

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:		3/21/2013	4/08/2013
2. REQUESTOR NAME: Tom Wilcock, Presiding Administrative Law Judge		6. COUNTY/ORGANIZATION: State Hearings Division/San Mateo County	
3. PHONE NO.: 510-622-4000		7. SUBJECT: Disabled Household	
4. REGULATION CITE(S): MPP sections 63-102(e)(1)(B); 63-503.312		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). 7 CFR 273.1(b)(7)(ii); FSQADS #409.1-1, August 1, 1990	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

San Mateo County discontinued the claimant from CalFresh as her gross income of \$1235 exceeded the gross income maximum for a household of one of \$1211. The claimant receives income from IHSS as she a provider for her mother who is disabled and receives IHSS and SSI. Legal Aid argues that the claimant and her mother should be one household as they live together and the claimant is under age 22. The definition of household includes someone excluded due to SSI receipt. As the mother is a household member for purposes of gross income test, they argue that the household should be treated as a "disabled household" and therefore the gross income test does not apply. Legal Aid also argued that as a disabled household, the mother's medical expenses should be deducted from the claimant's countable income in determining the claimant's benefit level.

10. REQUESTOR'S PROPOSED ANSWER:

The proposed decision of the ALJ finds that an excluded disabled member does not result in the CalFresh receipt being treated as a disabled household. Prior to 2000, 7 CFR 273.1 was clear that the excluded SSI person is not to be considered when looking at the income eligibility standard or assigning a benefit level. While the federal regs were rewritten in 2000, they did not appear to change the law or eligibility. Our regulation and policy set forth in 63-102(e)(1)(B) have remained unchanged and indicate that the excluded SSI person shall not be considered in determining household eligibility or benefit level. This policy was also set out in a 1990 policy statement (FSQADS 409.1-1). As the daughter is not elderly or disabled, the decision finds that she is subject to the gross income test as a single person household and therefore the county action is correct.

We believe that this analysis is still correct but wanted to confirm that the department's policy as set forth in the FSQADS was still in effect.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The State concurs with the requestor's proposed response; an excluded SSI recipient is not to be considered when determining eligibility or benefit level.

Regulations at MPP 63-503.443 state: The eligibility and monthly allotment of any remaining household members of a household containing individuals excluded for being an SSI/SSP recipient shall be determined in accordance with the requirements for non-household members as specified in Section 63-503.45. Regulations at MPP 63-503.453 state: Excluded SSI/SSP recipients shall not be included when determining the household's size for the purposes of: (a) Assigning a benefit level to the household;(b) Comparing the household's monthly income with the income eligibility standards;(c) Comparing the household's resources with the resource eligibility limits; or (d) Determining the categorical eligibility of the remaining household members in accordance with Sections 63-301.7 and .82.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

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

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