

INTERPRETIVE MEMO

3SVT Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 273.17 Date of this memo January 27, 2015 Pages 1 of 3

This memo: is new Replaces one dated _____

UPDATE: Replacement Benefits Due to a Household Misfortune Policy

Federal regulations at 7 CFR 274.6 allow for the Economic Service Division (ESD) to provide replacement 3SquaresVT benefits to a household that “reports that food purchased with Program benefits was destroyed in a household misfortune.”

Under this policy a household misfortune is defined as an event beyond the household’s control (including but not limited to floods, fires, and hurricanes) that results in the destruction of food the household purchased with 3SquaresVT benefits. A household misfortune could also be an extended power outage that prevents the household from storing refrigerated or frozen foods properly.

Verification of the loss is required before any replacement benefits may be issued. Verification can be obtained through a collateral contact that the client has provided on the 271 “Attestation of Loss and Request for Replacement 3SquaresVT Benefits” Form. Verification may also be obtained through documentation from a community agency (such as, but not limited to, the fire department or Red Cross), or a home visit.

Verification of the loss may also be obtained through power outage data (provided by a reliable source such as the power company) and flood maps. Up-to-date power outage data for Vermont counties are available at: <http://vtoutages.org/>

Question: Is there a time limit on how long the power must be off in order for a power outage to qualify as a “household misfortune?”

Answer: To be considered an “extended power outage,” the Food and Nutrition Service (FNS) provides that the power must be off for at least 4 hours. FNS uses the 4 hour time frame based on advice from the Food Safety and Inspection Service.

Question: What about instances where a household is renting, and the refrigerator breaks? Is it the responsibility of the landlord to compensate the renter for the loss of food?

Answer: While the renter may be entitled to seek compensation from the landlord for the loss, they are not required to do so before applying for and/or receiving replacement 3SquaresVT benefits.

INTERPRETIVE MEMO

3SVT Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 273.17 Date of this memo January 27, 2015 Pages 2 of 3

This memo: is new Replaces one dated _____

Question: Is there a limit to how many replacement benefits may be issued within a household's certification period?

Answer: No. There is not a limit on the number of replacement benefits that may be issued to a household. However, replacement benefits are to be issued only to the extent of the cost of food actually destroyed in the household misfortune, and may never exceed the total benefit allotment that the household received in the month in which the household misfortune took place.

Question: Can replacement benefits be issued to a member of the household who has fled the household due to domestic violence and has left behind food purchased with 3SquaresVT benefits?

Answer: No. However, 7 CFR 273.3(a) allows for *duplicate* benefits to be provided to an individual who is a resident of a shelter for battered persons, and was a member of a household containing the person who had abused him or her.

Procedure

1. Determine the date of the misfortune. The household must report the loss within 10 days of the household misfortune. For power outages the 10 days starts from the day power is restored.
2. Provide the "Attestation of Loss and Request for Replacement of 3SquaresVT Benefits (Form 271)" to the household. This form must be signed and completed by the household, and returned to ESD within 10 days of reporting the loss. If the 10th day falls on a weekend or holiday, and the completed form is received the day after the weekend or holiday, it will be considered as having been submitted timely.
3. Upon receiving a completed and timely 271, ESD must verify that the destruction of food occurred as a result of a household misfortune. This verification can be obtained through a collateral contact, documentation from a community agency (such as, but not limited to, the fire department or Red Cross), or a home visit. This verification should be documented in CATN.
4. Check ELIG/D/FS to determine the benefit amount. Use the "month to date paid" amount as the allowable total for replacement.

INTERPRETIVE MEMO

3SVT Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 273.17 Date of this memo January 27, 2015 Pages 3 of 3

This memo: is new Replaces one dated _____

5. Send an email to COPS and cc AOPS to request replacement. COPS are the only ones who can issue these replacements. Please be sure to include all of the following information:
 - Case name
 - Case number
 - Type of household misfortune and date of the loss
 - Date power was restored to the home if that is part of the issue
 - Date the completed 271 was received by ESD
 - Month for which they are requesting replacement
 - \$ amount of the requested replacement
6. Any questionable situations will be reviewed by AOPS.
7. COPS will issue the replacement.
8. Case Note (CATN) will be entered with details and outcome of request.

RA
JD