

INCOME**WINDFALLS**

Description: Windfall payments are one time only payments. They include, but are not limited, lottery winnings, gifts and court settlements.

Policy: Treatment of windfall payments, in the month of receipt, varies depending on the category of the A/R. When determining eligibility for LIF and ADC-related A/Rs, windfall payments are generally considered countable resources in the month received. When determining eligibility for **SSI-related** and S/CC A/Rs, windfall payments are considered countable income in the month received.

Essential expenses incurred when attaining a payment are deducted from that payment. Essential expenses are deducted from the first and any subsequent payments until the expenses are met. From a payment received for damages in connection with an accident: legal, medical, and other expenses connected with the accident are allowable deductions.

When any or all of a windfall payment is retained beyond the month of receipt, it is considered a resource, regardless of the A/R's category.

References: SSL Sect. 366.2.

ADMs OMM/ADM 97-2
92 ADM-11

Disposition: For LIF and ADC-related A/Rs, in the month of receipt and thereafter (if the windfall or part of it is retained), the amount of the windfall payment is combined with the A/R's other countable resources and compared to the appropriate resource level. (See page 339 for rules regarding the treatment of excess resources).

For **SSI-related** and S/CC A/Rs, windfall payments are considered income in the month of receipt. The windfall is combined with any other countable income. Allowable disregards are subtracted. The remaining income is compared to the appropriate income level or Public Assistance Standard of Need as applicable. (See page 121).

When an **SSI-related** or S/CC A/R retains any or all of a windfall payment beyond the month of receipt, it is considered a resource. Together with other countable resources, the windfall is compared to the appropriate resource level.

**INCOME
UNEARNED****INDIVIDUAL SUPPORT SERVICES DISREGARD**

Description: The Individual Support Services (ISS) program under the Office of Mental Retardation and Developmental Disabilities (OMRDD) assists people remaining in or being placed into the community to help meet their needs. ISS provides assistance to help individuals achieve or maintain self-sufficiency, including reduction or prevention of dependency, and to prevent or reduce inappropriate institutional care.

Interpretation: ISS payments are disregarded in determining eligibility for Medicaid for all categories.

References: *INFs* **95 INF-23**