

## CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		6/20/16	7/6/16
2. REQUESTOR NAME: Kathleen Benton, ALJ II		6. COUNTY/ORGANIZATION: State Hearings Division (San Diego County case)	
3. PHONE NO.:		7. SUBJECT: CF eligibility when recipient's SSI benefits suspended	
4. REGULATION CITE(S): MPP section 63-402.226		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). MPP Section 63-402.226	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The county action to discontinue claimant's CF benefits was upheld by the ALJ when it was determined the recipient began receiving SSI/SSP benefits in 7/2014. The judge also upheld the county action to collect an overissuance for the months of 7/2014 through 9/2015 based on the claimant being an SSI/SSP recipient. Should a rehearing be granted when the SSI recipient's Legal Aid attorney has submitted new evidence showing that, beginning in 3/15, claimant received no SSI/SSP every 3 months when he received his English pension, and that months of SSI/SSP ineligibility were 3/15, 6/15, 9/15, 12/15 and (anticipated) 3/16? Do the provisions of MPP section 63-402.226 apply in this case such that the county may collect the overissuance for all of these months? Claimant's attorney contends the amount of the overissuance will be reduced in the months of 3/15, 6/15 and 9/15 as the claimant did not actually receive any SSI/SSP benefits in those months.

10. REQUESTOR'S PROPOSED ANSWER:

Not sure, as SHD is aware of a pending writ in which this particular issue is currently being litigated.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

MPP 63-402.226 provides that no person receiving SSI/SSP is eligible to receive CalFresh benefits. Additionally, once a person receives SSI/SSP benefits, the person will remain ineligible for CalFresh until actually terminated from the SSI/SSP. Furthermore, periods of non receipt or suspension of SSI/SSP payments do not restore food stamp eligibility. Therefore, the CDSS concurs with the county's action to discontinue the claimant's CalFresh benefits and collect on an overissuance.

### FOR CDSS USE

DATE RECEIVED:

June 20, 2016

DATE RESPONDED TO COUNTY/ALJ:

July 8, 2016 VM