

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Aid to Families with  
4 Dependent Children

5

6 Rules as Adopted

7 9500.2060 DEFINITIONS.

8 [For text of subps 1 to 34, see M.R.]

9 Subp. 35. **County of financial responsibility.** "County of  
10 financial responsibility" means the county liable for the county  
11 share of a recipient's assistance under Minnesota Statutes,  
12 chapter 256G.

13 [For text of subps 36 to 38, see M.R.]

14 Subp. 39. **Dependent child.** "Dependent child" means a  
15 child who is living in the home of a parent or other caretaker,  
16 who is deprived of the support or care of a parent as specified  
17 in parts 9500.2180 to 9500.2300, who is in financial need  
18 according to part 9500.2480, and who meets one of the conditions  
19 in items A and B:

20 A. is less than 18 years of age; or

21 B. is 18 years of age and is a full-time student, as  
22 defined in subpart 58, at an accredited high school or its  
23 equivalent in vocational or technical training, and is expected  
24 to graduate or complete the school program before reaching age  
25 19.

26 [For text of subps 40 to 57, see M.R.]

27 Subp. 58. **Full-time student.** "Full-time student" means a  
28 person who is enrolled in ~~and-attending~~ a graded or ungraded  
29 primary, intermediate, secondary, GED preparatory, trade,  
30 technical, vocational, or postsecondary school, and who meets  
31 the school's standard for full-time attendance.

32 [For text of subps 59 to 89, see M.R.]

33 Subp. 90. **Minor caretaker.** "Minor caretaker" means

34 A. a person under the age of 18 years; and

35 B. who has applied as a caretaker on behalf of

1 himself or herself and his or her dependent child.

2 [For text of subps 91 to 112, see M.R.]

3 Subp. 113. **Recipient.** "Recipient" means a person who is  
4 currently receiving assistance. A person who fails to withdraw  
5 or access electronically any portion of his or her assistance  
6 payment by the end of the payment month transfer or who returns  
7 an uncashed assistance check and withdraws from the program is  
8 not a recipient. A person who withdraws an assistance payment  
9 by electronic transfer or receives and cashes an assistance  
10 check and is subsequently determined to be ineligible for  
11 assistance for that period of time is a recipient, regardless of  
12 whether that assistance is repaid. The term "recipient"  
13 includes the caretaker relative and the dependent child whose  
14 needs are included in the assistance payment. A person in an  
15 assistance unit who does not receive an assistance payment  
16 because he or she has been suspended from AFDC or because his or  
17 her need falls below the \$10 minimum payment level is a  
18 recipient.

19 [For text of subps 114 to 117, see M.R.]

20 Subp. 118. [See Repealer.]

21 [For text of subps 119 to 154, see M.R.]

22 9500.2100 APPLICATION FOR ASSISTANCE.

23 [For text of subps 1 to 3, see M.R.]

24 Subp. 4. **Assessment of and issuance for initial needs.**

25 When a person inquires about assistance, a local agency shall  
26 ask the person if immediate or emergency needs exist. When a  
27 person has emergency needs, the local agency shall determine  
28 that person's eligibility for emergency assistance unless the  
29 person's needs can be met through other sources or by promptly  
30 processing an application for monthly assistance.

31 When an emergency does not exist, a local agency may issue  
32 assistance before it completes the verification of eligibility.  
33 However, when an applicant is later found ineligible for that  
34 assistance, the local agency may not claim federal or state AFDC  
35 financial participation in the cost of the assistance issued.

1 When federal and state AFDC financial participation is not  
2 available, the local agency may request general assistance state  
3 financial participation retroactive to the date of application  
4 for AFDC according to general assistance payment standards if  
5 the applicant was eligible for that program.

6 [For text of subp 5, see M.R.]

7 Subp. 6. **Processing application.** Upon receiving an  
8 application, a local agency shall determine the applicant's  
9 program eligibility, approve or deny the application, inform the  
10 applicant of its decision according to part 9500.2740, subpart  
11 5, and issue assistance when the applicant is eligible. When a  
12 local agency is unable to process an application within 30 days,  
13 the local agency shall inform the applicant of the reason in  
14 writing. When an applicant establishes the inability to provide  
15 required verification within the 30-day processing period, the  
16 local agency may not use the expiration of that period as the  
17 basis for denial.

18 [For text of subps 7 and 8, see M.R.]

19 Subp. 9. **Additional applications.** Until a local agency  
20 issues notice of approval or denial, additional applications  
21 submitted by an applicant are void. However, an application for  
22 monthly assistance and an application for emergency assistance  
23 may exist concurrently. More than one application for monthly  
24 assistance or emergency assistance may exist concurrently when  
25 the local agency decisions on one or more earlier applications  
26 have been appealed to the commissioner and the applicant asserts  
27 that a change in circumstances has occurred that would allow  
28 program eligibility.

29 A local agency shall require additional application forms  
30 or supplemental forms as prescribed by the commissioner when a  
31 payee changes his or her name, when the basis for program  
32 eligibility changes, when a caretaker requests the addition of  
33 another person to the assistance unit, or when a person required  
34 to be in the filing unit must be added to the assistance unit.

35 An addendum to an existing application may be used to add  
36 persons to an assistance unit regardless of whether the persons

1 being added are required to be in the filing unit. When a  
2 person is added by addendum to an assistance unit and that  
3 person is required to be in a filing unit, eligibility begins on  
4 the date the new member enters the home or the date the new  
5 member is required to be included in the assistance unit,  
6 whichever is later. When a person is added by addendum to an  
7 assistance unit and the person is not required to be included in  
8 the filing unit, eligibility begins on the date the signed  
9 addendum is submitted to the local agency or all eligibility  
10 criteria are met, whichever is later.

11 9500.2140 BASIC ELIGIBILITY REQUIREMENTS.

12 [For text of subpart 1, see M.R.]

13 Subp. 2. **Minnesota residence.** Minnesota residence is an  
14 eligibility requirement for AFDC. A person who enters Minnesota  
15 from another state and receives assistance from that state must  
16 not be considered a Minnesota resident until the last month in  
17 which that state issues an assistance payment. Minnesota  
18 residence is established according to the provisions in items A  
19 to E.

20 A. A person who lives in Minnesota and who entered  
21 Minnesota with a job commitment or to seek employment in  
22 Minnesota, whether or not that person is currently employed, is  
23 considered a resident of Minnesota. Neither a length of prior  
24 residence nor an intent to remain in Minnesota is required.

25 B. A person who voluntarily enters Minnesota for a  
26 reason other than seeking employment, and who intends to remain  
27 in Minnesota, is a resident of Minnesota. No length of prior  
28 residence is required.

29 [For text of items C to E, see M.R.]

30 [For text of subps 3 and 4, see M.R.]

31 Subp. 5. **Physical presence.** To be eligible for AFDC, a  
32 dependent child and a caretaker must live together except as  
33 provided in items A to C.

34 [For text of items A and B, see M.R.]

35 C. The absence of a caretaker or child does not

1 affect eligibility for the month of departure when he or she  
2 received assistance for that month and lived together  
3 immediately prior to the absence. Eligibility also exists in  
4 the following month when the absence ends on or before the tenth  
5 day of that month. A temporary absence of a caretaker or a  
6 child which continues beyond the month of departure must not  
7 affect eligibility when the home is maintained for the return of  
8 the absent family member, the caretaker continues to maintain  
9 responsibility for the support and care of the dependent child,  
10 and when one of subitems (1) to (7) apply:

11                   (1) when a recipient caretaker or recipient child  
12 is absent due to illness or hospitalization, and the absence is  
13 expected to last no more than six months beyond the month of  
14 departure;

15                   (2) when a recipient child is out of the home due  
16 to placement in foster care as defined in Minnesota Statutes,  
17 section 260.015, subdivision 7, when the placement will not be  
18 paid through Title IV-E funds, and when the absence is expected  
19 to last no more than six months beyond the month of departure;

20                   (3) when a recipient child is out of the home for  
21 a vacation, the vacation is not with an absent parent, and the  
22 absence is expected to last no more than two months beyond the  
23 month of departure;

24                   (4) when a recipient child is out of the home due  
25 to a visit or vacation with an absent parent under part  
26 9500.2260, the home of the child remains with the caretaker  
27 under part 9500.2260, subpart 3, the absence meets the  
28 conditions of part 9500.2260, subpart 4, item C, and the absence  
29 is expected to last no more than two months beyond the month of  
30 departure;

31                   (5) when a recipient caretaker is out of the home  
32 due to a death or illness of a relative, incarceration,  
33 training, or employment search and suitable arrangements have  
34 been made for the care of the child, or when a recipient child  
35 is out of the home due to incarceration, and the absence is  
36 expected to last no more than two months beyond the month of

1 departure;

2 (6) when a recipient caretaker and a recipient  
3 child are both absent from Minnesota due to a situation  
4 described in subitem (5) or vacation, and the absence is  
5 expected to last no more than one month beyond the month of the  
6 departure; or

7 (7) when a recipient child has run away from home  
8 ~~or when a recipient child has been taken from home without the~~  
9 ~~consent of the recipient caretaker or a court order and the~~  
10 ~~caretaker has initiated legal action for the return of the~~  
11 child, and another person has not made application for that  
12 child, assistance must continue for no more than two months  
13 following the month of departure, ~~provided another person has~~  
14 ~~not made application for the recipient child.~~

15 [For text of subp 6, see M.R.]

16 9500.2340 PROPERTY LIMITATIONS.

17 [For text of subpart 1, see M.R.]

18 Subp. 2. **Real property limitations.** Ownership of real  
19 property by an applicant or recipient is subject to the  
20 limitations in items A and B.

21 A. A local agency shall exclude the homestead of an  
22 applicant or recipient, according to the provisions in subitems  
23 (1) to (3).

24 (1) An applicant or recipient who is purchasing  
25 real property through a contract for deed and using that  
26 property as a home is considered the owner of real property.

27 (2) The total amount of land that can be excluded  
28 under this subpart is limited to surrounding property which is  
29 not separated from the home by intervening property owned by  
30 others. Additional property must be assessed as to its legal  
31 and actual availability according to subpart 1.

32 (3) When real property that has been used as a  
33 home by a recipient is sold, the local agency shall treat the  
34 cash proceeds from that sale as excluded property for a period  
35 of six months when the recipient intends to reinvest them in

1 another home and maintains those proceeds, unused for other  
2 purposes, in a separate account.

3 [For text of item B, see M.R.]

4 Subp. 3. **Other property limitations.** The equity value of  
5 all nonexcluded real and personal property must not exceed  
6 \$1,000. To determine whether the value of an item of real or  
7 personal property is to be counted, a local agency shall exclude  
8 the value of real and personal property listed in items A to P:

9 [For text of item A, see M.R.]

10 B. The value of personal property needed to produce  
11 earned income, including tools, implements, farm animals, and  
12 inventory, business checking and savings accounts used  
13 exclusively for the operation of a self-employment business, and  
14 any motor vehicles if the vehicles are essential for the  
15 self-employment business.

16 [For text of items C to G, see M.R.]

17 H. Money held in escrow under part 9500.2380, subpart  
18 7, item B, by a self-employed person, when the money is used for  
19 those purposes at least annually.

20 [For text of item I, see M.R.]

21 J. Income received in a budget month through the end  
22 of the budget month.

23 [For text of items K to P, see M.R.]

24 Q. Lump sums that create a period of ineligibility  
25 are excluded from the date of receipt through the period of  
26 ineligibility. Lump sums that do not create a period of  
27 ineligibility are excluded only through the budget month.

28 9500.2380 INCOME.

29 [For text of subpart 1, see M.R.]

30 Subp. 2. **Excluded income.** A local agency shall exclude  
31 items A to DD from income:

32 [For text of items A to E, see M.R.]

33 F. all educational grants and loans, including income  
34 from work study programs;

35 G. loans, regardless of purpose, from public or

1 private lending institutions, governmental lending institutions,  
2 or governmental agencies;

3 H. loans from private individuals, regardless of  
4 purpose, provided an applicant or recipient documents that the  
5 lender expects repayment;

6 I. state and federal income tax refunds ~~except-for~~  
7 including the earned income tax credit;

8 J. funds received for reimbursement, replacement, or  
9 rebate of personal or real property when these payments are made  
10 from public agencies, ~~issued-by-insurance-companies,~~ awarded by  
11 a court, solicited through public appeal, or made as a grant by  
12 a federal agency subsequent to a presidential declaration of  
13 disaster;

14 K. the portion of an insurance settlement that is  
15 designated and used to pay medical, funeral, and burial  
16 expenses, or to repair or replace insured property;

17 L. reimbursements for medical expenses which cannot  
18 be paid by medical assistance;

19 M. payments by the vocational rehabilitation program  
20 administered by the state under Minnesota Statutes, chapter  
21 129A, except those payments that are for current living  
22 expenses;

23 N. in-kind income, including any payments directly  
24 made by a third party to a provider of goods and services;

25 O. assistance payments to correct underpayments, but  
26 only for the month in which the payment is received and for the  
27 following month;

28 P. payments to an applicant or recipient issued under  
29 part 9500.2820;

30 Q. payments issued under part 9500.2800;

31 R. Minnesota property tax refund credits received by  
32 an applicant or recipient who does not receive AFDC housing  
33 allowances under part 9500.2800, subpart 2;

34 S. nonrecurring cash gifts of \$30 or less, such as  
35 those received for holidays, birthdays, and graduations, the  
36 total amount excluded not to exceed \$30 per recipient in a



1 calendar quarter;

2 T. tribal settlements excluded under Code of Federal  
3 Regulations, title 45, section 233.20(a)(4)(ii)(e), (k), and  
4 (m);

5 U. any form of energy assistance payment made by  
6 LIHEAP, payments made directly to energy providers by other  
7 public and private agencies, benefits issued by energy providers  
8 when the Minnesota Department of Jobs and Training determines  
9 that those payments qualify under Code of Federal Regulations,  
10 title 45, section 233.53, and any form of credit or rebate  
11 payment issued by energy providers;

12 V. the first \$50 of child support paid under Code of  
13 Federal Regulations, title 45, section 302.51(b)(1);

14 W. income, including retroactive payments, from  
15 supplemental security income;

16 X. income, including retroactive payments, from  
17 Minnesota supplemental aid;

18 Y. proceeds from the sale of real or personal  
19 property;

20 Z. payments made from state funds for subsidized  
21 adoptions under Minnesota Statutes, section 259.40;

22 AA. state-funded Family Subsidy Program payments made  
23 under Minnesota Statutes, section 252.32, to help families care  
24 for children with mental retardation or related conditions;

25 BB. interest payments and dividends from property  
26 which is not excluded from and which does not exceed the \$1,000  
27 limit under part 9500.2340, subpart 3;

28 CC. income which is otherwise specifically excluded  
29 from AFDC program consideration in federal law, state law, or  
30 federal regulation;

31 DD. rebates of rental payments paid by an applicant  
32 or recipient.

33 [For text of subps 3 to 5, see M.R.]

34 Subp. 6. **Self-employment deductions.** Self-employment  
35 expenses must be subtracted from gross receipts except for the  
36 expenses listed in items A to N:

1 [For text of items A to E, see M.R.]

2 F. transportation costs which exceed the maximum  
3 standard mileage rate allowed for use of a personal car in the  
4 United States Internal Revenue Code;

5 [For text of items G to N, see M.R.]

6 Subp. 7. **Self-employment budget period.** Except for farm  
7 income under subpart 8, the self-employment budget period begins  
8 in the month of application for AFDC applicants and in the first  
9 month of self-employment for AFDC recipients. Gross receipts  
10 from self-employment must be budgeted in the month in which they  
11 are received. Expenses must be budgeted against gross receipts  
12 in the month in which those expenses are paid except for items A  
13 to C.

14 [For text of items A to C, see M.R.]

15 [For text of subp 8, see M.R.]

16 Subp. 9. **Rental income.** Income from rental property must  
17 be considered self-employment earnings when the owner spends an  
18 average of 20 hours per week on maintenance or management of the  
19 property. A local agency must deduct an amount for upkeep and  
20 repairs according to subpart 6, item L, for real estate taxes,  
21 insurance, utilities, and interest on principal payments. When  
22 an applicant or recipient lives on the rental property, the  
23 local agency must divide the expenses for upkeep, taxes,  
24 insurance, utilities, and interest by the number of rooms to  
25 determine the expense per room. The local agency shall deduct  
26 expenses from rental income only for the number of rooms rented,  
27 not for rooms occupied by an assistance unit. When an owner  
28 does not spend an average of 20 hours per week on maintenance or  
29 management of the property, income from rental property must be  
30 considered unearned income. The deductions described in this  
31 subpart must be subtracted from gross rental receipts.

32 [For text of subps 10 and 11, see M.R.]

33 9500.2420 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.

34 [For text of subps 1 to 3, see M.R.]

35 Subp. 4. **Factors to be verified.** A local agency shall

1 verify factors of program eligibility at the time of  
2 application, when a factor of eligibility changes, and at each  
3 redetermination of eligibility under subpart 5.

4 A. A local agency shall verify:

5 (1) the social security number of each adult and  
6 child applying for assistance;

7 (2) age if required to establish eligibility;

8 (3) the identity of each adult applying for  
9 assistance;

10 (4) the resident alien status of each adult and  
11 child applying for or receiving assistance if the applicant or  
12 recipient reports that he or she is not a citizen;

13 (5) the incapacity of a parent when the basis of  
14 eligibility is an incapacitated parent under part 9500.2220;

15 (6) the wage and employment history for both  
16 parents for the period preceding application when the basis of  
17 eligibility is unemployed parent under part 9500.2300. When an  
18 applicant cannot document employment, a local agency shall  
19 verify the employment by contacting the employer. When this  
20 verification and other primary or alternate forms of  
21 verification are not available, a local agency shall accept an  
22 affidavit from an applicant as a satisfactory substitute for  
23 that verification;

24 (7) the first day of the third trimester when  
25 either program eligibility under part 9500.2140, subpart 4, or  
26 WIN exemption status under part 9500.2700, subpart 15, item M is  
27 based on pregnancy;

28 (8) school attendance and the date of anticipated  
29 completion of school for an 18 year old child;

30 (9) the registration with a Job Service office of  
31 a principal wage earner living in a non-WIN county or exempt  
32 under part 9500.2700, subpart 15, item G;

33 (10) the relationship of a caretaker to the child  
34 for whom application is made; and

35 (11) residence.

36 B. A local agency shall verify the information in

1 subitems (1) to (6) when it is either acknowledged by an  
 2 applicant or recipient or obtained through a federally mandated  
 3 verification system:

4 (1) earned income, including gross receipts and  
 5 business expenses from self-employment;

6 (2) unearned income;

7 (3) termination from employment;

8 (4) real property;

9 (5) personal property;

10 (6) dependent care costs of an employed caretaker  
 11 at the time of application, redetermination, or a change in  
 12 provider.

13 C. A local agency may verify additional program  
 14 eligibility and assistance payment factors when it determines  
 15 that information on the application is inconsistent with  
 16 statements made by the applicant, other information on the  
 17 current application, information on previous applications, or  
 18 other information received by the local agency. The local  
 19 agency must document the reason for verifying the factor in the  
 20 case record of an assistance unit. ~~A local agency may also  
 21 verify additional program eligibility and assistance payment  
 22 factors when it has received department approval to verify those  
 23 factors on a county-wide basis because of unique circumstances.~~

24 Additional factors that may be verified, subject to the  
 25 ~~conditions of this item~~ approval of the commissioner, are:

26 (1) the presence of a child in the home;

27 (2) death of a parent or spouse;

28 (3) continued absence of a parent;

29 (4) citizenship;

30 (5) marital status; and

31 (6) income and property that an applicant or  
 32 recipient has not acknowledged receiving or having.

33 [For text of subp 5, see M.R.]

34 9500.2440 FAMILY COMPOSITION AND ASSISTANCE STANDARDS.

35 [For text of subpart 1, see M.R.]

1           Subp. 2. **Filing unit composition.** When an application for  
2 assistance is made for a dependent child, that child and all  
3 blood related and adoptive minor siblings of that child,  
4 including half-siblings, along with the parents of that child  
5 who live together, must be considered a single filing unit.  
6 Program eligibility may exist for a part of a filing unit even  
7 though one or more members are ineligible.

8                           [For text of subps 3 and 4, see M.R.]

9           Subp. 5. **Application of standards.** The standards that  
10 apply to an assistance unit are set forth in items A to E.

11                           [For text of items A to C, see M.R.]

12           D. The special child standard must be used for an  
13 assistance unit that contains no adult because a parent or  
14 parents are excluded from an assistance unit either because of  
15 failure to cooperate with WIN under parts 9500.2724 and  
16 9500.2726, or because of failure to cooperate with child support  
17 enforcement under part 9500.2700, subpart 11. The special child  
18 standard must be used whenever the only adult or adults in the  
19 household receives supplemental security income or Minnesota  
20 supplemental aid or both. When an assistance unit includes more  
21 than one eligible child, the special child standard must be  
22 determined by substituting the first adult standard for the  
23 needs of the last eligible child in an assistance unit and  
24 combining that amount with the children standard for the  
25 remaining children.

26                           [For text of item E, see M.R.]

27                           [For text of subps 6 and 7, see M.R.]

28 9500.2500 AFDC ELIGIBILITY TESTS.

29                           [For text of subpart 1, see M.R.]

30           Subp. 2. **When to terminate.** When an assistance unit is  
31 prospectively ineligible for AFDC for at least two consecutive  
32 months, assistance must end.

33           When an assistance unit is terminated prospectively for a  
34 payment month due to excess income, income received in the two  
35 budget months before termination must be reviewed. The local

1 agency shall apply the payment eligibility test and the gross  
2 income test to determine whether there is an overpayment for one  
3 or both of these months. There is no overpayment any month both  
4 tests are met.

5 When an assistance unit is prospectively ineligible for  
6 only one month and is prospectively eligible the following  
7 month, assistance must not end. The income for the single month  
8 in which prospective ineligibility exists must be applied  
9 retrospectively as described in part 9500.2520, subpart 3  
10 resulting in suspension for the corresponding payment month.

11 [For text of subp 3, see M.R.]

12 Subp. 4. **Gross income test.** A local agency shall apply a  
13 gross income test both prospectively and retrospectively for  
14 each month of program eligibility. An assistance unit is not  
15 eligible when income equals or exceeds 185 percent of the AFDC  
16 family allowance for the assistance unit. The income applied  
17 against the gross income test must include the income of a  
18 parent in the filing unit even when that parent is not included  
19 in the assistance unit. It must include the earned and unearned  
20 income of an eligible relative who seeks to be included in the  
21 assistance unit. It must include the unearned income of a  
22 dependent child who seeks to be included in the assistance  
23 unit. It must include the gross earned income of a dependent  
24 child in the assistance unit who is not a full-time student and  
25 whose income is from a source other than the Job Training  
26 Partnership Act. It must also include the earned or unearned  
27 income of a dependent child who is a member of the filing unit  
28 but is excluded from the assistance unit because of failure to  
29 register or cooperate with WIN. The income in items A to G must  
30 be considered in the gross income test:

31 [For text of items A to F, see M.R.]

32 G. Income as determined under items A to C of a  
33 stepparent, a parent of a minor caretaker, and a legal guardian  
34 of a minor caretaker who lives in the household and is not in  
35 the assistance unit. Subitems (1) to (6) must be deducted from  
36 this income:

1 (1) child or spousal support paid to a person who  
2 lives outside of the household;

3 (2) payments to meet the need of another person  
4 who lives outside of the household and who is or could be  
5 claimed as a dependent for federal personal income tax  
6 liability;

7 (3) \$75 for work expenses;

8 (4) an amount for the needs of one parent or  
9 legal guardian of a minor caretaker or a stepparent at the first  
10 adult standard;

11 (5) an amount for the needs of the second parent  
12 or legal guardian of a minor caretaker at the second adult  
13 standard; and

14 (6) an amount for the needs of other persons who  
15 live in the household but are not included in the assistance  
16 unit and are or could be claimed by a parent of a minor  
17 caretaker, legal guardian of a minor caretaker, or stepparent as  
18 dependents for determining federal personal income tax  
19 liability. This amount must equal the AFDC family allowance for  
20 a family group of the same composition as the dependent persons  
21 described in this subitem.

22 [For text of subp 5, see M.R.]

23 9500.2580 EMPLOYMENT DISREGARDS.

24 A local agency shall deduct the disregards in items A to D  
25 from gross earned income as defined in part 9500.2380:

26 ~~{For text of item A, see M.R.}~~

27 A. A \$75 \$90 work expense, whether employment is  
28 ~~part- or full-time.---This disregard~~ must be deducted from the  
29 gross earned income of each employed member of an assistance  
30 ~~unit and for other financially responsible household members who~~  
31 ~~are ineligible or otherwise excluded from the assistance unit,~~  
32 except that sanctioned persons who are not allowed allocations  
33 under part 9500.2600, item C must not receive this disregard.  
34 ~~This expense is~~ A \$75 work expense shall be deducted for those  
35 financially responsible persons under part 9500.2500, subpart 4,

1 item G, subitem (3), prior to the payment eligibility test under  
2 part 9500.2500, subpart 5, and must not be deducted a second  
3 time under part 9500.2500, subpart 5, item B.

4 B. A monthly deduction for ~~documented~~ costs for care  
5 of a dependent child or an adult dependent who is in the  
6 assistance unit. These costs must be documented according to  
7 part 9500.2420, subpart 4, item B, subitem (6). This disregard  
8 must only be deducted from the gross income of a member of an  
9 assistance unit or an ineligible parent, except that sanctioned  
10 persons who are not allowed allocations under part 9500.2600,  
11 item C must not receive this disregard. The deduction must not  
12 exceed ~~\$160-per~~ \$175 for each dependent age two or older or \$200  
13 for each dependent under the age of two when employment equals  
14 or exceeds 30 hours per week, ~~-or-\$159-per.~~ The deduction must  
15 not exceed \$174 for each dependent age two or older or \$199 for  
16 each dependent under the age of two when employment is less than  
17 30 hours per week. A deduction for dependent care costs is not  
18 allowed when the care is provided by a member of an assistance  
19 unit, by a parent of a dependent child, or by a spouse of a  
20 caretaker of a dependent child. The deduction under this item  
21 shall be taken after the deductions in items A, C, and D.

22 C. A deduction for a \$30 and one-third work incentive  
23 disregard. This disregard must be deducted for each employed  
24 member of an assistance unit. The first \$30 must be applied  
25 against the balance of gross earned income after deductions for  
26 the work expense ~~and dependent-care~~ have been allowed. A  
27 deduction of one-third of the balance must also be applied after  
28 allowing the \$30 deduction. This disregard is limited by  
29 subitems (1) to (6).

30 [For text of subitems (1) to (6), see M.R.]

31 [For text of ~~items-C-and~~ item D, see M.R.]

32 9500.2640 CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS.

33 [For text of subs 1 to 3, see M.R.]

34 Subp. 4. **Recouping overpayments from current recipient.**

35 An overpayment may be repaid voluntarily, in part or in full,



1 even if assistance is reduced under this subpart, until the  
2 total amount of the overpayment is repaid. When an assistance  
3 unit is currently eligible for assistance, the local agency  
4 shall recoup an overpayment by reducing one or more monthly  
5 assistance payments until the overpayment is repaid. To  
6 determine the amount of repayment to deduct from the monthly  
7 assistance payment, the local agency shall estimate the amount  
8 of income the assistance unit is expected to receive for the  
9 month of the assistance payment and deduct anticipated work  
10 expenses according to subpart 5. Once the net income is  
11 determined, the local agency shall determine the amount of the  
12 repayment for that month. When an overpayment occurs due to  
13 client error, the local agency shall reduce the assistance  
14 payment to an amount which, when added to the anticipated net  
15 income, equals 95 percent of the AFDC family allowance. When an  
16 overpayment occurs due to agency error, or a combination of  
17 client and agency error, the local agency shall reduce the  
18 assistance payment to an amount which, when added to the  
19 anticipated net income, equals 99 percent of the AFDC family  
20 allowance. Once a state computerized client eligibility and  
21 information system is implemented in one or more counties, all  
22 local agencies shall reduce the assistance payment by three  
23 percent of the assistance unit's AFDC family allowance or the  
24 amount of the monthly payment, whichever is less, for all  
25 overpayments including those due solely to agency error. A  
26 local agency shall adjust the amount of recoupment when an  
27 assistance unit documents prior to the last day of the month  
28 that actual income is less than the estimated income.

29 Subp. 5. **Determining net income.** A local agency shall  
30 determine net income for purposes of recoupment by deducting:

31 A. the first \$75 \$90 of earned income and; for  
32 self-employed persons, the expenses directly related to and  
33 necessary for the production of goods and services; and

34 B. an amount equal to the actual expenditures for the  
35 care of each dependent child or incapacitated person living in  
36 the same household and receiving aid, except that the amount

1 deducted shall not exceed the maximums in part 9500.2580 for  
2 persons not engaged in full-time employment.

3 [For text of subps 6 to 9, see M.R.]

4 9500.2680 PAYMENT PROVISIONS.

5 Subpart 1. **Payments.** This subpart applies to monthly  
6 assistance payments and corrective payments.

7 [For text of items A to C, see M.R.]

8 D. A local agency that makes payments by means other  
9 than check must also comply with the time limits in items B and  
10 C when issuing payments.

11 Subp. 2. **Protective, vendor, and two-party payments; when**  
12 **allowed.** Alternatives to paying assistance directly to a  
13 recipient may be used only:

14 [For text of items A to D, see M.R.]

15 E. When a caretaker has exhibited a continuing  
16 pattern of mismanaging funds under the conditions specified in  
17 Code of Federal Regulations, title 45, section 234.60(a)(2).

18 (1) The director of a local agency must approve a  
19 proposal for protective, vendor, or two-party payment for money  
20 mismanagement. During the time a protective, vendor, or  
21 two-party payment is being made, the local agency shall provide  
22 services designed to alleviate the causes of the mismanagement  
23 in accordance with Code of Federal Regulations, title 45,  
24 section 234.60(a)(8).

25 (2) The continuing need for and method of payment  
26 must be documented and reviewed every 12 months. The director  
27 of a local agency must approve the continuation of protective,  
28 vendor, or two-party payment.

29 (3) When it appears that the need for protective,  
30 vendor, or two-party payments will continue or is likely to  
31 continue beyond two years because the local agency's efforts  
32 have not resulted in sufficiently improved use of assistance in  
33 behalf of the child, judicial appointment of a legal guardian or  
34 other legal representative must be sought by the local agency.

35 Subp. 3. **Choosing payees for protective, vendor, and**

1 two-party payments. A local agency shall consult with a  
2 caretaker regarding the selection of the form of payment, the  
3 selection of a protective payee, and the distribution of the  
4 assistance payment to meet the various costs incurred by the  
5 assistance unit. When choosing a protective payee, the local  
6 agency shall notify the caretaker of a consultation date. If  
7 the caretaker fails to respond to the local agency's request for  
8 consultation by the effective date on the notice, the local  
9 agency shall choose a protective payee for that payment month  
10 and subsequent payment months until the caretaker responds to  
11 the agency's request for consultation. The local agency shall  
12 notify the caretaker of the right to appeal the determination  
13 that a protective, vendor, or two-party payment should be made  
14 or continued and to appeal the selection of the payee.

15 When a local agency is not able to find another protective  
16 payee, a local agency staff member may serve as a protective  
17 payee. A person who is not to serve as protective payee is: a  
18 member of the county board of commissioners; the local agency  
19 staff member determining financial eligibility for the family;  
20 special investigative or resource staff; the staff member  
21 handling accounting fiscal processes related to the recipient;  
22 or a landlord, grocer, or other vendor dealing directly with the  
23 recipient.

24 Subp. 4. **Discontinuing protective, vendor, and two-party**  
25 **payments.** A local agency shall discontinue protective, vendor,  
26 or two-party payments in the month following compliance with the  
27 employment search or employment requirements under part  
28 9500.2728; in the month following cooperation with the child  
29 support enforcement unit under part 9500.2700, subpart 10; and  
30 in two years or in the month following the local agency's  
31 failure to grant six-month approval to a money management plan,  
32 whichever occurs first. At least once every 12 months, a local  
33 agency shall review the performance of a protective payee acting  
34 under subpart 2, items A, B, and E to determine whether a new  
35 payee should be selected. When a recipient complains about the  
36 performance of a protective payee, a review must occur within 30

1 days.

2 9500.2700 APPLICANT AND RECIPIENT RESPONSIBILITIES.

3 [For text of subps 1 to 5, see M.R.]

4 Subp. 6. Late household report forms. Items A to C apply  
5 to the requirements in subpart 5.

6 [For text of item A, see M.R.]

7 B. When a complete household report form is not  
8 received by a local agency before the last ten days of the month  
9 in which the form is due, the local agency shall send notice of  
10 proposed termination of assistance. When a recipient submits an  
11 incomplete form on or after the date the notice of proposed  
12 termination has been sent, the termination is valid unless the  
13 recipient submits a complete form before the end of the month.  
14 However, an assistance unit required to submit a household  
15 report form is considered to have continued its application for  
16 assistance effective the date the required report is received by  
17 the local agency if a complete household report form is received  
18 within a calendar month after the month in which assistance was  
19 received, except that no assistance shall be paid for the period  
20 beginning with the first day of the month in which the report  
21 was due and ending with the date the report was received by the  
22 local agency.

23 C. A local agency shall allow good cause exemptions  
24 from the penalty under subpart 5 when the factors in subitems  
25 (1) to (5), singly, or in combination, cause a recipient to fail  
26 to provide the local agency with a completed household report  
27 form before the end of the month in which the form is due.

28 (1) an employer delays completion of employment  
29 verification;

30 (2) a local agency does not help a recipient  
31 complete the household report form when the recipient asks for  
32 help;

33 (3) a recipient does not receive a household  
34 report form due to mistake on the part of the department or the  
35 local agency or due to a reported change in address;

1 (4) a recipient is ill, or physically or mentally  
2 incapacitated; or

3 (5) some other circumstance occurs that a  
4 recipient could not avoid with reasonable care which prevents  
5 the recipient from providing a completed household report form  
6 before the end of the month in which the form is due.

7 [For text of subps 7 and 8, see M.R.]

8 **Subp. 9. Requirement to provide social security numbers.**

9 To receive assistance, each member of the assistance unit shall  
10 provide his or her social security number to the local agency.  
11 When a social security number is not provided to the local  
12 agency for verification, this requirement is satisfied when each  
13 member of the assistance unit cooperates with the procedures for  
14 verification of numbers, issuance of duplicate cards, and  
15 issuance of new numbers which have been established jointly  
16 between the Social Security Administration and the commissioner.

17 [For text of subps 10 to 12, see M.R.]

18 9500.2740 APPLICANT AND RECIPIENT RIGHTS AND LOCAL AGENCY  
19 RESPONSIBILITIES TO APPLICANTS AND RECIPIENTS.

20 [For text of subps 1 to 6, see M.R.]

21 **Subp. 7. Mailing of notice.** Notices under subparts 5 and  
22 6 must be made according to items A to C:

23 [For text of items A and B, see M.R.]

24 C. A local agency shall mail a notice to a recipient  
25 no later than the effective date of the action when:

26 (1) the local agency receives a recipient's  
27 monthly household report form which includes facts that require  
28 payment reduction, suspension, or termination and which contains  
29 the recipient's signed acknowledgment that he or she understands  
30 that this information will be used to determine program  
31 eligibility or the assistance payment amount;

32 (2) the local agency verifies the death of a  
33 recipient or the payee;

34 (3) the local agency receives a signed statement  
35 from a recipient that assistance is no longer wanted;

1 (4) the local agency receives a signed statement  
2 from a recipient that provides information which requires the  
3 termination or reduction of assistance, and the recipient shows  
4 in that statement that he or she understands the consequences of  
5 providing that information;

6 (5) the local agency verifies that a recipient is  
7 hospitalized and does not qualify under part 9500.2140, subpart  
8 5, item C, subitem (1);

9 (6) the local agency verifies that a recipient  
10 has entered a state hospital or a licensed residential facility  
11 for medical or psychological treatment or rehabilitation;

12 (7) the local agency verifies that a member of an  
13 assistance unit has been approved to receive assistance by  
14 another county or state;

15 (8) the local agency verifies that a member of an  
16 assistance unit has been placed in foster care, except as  
17 specified in part 9500.2140, subpart 5, item C, subitem (2); or

18 (9) the local agency cannot locate a caretaker's  
19 whereabouts and mail from the local agency has been returned by  
20 the post office showing that the post office has no forwarding  
21 address.

22 [For text of subps 8 to 12, see M.R.]

23 Subp. 13. **Right to protection.** Under the circumstances  
24 defined in this subpart, a local agency shall refer an applicant  
25 or recipient to the social services unit of the local agency.  
26 Neither a referral for social services nor an applicant's or  
27 recipient's cooperation with the referral is a condition of  
28 eligibility for continued assistance. Referral must be made  
29 according to items A and B.

30 A. Referral must be made when a minor caretaker does  
31 not live with his or her parent, legal guardian, or other adult  
32 caretaker or in a group or foster home licensed by the  
33 department. The local agency shall inform the minor caretaker  
34 that a referral is being made to the social services unit and  
35 that use of and cooperation with the social services unit is not  
36 a requirement for the receipt of assistance. Minor parents must

1 be informed that all or part of their assistance may be paid in  
2 the form of protective or vendor payments if they do not  
3 participate and cooperate in the development of a social service  
4 plan.

5 [For text of item B, see M.R.]

6 9500.2800 AFDC PAYMENTS FOR FUNERALS, HOUSING, AND SPECIAL NEEDS.

7 [For text of subps 1 and 2, see M.R.]

8 Subp. 3. **State appropriation for special needs.** Payments  
9 for special need items, as defined and conditioned in subparts 4  
10 to 10, must be paid to a recipient subject to the amount  
11 appropriated by the Minnesota legislature. Each quarter, the  
12 commissioner shall provide a base allocation from this  
13 appropriation to a local agency in proportion to the number of  
14 assistance units the local agency served through the AFDC  
15 program in the previous calendar year, compared to the number  
16 served in the state.

17 A. A local agency shall issue these funds to meet  
18 special needs of a recipient. Notwithstanding subparts 4 to 10,  
19 a local agency is not required to provide special need payments  
20 that are more than the amount allocated to the local agency by  
21 the commissioner. A local agency must develop written  
22 procedures for meeting priority needs of a recipient and may  
23 establish waiting lists. A local agency must inform inquirers  
24 of the procedures and assure that the procedures are applied  
25 consistently within a quarter. A local agency shall log  
26 requests for special need items and shall use this log to  
27 develop or modify procedures for future quarterly allocations.  
28 Dispositions of each request must be included in the log.

29 B. At the end of each quarter, a local agency shall  
30 report the amount of any remaining funds to the commissioner.  
31 The commissioner shall determine whether the quarterly statewide  
32 allocation is underspent or overspent and adjust future  
33 allocations in the same fiscal year. This reallocation must be  
34 determined subject to the conditions in subitems (1) and (2).

35 (1) When the statewide allocation is underspent,

1 local agencies that overspent their quarterly allocation will be  
2 compensated for their overexpenditures before any remaining  
3 funds are reallocated. Remaining funds will be reallocated to  
4 all local agencies using the allocation method described in the  
5 first paragraph of this subpart.

6 (2) When the statewide allocation is overspent,  
7 any remaining funds from underspent local agencies will be  
8 reallocated to local agencies who overspent their quarterly  
9 allocation. The reallocation shall be in proportion to the  
10 local agency's overexpenditures for that quarter, compared to  
11 the total for all local agencies with overexpenditures.

12 C. In all quarters, except the final quarter of each  
13 state fiscal year, special needs funds committed but unspent by  
14 local agencies may be reserved to prevent reallocation to over  
15 spent counties. Each quarter, committed funds plus expenditures  
16 will be limited to the local agency's quarterly allocation.

17 D. Local agencies which have overspent their  
18 allocation at the end of the state fiscal year will be required  
19 to reimburse the state for the state share of the  
20 overexpenditure.

21 [For text of subps 4 to 8, see M.R.]

22 ~~Subp. 8a. Employment preparation expenses. A local agency  
23 may pay for child care, transportation, tuition, and other  
24 incidental expenses related to employment preparation provided  
25 funds for the nonfederal share of employment special needs  
26 expenses are available. Items A to G specify the restrictions  
27 which apply to special needs payments for employment preparation  
28 expenses.~~

29 ~~A. The expense must be an obligation of the recipient.~~

30 ~~B. The local agency must determine if the recipient  
31 is eligible for other funding which would cover all or part of  
32 the expense. If funding is available through another program,  
33 these funds should be used before using employment special needs  
34 to pay for the expense. Educational grants and scholarships are  
35 considered available resources only when considering an  
36 employment special need payment for tuition.~~



1           C.--The-need-for-the-expense-must-be-documented-in-an  
2 employability-plan-developed-by-an-individual-or-agency-approved  
3 by-the-local-agency-to-develop-employability-plans.

4           D.--The-local-agency-must-provide-prepayment-approval  
5 for-the-expense.

6           E.--A-local-agency-must-not-make-special-needs  
7 payments-for-expenses-directly-related-to-on-the-job-activities,  
8 including-work-study-jobs,of-an-employed-recipient.

9           F.--A-local-agency-must-not-make-special-needs  
10 payments-for-expenses-resulting-from-participation-in-the  
11 Community-Work-Experience-Program-(CWEP)-or-the-Employment  
12 Search-Program-(ESP).

13           G.--A-local-agency-shall-make-payment-for-employment  
14 preparation-expenses-directly-to-a-recipient-unless-the  
15 recipient-requests-vendor-payment.--The-types-of-employment  
16 preparation-expenses-that-may-be-covered-by-employment-special  
17 needs-are-listed-in-subitems-(1)-to-(6):

18           (1)-child-care-expenses-up-to-the-maximum-child  
19 care-rates-allowed-by-the-Child-Care-Fund-under-Minnesota  
20 Statutes,section-268.91,subdivision-8,

21           (2)-transportation-expenses,

22           (3)-tuition-expenses,excluding  
23 post-baccalaureate-tuition,of-a-recipient-who-has-applied-for  
24 educational-grants-or-scholarships-and-not-received-assistance  
25 sufficient-to-cover-tuition-expenses,

26           (4)-payments-for-incidental-expenses-related-to  
27 employment-preparation,such-as-safety-equipment-needed-for  
28 participation-in-an-educational-or-training-program,

29           (5)-job-search-expenses,and

30           (6)-vocational-counseling-or-testing-expenses.

31           Subp. 9. Verification and preauthorization requirements.

32 Payments made under subparts 6 to 8a 8 must be made only when a  
33 recipient's need for the item is verified by the local agency.

34 A local agency may require prior authorization as a condition of  
35 payment, but when the need for a special need item occurs at a  
36 time outside of the local agency's business hours, this

1 requirement is satisfied when a recipient contacts the local  
2 agency on the next working day to request authorization.

3 ~~Subp. 10. Postpayment verification. Postpayment~~  
4 ~~verification is required for all payments made under subpart 8a.~~  
5 ~~Failure to provide postpayment verification shall result in an~~  
6 ~~overpayment.~~

7 9500.2820 EMERGENCY ASSISTANCE.

8 [For text of subps 1 to 14 3, see M.R.]

9 Subp. 4. **Inquiries.** A local agency shall offer, by hand  
10 or mail, an application form and an informational brochure  
11 provided by the department as soon as a person makes a written  
12 or oral inquiry about the program. A local agency shall offer  
13 an application form and brochure on the same day the inquiry is  
14 received by the local agency. The brochure shall include  
15 information on how a food stamp grant is affected when emergency  
16 assistance is accepted as a cash payment instead of as a vendor  
17 or a two-party payment.

18 [For text of subps 5 to 14, see M.R.]

19 Subp. 15. **Termination of utility service.** Assistance  
20 payments must be made when an otherwise eligible family has had  
21 a termination or is threatened with a termination of municipal  
22 water and sewer service, electric, gas, or heating fuel service,  
23 or lacks wood when that is the heating source, subject to the  
24 conditions of items A and B.

25 [For text of item A, see M.R.]

26 B. A local agency must not issue assistance for  
27 utility costs for an applicant who paid less than eight percent  
28 of the family's gross income toward utility costs due during the  
29 utility budget period or while the application is pending.

30 C. Items A and B must not be construed to prevent the  
31 issuance of assistance when a local agency must take immediate  
32 and temporary action necessary to protect the life or health of  
33 a child.

34 Subp. 16. **Amounts of payment.** A local agency shall issue  
35 assistance for utility costs in an amount that is dependent upon

1 the percent of the family's gross income paid toward utility  
2 costs and the percent of the total utility costs paid before the  
3 issuance of assistance. A local agency shall determine those  
4 amounts according to items A to E.

5           A. Payment of the balance owed to a utility provider  
6 must be paid in full for an applicant who, effective October 1,  
7 1988, and thereafter, paid no less than 16 percent of the  
8 family's gross income toward utility costs due during the  
9 utility budget period or while the application is pending.

10           B. Payment on the balance owed to a utility provider  
11 must be limited to the amounts under item C for an applicant  
12 who, effective October 1, 1988, and thereafter, paid at least  
13 eight percent and less than 16 percent of gross income toward  
14 utility costs due during the utility budget period or while the  
15 application is pending.

16                           [For text of items C to E, see M.R.]

17                           [For text of subps 17 to 19, see M.R.]

18 9500.2880 COUNTY OF RESPONSIBILITY POLICIES AND DISPUTES.

19           Subpart 1. **Determining the county of financial**  
20 **responsibility.** The county of financial responsibility is the  
21 county in which a dependent child lives on the date the  
22 application is signed, unless subpart 4 applies. The county in  
23 which a woman with no children lives on the date the application  
24 is signed under part 9500.2140, subpart 4 is the county of  
25 financial responsibility unless subpart 4 applies. When more  
26 than one county is financially responsible for the members of an  
27 assistance unit, financial responsibility must be assigned to a  
28 single county beginning the first day of the calendar month  
29 after the assistance unit members are required to be in a single  
30 assistance unit. Financial responsibility must be assigned to  
31 the county that was initially responsible for the assistance  
32 unit member with the earliest date of application. The county  
33 in which the assistance unit is currently residing becomes  
34 financially responsible for the entire assistance unit beginning  
35 two full calendar months after the month in which financial

1 responsibility was consolidated in one county.

2       Subp. 2. **Change in residence.** When an assistance unit  
3 moves from one county to another and continues to receive  
4 assistance, the new county of residence becomes the county of  
5 financial responsibility when that assistance unit has lived in  
6 that county in nonexcluded status for two full calendar months.  
7 When a dependent child moves from one county to another to  
8 reside with a different caretaker, the caretaker in the former  
9 county is eligible to receive assistance for that child only  
10 through the last day of the month of the move. The caretaker in  
11 the new county becomes eligible to receive assistance for the  
12 child the first day of the month following the move or the date  
13 of application, whichever is later. Nonexcluded status means  
14 the period of residence that is not considered excluded time  
15 under Minnesota Statutes, section 256G.02, subdivision 6.

16                   [For text of items A to C, see M.R.]

17                   [For text of subp 3, see M.R.]

18       Subp. 4. **Excluded time.** When an applicant or recipient  
19 resides in an excluded time facility as described in Minnesota  
20 Statutes, section 256G.02, subdivision 6, the county that is  
21 financially responsible for the applicant or recipient is the  
22 county in which the applicant or recipient last resided outside  
23 such a facility immediately before entering the facility. When  
24 an applicant or recipient has not resided in Minnesota for any  
25 time other than excluded time as defined in Minnesota Statutes,  
26 section 256G.02, subdivision 6, the county that is financially  
27 responsible for the applicant or recipient is the county in  
28 which the applicant or recipient resides on the date the  
29 application is signed.

30       Subp. 5. **Settlement of disputes.** When a local agency  
31 receives an application for assistance or a request for transfer  
32 under subpart 2 and does not believe it is the county of  
33 financial responsibility, items A to E apply.

34       A. The local agency that has received the application  
35 or transfer request shall, simultaneously:

36                   (1) accept the application, determine program

1 eligibility, and when the applicant or recipient is eligible,  
2 calculate and issue the assistance payment; and

3 (2) send a copy of the application or transfer  
4 request, together with the record of any investigation it has  
5 made, to the local agency it believes is financially  
6 responsible. The copy and record must be sent within 60 days of  
7 the date the application or transfer request was received.

8 B. The local agency receiving the copy of the  
9 application and the record of the investigation, if any, must  
10 accept or reject financial responsibility within 30 days after  
11 receiving the copy and record. If the local agency receiving  
12 the copy and record fails to respond within the 30-day period,  
13 it becomes financially responsible. If the local agency  
14 receiving the copy and record rejects financial responsibility,  
15 it should provide the department and the initially responsible  
16 local agency with a statement of all facts and documents  
17 necessary for the department to determine financial  
18 responsibility. The statement must identify the specific basis  
19 upon which the submitting local agency is denying financial  
20 responsibility.

21 C. The initially responsible local agency has 15 days  
22 to provide the department with its position and any supporting  
23 evidence. If the initially responsible local agency does not  
24 submit its written position to the department, the department  
25 may issue a binding order based on the evidence received.

26 D. The department shall decide disputes within 60  
27 days of receipt of the initially responsible local agency's  
28 submission of its position and supporting evidence or 60 days  
29 after the deadline for submission of its position and evidence.  
30 The department may make any investigation it considers necessary  
31 to decide a dispute.

32 E. The department's decision binds both local  
33 agencies unless the decision is appealed to the district court  
34 within 30 days after the decision is made and the decision is  
35 reversed by the district court. Assistance payments must  
36 continue, provided the recipient remains eligible, while the

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[REVISOR ] KTH/JV AR1632

1 district court appeal is pending.

2

3 REPEALER. Minnesota Rules, part 9500.2060, subpart 118, is  
4 repealed.