

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. 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: June 4, 2012	NEED RESPONSE BY: ASAP
2. REQUESTOR NAME: Paris Bauer		6. COUNTY/ORGANIZATION: Humboldt	
3. PHONE NO.: 707-268-2783		7. SUBJECT: Drug felon	
4. REGULATION CITE(S): MPP Section 63-300.(f)(11) (A) through (E)		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). ACINs I-45-11 and I-45-11E; ACL 04-59	

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

The regulations for Conditions of Eligibility for Drug Felons under "other evidence that the illegal use of controlled substances has ceased" say that "the applicant must state what the evidence is and provide proof" and that "the applicant must also certify under penalty of perjury that their illegal use of controlled substances has ceased."
The ACIN I-45-11 seems to say that the household member only needs to self-certify and sign under penalty of perjury that they are no longer using a controlled substance without any other verification or statement of proof.

The revised ACIN I-45-11 seems less clear. So is a statement signed under penalty of perjury stating that the drug felon has ceased the use of illegal drugs by itself enough to qualify the drug felon for benefits or does there need to be some other statement of proof (even if verification of the proof can't be provided) required?

10. REQUESTOR'S PROPOSED ANSWER:

11. STATE POLICY RESPONSE (CFPB USE ONLY):

When Condition (E) is used as the condition of eligibility, then the applicant must state what the other evidence is and provide proof. The applicant must also certify under penalty of perjury that the illegal use of controlled substances has ceased. There are two steps when utilizing condition (E); the first is some piece of evidence that illegal use of controlled substance has stopped. The CWD shall consider the evidence and shall document the reasons upon which denial or approval for benefits is made. This evidence could be any one of a number things, one example would be making a collateral contact, to be determined at the county's discretion. If proof of the other evidence is unavailable then self certification suffices. For example, an applicant explains that the nature of his employment would not allow drug use, yet the employer is unable to be contacted because the applicant wishes his application remain confidential; then an affidavit would be appropriate. The second step is an affidavit attesting that illegal use has ceased. The utilization of a treatment program is not a requirement prior to moving to condition (E) but just another in a list of options.

FOR CDSS USE

DATE RECEIVED:

June 4, 2012

DATE RESPONDED TO COUNTY/ALJ:

June 14, 2012

