

INCOME**S/CC DISREGARDS**

- c. a partnership interest;
- d. land or an interest in land; and
- e. an interest in a settlement trust.

NYS DEPARTMENT OF LABOR PAYMENTS - Payments from Youth Education, Employment and Training Programs (Department of Labor programs).

OVERPAYMENTS - The amount of income that is withheld to recover a previous overpayment is not income if the individual received Medicaid at the time of the overpayment and the overpayment amount was included in determining the individual's Medicaid eligibility.

PERSECUTION PAYMENTS - Benefits received by eligible Japanese-Americans, Aleuts, or Pribilof Islanders under the Civil Liberties Act of 1988, the Wartime Relocation of Civilians Law, and the Aleutian and Pribilof Islands Restitution Act.

Payments made to individuals because of their status as victims of Nazi persecution, including: German Reparation Payments; Austrian Reparation Payments made pursuant to sections 500-506 of the Austrian General Social Insurance Act; and Netherlands Reparation Payments based on Nazi, but not Japanese, persecution.

PREVENTATIVE HOUSING SERVICE - Payments provided as a preventive housing service under 18 NYCRR 423.4(l).

ROOM AND/OR BOARD - The first \$60 per month of any income from each boarder and the first \$15 per month from each roomer (lodger). If the A/R can document that the actual expenses incurred in providing the room for the roomer, exceeds \$15 per month, or that the actual expenses incurred in providing room and board for a boarder exceeds \$60 per month, then the actual documented expenses are disregarded (see page 126).

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STUDENTS - **Earned Income** - Student earned income is generally countable.

Note: *Persons under 21 are not related to the S/CC category. They are generally categorically related to ADC/LIF categories.*

Graduate Educational Grants or Scholarships - Educational grants, fellowships or scholarships for a graduate student, obtained and used for educational purposes only. This precludes their use for meeting current living expenses. The student must attest to this in writing. ***The language of the attestation attached to 83 ADM-67 must be used without change.***

When an A/R is in receipt of a graduate assistantship, the local district receives verification from the financial aid office involved to determine if the assistantship is considered employment or an educational grant. If the assistantship is a grant, it is treated as outlined in the previous paragraph. When the assistantship is considered employment, the A/R receives any appropriate earned income disregards (see page 210), but additional deductions for educational expenses are not allowed.

School Meals - The value of free school meals.

Student Loans - Student loans received by a graduate or undergraduate student.

Undergraduate Educational Grants, Scholarships or Work-Study - Educational grants, scholarships, fellowships or work-study for undergraduate students.

NOTE: This does not apply to V.A. Educational Grants which are part of the G.I. Bill and which provide a monthly allowance for support while veterans are enrolled in school. Only specific education-related expenses such as tuition, books, school fees, transportation, etc., are exempt for recipients of G.I. Bill educational money. The remainder is considered available unearned income in determining eligibility for Medicaid.

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SUPPORT PAYMENTS - The first \$50 of current ***total household support payments, including child support and alimony***, in any month including support payments collected and paid to the family by the local district.

U.S. CENSUS - Earnings from census employment.

TRADE READJUSTMENT ALLOWANCE (TRA) - TRA benefits are paid as part of Unemployment Benefits (UIB). When an A/R loses his/her job as the result of import competition, s/he may qualify for a TRA allowance. When an A/R is receiving a TRA allowance, as part of his/her UIB, for transportation and/or books for the purpose of attending training, the TRA benefit is exempt.

VIETNAM VETERANS - Agent Orange Settlement Fund - Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the Agent Orange product liability litigation, and payments from court proceedings brought for personal injuries sustained by veterans resulting from exposure to dioxin or phenoxy herbicide in connection with the war in Indochina in the period of January 1, 1962 through May 7, 1975.

Children - Monthly allowances paid to certain Vietnam Veterans' Children with Spina Bifida.

VISTA - Payments received by VISTA volunteers under Part A of Title I of Public Law 93-113 (VISTA) are disregarded as income and resources in determining eligibility and degree of need, provided that all of the VISTA payment is to be counted as income when the Director of the ACTION agency determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage.

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VOLUNTEER PROGRAM PAYMENTS - Payments received by participants in volunteer programs under Title II of P.L. 93-113 (Domestic Volunteer Services Act of 1973). These include: retired senior volunteer, foster grandparent, senior companion and senior health aid programs. Payments made in the form of stipends, allowances and/or reimbursements for incurred expenses are disregarded when determining Medicaid eligibility.

Payments received by participants in volunteer programs established under Title III of P.L. 93-133. These include the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) programs.

WORK EXPENSE - \$90 work expense from earned income (see page 222).

References:

- SSL Sect. 366.2
366.3
- Dept. Reg. 352.22
360-4.6(a)(1)
360-4.6(a)(3)
- ADMs **01 OMM/ADM-6**
OMM/ADM 97-2
97 ADM-23
94 ADM-10
92 ADM-43
92 ADM-42
92 ADM-32
92 ADM-11
91 ADM-8
90 ADM-3
84 ADM-21
84 ADM-1
81 ADM-38
- INFs 95 INF-30
94 INF-7
90 INF-33

INCOME**S/CC DISREGARDS**

LCMs	95 LCM-53 92 LCM-120
GISs	98 MA/017 98 MA/016 95 ES/DC006

Interpretation:

The kinds of income listed previously are not considered in determining eligibility for Medicaid for the S/CC category. Only available income is counted in the determination of eligibility. Page 388 discusses availability of income in more detail.

Note: S/CC-related categorical disregards are excluded when determining gross countable income for individuals living alone or couples applying for Family Health Plus.

Documentation:

The source and amount of income disregards are documented in the case record and a notation is made that this income is not to be considered in determining eligibility for Medicaid.

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