

**What's Changed on 05/11/2020****What's Changed on 05/11/2020**

Change: Determining a Budgeting Method for Contract Income
Change: Processing IPV and Overpayment Appeals
Reminder: Tribal Records Request Form
General Information: Forms Update

This page relays to staff and the public of changes to the Cash and Nutrition Assistance Policy (CNAP) Manual regarding policy, procedures, and forms. Reminders and general information may also be displayed on this page. Prior What's Changed pages are listed in [FAA6.R01](#) of the CNAP Manual.

The above list summarizes the information on this page. Within the CNAP Manual, each item listed above links to screens below.

<b><i>Change: Determining a Budgeting Method for Contract Income</i></b>
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EFFECTIVE DATE: Effective for all interviews completed on or after 05/11/20.

This change was made to assist workers in determine the correct budgeting method for contract income

The following must be explored and considered when determining a budgeting method for Contract income:

- The period the contract is intended to cover
- The period the employee is expected to work
- The frequency in which the income is paid
- Whether the participant is paid on an hourly of piecework basis
- Does the contract income represent the participant's annual income?
- Is the contract the participant's primary source of income?

When the contract income is the participant's annual income or the participant's primary source of income, it is prorated over a 12-month period.

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Policy reference(s) revised due to this change:

FAA4.I03B – [Contract Income](#)

[Prior Policy](#)

Provided a definition for contract income and added clarification for determining contract income. (Effective for all interviews completed on or after 05/11/20.)

FAA4.I05E - [Contract Income Verification](#)

[Prior Policy](#)

Added requirement to verify the amount of contract income and whether this is a

primary source of income. (Effective for all interviews completed on or after 05/11/20.)

FAA4.I06F - [Budgeting Contract Income - Overview](#) [Prior Policy](#)

Added clear procedures and information to obtain in determining how to budget contract income. (Effective for all interviews completed on or after 05/11/20)

FAA4.I06F.01 – [Budgeting Contract Income - Prorated Over a 12 Month Period](#)

[Prior Policy](#)

Archived  
05/11/2020

Added additional situations that require contract income to be annualized. (Effective for all interviews completed on or after 05/11/20)

FAA4.I06F.02 - [Budgeting Contract Income - Received for a Specified Period](#)

[Prior Policy](#)

Added additional situation when contract income is prorated for a specified period. Removed Warning box. (Effective for all interviews completed on or after 05/11/20.)

FAA4.I06F.03 - [Budgeting Contract Income - Received Hourly or by Piecework](#)

[Prior Policy](#)

Reworded for clarity. (Effective for all interviews completed on or after 05/11/20.)

### ***Change: Processing IPV and Overpayment Appeals***

EFFECTIVE DATE: Effective for all IPVs, Overpayments, and Appeals established on or after 02/01/20.

This change was instigated in response to FAA needing the ability to appeal certain decisions made by the Administrative Law Judge (ALJ).

The changes made will allow FAA the ability to appeal certain decisions made by the ALJ. Appeals can be requested by FAA for all NA rulings. FAA must file the written petition for review with the Office of Appeals within 15 days of the mailing or transmittal date of the ALJ's decision. The petition for review is submitted by the Attorney General's (AG) office on behalf of FAA unless otherwise directed by the AG's office.

Some of the procedures were revised to allow for a smoother appeal process. The participant or applicant has the option of agreeing to the judgment of IPV without admitting guilt or filing an appeal. They may specify whether they admit to the facts as presented. They have the following choices when they sign the waiver:

- Admit to the IPV and accept the disqualification period
- Does not admit to the IPV but waives the right to a hearing and accepts the disqualification period
- Does not admit to the IPV and would like to proceed with the hearing

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Policy reference(s) revised due to this change:

FAA6.E07A – [IPV - Determination of an IPV](#)

[Prior Policy](#)

Added policy regarding honoring IPVs from other states. Added that written or electronic proof must be obtained when possible. (Effective for all IPVs, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07B – IPV - Administrative Disqualification Procedures](#) [Prior Policy](#)

Added policy information that a participant may choose an option stating that they do not admit to the facts as presented, they do not waive the right to a hearing and that DES must prove the allegations. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07B.01 – IPV - Administrative Disqualification Procedures – Local Office Responsibilities](#) [Prior Policy](#)

Removed local office from the title and replaced with FAA. Added information that FAA must consider prior violations committed in another state when determining the appropriate sanction. Removed PRAP codes that APU does not key. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07B.02 – IPV - Administrative Disqualification Procedures - OARC Responsibilities](#) [Prior Policy](#)

Added that OSI investigations are completed prior to the writing of the OP packet. Removed information regarding recalculating the OP. Added that household error overpayments of \$2000 or more are referred to OSI for an OSI decline memo. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07C – IPV - Administrative Disqualification Appeals Waiver](#) [Prior Policy](#)

Added that the participant may sign that they do not admit that the facts as presented are correct. They do not waive their right to require an Administrative Disqualification Hearing where the Department must prove that they committed and intended to commit an IPV. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07D.02 – IPV - Administrative Disqualification Appeal - Time Frames](#) [Prior Policy](#)

Added policy regarding time frames for sending a hearing notice and how it must be sent. Removed local office and added the Overpayment Unit to the list of who ASA notifies of the administrative disqualification appeal decision. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07D.03 – IPV - Administrative Disqualification Appeal - Notification and Scheduling](#) [Prior Policy](#)

Added that the participant may sign that they do not admit that the facts as presented are correct. They do not waive their right to require an Administrative Disqualification Hearing where the Department must prove by clear and convincing evidence that they committed and intended to commit an IPV. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07D.06 – IPV - Administrative Disqualification Appeal - Appeal Decision](#) [Prior Policy](#)

Removed that ORAC sends a copy of the recalculated overpayment to the Collections Unit and the appropriate local office. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

[FAA6.E07D.07 – IPV - Administrative Disqualification Appeal - Appeal of the Decision](#) [Prior Policy](#)

Added that a person may seek relief in a court having jurisdiction and may seek a stay or other injunctive relief of the period of disqualification. (Effective for all IPV, Overpayments, and Appeals established on or after 02/01/2020)

**FAA6.F03 – [Appeals - Overview](#)****[Prior Policy](#)**

Added that FAA may request an appeal on a ruling of an Appeal Hearing when the agency disagrees with the decision of the Administrative Law Judge. Added time frames for NA and CA appeals. (Effective for all IPV's, Overpayments, and Appeals established on or after 02/01/2020)

**FAA6.F03E – [Appeals Filed by FAA](#)****New**

Added a new section regarding appeals filed by FAA. Added that FAA has the right to appeal an adverse decision issued by the Administrative Law Judge. (Effective for all IPV's, Overpayments, and Appeals established on or after 02/01/2020)

**Reminder: Tribal Records Request Form**

For participants enrolled with a Federally Recognized Tribe, the Tribal Records Request (FAA-0061) form may be sent to a Tribal Census Agency to obtain verification of the following factors:

- Date of Birth
- Relationship
- Tribal Enrollment

For more information, see [FAA2.D04B](#), [FAA2.K06A.01](#), [FAA2.L04C.01](#), and [FAA2.L04C.02](#) in the CNAP Manual.

**General Information: Forms Update**

Changes to Forms – 05/02/2020 through 05/08/2020

As a reminder, it is important not to save documents on your desktop or a folder. It is better to use the form you need directly from the [Document Center](#). Forms are frequently updated and sometimes the current form must be used for programming purposes.

Revised forms:

- No forms were revised during the specified period

Newly created forms:

- No forms were created during the specified period

Revised Marketing Materials (Posters, Pamphlets, Flyers):

- No revisions to marketing materials were made during the specified period