
Determine if income is available or unavailable. Count only available income to determine eligibility. Income is available when:

- > Received by the client.
- > Received by someone else on the client's behalf.
- > Counted as available to the client, whether or not the client receives it.
- > Withheld by the employer or other payer at the client's request.

Income is unavailable when the client cannot gain access to the income.

EXAMPLE:

Adult applicant is disabled and his mother, with whom he lives, receives his social security check for him as his representative payee. Count the social security check as income to him. Do not count it as income to the mother. See §0911.09.15 (Income From RSDI and SSI).

EXAMPLE:

Program rules require a 19-year-old who lives at home to be considered part of his parents' household. See §0908 (Household Composition). Count his parents' income toward his eligibility whether or not he receives any cash payments from them.

EXAMPLE:

Applicant has a court order requiring her ex-husband to pay \$400 per month child support for their 2 children. He is paying only \$300 per month and efforts to enforce the full order have been unsuccessful. Count \$300 as income. The unpaid portion is unavailable.

EXAMPLE:

Enrollee asks his employer to withhold his last 2 pay checks of the year until the following tax year. The pay checks are available on the date they would normally be paid.

MinnesotaCare:

If applicants/enrollees claim no income from any source, count zero income. If you have conflicting information, ask if they receive any money that they may not consider income but that is counted for MinnesotaCare.

EXAMPLE:

Pete applies for MinnesotaCare and claims no income. He also reports he is making current child support payments. Contact Pete to resolve the conflicting information.

MA/GAMC:

Clients must try to gain access to unavailable income as a condition of eligibility, unless they can document that the income is permanently unavailable. Deny or terminate MA or GAMC if clients refuse to cooperate in trying to gain access to unavailable income.

METHOD A:

Do not allow a deduction from income when part of the income is being withheld to repay a debt or obligation, unless the income is being reduced to recover a prior overpayment from the same income source.

EXAMPLE:

Roger is entitled to a VA payment of \$400 per month. \$150 is withheld to repay a prior VA overpayment. Count \$250 per month as available income.

EXAMPLE:

Penny has \$50 per week withheld from her pay check due to a court-ordered garnishment for an unpaid credit debt. Consider the \$50 as available income. Do not deduct it from her gross wages.

METHOD B:

Do not allow a deduction from income when part of the income is being withheld to repay a debt or obligation, unless the income is being reduced to recover a prior overpayment AND the overpaid amount had been previously counted as unearned income for MA or GAMC eligibility.

EXAMPLE:

Larry has received MA for 2 years. He reports that his \$300 per month VA check has been reduced by \$100 to recover an overpayment incurred 1 year ago while he was receiving MA. Allow a deduction of \$100 until the overpayment is paid.

EXAMPLE:

Mildred applies for MA for the first time. Her RSDI benefit of \$500 has been reduced by \$30 to repay a prior overpayment. Count the full \$500 RSDI

benefit as available because the overpayment occurred before Mildred received MA.