

.06 Drug Conviction Disqualification

REVISION 45
(01/01/17 - 12/31/17)

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

- 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.

WARNING

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.

- Ask the participant about the conviction. The Drug Conviction Information section of the Drug Conviction Checklist Outlook E-Form may be used as a guide for questions to ask. (See [Accessing Outlook E-Forms](#) (PDF 11KB) for additional instructions.)
- Budgetary units with a possible disqualifying drug conviction are still potentially eligible for expedited Nutrition Assistance service.
 - When the interview is face to face, request verification of the conviction using the Information Request and Pending Information Agreement (FA-077).
 - When the interview is by phone, send the C020 requesting verification of the conviction from the participant.

NOTE When the participant requests assistance, the EI must research available resources to verify the drug conviction.

WARNING

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

- Juvenile Court
- Tribal Court

The following are examples of convictions that DO NOT cause 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

When the participant FAILS to respond to the notice, see [Drug Conviction Case Closure/Denial Procedures](#).

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

- Priority [upload\(g\)](#) all the information obtained to [OnBase\(g\)](#).
- Elevate the facts of the case to [Research and Analysis](#) (R&A) using the [Drug Conviction Checklist Outlook E-Form](#).
- When directed by R&A that a felony drug conviction exists remove the disqualified participant. Deny or close the case when the only participant is disqualified. See [Drug Conviction Case Closure/Denial Procedures](#).
- Allow the participant the opportunity to avoid or end a drug disqualification. (See [NA Drug Disqualification Removal](#))

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.

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 will contact the Attorney General's (AG) office to determine if the conviction is disqualifying.

WARNING

NA participants who are disqualified remain disqualified when applying in a separate case. The following Participant Disqualification Alert Code types must be keyed in the THIRD alert type field on PRAP next to the disqualified participant, regardless of the number of other person alerts:

- 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.