

In this rulemaking we are proposing to reorganize the recertification section in an attempt to provide a clearer expression of the requirements. The proposed revision of 7 CFR 273.14(a) contains general introductory statements regarding actions the household and the State agency must take to ensure that eligible households receive uninterrupted benefits. We propose to include in revised 7 CFR 273.14(b) requirements for the notice of expiration, the recertification form, the interview and verification. In revised 7 CFR 273.14(c), we propose to include the filing deadlines for timely applications for recertification. These and other revisions are discussed below.

1. Recertification Process

a. Notice of expiration (NOE). Several State agencies have requested that we reduce the mandated content of the NOE. Under current regulations at 7 CFR 273.14(b)(3), the following information is required in the NOE:

- (1) The date the current certification period ends;
- (2) The date by which the household must file an application for recertification to receive uninterrupted benefits;
- (3) Notice that the household must appear for an interview, which will be scheduled on or after the date the application is timely filed in order to receive uninterrupted benefits;
- (4) Notice that the household is responsible for rescheduling a missed interview;
- (5) Notice that the household must complete the interview and provide all required verification in order to receive uninterrupted benefits;
- (6) Notice of the number of days the household has for submitting missing verification;
- (7) Notice of the household's right to request an application and have the State agency accept an application as long as it is signed and contains a legible name and address;
- (8) The address of the office where the application must be filed;
- (9) Notice of the consequences of failure to comply with the notice of expiration;
- (10) Notice of the household's right to file the application by mail or through an authorized representative;
- (11) Notice of the household's right to request a fair hearing; and
- (12) Notice of the fact that any household consisting only of Supplemental Security Income (SSI) applicants or recipients is entitled to apply for food stamp recertification at an office of the Social Security Administration.

We have reviewed the requirements for the NOE and have determined that none of the requirements in the current rule can be eliminated because they are required either by the provisions of the Act or judicial orders. Therefore, we have retained all of the current

recertification requirements in the proposed revised section 273.14(b)(1).

b. *Recertification form.* In response to our request for ideas for simplifying the recertification process, several State agencies suggested that we develop a short recertification form to be used in conjunction with current case file information. Several State agencies have requested and been granted waivers to allow use of a modified application form for recertification. The forms developed by the State agencies do not require households to provide information which is already available in the case file.

This rule proposes to revise 7 CFR 273.14(b)(2) to allow State agencies to use a modified application form for recertifying households. This form could only be used for those households which apply for recertification before the end of their current certification period. FCS does not plan to develop a model recertification form, so individual State agencies must devise this form themselves. However, because Section 11(e)(2) of the Act, 7 U.S.C. 2020(e)(2), requires that the Department approve all deviations from the uniform national food stamp application, all State agency-designed recertification applications must be approved by FCS before the forms can be used.

To allow State agencies as much flexibility as possible in the design of their modified recertification forms, we are not specifying the exact questions that must be asked. The State agency should design an application that suits its own needs, whether it be a short form on which the household notes changes since its last certification, or a computer printout of household circumstances annotated by the caseworker, or some other type of form. Whichever type of form the State agency chooses to use, it must be able to obtain from that form, or have available in the case record, all information concerning household composition, income and resources needed to redetermine eligibility and the correct benefit amount for the first month of the new certification period. However, while we are not specifying questions that must be on the forms, we would require that all recertification forms include the information required by 7 CFR 273.2(b)(1) (i), (ii), (iii), (iv) and (v). This information is required by Section 11(e)(2) of the Act, 7 U.S.C. 2020(e)(2), and apprises applicants of their rights and responsibilities under the Program. The information regarding the Income and Eligibility Verification System in 7 CFR 273.2(b)(2) may be provided on a separate form.

c. *Interviews.* Under current regulations, State agencies are required to conduct face-to-face interviews with households applying for recertification. Several State agencies suggested that we modify the requirement that all households have face-to-face interviews. Some State agencies suggested eliminating the face-to-face interview entirely or reserve the office interview for those households that do not have telephones. Other State agencies indicated that case workers should be allowed to decide on a case-by-case basis which households should be interviewed. Other suggestions included eliminating the interview requirement entirely for households that are not error-prone, eliminating recertification interviews unless there is questionable information that cannot be resolved in any other manner, and giving State agencies the option of not interviewing households receiving AFDC if they are not due for an AFDC redetermination.

We consider the face-to-face interview to be an important source of information about household circumstances. However, we have granted waivers on a State-by-State basis to substitute a telephone interview for the face-to-face interview for households with very stable circumstances, such as households in which all members are elderly or disabled and have no earned income. In an effort to be responsive to State agency requests for simplification and flexibility, we are proposing to revise 7 CFR 273.14(b)(3) to allow telephone interviews in place of face-to-face interviews at recertification for some categories of households. We are not allowing State agencies to substitute telephone interviews for face-to-face interviews on a case-by-case basis. Section 11(e)(2), 7 U.S.C. 2020(e)(2), currently provides for the waiver of the face-to-face interview on a case-by-case basis for those households for whom a visit to the food stamp office would be a hardship. We feel, however, that to allow caseworkers the option of waiving a face-to-face interview for any household based only on that caseworker's personal determination that a face-to-face interview is not needed may compromise the right to equal treatment guaranteed all food stamp recipients under Section 11(c) of the Act, 7 U.S.C. 2020(c).

We are proposing to revise 7 CFR 273.14(b)(3) to allow State agencies to interview by telephone any household that has no earned income and whose members are all elderly or disabled. We are also proposing to give State agencies the option of conducting a face-to-face interview only once a year with a food stamp household that receives PA or