

.06 Drug Conviction Disqualification

REVISION 25
(07/01/13 –09/30/13)

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.
- 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.

NOTE When the date of conviction is 08/23/03 or later the date of offense is NOT required.

- 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

NOTE Felons may be offered the opportunity to petition the court to expunge (remove) the conviction from their record. (See [Adding Formerly Disqualified Participants](#)).

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](#).

NOTE Disqualifying drug convictions that are set aside by the Court must still be elevated to the R&A.

- 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](#).

The participant is ineligible for NA benefits as long as the conviction stands.