

MI-WIC POLICY

Eligibility/Certification

2.0 Eligibility/Certification

Effective Date: 2/15/18

2.04 Income Determination

PURPOSE: To outline income requirements for eligibility in the WIC Program.

A. POLICY

1. Clients are income eligible for WIC if their income does not exceed 185% of the Federal Poverty Guidelines or are proved to be adjunctively income eligible. Local agencies must document household income and adjunct eligibility of each applicant/client at every certification. Determination of income eligibility is based on the applicant/client's income and family size.
2. Adjunct eligibility for the following Michigan Department of Health and Human Services (MDHHS) programs must be documented:
 - a. Medicaid Programs
 - b. Food Assistance Program (FAP)
 - c. Family Independence Program (FIP)
(See Policies 2.05, Income Guidelines, 2.06 Adjunct Income Eligibility and 2.08 Family Size.)
3. Adjunctively income eligible clients must verbally declare their income (See Policy 2.06 Adjunct Income Eligibility.)
4. When using income to determine eligibility, local agencies must use income data that accurately reflects the household's current financial circumstances. Income eligibility can be determined using either the past month/30 days (current) or 12 months (annual).

Current Income: Families who qualify for this category are those whose income within the past 30 days most accurately reflects the household income. The majority of applicants/clients would fall under this timeframe for income determination. Examples may include, but are not limited to: hourly/salaried workers receiving consistent income, unemployed* or laid-off worker and strikers.

*Note: In the event an unemployed worker provides documentation of unemployment benefits, "current" income can refer to income that will be available to the family in the next 30 days.

Annual Income: Families who qualify for this category are those whose income within the past 12 months most accurately reflects the household income (i.e., variable income over the year). Examples may include, but are not limited to: construction workers, farmers, seasonal agricultural farmworkers, self-employed persons, teachers who are unpaid over the summer months, college students who work only during summer months and/or school breaks, and persons on extended leave due to illness or maternity/paternity leave.

- Income over the past twelve months (can use "year to date income" annualized)

5. Households may have income from different sources which are paid on different schedules. For example, one member of the household may receive paychecks on a weekly basis while another member of the household is paid on a monthly basis. The local agency shall enter all income sources into the MI-WIC system. This data will be automatically annualized.
6. If an applicant/client possesses proof of income but does not bring it to the certification appointment and is not adjunctively eligible, the applicant/client must still be certified and issued one month of benefits. This is called a “short certification.” Proof of income or adjunct eligibility must be provided for the certification period to continue and further benefits to be issued. (See Policy 2.17 Certification Periods)
7. For applicant/clients who report no income, their signature on the Client Agreement provides attestation of no income. WIC staff must further screen applicant/client to verify no income or other support, such as enrollment in MDHHS services and/or receiving other monetary support. Applicants/clients declaring no income shall be referred to appropriate agencies (See Policy 2.07 Declaration of No Income).
8. When an applicant’s family works for cash (i.e. migrant farm worker, babysitting or homeless), has no verifiable proof of income and is not adjunctively eligible, they must sign the “Income Attestation Form.” Applicants/clients must also verbally declare their income. A short certification is not required.
9. Local agencies must implement the policy for income eligibility determination based on the most current state income guidelines published annually. (See Policy 2.05 Income Guidelines.)
10. Applicants/clients found ineligible for the WIC Program because economic criteria are not met, they must be given a written Notice of Ineligibility and an explanation of their right to a Fair Hearing. (See Policies 1.04 Fair Hearing, 2.20 Notice of Ineligibility, Mid-Certification, Termination and Expiration of Certification.)
11. Income Reassessment: Mid-certification income reassessment must be done only when a local agency receives information that a client’s income or family size has changed, which may cause the client to be ineligible for the Program (See Policy 2.21 Mid-certification Income Assessment.)
12. Transferring clients with current proof of WIC Program eligibility do not need income verification or documentation until their next certification appointment.
13. Members of families who are migrant farmworkers must have income determined once every 12 months. An instream migrant farmworker, who has a Verification of Certification (VOC) that indicates income verification has been performed within the last 12 months, is income eligible whether or not the VOC reflects a current certification period. If the previous certification is expired, and the income determination date is within the past 12 months, the previous income shall be used. (See Policy 2.12 Migrant Family Eligibility and Policy 2.19 Verification of Certification.)

14. A family's gross income cannot be reduced for any reason. This includes overtime pay, hardships, high medical bills or childcare payments (except for self-employed clients, where adjusted net income is allowed).
15. **Income Sources:** Income that must be considered and documentation required in the determination of income eligibility includes the following:
 - a. Monetary compensation for services, including wages (with overtime), salary, commissions or fees.
Verification: See number 4.
 - i.. Recent pay/check stub(s) from the past 30 days (for Current Income).
 - ii. W-2 form and copy of the most current Federal income tax form (1040) filed (for Annual Income).
 - b. Net income from farm and non-farm self-employment, use most recently completed IRS tax return as a basis for calculating net income. **Verification:** Use the Adjusted Net Income (IRS 1040 tax form-line 37) figure for income eligibility determination.
 - c. Social Security benefits/SSI. **Verification:** www.socialsecurity.gov/myaccount,to access a current statement of benefits.
 - d. Dividends or interest on savings or bonds, income from estates or trust, or net rental income. **Verification:** use If applicant/client has income from interest on savings or bonds, verify using IRS form 1040 line 8 or 9 and "Schedule B." If applicant/client has income from estates, trusts or net rental, verify using IRS form 1040, line 17 and "Schedule E."
 - e. Public assistance or welfare payments.
 - f. Unemployment compensation (including Supplemental Unemployment Benefits/SUB pay).
Verification:
 - i. Michigan Unemployment Insurance Agency's (UIA) Notice of Determination UA 1575
 - ii. Michigan UIA Notice of Redetermination UA 1306
 - iii. Weekly benefit rate or a check stub or deposit indicating the amount of unemployment or SUB pay benefits received
 - iv. IRS form 1040, line 19.
 - v. For applicants/clients receiving automated payments, the deposit must be verified through www.myaccount.chase.com, monthly statement or by calling 1-866-523-2122.
 - g. Military pay- Refer to 2.04A Income Determination - Military Pay table, for calculating military pay.
 - h. Government civilian employees with pensions and/or retired military with veterans' compensation. **Verification:** A letter from the appropriate office indicating the amount received and the frequency of payment or IRS form 1040, line 16a.

- i. Private pensions or annuities. **Verification:** IRS form 1040, line 16a.
- j. Alimony or child support payments. Child support payments are considered as income for the family with whom the child lives. **Verification:** a copy of the court order, check stubs or Friend of the Court statements indicating the amount and frequency of payment.
- k. Regular contributions from persons not living in the household. **Verification:** a statement with the amount and frequency of payment from the contributor.
- l. Net royalties. **Verification:** IRS form 1040, "Schedule E."
- m. Other cash income includes, but is not limited to, cash amounts received or withdrawn from any of the following sources:
 - savings
 - investments
 - trust accounts
 - income derived on a regular basis (i.e., baby sitting)
 - Earnings on a one-time basis (i.e., lottery winnings).
 - Any other cash income readily available to the family.

Verification: a statement indicating the amount and frequency of payment as well as the payment source.

16. Income Exclusions: Income NOT to be used when determining economic eligibility includes but is not limited to the following:

- a. Basic allowance for housing (BAH) received by military services personnel residing off military installations or in privatized housing, whether on or off-base (See 2.04A Income Eligibility Requirement-Military Pay)
- b. Cost of living allowance provided under 37 U.S.C. 405, to a member of a uniformed service who is on duty outside the contiguous states of the United States (OCONUS COLA). (See 2.04A Income Eligibility Requirement-Military Pay)
- c. The value of inkind housing and other inkind benefits.
- d. Loans, not including amounts to which the applicant has constant or unlimited access.
- e. Payments or benefits provided under the following Federal programs or acts are excluded from consideration as income by legislative prohibition. The payments or benefits that must be excluded from income consideration include:
 - i. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, Sec. 216, 42 U.S.C. 4636).

- ii. Any payments to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973. (Public Law 93-113, Sec. 404(g).
- iii. Payments of volunteers under Section 8(b)(1)(B) of the Small Business Act (SCORE and ACE) (Public Law 95-510, Sec 101).
- iv. Income derived from certain submarginal land of the United States, which is held in trust for certain Indian Tribes (Public Law 94-114, Sec.6).
- v. Payments received under the Job Training Partnership Act (Public Law 97-300, Section 142[b]).
- vi. Income derived from the disposition of funds to the (Michigan) Grand River Band of Ottawa Indians (Public Law 94-540, Sec.6).
- vii. Payments received under the Alaska Native Claims Settlement Act (Public Law 100-241, sec 15).
- viii. The value of assistance to children or their families under the National School Lunch Act as amended, (Pub. L. 94-105, sec. 9 (d), 42 U.S.C. sec. 1760 (e), the Child Nutrition Act of 1966 (Pub. L. 89-642, sec. 11 (b), 42 U.S.C. sec. 1780 (b)), and the Food Stamp Act of 1977 (Pub. L. 95-113, sec 1301, 7 U.S.C. sec. 2017[b]).
- ix. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433, sec. 2, 25 U.S.C. 609c-1)
- x. Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, sec 6, 9 (c)
- xi. Payments under the Low-income Home Energy Assistance Act, as amended (Public Law 99-125, sec. 504 (c). 42 U.S.C. sec. 8624(f)
- xii. Student financial assistance received from any program funded in whole or part under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship programs, which is used for costs described in section 472 [1] and [2] of that Act (Public Law 99-498, sec 479B, 20 U.S.C. 1087uu).
The specified costs set forth in section 472 [1] and [2] of the Higher Education Act are tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, including the costs for rental or purchase of any equipment, materials or supplies required of all students in the

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same course of study; and an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending on at least a half time basis. Costs do not include room and board and dependent care expenses.

- xiii. Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989 (Public Law 100-707, sec. 105(i), 42 U.S.C. sec. 5155 (d)).
- xiv. Payments received under the Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Public Law 101-392, sec. 501, 20 U.S.C. sec. 2466d).
- xv. Payments pursuant to the Agent Orange Compensation Exclusion Act (Public Law 101-201, sec.1).
- xvi. Payments received for Wartime Relocation of Civilians under the Civil Liberties Act of 1988 (Public Law 100-383, sec. 105(f)(2), 50 App. U.S.C. sec. 1989b-4(f)(2).
- xvii. Value of any child care payments made under section 402(g)(1)(E) of the Social Security Act, as amended by the Family Support Act (Public Law 100-485, sec. 301, 42 U.S.C. sec. 602(g)(1)(E).
- xviii. Value of any “at-risk” block grant child care payments made under section 5081 of Public Law 101-508, which amended section 402(i) of the Social Security Act.
- xix. Value of any child care provided or paid for under the Child Care and Development Block Grant Act as amended (Pub L. 102-586, Sec. 8(b).
- xx. Mandatory salary reduction amount for military service personnel which is used to fund the Veteran's Educational Assistance Act of 1984 (GI Bill), as amended (Public Law 99-576, sec. 303(a)(1), 38 U.S.C. sec 1411 (b).
- xxi. Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2000 (Public Law 98-500, sec. 8, 25 U.S.C. sec. 2307).
- xxii. Payments received under the Cranston-Gonzales National Affordable Housing Act, unless the income of the family equals or exceeds 80 percent of the median income of the area (Public Law 101-625, sec. 522(i)(4), 42 U.S.C. sec. 1437f nt).
- xxiii. Payments received under the Housing and Community Development Act of 1987, unless the income of the family increases at any time to not less than 50

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percent of the median income of the area (Public Law 100-242, sec. 126(c)(5)(A), 25 U.S.C. sec. 2307).

- xxiv. Payments received under the Sac and Fox Indian claims agreement (Pub. L. 94-189, sec. 6).
- xxv. Payments received under the Judgment Award Authorization Act, as amended (Public Law 97--458, sec. 4, 25 U.S.C. sec. 1407 and Public Law 98-64, sec. 2(b), 25 U.S.C. sec. 117b[b]).
- xxvi. Payments for the relocation assistance of members of Navajo and Hopi Tribes (Public Law 93-531, sec. 22, 22 U.S.C. sec. 640d-2l).
- xxvii. Payments to the Turtle Mountain Band of Chippewas, Arizona (Pub. L. 97-403, sec. 9)
- xxviii. Payments to the Blackfeet, Grosventre, and the Assiniboine tribes (Montana) and the Papago (Arizona) (Pub. L. 97-408, sec. 8 (d)).
- xxix. Payments to the Assiniboine tribe of the Fort Belknap Indian community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana) (Pub L 98-124, sec 5
- xxx. Payments to the Red Lake Band of Chippewas (Pub. L. 98-123, sec. 3)
- xxxi. Payments received under the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99-346, sec. 6[b][2]).
- xxxii. Payments to the Chippewas of Mississippi (Pub. L. 99-377, sec. 4 (b)).
- xxxiii. Payments received by members of the Armed Forces and their families under the Family Supplemental Subsistence Allowance from the Department of Defense (Public Law 109-163, sec. 608). See 2.04 Attachment A (Military Pay).
- xxxiv. Payments received by property owners under the National Flood Insurance Program (Pub. L. 109-64).
- xxxv. Combat Pay/Hazardous Duty Pay received by the household member (See 2.04A-Military Pay) under Chapter 5 of Title 37 or as otherwise designated by the Secretary.

References:

Federal Regulations - 7 CFR Part 246.7(d)
USDA WIC Policy Memorandum #1999-4, dated 3/11/1999 (Strengthening Integrity in the WIC Certification Process)
USDA WIC Policy Memorandum #2002, (WIC Income Eligibility Determinations for Households Affected by Privatization of On-Base Military Housing).
WIC Interim Final Rule 3/3/2008

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USDA WIC Policy Memorandum #2010-02, dated 11/2/2009 (Guidance for the exclusion of combat pay from WIC income eligibility determination -P.L. 111-80)

USDA WIC Policy Memorandum #2011-7, dated 6/8/2011, Conversion Factors for WIC Income Eligibility Guidelines

USDA WIC Policy Memorandum #2013-3, dated 4/26/2013, Income Eligibility Guidance

SSI/Medicaid Eligibility: [ONLINE] Available at: http://www.michigan.gov/mdch/0,4612,7-132-2943_4860-35199--,00.html#Children [Accessed 22 February 2017].

Cross-references:

- 1.04 Fair Hearing
- 2.05 Income Guidelines
- 2.06 Adjunct Income Eligibility
- 2.07 Declaration of No Income
- 2.08 Family Size
- 2.12 Migrant Family Eligibility
- 2.17 Certification Periods
- 2.19 Verification of Certification
- 2.20 Notice of Ineligibility, Mid-Certification, Termination and Expiration of Certification
- 2.21 Mid-certification Income Assessment

Exhibits:

- 2.04A Income Eligibility Requirement-Military Pay