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| DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION | FOOD SUPPLEMENT PROGRAM MANUAL | |
| CUSTOMER RIGHTS AND RESPONSIBILITIES | Section 403 | Page 1 |

403.1 Purpose

This section describes the general rights and responsibilities of applicants and recipients of Food Supplement Program (FSP) benefits.

403.2 Rights Under the Privacy Act of 1974

Inform the household of its rights under the Privacy Act of 1974 when personal information or Social Security Numbers are requested. These rights are:

- A. The legal basis for the request and whether it is voluntary or mandatory to give the information;
- B. The uses which may be made of the information;
- C. To whom the information may be disclosed outside the U.S. Department of Agriculture; and
- D. The effects of not providing all or part of the information.

NOTE: Even though personal information must be **furnished voluntarily**, the local department **may deny or terminate FSP benefits** if the withheld information is required for verification purposes and there are no alternate means of verification.

403.3 Confidentiality

- A. Information obtained from households for FSP purposes generally may be released to persons directly connected with the administration or enforcement of the following programs:
 - 1. Food Supplement Program (FSP);
 - 2. Temporary Cash Assistance (TCA);
 - 3. Medicaid (MA);
 - 4. Supplemental Security Income (SSI);
 - 5. Temporary Disability Assistance Program (TDAP); or
 - 6. Any other federal or federally-aided means-tested assistance program.

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403.3 Confidentiality (continued)

- B. Information may be disclosed to a court or county prosecutor when required in civil or criminal proceedings.
- C. Access to FSP case record information may also be provided to employees of the Federal Comptroller General's Office (General Accounting Office).
- D. Local departments are required to make available to any properly identified federal, state or local law enforcement officer, upon their written request, information about the household if it is necessary to investigate an alleged violation of the Food and Nutrition Act or regulations. The written request must include the following:
 - 1. The identity of the individual requesting the information,
 - 2. The violation being investigated, and
 - 3. The identity of the person on whom the information is requested.
- E. Local departments are required to make available to any properly identified federal, state or local law enforcement officer, upon request, the address, social security number, and the photograph (if available) of any household member if the officer furnishes the member's name and notifies the local department that the member:
 - 1. Is fleeing to avoid prosecution, custody, or confinement for a felony, is violating a condition of parole or probation, or
 - 2. Has information necessary for the officer to conduct an official duty related to a felony/parole violation.
 - 3. When the member has information necessary for the apprehension or investigation of another member who is fleeing to avoid the law.

403.4 Household Access to Case File

- A. The local department will make the information contained in the case file (both paper and electronic) available for inspection during normal business hours upon written request by a responsible member of the household, its authorized representative, or a person acting on behalf of the household.

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- B. Do not release confidential information about the household that was obtained without the household's knowledge, or the nature or status of pending criminal prosecution.

403.5 Right to Apply

- A. The local department must provide an application for FSP benefits to any person who requests one.
- B. The household has the right to file the application the same day it contacts the local department.
- C. The application may be filed in person, electronically, by fax or email, or by mail.

403.6 Right to Non-Discrimination

- A. Households must not be discriminated against for reasons of:
- Race
 - Color
 - National origin
 - Sex
 - Religious creed
 - Disability
 - Age
 - Political beliefs
 - Limited English proficiency, or
 - Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the US Department of Agriculture.
- B. Households must not be discriminated against in any aspect of program administration. This includes the following:
1. Certification;
 2. Issuance;
 3. The conduct of fair hearings; or
 4. The conduct of any other program services.
- C. To publicize this policy, all local departments must prominently display the Food and Nutrition Service's (FNS) non-discrimination poster: *And Justice for All*. The poster can be requested by contacting the Family Investment Administration's Deputy Executive Director for Programs.

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403.7 Discrimination Complaints

- A. Individuals who feel they have been discriminated against for the reasons described in 403.6A above have the right to file a written complaint.
- B. Be sure to assist the customer and correct the past error, if there was one, even when the customer decides to file a complaint.
- C. Local department staff or other Department of Human Resources (DHR) employees to whom the complaint is made will advise the customer within 10 days of the complaint of the following:
 1. The right to file a complaint in writing;
 2. To whom to address the complaint; and
 3. The information required to facilitate the investigation.
 4. To file a program complaint of discrimination, advise the customer to complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit the completed form or letter to USDA by:
 - (1) mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
 - (2) fax: (202) 690-7442; or
 - (3) email: program.intake@usda.gov.
- D. Send a copy of the complaint (whether filed by the customer in the local department or returned to the local department by the USDA for action) within five business days to the Director of the DHR Office of Employment and Program Equity and the Executive Director of the Family Investment Administration.
 1. The complaint must be filed within 180 days of the alleged discrimination unless the USDA extends the filing time. The complaint must be on the USDA form or in a letter from the customer containing the following information:

Your (the customer's) name, address and telephone number.

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2. The name, address, and telephone number of your attorney or authorized representative, if you are represented.
3. The basis of your complaint. The basis is what you believe was the motivating factor for the discrimination. For example, you may believe you were treated differently because of your race, color, religion, sex, age, national origin, etc.
3. The date(s) that the incident(s) you are reporting as discrimination occurred. Please note that USDA cannot accept a complaint about an incident that took place more than 180 days prior to the filing of the complaint. If the discrimination occurred more than 180 days prior to filing your complaint, you may request a waiver of the filing requirement.
4. The name of the individual(s) or entity you believe discriminated against you and the agency or recipient that employs that/those individual(s).
5. The issue(s) of your complaint. The issue is a description of what happened, or the action that was taken by the individual(s) or agency that discriminated against you, resulting in some harm. Explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Please include how other persons were treated differently from you, if applicable. If you were denied a benefit or service, please provide a copy of the denial letter. If you have documents to support the events you are reporting, provide a copy of the supporting documents.

403.8 General Complaints

An FSP household has the right to present general complaints regarding its treatment to the local department administration or the FNS Regional office. Always try to resolve the customer's issues whether or not he or she files a complaint. The address of the FNS Regional Office for Maryland is:

Mid-Atlantic Regional Office
 USDA/FNS
 Food and Nutrition Service
 300 Corporate Boulevard
 Robbinsville, New Jersey 08691

403.9 Supervisory Conference/Fair Hearing

Any applicant, recipient or person acting responsibly for the household has the right to request a supervisory conference or fair hearing. This may be requested when a household is dissatisfied with any action, failure to act, or delay by the local department.

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403.10 Responsibility of the Household to Cooperate

- A. The household is responsible for cooperating with the local department to determine eligibility, review its eligibility due to reported changes or recertification, and during quality control reviews.
- B. The household may be denied or its case may be closed for refusal to cooperate with FSP requirements.
- C. For the local department to make a determination of refusal to cooperate, the household must be able to cooperate, but clearly demonstrate that it will not take the required action. For example, a household must refuse to be interviewed and not merely fail to appear for an interview and provide the requested verification.
- D. Effective October 1, 2011, the penalty period for refusal to cooperate with a state QC review is 125 days after the end of the Federal Fiscal Year (the FFY ends September 30 each year and 125 days from that date is February 2).
- E. For Federal QC review non-cooperation the penalty period is 9 months after the end of the Federal Fiscal Year.
- F. In the event that one or more household members no longer resides with a household terminated for refusal to cooperate, the penalty for refusal to cooperate will attach to the household of the person(s) who refused to cooperate.
- G. When QC is unable to determine which household member(s) refused to cooperate, QC shall determine the household member to which the penalty shall apply.
- H. If a household is terminated for refusal to cooperate with a QC review, the household may reapply, but cannot be determined eligible until it cooperates with the QC review.
- I. A household cannot be denied FSP benefits if there is any doubt regarding whether the household **refuses** to cooperate.
- J. QC determines whether the individual refuses to cooperate.
 1. QC notifies the LDSS via the QC 35 form to impose a penalty.
 2. Effective October 1, 2011, the form identifies the individual who refused to cooperate.
- K. **Non Cooperation with a Quality Control Review**
 1. Case managers will enter on the STAT screen :
 - Reason code 583 to identify an individual who refuses to cooperate with a federal QC review.
 - Reason code 556 to identify an individual who refuses to cooperate with a state QC review.

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2. Reason codes (556 or 583) are now applied at the **client level**. This ensures the penalty follows the non-cooperating individual until the expiration of the penalty period or the individual complies.
3. When reason code 556 or 583 is entered for a child under 18, an error message,

“REASON CODE (556 or 583) CANNOT BE ENTERED FOR CHILD UNDER 18”
is displayed on the STAT screen and the user will not be allowed to proceed until the 556 or 583 code is removed.
4. When an individual coded 556 or 583 on the STAT screen refuses to cooperate with a QC review, the entire household is ineligible as long as the penalized individual remains in the household.
5. When an individual coded 556 or 583 on the STAT screen leaves the household, the remaining household members can have eligibility determined under normal FSP rules.
6. When an individual coded 556 or 583 on the STAT screen leaves the household and becomes a part of another AU, the household becomes ineligible for FSP benefits for the remaining period of ineligibility as long as the individual remains in the household.

Example 1

Mr. Marks, 35, his wife and 5-year old son receive FSP benefits. He refused to cooperate with a State QC review. His penalty period is effective October 15, 2015 and ends 125 days after the end of the federal fiscal year (September 30, 2016). The customer is ineligible through February 2, 2017 unless he complies with the QC review. Mr. Marks leaves the household of his wife and son. His wife and son can have eligibility determined under normal FSP rules.

Example 2

Mr. Marks moves in with his mother and father in November. His parents receive FSP benefits, but they eat and prepare their meals separately. Mr. Marks and his parents have separate FSP cases. The penalty of the son does not affect the eligibility of his parents. Mr. Marks remains ineligible for the remainder of the penalty period unless he complies with the QC review.

Example 3

Mr. Johnson receives FSP benefits with his mother and sister. He refused to cooperate with a federal QC review. He remains in the household. The penalty is effective November 1, 2014. The household is ineligible for FSP benefits for the remainder of the federal fiscal year (September 30, 2015), plus 9 months. The penalty period ends June 30, 2016 unless Mr. Johnson complies with the federal QC review.

NOTE: Federal QC reviews are rare.

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Example 4

Mr. Williams and his wife receive FSP benefits. Mr. Williams refused to cooperate with a state QC review. He remains in the household. The penalty period is effective December 1, 2016. The household is ineligible for FSP benefits for the remainder of the federal fiscal year (September 30, 2017), plus 125 days. The penalty period remains in effect through February 2, 2018 unless Mr. Williams complies with the QC review.

403.11 Responsibility to Report Changes

All households must report changes in accordance with section 420.2 of this FSP manual.