

**9055.0370 SUBSISTENCE ELIGIBILITY DETERMINATIONS.****Subpart 1. Eligibility for first benefit period.**

A. The commissioner must take the following actions to determine an applicant's eligibility for subsistence benefits for the first benefit period.

- (1) The commissioner must confirm:
  - (a) the applicant is experiencing a documented medical condition that prevents the applicant from working at the applicant's current or most recent occupation for at least 30 days; or
  - (b) the date of application is within the 12 months after the veteran has passed away.
- (2) The commissioner must calculate the applicant's household assets and monthly household income to determine eligibility for the first benefit period.
- (3) The commissioner must exclude income received before the first benefit period through the end of the first benefit period from the monthly household income calculation if the income has ended due to the applicant's medical condition or a veteran's death.

B. An applicant's household assets and monthly household income must be less than the maximum household asset limit and maximum monthly household income limit to be eligible for the first benefit period.

**Subp. 2. Eligibility for subsequent benefit periods.**

A. A recipient of subsistence must make a request for subsistence benefits for the next benefit period to the commissioner through a county veterans service officer, department field operations claims representative, or department Tribal veterans service officer.

- B. A recipient must notify the commissioner in writing of:
- (1) any changes affecting the need for assistance;
  - (2) any changes in the recipient's medical condition or employment status;
  - (3) any changes in the household size or composition;
  - (4) any changes in the recipient's shelter costs;
  - (5) household assets at the end of the current benefit period;
  - (6) household income received during the current benefit period; and
  - (7) the status of pending applications for short- or long-term benefits the recipient has applied for and assistance from other entities for which the recipient has applied.

C. A county veterans service officer, a department field operations claims representative, or a department Tribal veterans service officer must submit a written recommendation to the commissioner for a recipient's next benefit period.

D. The commissioner must take the following actions to determine a recipient's eligibility for the next benefit period:

(1) the commissioner must confirm reported changes in the recipient's medical condition or employment status;

(2) the commissioner must ensure the recipient has applied for all long-term maintenance benefits and all short-term disability benefits under parts 9055.0435, subparts 10, items A and B, and 11, items A and B; and 9055.0440, subpart 5, items A and B, and that an initial determination has not been rendered or benefits have not been paid by the entity responsible for administering the benefit; and

(3) the commissioner must recalculate the recipient's household assets at the end of the current benefit period and calculate the recipient's monthly household income received during the current benefit period to determine eligibility for the next benefit period.

E. The recipient's household assets at the end of the current benefit period and the recipient's monthly household income received during the current benefit period must be less than the recipient's maximum household asset limit and maximum monthly household income limit to be eligible for the next benefit period.

**Subp. 3. Applicants or recipients over income or asset limits.**

A. An applicant or a recipient is not eligible for subsistence if the applicant's or recipient's monthly household income or household assets are greater than or equal to the applicant's or recipient's maximum monthly household income limit or maximum household asset limit.

B. The commissioner must provide an applicant or a recipient over the maximum monthly household income limit or maximum household asset limit with an explanation of the following:

(1) how the applicant's or recipient's maximum monthly household income limit and maximum household asset limit are established; and

(2) how the applicant's or recipient's monthly household income and household assets were calculated.

C. An applicant or a recipient who is not eligible for assistance in the current benefit period is authorized to receive assistance in the next benefit period if the applicant's or recipient's monthly household income and household assets are less than the maximum limits.

D. The commissioner must close an applicant's or a recipient's subsistence if the applicant or recipient is not eligible for two consecutive benefit periods.

E. An applicant or a recipient who is over the maximum household asset limit may reduce household assets to become eligible for subsistence if the reduction is to meet the household's basic needs.

**Statutory Authority:** *MS s 14.06; 196.04; 196.05; 197.03; 197.05; 197.06; 197.75*

**History:** 46 SR 928

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