



**SECTION:** Certification 617  
**SUBJECT:** **INCOME ELIGIBILITY: Determination of Income Eligibility**  
**DATE:** March 27, 2007 (*Revised*)

**POLICY:** Oregon WIC applicants or participants shall meet the income eligibility standard of at or below 185% of the federal poverty income level.

**PURPOSE:** To comply with the WIC income limits. To assure WIC services for those who need them, using income guidelines that are consistent statewide.

**RELEVANT REGULATIONS:** USDA MEMO 803-L—Lump Sum Payments as Income (7/13/92)  
USDA MEMO 803-3—WIC Program – Certification: Income Eligibility  
USDA MEMO 803-AA—Income Eligibility of Pregnant Women  
PL 103-448 §204 ¶(c)  
PL 105-335 Requires all applicants to provide documentation of household income or participation in a public assistance program, except where unavailable or a barrier to participation.  
7CFR §246.7 ¶(d)—Income criteria and income eligibility determinations  
7CFR §246.7 ¶(d)(2)(ix)—Income eligibility of in-stream migrant farm-workers and their family members  
7CFR §246.7 ¶(k)(3)—Transfer of Certification  
7CFR §246.7 ¶(d)(v)—Verification of information  
Rule #461-110-630 No. 7 Oregon Health Plan  
ASM 99-54—Strengthening Integrity in the WIC Certification Process  
ASM 02-45—Income Eligibility Determinations for Households Affected by Prioritization of On-base Military Housing  
ASM 03-29—Family Size and Income Determinations for Military Families  
Child Nutrition Act §17 ¶ (d)(2)(c)

**OREGON WIC PPM REFERENCES:** ♦426—Record Retention Period  
♦615—Adjunct or Automatic Income Eligibility  
♦616—Income Eligibility: Verification, Proof and Documentation of Income Eligibility  
♦618—Income Eligibility: Change In Income  
♦625—Certification: Nutritional Risk Assessment

**TWIST TRAINING MANUAL REFERENCES:** Chapter 3, Lesson 100—Applicant Prescreening  
Chapter 3, Lesson 102—Enrollment

**APPENDICES:** 617.18 Appendix A What Is Included as Income  
617.19 Appendix B What Is Not Included as Income  
617.22 Appendix C Calculation of Total Household Income  
617.23 Appendix D WIC Income Eligibility Criteria  
617.24 Appendix E Flow Chart: Determining Income Eligibility

## INCOME ELIGIBILITY: Determination of Income Eligibility, *cont.*

<b>DEFINITIONS:</b>	<i>Attendance costs</i>	Regular tuition and fees for students carrying at least a half-time workload as determined by the institution, and an allowance for books, supplies, and transportation required by the course of study.
	<i>Household size</i>	A person or group of people, related or not, who usually (though not necessarily) live together, and whose income and consumption of goods or services are related and who are not residents of an institution. The key consideration in determining when individuals or groups are a household (or economic unit) is whether they generate an income sufficient to sustain them, i.e., room, board and medical care. Pregnant teenagers living with a parent or guardian may qualify as their own economic unit if they have an income sufficient to support themselves.
	<i>Household size for pregnant women</i>	When determining a household size, count all pregnant women as two, or more for expected multiple births, unless a woman specifically waives the increase in number. This family size would apply when determining eligibility for all family members.
	<i>Income</i>	Gross income, including overtime, before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. The determination of the amount of a household's gross income shall not be considered reduced for any reason (e.g.; financial hardships, medical bills, child support).
	<i>Income averaging</i>	Method for assessing income eligibility of seasonal workers with fluctuating income.
	<i>Individual</i>	An applicant or a participant.

**BACKGROUND:** The statewide WIC Income Eligibility Criteria are 185% of the federal poverty income guidelines. Every year the Oregon State WIC Program sends local WIC programs an updated version of these income guidelines to be effective on or before July 1<sup>st</sup>. USDA authorizes an earlier implementation date to coincide with Medicaid or Oregon Health Plan (OHP) poverty standard implementation. Local programs will implement the new guidelines according to state instructions (usually April 1).

Local program staff shall determine each individual's income eligibility at the initial and subsequent certifications except for migrant farmworkers whose income is determined once, per family, per year. Refer to ♦615—Adjunct or Automatic Income Eligibility for income determination of migrant farmworkers.

Local program staff shall use **net** income to determine income eligibility for farmers and self-employed persons. Net income is determined by subtracting the operating expenses from the gross income.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*Income averaging* Local program staff shall income average when determining income eligibility for individuals who are seasonally employed, have fluctuations in income, or have an increase in their income. Refer to ¶8.0 of this policy for income averaging procedures.

**PROCEDURE:**

***Determination of income eligibility***

1.0 At the initial or subsequent certification appointments, first determine if an individual is automatically income eligible. Proof of adjunct income eligibility must be confirmed at the time of enrollment, the 30-day grace period **does not apply** in this circumstance. If adjunctively or automatically income eligible, refer to ♦615—Income Eligibility: Adjunct or Automatic Income Eligibility for procedures.

***Traditional income and household screening***

2.0 If an individual is not automatically income eligible, then use the traditional income and household screening procedure. An individual is considered income eligible when the household’s income is at or below 185% of the federal poverty guidelines. Refer to ¶4.0 of this policy for processing guidelines.

***30 days grace period for individuals certified for WIC***

2.1 An individual who has applied to be on the WIC program but failed to provide adequate proof of income at the initial appointment has 30 days to provide requested proof.

2.2 Check the “Eligibility Pending” box on the “Income Eligibility” tab in the “Client Processes” module in TWIST.

2.3 Explain and make sure the individual understands that s/he will be dropped from the program if s/he fails to bring in acceptable proof of income by the given date or if the information provided shows them to be over the WIC income standards. No written communication will be provided.

2.3.1 Verbally inform the applicant or provide written instructions on the 30-day grace period at the initial meeting. Include the date by which the individual has to return to the clinic with acceptable proof; and an explanation that program eligibility cannot be finalized until the individual brings in the required proof.

***Ask questions***

2.4 Ask questions to determine if the participant is able to provide the requested proof, or if the “No Proof Form For Special Situations” is needed (form 57-633).

***Examples of questions to ask***

Questions to ask the individual may include but are not limited to the following:

- Do you have documents showing acceptable proof of income?
- Do you know what kind of documents you need to show us?
- Are you able to return to the clinic with the required proof of income within 30 days?
- Are there any barriers that would prevent you from bringing in the proof within the next 30-days?

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

- (Examples of questions to ask:)*
- Termination from the program*
- Reassessment of income**
- If not automatically income eligible, use traditional income screening**
- 2.5 Continue to provide WIC services to the applicant during the 30-day grace period.
  - 2.6 Continue services for the appropriate certification period if the applicant provides proof within 30 days that her income meets the WIC income standards.
  - 2.7 Terminate services if the information provided by the applicant shows s/he is over the WIC income limit.
  - 2.8 The TWIST data system will automatically terminate applicants who were marked “Eligibility Pending” and who do not provide the required proofs within 30 days. If the applicant returns later with acceptable proof, they may be re-activated for the certification period beginning the month that food instruments were initially provided.
- 3.0 Local WIC programs shall reassess a participant’s income in certain situations. Reassessment is required if:
- 3.1 Information indicates the individual may have misrepresented income when applying to the program;
  - 3.2 The local program receives new information indicating the participant’s income has changed (see Policy ♦618—Income Eligibility: Change In Income.); or
  - 3.2 A household member reports:
    - A change in income or household size, whether during the individual’s certification period or during the certification of another family member.
    - A household member reports they are no longer receiving Food Stamps, TANF, or Medicaid (OHP).
    - A household member reports a change in custody, which then results in change of income or household size.
- 4.0 If the individual is not automatically income eligible, use the traditional income and household screening procedure.
- 4.1 Ask the individual the number of persons living in the household who are supported by the income. Refer to ¶5.0 of this policy for determining household size.
  - 4.2 Ask the individual the household’s current gross monthly income.
  - 4.3 If an applicant reports two or more sources of income and the incomes are not received at the same interval, staff may need to convert the information to common terms. See Appendix C.
  - 4.4 Consider the household’s income for a period including current month and prior eleven months for persons whose monthly income is higher than the state income guidelines due to seasonal employment or other income changes. Refer to ¶8.0 of this policy.
  - 4.5 Consider unemployment benefits as the household’s income during times of unemployment.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*(If not automatically  
income eligible, use  
traditional income  
screening:)*

- 4.6 Consider any special circumstances that may impact income status or household size (e.g., foster child, pregnant woman, teenage mother, military income, Medicaid applicant or participant, etc.).
- 4.7 An individual is income eligible when the household income is at or below the WIC income standards. Refer to ¶6.0 of this policy for guidelines on determining income. See Appendix D for the statewide WIC Income Eligibility Criteria.
- 4.8 Schedule a certification appointment for all income eligible applicants to assess nutrition risk eligibility and inform the applicant that proof of income, or participation in one of the four public assistance programs is required for the WIC program.
- 4.9 Provide guidance on the types of proof that will meet WIC's requirements.
- 4.10 Refer applicants who are not income eligible to other financial, food or medical services available.

***Household size***

- 5.0 Determine and document the individual's household size.

***Pregnant women***

- 5.1 First determine if the total household of the pregnant woman is within income limits. When determining household size, local program staff must count a pregnant woman as two, and in the case of multiple births, count each fetus as an additional member of the household. If the pregnant woman is determined income eligible, proceed with the medical/nutritional risk assessment. Refer to ¶10.0 of this policy and ♦625—Certification: Nutritional Risk Assessment.
- 5.2 If the pregnant woman is not income eligible, inform the applicant of the reason(s) for ineligibility. Refer to ¶11.0 of this policy for how to proceed.
- 5.3 Use the same household size when determining eligibility of other household member(s) of the pregnant woman.

**EXAMPLE 1:** Doris Mason is married and pregnant. She and her husband have an eight-month-old infant and a two-year-old child. Her total household size is 5.

**EXAMPLE 2:** Under the same scenario, if Doris' eight-month-old infant or her two-year-old child applies to participate in WIC, the household size of five will apply.

**EXAMPLE 3:** Molly Cules is a single mom expecting triplets. She also has a 10-month-old infant and a three-year-old child. Molly applied to be on WIC. Her household size is 6.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*Split custody* 5.4 When custody of a child is split, the child shall be considered a member of the household in which he or she lives a majority of the time (50 percent or more). A parent paying child support may not claim that child as a member of his or her household unless the child lives with that parent 50 percent or more of the time.

*Joint custody* 5.5 In joint custody, when a child lives with each parent 50 percent of the time, consider the child a member of the family who applies for WIC services first. Local programs can count the child as a member of only one household, and should screen for dual participation if the other parent applies for WIC services. Assess only the income of the family in which the child is counted when determining eligibility. Inform the family that the food should go with the child when he or she is with the other parent.

**EXAMPLE:** Tiffany Sands' mother and father have joint custody of her. Tiffany lives one week with her mother, Laura Sands, and one week with her father, Kurt Murphy.

Tiffany's mother has Tiffany certified to receive WIC services. Her full set of food instruments go to her mother each month. Tiffany's father cannot bring Tiffany in and have her certified again. Ideally, her mother and father would arrange for Tiffany to receive WIC food benefits continually over the month. If sharing of the food cannot be arranged, the local program may choose to tailor the food package to reflect an appropriate amount of food for the time spent in the certifying household.

Tiffany's father, Mr. Murphy, is now living with Amy Klein. They have a son, Ryan. If Mr. Murphy and Ms. Klein apply to enroll Ryan for WIC services, the WIC program should not count Tiffany as a member of their household because she can be counted as a member of only one household.

*Foster children or legal guardian* 5.6 Consider foster children for whom an agency has legal responsibility as a one-member household. Payments made by the agency for foster care of the child count as the only income to the household.

*Adopted children* 5.7 Count adopted children (for whom the family has accepted legal responsibility) as members of that household.

*Homeless & Institutionalized* 5.8 Individuals or families living in an institution or homeless facility may apply as their own household, without including non-related members of the institution in their household size.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*Teens*

5.9 Pregnant teens and teen mothers are **not** automatically eligible for WIC services. Determining the appropriate household size of a teenage applicant requires the judgment of the income screener; these cases are rarely simple or clear-cut. The key consideration in determining when individuals or groups are a household (or economic unit) is whether they generate an income sufficient to sustain them, i.e., room, board and medical care. Pregnant teenagers living with a parent or guardian may qualify as their own economic unit if they have an income sufficient to support themselves.

5.9.1 To expedite service, it may be simplest to first determine if the total household (teenagers, parents, and others) is within the income limits. If it is, consider the teenager income eligible and proceed with the medical/nutritional risk assessment.

5.9.2 If the total household is not income eligible, the teenager **may** be able to qualify as her own household.

5.9.3 Determine if her parents are supporting the teenager; if so, the parents and their income should be included in the household. Factors that indicate the teenager is being supported include:

5.9.3.1 The teenager is living in her parents' house without paying anything toward rent or food, and the parents are contributing toward what she needs for health care during pregnancy.

5.9.3.2 The teenager is living in a separate dwelling from her parents, but generates no income and is dependent for survival on what her parents (or other family) contribute.

*Teenager supported  
by parents*

*Teenager as own  
household*

5.9.4 Local programs must decide whether the teen has an adequate income to provide full support. If so, consider the teen as her own household, without including her parents' income.

5.9.4.1 The teenager is living with her parents but generates income sufficient to provide room, board and medical care (or provides a service of equivalent value, such as babysitting or cleaning).

5.9.4.2 If a teenager is living in her parents' house but is not receiving full support from them, to the degree that she cannot afford the food or services to allow her a healthy pregnancy, consider the teenager as her own household. Any cash support provided by the parents should be considered income.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*Teenager's living situations*

5.10 Ask a variety of questions to gather sufficient information about the teenager's living situation and then make a reasonable determination of the individual's "household size."

*Teenager living apart from, but supported by parent*

5.10.1 Chelsea Sears applies to Serene County WIC clinic. Ms. Sears is 16 and pregnant, and lives with her boyfriend in an apartment. Neither has any income; both are looking for work. Her father gave her the money for the down payment on the apartment; she is still covered under her father's health insurance.

Ms. Sears' income determination should include her father as part of her household, and should include his income. If Ms. Sears or her boyfriend begins generating income and they can continue to live in their own apartment without regular support from her father, she could reapply. Only she and her boyfriend would be included in the household for which income is calculated, even if she continues on her father's insurance.

*Teenager with parents, general income*

5.10.2 Mariah Hedricks applies to Serene County WIC for WIC services. She is 16 and pregnant. Ms. Hedricks lives with her parents; she and her boyfriend are engaged and plan to be married after the baby is born. Ms. Hedricks is working and pays for room and board. Her fiancé is not working full time, but does occasional car repair jobs. He contributes toward saving for the apartment and supplies for after the baby is born. Serene County Health Clinic is providing Ms. Hedricks' pre-natal care.

Ms. Hedricks and her fiancé should be considered a household. Any income generated by Ms. Hedricks or her fiancé should also be included.

*Absent military service*

5.11 Military personnel serving overseas or assigned to a military base and temporarily absent from the home should be considered members of the household and income received by military personnel should be counted as income to the household.

**EXAMPLE:**

Tiffany Glass is applying for WIC services for her family. Her husband is in the Army and is currently assigned for 6 months to a military base in Texas. For determination of WIC eligibility, even though Tiffany's husband is not currently living with his family, consider Tiffany's husband as part of the economic unit and count his military income as part of the household.

## INCOME ELIGIBILITY: Determination of Income Eligibility, *cont.*

*Military service  
personnel on  
combat duty*

- 5.12 Military personnel stationed overseas or absent from the home on hazardous or combat duty may receive additional military compensation on a temporary basis which may cause military families to report a higher income at the time of application for WIC benefits than existed prior to a military deployment. Consider the income of the military family during the past 12 months as a more accurate indicator of the family's income rather than at the current income rate.

**EXAMPLE:**

Tiffany Glass is applying for WIC services for her family. Her husband is in the Army and is currently on tour in the Middle East for 6 months. Tiffany's husband receives additional military compensation from the Army for the 6 months that he is on combat duty in the Middle East. Consider the temporary increase in pay a fluctuation in income and use income averaging to determine the eligibility of the applicant. When income averaging, the income for the preceding eleven months plus the income for the current month should be considered as a 12 month period.

*Layoffs*

- 5.13 An employee layoff can be a temporary or permanent event. A temporary layoff would be a condition that is intended to last only a short period of time. A permanent layoff would be a condition that is reported by the applicant to last indefinitely such as a business closing or a reduction in the workforce. Consider a temporary layoff as a fluctuation in income and use income averaging to determine income eligibility for the applicant. When income averaging, the income for the preceding eleven months plus the income for the current month should be considered as a 12 month period. For a permanent layoff, use zero income for the household member for the month following the layoff. Follow the procedures for determining income eligibility when there is zero income. In most cases, a household's financial circumstances change and do not remain at zero indefinitely. The applicant should be reminded to report any changes in income to the WIC office, including any unemployment compensation. The WIC office should also refer the applicant to other sources of aid and assistance.

**EXAMPLE 1:**

Alice Lamb is 3 months pregnant and applying for WIC benefits for herself and her family. She indicates that her husband's company has decided to lay off workers for three months until the high-tech company can restructure. This is the first month of the layoff. Use income averaging to determine income eligibility for the WIC program. Use the income for the preceding eleven months plus the income for the current month for a total of twelve months. The income for the current month could be zero.

## INCOME ELIGIBILITY: Determination of Income Eligibility, *cont.*

*(Layoffs:)*

### EXAMPLE 2:

Anita Smith is applying for WIC benefits for herself and her children. She indicates that the company where she has been employed for the past three years has closed permanently. Mrs. Smith had waited until the second month of the layoff to apply for WIC benefits. Consider Mrs. Smith's current month's income as zero income for the month. Follow the policy guidelines for applicants that report zero income. Remind Mrs. Smith to report any changes that might occur in her monthly income to the local WIC office. Mrs. Smith should also be referred to other sources of aid and assistance.

*Strikes and lockouts*

- 5.14 A strike is a temporary labor dispute that could force an employee to have reduced or no income until the labor negotiations resolve the dispute. A **lockout** occurs when the employer decides to close the business during a labor dispute and will not open the business until after the dispute is resolved. Consider a strike or a lockout as a fluctuation in income and use income averaging to determine income eligibility for the applicant. When income averaging, the income for the preceding eleven months plus the income for the current month should be considered.

Usually an employee lockout occurs if the employer recognizes the labor dispute is long term. A strike can also become a long term period of unemployment. When the applicant identifies that the strike or lockout has occurred and will last for several months, consider the household member to have zero income for the months of the strike or lock-out. Follow the policy procedures for determining income eligibility when there is zero income. In most instances, a household's financial circumstances change and do not remain at zero indefinitely. The applicant should be reminded to report any changes in income to the WIC office. The WIC office should also refer the applicant to other sources of aid and assistance.

### EXAMPLE 1:

Joe Smith's company is currently negotiating a contract with their employees. Employees have decided to strike until the employee demands have been met, negotiations have concluded and a new contract is in place. Negotiations should be complete with the company within the month. Nancy Smith has applied for WIC benefits. Consider Joe's company strike as a temporary fluctuation in income and use income averaging to determine income eligibility for the applicant. When income averaging, the income for the preceding eleven months plus the income for the current month should be considered. The income for the current month could be zero.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*(Strikes and lockouts:)*

**EXAMPLE 2:**

Tina Jack is applying for WIC benefits for her family. Last month her husband's employer closed the business until contract negotiations were resolved. The employer indicated that the company would not reopen until negotiations were complete and the negotiations will take at least 4 months. Consider the household member to have zero income for the months of the lockout. Follow the policy procedures for determining income eligibility when there is zero income. In most instances, a household's financial circumstances change and do not remain at zero indefinitely. The applicant should be reminded to report any changes in income to the WIC office and Tina should be referred to other sources of aid and assistance.

***Determining income***

6.0 Determine and document the applicant's household income. For WIC eligibility, income is total gross income (before taxes).

6.1 Use a weekly, monthly, half-yearly, or yearly figure—whichever best captures the family's income at the time they are applying for WIC services.

6.1.1 Include periods of unemployment in income calculation. Include lay-offs, maternity leave, or seasonal work, if applicable.

6.1.2 Yearly income (or annualized income) is most appropriate if household income fluctuates due to seasonal work or periodic layoffs.

6.1.3 Do not include changes in income that may happen in the future.

**EXAMPLE:**

Anne Parsons is applying for WIC services. She is on maternity leave and receiving no income. She expects to go back to work in two months; once she is working, her income puts her over the WIC income limits.

WIC income guidelines allow the WIC income screener to consider Ms. Parson's income what she made over the last year/six months **or** her current monthly income, which would be zero. The screener should use the time period, which most accurately reflects Ms. Parson's economic situation.

WIC income guidelines would **not** allow the screener to count six months in the future, when Ms. Parsons may return to work, and exclude her from services.

**INCOME ELIGIBILITY: Determination of Income Eligibility, *cont.***

<b>This is a summary. See Appendix A and B for a complete list.</b>	
<b>Consider as income</b>	<b>Do <u>NOT</u> consider as income</b>
Money paid for services (gross wages, salaries, tips – before tax)	<b>Military allowance for on- or off-base housing or living expenses</b>
Social security benefits, including SSI payments for disabled individuals	<b>Food stamps, other payments from National School Lunch Act programs</b>
Dividends or interest on savings, bonds, incomes from trust	<b>Federal job training program payments</b>
Public assistance, welfare payments	<b>Federal volunteer programs</b>
Unemployment compensation	<b>Federal child care programs</b>
Pension or retirement income (civilian or military)	<b>Federal or state housing &amp; energy assistance programs</b>
Alimony or child support	<b>Federal compensation to Native Americans</b>
Regular contributions from people not living in the household	<b>Federal compensation for other claims, relocation, disaster, or injury</b>
Net rental income and royalty income	<b>Federal old age assistance</b>
Federal student loans beyond attendance costs	
Net income from farm or self-employment	<b>Federal student loans covering attendance costs</b>
Other cash income	<b>Other federal education assistance</b>
	<b>One-time, lump sum payments, such as insurance settlement or property sale.</b>

- Salary*                      6.2      Salary is gross pay before any deductions, including deductions for tax, social security, or insurance. It includes payment for work made directly to the worker with no taxes withheld, such as childcare done in the home.
- Social Security*                      6.3      Social Security payments made to any member of an applicant’s household counts as income. Income also includes SSI for developmentally disabled or disabled individuals paid to an applicant or another member of the applicant’s household.
- Interest*                      6.4      The dividends or interest on savings or bonds, incomes from estates or trusts are considered income. Any amount of capital that is **regularly withdrawn** and used to cover household living expenses is also counted as income.
- Retirement income*                      6.5      Pension or retirement payments (such as retirement income received by grandparents or other household members, if part of the household supporting the WIC recipient), are considered income. This includes:

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*(Retirement income:)*

- 6.5.1 Private pensions or annuities.
- 6.5.2 Government civilian employee pensions.
- 6.5.3 Military employee's pensions, including veteran's payment.

*Alimony, child support*

- 6.6 USDA regulations require that child support or alimony be considered as income to households receiving it, and **not** deducted from the income of the household paying it.

**EXAMPLE:**

Jim Pierce pays \$250 a month in child support to Sherry Miller for their daughter Amy. If Sherry Miller applies for WIC, her income includes the \$250 child support payment. If Jim Pierce applies for WIC for a child other than Amy, his income also includes the \$250 he pays in child support. It is not deducted from his total income. Jim Pierce cannot count Amy as a member of his household unless she lives with him 50 percent or more of the time.

- 6.7 Regular contributions from people not living in the household include any support made regularly enough that the applicant depends on it.

*Student loans*

- 6.8 That part of student loans or grants funded under Title IV of the Higher Education Act of 1965 is not considered income when calculating WIC income eligibility.
  - 6.8.1 Attendance costs paid for by the student loan are not considered income. Attendance costs are defined as regular tuition and fees for students carrying at least a half-time workload as determined by the institution, plus an allowance for books, supplies, and transportation required by the course of study. Attendance costs do **not** include paying room, board, or dependent childcare.
  - 6.8.2 Title IV student loan or grant amounts beyond attendance costs should be considered as income when figuring WIC program eligibility.
  - 6.8.3 Title IV financial assistance includes: Pell Grants, Supplemental Educational Opportunity Grant (SEOG), College Work-Study, Perkins Loans, Stafford Loans, and PLUS Loans/Supplemental Loans for Students.

**EXAMPLE:**

Julie Rose is getting a \$5,000 PLUS Loan for attending college. Her tuition is \$3,000, books \$500, and transportation to and from school \$500, for a total of \$4,000. The portion of the loan counted as income in determining her eligibility for WIC is \$1,000 (\$5,000 - \$4,000 attendance costs = \$1,000 income).

- 6.8.4 Any other type of financial assistance provided directly to the individual is considered income.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

*Farms,  
self-employment*

- 6.9 Net income is gross income minus business-related expenses, such as those deducted when filling out a 1040 tax form. The applicant's most recent completed tax return can indicate net income, but because conditions in farming and self-employment may change rapidly, you should update that information with the applicant's best estimate if s/he feels this year's income will be significantly different.

The intent is to exclude business and farm expenses from income counted for WIC eligibility.

**EXAMPLE:**

Sue Meers has started her own beauty shop, which generates \$1,500 income a month. Sue estimates that the business-related expenses she will report on her 1040 will be about \$500, for rent, supplies, and utilities. Sue's net monthly income, for determining WIC eligibility, is \$1,000 (\$1,500 gross income - \$500 business-related expense).

*Payments made by  
the military*

- 6.10 Any payment received directly by an applicant or participant employed by the military to cover on- or off-base housing is **not** counted as income when determining WIC eligibility in Oregon. Federal regulations give states the option to not include this kind of allowance as income, so some states count it and some do not. Oregon does not.

Payments made directly to a service man or woman and appearing on the employee's Leave and Earnings Statement (LES) as Basic Allowance for Housing (BAH) is not counted as income when determining WIC eligibility in Oregon.

**EXAMPLE:**

The army pays Margaret Hoolihan \$1,950 a month. This check includes \$450 per month for housing because she lives off-base. This \$450 appears in her pay check each month and is listed on the LES as BAH. The income used in determining Ms. Hoolihan's WIC eligibility is \$1,500 (\$1,950 less \$450 housing allowance).

*Lump sum payments  
as income*

- 6.11 Apply the following guidelines when determining how to treat lump sum payments for WIC income eligibility.

6.11.1 **Do not count** as income lump sum payments that represent reimbursements for lost or damaged property or payments for medical bills resulting from an accident or injury.

6.11.2 **Count** as income lump sum payments that represent new money intended for income such as gifts, inheritances, lottery winnings, workman's compensation for lost income, and severance pay. In most cases, the lump sum should be counted as a part of the household's annual income, or divided by twelve to estimate a monthly income.

## INCOME ELIGIBILITY: Determination of Income Eligibility, *cont.*

*(Lump sum payments  
as income:)*

- 6.11.3 If the lump sum payment does not easily fall into either category, but may in fact represent both, then determine what portion of the payment is a reimbursement and what portion is considered new income.
- 6.11.4 Ask the individual to declare the amount that represents a reimbursement and the amount that represent new money intended as income if lump sum payment represents both categories.
  - Count the amount indicated as new money.
  - Do not count the reimbursement amount.
- 6.11.5 Assess the individual's income eligibility based on WIC income eligibility standards.
- 6.11.6 Do not count the amount as part of the applicant or participant's income for WIC eligibility if the lump sum payment is considered a reimbursement payment.
- 6.11.7 Add the lump sum payment to household's annual income and divide by 12 to determine a monthly income if the lump sum payment is intended as income.
- 6.11.8 Document the lump sum payment.

***Zero income*** 7.0

All individuals declaring zero income should be thoroughly interviewed regarding their living circumstances and how they obtain basic living necessities such as food, shelter, medical care and clothing. Local WIC programs can assist individuals at zero income not only through the provision of WIC services but also through crucial referrals to local sources of aid and assistance.

Given WIC's definition of family size and income, zero income should occur rarely and usually on a temporary basis. To assure that WIC eligibility rules are correctly applied, thorough screening and appropriate interviewing are necessary.

- 7.1 If an individual reports zero income, ask additional questions to determine if there is any financial or other support for living expenses.
  - In most instances, a household's financial circumstances change and do not remain at zero income indefinitely.
  - If there is support provided by other or resources which are readily available to the applicant, such as cash amounts received or withdrawn from any source (including savings, investments, trust accounts, etc.), staff shall consider this information for income eligibility determination.
  - Tell the applicant that any change in income must be reported to the WIC program.

## INCOME ELIGIBILITY: Determination of Income Eligibility, *cont.*

- (Zero income:)
- 7.2 Follow procedures for income eligibility determination as stated in this policy
- 7.3 Ask the individuals reporting zero income to describe in more detail their living situation and how they obtain basic living necessities.
- Examples of questions to ask*
- How are you paying for or receiving food to eat? Shelter and clothing? Medical care?
  - Are you or a member of the household participating in TANF, Food Stamps, or Medicaid?
  - How are you paying for your bills such as rent, electricity, water, and telephone?
  - How long has the family been without income?
- 7.3.1 Staff may consider averaging the income for the last twelve months.
- Required documentation*
- 7.4 Document zero income in the individual's record when the individual has zero income and no other financial support.
- No Proof Form for Special Situations*
- 7.5 Complete the form, "*No Proof From For Special Situations,*" (form 57-633) including a statement of why there is no proof.
- 7.5.1 Ensure the individual understands what they are reading and signing.
- 7.5.2 Have the individual read the statements on the form and sign the form.
- 7.6 Refer the individual to financial, food and medical assistance programs available.
- Income averaging*** 8.0 Local program staff shall income average when determining income eligibility for individuals who are seasonally employed, have fluctuations in income, or have an increase in their income. When income averaging, the income for the preceding eleven months plus the current month is considered, a total of twelve months. The projected income for future months is never used.
- It is not required that staff income average if the reported monthly income meets income eligibility without averaging.
- 8.1 Divide the total income by number of months reviewed. Use the "Averaging" button on the "Income Eligibility" tab in the "Client Processes" module in TWIST or use the "*Income Averaging Form*" on the back of the "*No Proof From For Special Situations*"(form 57-633).
- 8.2 Document the household size and averaged monthly income in TWIST.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

- (Income averaging:)
- 8.3 Enter which document was seen for proof of income on the “Income Eligibility” tab in TWIST.
  - 8.4 Local programs may income average for up to a 12-month period. However, income for the 12-month period may not always be available. In such special situations, local programs may use a smaller number of months to determine current income.

**EXAMPLE:**

A construction worker who brings in the current month’s income is determined to be over income, but when averaged over an additional six-month period, is determined to be within the WIC income guidelines. In this case, divide the total salary earned over the number of months reviewed (7 months). The applicant may use a pay stub from a representative month and self-declare income for other months averaged. Staff shall complete the “No Proof Form for Special Situations” for those months without documentation as well as for the months when there is zero income, with the reason why no proof is available for those months. Staff shall explain the content of the form to the individual and have the individual sign and date it.

- 8.6 Refer applicants who are not income eligible to other financial, food or medical services as appropriate.
- 8.7 Refer to ♦616—Income Eligibility: Verification, Proof and Documentation of Income Eligibility, for information regarding procedures to follow if there is reasonable evidence of inaccurate information provided by an individual.

**WIC income eligibility standard** 9.0 See Appendix D for the current Statewide WIC Income Eligibility Criteria. This same information is used in TWIST to automatically determine if an individual is income eligible for WIC.

**Income eligible** 10.0 If the applicant is income eligible:

- 10.1 Screen applicants for medical or nutritional risks according to guidelines in ♦625—Certification: Nutritional Risk Assessment.

**Not income eligible** 11.0 If the applicant is **not** income eligible, the TWIST data system will display a message that the applicant is not income eligible.

- 11.1 Give the applicant a written reason for ineligibility and notice of how to apply for a fair hearing. The Ineligibility Notice can be printed from TWIST, or staff may use the “WIC Ineligibility Letter” (form 57-607).

- 11.1.1 Written notice is required only after a formal income screening. Written notice is not required for an informal screening over the phone to help an applicant determine if it is worth her time to come in to the WIC office for a formal income assessment.

**INCOME ELIGIBILITY: Determination of Income Eligibility, cont.**

***Record retention*** 12.0 Keep documentation on file according to ♦426—Record Retention Period.★

**If you need this in large print or an alternate format,  
please call (971) 673-0040.  
WIC is an equal opportunity program and employer.**

## **What Is Included as Income**

Income **includes** the following:

- a. Money received for services including wages, salary, commissions, or fees, and overtime where applicable.
- b. Disability payments including L & I payments.
- c. Social security benefits, including SSI payments for disabled individuals.
- d. Dividends or interest on savings, bonds, estates, or trusts; or net rental income.
- e. Public assistance or welfare payments.
- f. Unemployment compensation.
- g. Government civilian employee or military or veteran's payments.
- h. Payouts from private pensions or annuities.
- i. Alimony or child support payments.
- j. Regular contributions from persons not living in the household.
- k. Net royalties.
- l. Other cash income which includes, but is not limited to, cash amounts received or withdrawn from any source, including savings, investments, trust accounts, and other resources which are readily available to the family.
- m. Lump sum payments that represent new income such as gifts, inheritance, lottery winnings, workman's compensation for lost income and severance pay. (Refer to Lump Sum Payments on ¶6.0 of this policy.
- n. Cash amounts withdrawn from Indian Trust Funds.
- o. Student loans and grants in excess of attendance costs. Attendance costs are regular tuition and fees for students carrying at least a half-time workload as determined by the institution, and an allowance for books, supplies, and transportation required by the course of study.
- p. All private student grants.
- q. Military cash allowances for uniforms and food.
- r. Net income from farm and non-farm self employment.

## **What is Not Included as Income**

Income does **not include** the following:

- a. Student loans and grants used for tuition, student fees, the costs for rental or purchase of any required equipment, materials or supplies, books, transportation and miscellaneous personal expenses for a student attending the institution on at least a half-time basis.

Following are examples of student loans and grants that are not counted as income:

1. Pell Grant
  2. Supplemental Educational Opportunity Grant (SEOG)
  3. State Student Incentive Grants
  4. Stafford Loans
  5. Perkins Loans
  6. PLUS
  7. Supplemental Loans For Students
  8. College Work Study
  9. Byrd Honor Scholarships
- b. Payments or allowances received from the Low-Income Home Energy Assistance Act of 1980.
  - c. Military housing allowances.
  - d. In-kind housing or other in-kind benefits and payments (e.g. military on-base housing, medical services, etc.).
  - e. The value of benefits received through the Farmers' Market Nutrition Program.
  - f. The value of assistance to children or their families from the following programs.
    1. School Lunch Program
    2. Summer Food Service Program
    3. Child and Adult Care Food Program
    4. Special Milk Program
    5. School Breakfast Program
    6. Food Stamp Program
    7. Food Distribution Program (on Indian Reservations)
    8. Food Bank Programs
  - g. Any child care payments from the following programs:
    1. TANF Child Care Program
    2. Title IV-A Child Care Program
    3. JOBS Child Care Program
    4. At-Risk Child Care Programs
    5. Child Care Development Block Grant
    6. AFDC Child Care Program
    7. Any program under Section 402 of the Social Security Act; At-Risk Child Care Program (section 5081 of Public Law 101-508)

**What is Not Included as Income, cont.**

- h. Lump sum payments that represent reimbursements including those received from insurance companies for loss or damage of property and payments of medical bills resulting from an accident or injury. Refer to pages 617.10 and 617.11, ¶6.0 of this policy.
- i. Earned Income Credit (EIC), a tax credit for families who work and have children.
- j. Payments received under the Job Training Partnership Act from the following programs:
  - 1. Adult and Youth Training Programs
  - 2. Summer Youth Employment and Training Programs
  - 3. Dislocated Worker Programs
  - 4. Programs for Native Americans
  - 5. Migrant Seasonal Farm-workers Program
  - 6. Veterans Employment Programs
  - 7. Job Corps
- k. Payments received under the Alaskan Native Claims Settlement Act.
- l. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes.
- m. Any payments to volunteers under Title I and Title II of the Domestic Volunteer Service Act of 1973 (VISTA, Retired Senior Volunteer Program, foster grandparents, Senior Companions Program, and others) or the Small Business Act.
- n. Payments to volunteers under Section 8 of the Small Business Act (SCORE and ACE).
- o. Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989.
- p. Payments related to federal education assistance as follows: payments received under the Carl D. Perkins Vocational Education Act and the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990; mandatory salary reduction amount for military service personnel to fund the G.I. Bill.
- q. Payments received due to the Agent Orange Compensation Exclusion Act.
- r. Payments received from Wartime Relocation of Civilians under the Civil Liberties Act of 1988.
- s. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- t. Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in the excess of \$2,000.
- u. Payments received under the Judgment Award Authorization Act.

**What is Not Included as Income, cont.**

- v. Payments received under the Veteran's Educational Assistance Act of 1984 (GI Bill) as amended.
- w. Payments received under the Cranston-Gonzales National Affordable Housing Act, unless the family's income equals or exceeds 80% of the median income of the area (see box below).
- x. Payments received under the Housing and Community Development Act of 1987, unless the family's income increases at any time higher than 50% of the median income of the area (see box below).

The "median income of the area" is determined by the Housing and Urban Development (HUD) agency. All recipients of payments under the Cranston-Gonzales National Affordable Housing Act and the Housing and Community Development Act of 1987 have incomes below 80% and 50% of the area, respectively. Therefore, these payments would not be counted as income for WIC eligibility purposes. Federal law requires that this information be stated in the WIC Program Manual.

- y. Federal compensation to the following Native American groups: Warm Springs Tribe (up to \$2,000 maximum for each payment); Yakima Indian Nation (Indian Claims Commission Payment); Apache Tribe of the Mescalero Reservation (Indian Claims Commission Payment); Navajo and Hopi Tribe (relocation assistance); Blackfeet, Grosventre, and Assiniboine Tribes (Montana); Papago Tribe (a.k.a. Tohono O'odham Nation, Arizona); Chippewas: Mississippi, Michigan, Red Lake, Saginaw, Turtle Mountain; Sac and Fox Indian (claims agreement); Passamaquoddy Tribe and Penobscot Nation (Maine Indian Claims Settlement Act, 1980); and Ottawa Indians, Grand River Band. Payments received under the Judgment Award Authorization Act, or income from submarginal U.S. land held in trust for certain Indian tribes.
- z. Short-term, non-secured loans to which the applicant does not have constant or unlimited access.

## **Calculating Total Household Income**

**If current income is reported as other than a monthly figure, the following calculations can be made:**

<b>Frequency</b>	<b>To Obtain Monthly Income</b>	<b>To Obtain Annual Income</b>
Weekly	Multiply by 4.3	Multiply by 52
Bi-weekly (every 2 weeks)	Multiply by 2.15	Multiply by 26
Semi-monthly (2x a month)	Multiply by 2	Multiply by 24
Monthly	N/A	Multiply by 12
Quarterly	Divide by 3	Multiply by 4
Annual	Divide by 12	N/A
Hourly	Rate x hours per week x 4.3	Rate x hours per week x 52
Daily	Rate x 5 (or number of workdays per week) x 4.3	Rate x 5 (or number of workdays per week) x 52
Lump Sums	Divide by 12	



**OREGON WIC PROGRAM  
Income Eligibility Criteria  
Effective April 1, 2009**



**The WIC income standard is 185% of the federal poverty level.**

Number of Person(s) In Household	Gross Household Income		
	Annual	Monthly	Weekly
1	\$20,036	\$1,670	\$386
2	\$26,955	\$2,247	\$519
3	\$33,874	\$2,823	\$652
4	\$40,793	\$3,400	\$785
5	\$47,712	\$3,976	\$918
6	\$54,631	\$4,553	\$1,051
7	\$61,550	\$5,130	\$1,184
8	\$68,469	\$5,706	\$1,317
Each additional household member add:	+ \$6,919	+ \$577	+ \$134

**Household:** means a person or group of people, related or not, who usually (though not necessarily) live together and whose income and consumption of goods and services are related. In determining the size of household for a pregnant WIC applicant, count each fetus as an additional household member, unless the woman specifically waives the increase in number.

**Income:** means gross income, including overtime, before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. The determination of the amount of a household's gross income shall not be considered reduced for any reason (e.g., financial hardships, medical bills, child support).

Determining Income Eligibility

