

.09 Felony Conviction Disqualifications

REVISION 49
(01/01/21 - 12/31/21)

When not in compliance with probation or parole, certain felony convictions will cause automatic ineligibility for benefits. Applicants or participants, convicted of any of the following offenses on or after February 08, 2014, and not in compliance with the terms of probation or parole, are disqualified:

- Aggravated sexual abuse (by force or threat of another person, to include 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.

NOTE When the participant states they have one of the above felonies and that they are not in compliance with their probation or parole, no other verification is needed. Disqualify the participant and document the case file.

By signing the Application for Benefits (FAA-0001A), the participant is attesting to the responses given on the application regarding felony convictions and compliance with conditions of probation or parole.

Applicants or participants, children, or adults, who are violating a condition of probation or parole imposed by a federal or state law are disqualified. These applicants or participants are ineligible for benefits while they continue to violate a condition of probation or parole.

For more information on the Fleeing Felon Disqualification, see the Talon Fleeing Felon Crossmatch Report or the Outstanding Felony Warrant Crossmatch Report in [Crossmatch Reports](#).

Participants, children or adults, 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. For more information see [Drug Conviction Disqualification](#).

NOTE NA participants with a drug conviction may avoid a disqualification or have a prior drug disqualification removed when they meet all NA eligibility criteria and the [NA Drug Disqualification Removal Requirements](#). Review SEPA for the DF participation code at application or reapplication.

When more information is needed, use the Information Request and Pending Information Agreement (FAA-0077A) or send one of the following:

- C020
- F011

When the participant fails to provide the requested information, deny the case using the appropriate denial or closure reason code allowing for NOAA.

Participants who are disqualified remain disqualified when applying in a separate case. Key one of the following Participant Disqualification Alert Code types 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 will incorrectly allow the household special considerations.

When the disqualified participant is the only HH member, key PRAP with the appropriate Participant Disqualification Alert Code and deny the case using the FF Denial Closure Reason Code.