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:
   - ☐ Policy/Regulation Interpretation
   - ☐ QC
   - ☑ Fair Hearing
   - ☐ Other:

2. REQUESTOR NAME: Deborah Smaller, ALJ Specialist II

3. PHONE NO.: 619-521-8023

4. REGULATION CITE(S): 63-801.731;63-102(o)(1)

5. DATE OF REQUEST: 8/12/2013

NEED RESPONSE BY: as soon as possible

6. COUNTY/ORGANIZATION: Sacramento County

7. SUBJECT: CalFresh Overissuance computation issue

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).

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

Sacramento County has requested a rehearing in a case in which, when determining the overissuance amount, the judge failed to consider the amount that the county was recouping for a prior overissuance and, by doing so, understated the overissuance amount in the current case.

Specifically., the county indicates that the benefit amount in a particular month was $497.00, however, that was after an adjustment of $26.00 for a prior overissuance, so the total benefit amount was actually $523.00, and that the overissuance computation should be based on that, not the $497.00 amount.

The county cites §63-801.731 as authority, but I don't find anything in that reg that is helpful or any other reg, for that matter, that addresses this overissuance computation issue on point.

10. REQUESTOR'S PROPOSED ANSWER:

An overissuance is the amount by which coupons issued to a household exceed the amount the household was eligible to receive. (§63-102(o)(1)) The claimant received $497, not $523. The overissuance should be $497 (the amount issued) minus $127 (the amount to which the household is eligible) equals $370.

The county should simply not credit the claimant with the $27 adjustment toward repayment of the previous overissuance.

On the other hand, there are no regulations that specifically address the issue of how recoupment for a prior overissuance should be treated when computing the current benefit level and current overissuance and an argument could be made that the $27.00 is not an allowable deduction, just as a lien/garnishment for a repayment of a personal debt is an an allowable income deduction in a Calfresh computation.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

The Food and Nutrition Service (FNS) has no specific criteria for which amount to use. They request only that the state pick one method and use unilaterally. CalFresh took a poll of several counties to see how they handle the situation. The result was that in each of the counties overissuances are based on the initial amount of the CalFresh benefit, not the amount actually received due to other overissuances diminishing the amount of payment.

A county letter will be issued to give final authority to the counties for this method.

FOR CDSS USE

DATE RECEIVED: August 13, 2013

DATE RESPONDED TO COUNTY/ALJ: February 10, 2014 - William E. Belon

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

1. RESPONSE NEEDED DUE TO:
   - ☐ Policy/Regulation Interpretation
   - ☐ QC
   - ☐ Fair Hearing
   - ☐ Other:

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S):

5. DATE OF REQUEST:

NEED RESPONSE BY:

6. COUNTY/ORGANIZATION:

7. SUBJECT:

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).