

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: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 8/11/14 update 9/30/14	NEED RESPONSE BY: 8/20/14
2. REQUESTOR NAME: Laurie Darby	6. COUNTY/ORGANIZATION: Toulumne County	
3. PHONE NO.: 209-533-5753	7. SUBJECT: Drug Felon - Martial Law vs. Penal Code	
4. REGULATION CITE(S): 63-402.229	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). 63-402.229	

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

We have a client that had a General Court Martial on 4/17/00 while in the Navy. The charge was for Conspiracy to Sell Marijuana and was found Guilty at the Court Martial. The client was sentenced to 15 months confinement, \$500 forfeiture, 9 months suspended sentence and dismissal from service with bad conduct discharge. Our department Fraud Investigator is adamant that because the sentence was for 15 months, this constitutes a Felony and the client is not eligible to CalFresh benefits since he is a Drug Felon.

Literal charges were: Possession and Importation of Marijuana, Wrongful Use Of and Possession of Marijuana and Conspiracy to Sell Marijuana

10. REQUESTOR'S PROPOSED ANSWER:

<http://www.JustAnswer.com/military-law> replied to my question stating that under Federal Law a GCM conviction is considered a felony conviction. In this case, California recognizes this as a felony drug charge. I can't find any CalFresh regulation to support this.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Consistent with criteria identified in MPP Section 63-402.229, the client would be considered an excluded drug felon ineligible for CalFresh at this time. However, Assembly Bill 1468 repeals the existing lifetime ban on CalFresh benefits for an individual convicted of certain drug-related felonies. The client will be eligible for CalFresh starting in April of 2015 provided all other eligibility requirements are met.

FOR CDSS USE

DATE RECEIVED:

8/11/2014 updated 9/30/2014

DATE RESPONDED TO COUNTY/ALJ:

10/07/2014

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

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