

FOOD STAMPS: General Information and Application Process



I: What are Food Stamps?

Food stamps are placed on an Electronic Benefit Transfer (EBT) card to buy certain food items. They cannot be used for alcoholic beverages, tobacco, pet food, soap, paper products or other non-food items. Usually, they cannot be used to purchase prepared food. They can be used at any grocery store and for services like meals-on-wheels. Many people qualify for food stamps including: working people, some legal

aliens, boarders with their landlords, roomers, some students, people who live in battered women's shelters, community mental health centers, drug and alcohol treatment centers, and homeless shelters.

There are two types of food stamp applications:

1. General Applications:

Almost anyone who meets federal limits on resources and income can get food stamps within thirty (30) days of filing an application.

Resources (Assets): Money or property you have.

Income: Money you get from time to time or on a regular basis.

You apply for food stamps as a **HOUSEHOLD**. A household can be (1) person living alone, or, (2) a group of people living together (whether or not they are related) who buy and prepare meals together. More than one household can live under one roof and share living space.

With some exceptions, you **MAY NOT** get food stamps if you:

- 1) are on strike;
- 2) are an undocumented immigrant;
- 3) are a documented immigrant who is not qualified (see “Food Stamp Restoration for Some Legal Immigrants” brochure);
- 4) live in a boarding house, a jail or other kind of institution that serves meals;
- 5) have been disqualified because you broke food stamps program rules on purpose;
or
- 6) are sanctioned for the month because (a) you quit a job without good reason, or
(b) for not complying with food stamp work requirements.

2. Emergency Applications:

If you qualify for emergency food stamps, the food stamp office must get you your food stamps within seven working days of the date you apply. This is called “expedited service.”

You can get food stamps within seven days if you are eligible for food stamps AND if:

- 1) You have \$100 or less in cash and you have less than \$150 in gross monthly income;
- 2) Your combined gross income and liquid resources are less than your monthly rent or mortgage plus utilities;
- 3) You are a migrant or seasonal farm worker with liquid assets of less than \$100; or
- 4) Everyone in your household is homeless or you have received an eviction notice.

To get emergency food stamps, you must show the food stamp office some form of identification or else find someone for them to talk to who can confirm who you are. You do not need any other verification to get the first month’s food stamps through expedited service.

If you apply for emergency food stamps, DHS has to interview you on the day you apply or the following workday. DHS may call this a “standby” appointment, meaning that you must wait, sometimes for several hours, until they are able to see you. You may be asked to sign a waiver statement saying you waive (give up) your right to an interview within 24 hours. **DO NOT SIGN** this waiver if you want to get food stamps in the fastest possible way. Remember, if you do not sign that waiver, they must interview you within 24 hours. If you have to, **insist** upon your right to be interviewed.

If you are denied expedited food stamps, you have the right to request a conference with a supervisor and/or a fair hearing. The conference must be held within 2 workdays; the hearing must be held within 60 days. At the same time you can also file an application for regular food stamps.

II: How Do I Get Food Stamps?

- ✓ You must apply.
- ✓ Every adult in the food stamp household must sign the application disclosing citizenship status.
- ✓ All members of the food stamp household (including children) must supply DHS with their Social Security numbers. If a household member does not have one, he/she will need to apply for one. Apply for a Social Security number at either of the two Social Security offices in Honolulu at 300 Ala Moana Boulevard or in Kapolei at 719 Kamehameha Highway. If you have any questions regarding your Social Security number, you may call the Social Security Administration toll-free at 1-800-772-1213.
- ✓ If someone in your household does not want to report his/her immigration status or SSN to the Department of Human Services, he/she can be designated a non-applicant. He/she will not have to report immigration status or SSN but his/her income and assets will be counted as available to the food stamp household.
- ✓ You must report changes in any facts about your household that may affect your eligibility or the amount of food stamps you can receive.
- ✓ You must register for work unless you are exempt. You may be exempt if you are under 16, over 60, physically or mentally handicapped, or taking care of young children. You may also be exempt for other reasons.
- ✓ You must reapply again at the end of your certification (usually a year.)

III: Application Process

You apply for Food Stamps by:

- 1) Filling out and filing the application with Department of Human Services (DHS);
- 2) Having an interview with a worker from the food stamp office; and
- 3) Proving (“verifying”) some facts.

Application

The food stamp office must give you an application form and let you turn it in on the same day. If you call the food stamp office and ask them to send you an application, they must send one to you the same day you call.

You can turn in your application form in person, you can send it in through the mail, you can have a friend or family member take it in to the food stamp office for you, or fax it to the food stamp office. The food stamp office must accept any application that has: your name, your address, date and signature. You do not have to fill in anything else to file the application, but you will need to give the office all the other required information as soon as possible. **YOU SHOULD FILE YOUR APPLICATION AS SOON AS POSSIBLE BECAUSE IF YOU ARE ELIGIBLE, YOU WILL GET FOOD STAMPS DATING BACK TO THE DAY YOU FILED YOUR APPLICATION.**

Make a copy of your application before filing it. When you file your application, ask the office to “date-stamp” your copy. Keep your date-stamped copy. That is your record of the date you filed your application.

When you turn in your application, you will be told of the time for your interview. At the same time, you should be given a list of documents you must bring to your interview. If you are not given an interview time and a list of documents, ask for them.

Interview

At the interview, the food stamps worker will go over the entire application with you to make sure that the information is complete. The interview is usually held at the DHS office nearest to your address. If you ask DHS to conduct the interview by telephone, they will do so if you are unable to come in because of age (over 65 years old) or handicap, if you do not have reliable transportation, and if you have no friends or family members who can go in for you.

Verification

The food stamp office will ask you for proof or verification of some of the facts you give them about your household. They will probably ask you for proof of the following:

- Gross income (before taxes and deductions);
- Status with Immigration and Naturalization Service (INS);
- Where you live;
- Utility expenses;
- Other expenses that you may be able to deduct from your income and any disability checks you may be getting;
- Any other facts that affect whether you qualify for food stamps or the amount of food stamps you may receive (such as resources and who is living in your household); and
- The Social Security number of **everyone** in your household.

Most of the time, the food stamp office will want written proof. For example, they will ask for your pay stubs, your Social Security award letters, your utility bills, your rent receipts, and your driver's license. The food stamp office also might get proof by talking to someone outside your household. **VERIFICATION IS THE NUMBER ONE REASON PEOPLE ARE DENIED BENEFITS, SO IT IS IMPORTANT THAT YOU UNDERSTAND WHAT YOU HAVE TO PROVIDE AND WHEN YOU HAVE TO PROVIDE IT.**

The worker will take copies of all the documents you bring to the interview. Do not let DHS have your original documents. Be sure to get a receipt for the copies they take, or ask for a "date-stamped" copy of each. Sometimes DHS loses documents and applicants can't prove they already turned them in.

Although DHS clients are told they can send documentation in by mail, it is best to take in your papers personally and get a receipt or "date-stamped" copy. If you cannot take things into DHS in person, keep a record of the things you mail. Write down what you sent and when.

IV: What You Must Do Once You Get Food Stamps

DHS must notify you in writing of whether you are eligible for food stamps. DHS must give you a written denial or provide food stamps within 30 days of the date you applied using a general application or within seven days of filing an emergency application.

If you receive food stamps and you or someone else in your household is earning money, you will be required to file a “six month report” with the DHS office. A “six month report” is a form you fill out twice a year to tell DHS about any changes in the household, income, assets, or number of people living in the household.

You have to attach written proof to the report (for instance, copies of pay stubs.) It is best to turn this in personally and get a receipt, but if you have to mail it in make a note on your calendar of when you sent it.

DHS will recertify your household annually. This means that you have to fill out a new application every year, and verify information at the worker’s request.

If you are granted food stamps, but the DHS decides to reduce the amount or stop your benefits, they must first send you written notice.

If your application is denied DHS will write on the denial notice the law that they used to decide you were not eligible.

V: What Are Your Appeal Rights?

You should ask for a fair hearing in writing if you disagree with any action the food stamp office has taken. If your food stamp award has been (1) denied, (2) terminated, or (3) reduced, you should ask for a hearing right away. **YOU MUST ASK FOR THE FAIR HEARING WITHIN 90 DAYS OF WHEN THE FOOD STAMP OFFICE DID WHAT YOU THINK WAS WRONG.** Exception: you can ask for a fair hearing at any time during your certification period to make the food stamp office fix an ongoing problem even if it has been more than 90 days since the food stamp office started doing it.

If you file for a hearing within 10 days of the date your food stamps were terminated or reduced, your food stamp benefits will continue uninterrupted. **CAUTION:** if you lose the hearing, those benefits are considered an overpayment and will have to be repaid.

You should also reapply for benefits. Many times, people can get food stamps on their new application before their hearing date is set.

Once you have requested a fair hearing either orally or in writing, DHS will set up the hearing, but the time, place, and date must be good for you. They must tell you in writing, at least 10 days in advance, when and where your hearing will be. The notice must tell you what rules the hearing officer will follow in running the hearing. If you cannot make the hearing, you should ask them to change the date.

Before any appeal hearing, you have the right to look at your DHS file, which is where all the papers in your case are kept, and to get copies of documents that are in it. It is a good idea to look at your file because although the hearing office will have documents from the file, the documents are prepared by an eligibility worker, so it may not contain the documents which would help you prove your case. Get copies of all documents that help your case and bring them to the hearing.

An administrative law judge will conduct the hearing. At the hearing, you have the right to bring witnesses, to submit documents and to be represented, whether by another member of your household, a friend, relative, or by a lawyer or other advocate. You have the right to state your side of the story and to make an argument to the judge.

The hearing should take place within 60 days of the appeal you filed. You must get your hearing decision within 90 days of your appeal. If you lose your hearing, you have appeal rights, which you should read carefully; they are on the last page of your hearing decision.

VI: Additional Rights of Homeless People and Battered Women

Homeless people can use food stamps to buy meals from soup kitchens, and battered women can buy meals from approved shelters, but no one can make you give food stamps in exchange for these meals. You must be allowed to eat there free if you want to. **BATTERED WOMEN WHO LEFT HOME WITHOUT THEIR FOOD STAMPS ARE ENTITLED TO GET A SECOND SET FOR THEMSELVES AND THEIR CHILDREN ON AN EMERGENCY BASIS.**

VII: Overpayments

An overpayment is an amount of benefits you received but that DHS later decided you were not entitled to. There are three types of overpayment: agency error (DHS made the mistake), household error (you accidentally made the mistake), and intentional program violation (IPV—you broke federal laws on purpose.) An IPV is also known as fraud.

DHS charges you with the overpayment by way of a Notice of Overpayment. The notice contains a section for you to fill out and return; it asks you to choose a repayment method.

If you have any disagreement about the overpayment, you should not agree to any kind of repayment. Instead, you should request a hearing immediately and fill out a Request for Fair Hearing. **FOR MORE INFORMATION ABOUT OVERPAYMENTS, PLEASE SEE THE “OVERPAYMENT OF GOVERNMENT BENEFITS” BROCHURE.**



This brochure was created through the AmeriCorps Access to Justice Project at the Legal Aid Society of Hawaii.

Useful Names and Numbers

Legal Aid Society of Hawai`i

www.legalaidhawaii.org

Legal Hotline Hours: Monday to Friday 9:00 - 11:30am & 1:00 - 3:30pm

OAHU: 536-4302 MAUI: 242-0724 LANAI: 565-6089 MOLOKAI: 553-3251

HILO: 934-0678 KONA: 329-8331 KAUAI: 245-7580

Department of Human Services, Oahu Branches

Ewa Unit

601 Kamokila Bl Rm 106
692-7300

Iwilei Unit

333 N King St Rm 200
586-8047

Kaala Unit

Farrington Hwy Ste A104
697-7147

Kailua Unit

45-513 Luluku Rd
233-5325

Kalihi Unit

420 Waiakamilo Rd Rm
101
832-5520

Kamokila Unit

601 Kamokila Blvd Rm
458
692-7171

Kaneohe Unit

45-513 Luluku Rd
233-5350

Kapalama Unit

420 Waiakamilo Rd Rm
101
832-5538

Kinau Unit

420 Waiakamilo Rd
832-4660

Kuakini Unit

420 Waiakamilo Rd Rm
117C
832-3800

Makiki Unit

677 Queen St Ste 400B
587-5276

Moanalua Unit

420 Waiakamilo Rd Rm
101
832-5500

Nanakuli Unit

601 Kamokila Bl Rm 117
692-7775

Nuuanu Unit

1485 Linapuni St Ste 124
832-5627

Palama Unit

420 Waiakamilo Rd Rm
101
832-5558

Pauahi Unit

333 N King St Rm 201
586-8108

Pawaa Unit

677 Queen St Ste 400B
587-5290

Punawai Unit

677 Queen St Ste 400B
587-5283

Wahiawa Unit

929 Center St
622-6476

Waianae Unit

86-120 Farrington Hwy
Ste A103
697-7177

Waikalua Unit

45-260 Waikalua Rd
233-3621

Waikele Unit

94-275 Mokuola St Rm
303
675-0040

Waipahu Unit

601 Kamokila Bl Rm 106
692-7310

West Oahu Unit

94-275 Mokuola St Rm
303A
675-0050

Windward Unit

46-005 Kawa St Rm 307
233-3655

Department of Human Services, Neighbor Islands

Big Island

Main Number: 643-1643

N Hilo Unit I
13 Kekaulike St.
933-0331

N Hilo Unit II
13 Kekaulike St.
933-0324

N Hilo Unit III
13 Keaulike St.
933-8857

S Hilo Unit I
111 E Puainako St.
981-2754

S Hilo Unit II
111 E Puainako St.
981-2785

S Hilo Unit III
111 E Puainako St.
981- 2800

Central Hilo Unit
111 E Puainako St Ste
A510
981-7290

Kamuella-Hamakua Unit
Honokaa
775-8854

Kau Office
Naalehu
939-2421

Kohala Office
Kapaa
889-7141

N Kona 1 Unit
Kailua
327-4980

South Kona Unit
Captain Cook
323-7573

N Kona 2 Unit
75-5591 Palani Rd Ste
2004
327-4755

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Maui

Main Number: 643-1643

East Maui
54 High St. Ste 125
984-8300

West Maui
35 Lunalilo St. Ste 300
243-5110

Kauai

Main Number: 643-1643

Central Unit (Lihue)
3060 Eiwa St. Rm 103
274-3371

East Unit (Kapaa)
4-1579 Kuhio Hwy Rm 101
822-3475

West Unit (Hanapepe)
1-3491 Kaumualii Hwy
335-2110