

SI 01130.504 Essential Property - Current Use Criterion

A. POLICY PRINCIPLE

Property, including property used by an individual as an employee, must be in current use in the type of activity that qualifies it as essential to be excluded as essential to self-support. Current use is evaluated on a monthly basis. Property not in current use can be excluded as essential to self-support only if:

- it has been in use; and
- there is a reasonable expectation that the use will resume.

B. POLICY — TIME LIMIT FOR RESUMPTION OF USE

1. 12-Month Rule

Resumption of use must be expected within 12 months of last use. For example, if property was last used in October, resumption of use must reasonably be expected to occur before the end of the following October.

2. 12-Month Extension

The 12-month period can be extended for an additional 12 months if nonuse is due to a disabling condition (see D. below).

C. PROCEDURE - GENERAL

1. Individual's Statement

If property is not in current use, obtain the individual's signed statement as to:

- the date of last use;
- the reason(s) the property is not in use; and
- when the individual expects to resume the self-support activity, if at all.

2. Explanation to Individual

Explain that we can exclude the property for up to 12 months if resumption of the self-support activity can reasonably be expected to occur within that time.

3. No Intent To Resume Activity

If the individual does not intend to resume the self-support activity, the property is a countable resource for the month after the month of last use. However, see 5. below.

4. Intent To Resume Activity

a. Manual Diary

If the individual intends to resume use of the property, prepare a manual diary for 12 months from the date of last use.

b. When Diary Matures

When the diary matures, contact the individual to see whether he or she has resumed use of the property. If not, the property is a countable resource for the month after the month in which the 12-month period expired.

5. Change of Intent

If, after property has been excluded because an individual intends to resume self-support activity, the individual decides not to resume such activity, the exclusion ceases to apply as of the date of the change of intent. Thus, unless excluded under another provision, e.g., conditional benefits, the property is a resource for the following month.

D. PROCEDURE - DISABLING CONDITION

1. Individual's Statement

If an individual alleges that self- support property is not in current use because of a disabling condition, obtain the individual's signed statement as to:

- the nature of the condition;
- the date he or she ceased the self-support activity; and
- when he or she intends to resume the activity, if at all.

2. Special Determination

Prepare a special determination as to whether up to an additional 12 months will be allowed for resuming use of the property.

NOTE: Medical review diaries are not indicators of an individual's intent or ability to do at least some work.

