



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

SEP 27 2019

SUBJECT: Clarifying Requirements for Compliance with Prisoner Verification System and Deceased Matching System Regulations

TO: State Directors
All State SNAP Agencies

The purpose of this memo is to reiterate the importance of State compliance with the Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 272.13, Prisoner Verification System (PVS) and 7 CFR 272.14, Deceased Matching System (DMS).

Section 11 of the Food and Nutrition Act (the Act) requires the denial of benefits for prisoners who have been incarcerated for more than 30 days and for deceased individuals. State agencies are required to implement systems to meet these requirements, including entering into agreements with the Social Security Administration (SSA) to conduct matches with the applicable systems. The regulations for PVS and DMS at 7 CFR 272.13 and 272.14 codify the requirements from the Act as well as those in the Privacy Act, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protection Amendments of 1990 (Privacy Act). The Privacy Act (5 USC 552a) requirements apply to all computer matching programs with a Federal system.

State agencies are required to match all adult household members against the SSA PVS at the time of application and at recertification (7 CFR 272.13(c)). Matches against the SSA Death Master File are required for all household members at the time of application and at least once annually (7 CFR §272.14(c)(1)).

While the Act requires these matches to enhance program integrity and reduce improper payments, the intent of the Privacy Act is to provide protections to individuals whose information is used in a computer matching program. This includes the requirement that no adverse actions, such as denial, termination, or reduction of a household's benefits, may be taken as a result of a match until after the information has been independently verified and the matched individual has been provided notice of the match and an opportunity to contest the findings (5 USC 552a(p)). These protections are codified at 7 CFR 272.13(b)(3-5) and 272.14(c)(3-5). State agencies should maintain evidence of having met all requirements per the retention of records requirements at 7 CFR 272.1(f).

To meet the Privacy Act requirements, the notice of match results (7 CFR 272.13(b)(4), 272.14(c)(4)) must contain a statement of the findings and inform the individual of their right to contest such findings and their timeframe for doing so. Verification requirements at 7 CFR 273.2(f) require State agencies to give households at least 10 days to provide required verifications. If a State agency independently verifies that information received from a match is not accurate, and therefore no potential adverse action will be taken on the case as a result of the match, a notice of match results is not required.

USDA is an Equal Opportunity Provider, Employer and Lender

If State agencies receive a PVS or DMS match result during the certification period, rather than at application, recertification, or a scheduled contact (such as the periodic report) and the information is unclear, then the State must follow procedures outlined at 7 CFR 273.12(c)(3)(iii). Unclear information is defined as information that is not verified, or information that is verified but the State needs additional information to act on the change. These procedures require States to send households a notice of match results that clearly explains what information is needed from the household to resolve the match results and the consequences of failing to respond to the notice. The consequences for failing to respond to the notice depend on the reporting system to which the household has been assigned.

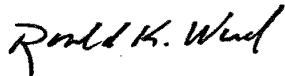
If the household is subject to change reporting and fails to respond sufficiently to the notice of match results, the State agency must issue a notice of adverse action that terminates the case. If the household is assigned to any other reporting system besides change reporting and the household fails to respond sufficiently to the notice of match results, then the State agency must remove the subject individual and the individual's income from the household and adjust the benefits accordingly. As appropriate, the State would send a notice of adverse action.

FNS addressed this portion of the regulations in the unclear information section of *Questions & Answers Concerning SNAP: Eligibility, Certification, and Employment and Training Provisions of the Food Conservation and Energy Act of 2008 Final Rule – Set #2*, dated May 11, 2017.

Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memo as *not major*, as defined by 5 U.S.C. § 804(2).

If you have questions, please contact your Regional Office.

Sincerely,



Ronald K. Ward
Director
Program Accountability and Administration Division