



FDPIR for People Who Reside with Family Members Who Are Elderly or Disabled October 2017

Western Center on Law and Poverty has been asked by tribal communities to explain eligibility for the Food Distribution Program for Indian Reservations (FDPIR)¹ when a person in the home is receiving Supplemental Security Income (SSI). Because California is considered a “Cashout State,” people who receive SSI (not in a suspended status) are currently considered ineligible for FDPIR. The policy guidance for this policy is established by the following:

7CFR 253 (a)(2)(ii)

SSI recipients in “cash-out” States. Recipients of SSI benefits who reside in a State designated by the Secretary of Health, Education, and Welfare to have specifically included the value of the coupon allotment in its State supplemental payments. These persons are not eligible for Food Distribution Program benefits.

7 CFR § 273.20

(a) Ineligibility. No *individual* who receives supplemental security income (SSI) benefits and/or State supplementary payments as a resident of California is eligible to receive food stamp benefits. The Secretary of the Department of Health and Human Services has determined that the SSI payments in California have been specifically increased to include the value of the food stamp allotment.

(b) Receipt of SSI benefits. In California, an individual must actually receive, not merely have applied for, SSI benefits to be determined ineligible for the food stamp program. If the State agency provides payments at least equal to the level of SSI benefits to individuals who have applied for but are awaiting an SSI eligibility determination, receipt of these substitute payments will terminate the individual's eligibility for food stamp benefits. Once SSI benefits are received, the individual will remain ineligible for food stamp benefits, even during months in which receipt of the SSI benefits is interrupted, or suspended, until the individual is terminated from the SSI program.

The USDA FDPIR Handbook² echoes this in Chapter III, Section 4, 3412, which states:

Recipients of Supplemental Security Income (SSI) benefits, who live in a State where the Secretary of the Department of Health and Human Services has determined that the SSI payments have been specifically increased to include the value of the SNAP allotment, are considered a no household members and are not eligible for Food Distribution Program Benefits in any month they receive SSI.

Based on this guidance, *the only person that can be denied FDPIR is the person receiving SSI* in a Cashout State, not the other members of the household. If the SSI recipient resides in a household with other members, the other household members should not be denied participation in the FDPIR, but would, instead, receive an FDPIR allotment that did not include food for the SSI member of the household.

Contact Us: For more information about this memo or Western Center’s work to improve access to federal food assistance programs for eligible Californians, go to our website at www.wclp.org or contact Jessica Bartholow by email at jbartholow@wclp.org or by phone at 916-282-5119.

¹ <https://www.fns.usda.gov/fdpir/food-distribution-program-indian-reservations-fdpir>

² <http://www.fns.usda.gov/fdd/programs/fdpir/501Handbk.htm>