending on the reason they have been disqualified. Key **one** of the following Disqualification Codes on SEPA for CA participation:

- DF
- DI

### CA Participants Keyed as DF

The following participants may not receive CA benefits due to a disqualification. Key DF in the PT field on SEPA in **either** of the following situations:

- A participant has committed fraud or an intentional program violation (IPV).  
NOTE When an IPV sanction is imposed by another state the same IPV sanction time frames apply in Arizona. Contact the state in which benefits were received when the participant reports receipt of benefits in another state. Inquire into whether the participant was disqualified for committing an IPV.
- A participant has been convicted of making fraudulent statements concerning their residence. The participant has made these statements to receive benefits in two or more states at the same time.

### CA Participants Keyed as DI

The following participants may not receive CA benefits due to a disqualification. Key DI in the PT field on SEPA for **all** of the following:

- Participants who complete a drug test with positive results.
- Participants who do not meet citizenship or qualified noncitizen status requirements.
- Participants who are noncitizens and sponsored by a group or organization. For CA, the resources of the sponsor are countable toward the sponsored LPR. Request the resources of the sponsor. Count the sponsor's resources, minus \$1500 toward the sponsored LPR.
- Participants who have not complied with SSN enumeration.
- Participants fleeing to avoid prosecution, custody, or confinement after conviction of a felony or those violating a condition of probation or parole imposed by a federal or state law. The participants are ineligible for CA benefits as long as they are fleeing or violating a condition of probation or parole.

NOTE When the disqualified participant is the only budgetary unit participant, key PRAP with the appropriate Participant Disqualification Alert Code and deny the case using the FF Denial Closure Reason Code on AFED or FSED.

- Participants on the jail cross match report who confirm or fail to respond to the request for information notice.
- Participants who voluntarily quit or reduce their work effort.

- Participants who are convicted of a felony offense that has actual possession, use, or distribution of a controlled substance as an element of the crime. The crime must have been committed and the participant convicted on or after August 23, 1996.
- Participants who do not comply with or pass the CA drug test requirements. This includes **all** of the following participants:
  - Those who do not provide a completed Illegal Drug Use Statement (A002 or X005) notice.
  - Those who do not complete a drug test when it is required by FAA.
  - Those who complete a drug test with positive results.

### Drug Conviction Case Denial Closure Procedures

NA or CA cases must be closed or denied when **either** of the following occurs:

- The only participant in the budgetary unit has a verified disqualifying felony drug conviction. Research and Analysis (R&A) approval is required before closing or denying the NA or CA case.
- The participant fails to respond to a request for verification of a drug felony. R&A approval is not required before closure or denial of the case.

To close or deny NA or CA complete **all** of the following:

- Close or deny the case for the first month possible allowing for NOAA.
- Key **one** of the following:
  - Key FE in the DENIAL CLOSURE REASON field on AFED or FSED when the participant fails to provide requested information on the felony drug conviction
  - Key FD in the DENIAL CLOSURE REASON field on AFED or FSED when the only participant in the budgetary unit has a verified disqualifying felony drug conviction.
- Send the appropriate notice to inform the PI of the case closure or denial.

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### Legal Authorities

7 CFR §273.11(c)(1)

7 CFR §273.11(n)

7 CFR §273.11(s)

7 CFR §273.11(s)(1)

7 CFR §273.11(s)(1)(v)

7 CFR §273.11(s)(2)

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PY Tribal TANF State Plan

[Prior Policy](#)

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