

## 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: 11-7-12	NEED RESPONSE BY: 11-30-12
2. REQUESTOR NAME: Joyce Fields	6. COUNTY/ORGANIZATION: San Luis Obispo Social Service	
3. PHONE NO.: 805-781-1895	7. SUBJECT: Eligible Drug Felon now doing drugs	
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).  ACL 04-59; ACIN I-17-05	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):  
 An eligible drug felon has been receiving CalFresh. His eligibility was established based on Condition 5 in ACL 04-59, where at application the participant provided a statement under the penalty of perjury that drug use had ceased.

During a recertification interview, he tells his worker that he is using drugs again. He has not been convicted of another drug felony. Is he still eligible for CalFresh?

10. REQUESTOR'S PROPOSED ANSWER:  
 Based on the answer provided by a State Analyst for a prior similar question, which is the same scenario except that eligibility had been established based on completion of a drug treatment program, I would say that the answer is YES, the individual is still eligible for CalFresh. However, there is a Ongoing Eligibility section in ACL 04-59 that concerns me a bit. It states that "continued eligibility for a qualified drug felon shall be reviewed at recertification." So, if eligibility is based on self-certification of ceased drug use, it seems that if that is not longer the case, there wouldn't be continued eligibility. Here is the prior answer provided by the State Analyst to the similar question submitted last month:  
 As stated in ACIN I-17-05 question 2, if a drug felon meets a condition of eligibility for food stamps, and begins receiving benefits, subsequent felony drug conviction is cause for discontinuance, not subsequent arrest for drug use. Furthermore, in this case, the drug felon continues to be eligible for CalFresh because he has not been convicted of another felony. MPP 63-402.229 and ACL 04-59 also state that only if a drug felon is convicted of a felony he/she is not eligible.

11. STATE POLICY RESPONSE (CFPB USE ONLY):  
 As stated in ACIN I-17-05 question 2, if a drug felon meets a condition of eligibility for CalFresh, and begins receiving benefits, subsequent felony drug conviction is cause for discontinuance, not subsequent arrest for drug use. Furthermore, in this case, the drug felon continues to be eligible for CalFresh because he has not been convicted of another felony. MPP 63-402.229 and ACL 04-59 also state that only if a drug felon is convicted of a felony he/she is not eligible.

### FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
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