

From the Hotline

Q. I received an application today from an 82-year-old disabled man who receives \$913 per month in Social Security benefits. He lives with his 41-year-old daughter and two teenaged grandchildren. His adult daughter's gross income is \$1,108.00 per month and there is no other countable income in the household. Because of my client's age and disability, his adult daughter has been purchasing food and preparing meals for the entire household, including my 82-year-old food stamp client.

Since this client is both disabled and age 60 or older, can he apply as a separate food stamp AU?

A. Yes. An individual may qualify as a separate food stamp AU if he or she is permanently disabled, age 60 or older and the income of the other people living with the applicant is less than 165 percent of the federal poverty level.

In your case, as long as the adult daughter's income is below 165 percent of the federal poverty level for a family of three (the 41-year-old daughter and her two children), your 82-year-old food stamp client may apply separately for food stamp benefits.

His adult daughter can also choose to apply separately for food stamp benefits for herself and her children. In this way, the two separate AUs can receive more in food stamps benefits than if they applied as a combined AU, even though all of the members of this household buy and prepare their meals together.

For more information on this policy, refer to 106 C.M.R. 361.200(B).

NOTE: Determining whether or not the remaining household members are below 165 percent of the federal poverty level is a manual task. Remember to exclude the applicant's own income and to only consider the gross income of the others living with the applicant. For more details, refer to the standards in 106 CMR 364.975.

Q. If the permanently disabled 82-year-old described in the previous question was living with his wife, in addition to his adult daughter and grandchildren, how would the composition of the assistance units change?

A. It is important to remember that the "Spouse" rule supersedes the elderly and disabled exception described in the previous answer. Therefore, the 82-year-old husband and his wife would need to be together in the same food stamp AU, apart from their daughter and grandchildren.

The adult daughter could still choose to apply separately for food stamp benefits for herself and her children.

- Q.** If the permanently disabled 82-year-old described in the first question was living with his child under age 22, in addition to his adult daughter and grandchildren, how would the composition of the assistance units change?
- A.** The “Parent/Child” rule supercedes the elderly and disabled exception as well. Therefore, the 82-year-old and his child under age 22 would need to be in the same food stamp AU, apart from the 41-year-old and her two children.

As in the previous answers, the adult daughter in this situation can choose to apply separately for food stamp benefits for herself and her children.