

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: 9/20/2012	NEED RESPONSE BY: 10/1/2012
2. REQUESTOR NAME: Jean Keys		6. COUNTY/ORGANIZATION: Shasta County	
3. PHONE NO.: 530-225-5022		7. SUBJECT: Elderly and Disabled Separate Household Rule	
4. REGULATION CITE(S): MPP 63-402.17, CFR 273.1(2)		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). ACIN I-18-07, ACL 11-05, ACL 11-05E	

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

ACL 11-05 states on page one and five that separate household status can be given to an elderly or disabled member living with others if that household member is unable to purchase and/or prepare meals separately due to a disability. Can separate household status be given to an individual if the individual is elderly or disabled or does the individual need to be elderly and disabled?

What does elderly/disabled mean in the QR 285B, DFA 285B, and DFA 285D budgets attached to ACL 11-05E?

Does elderly/disabled mean elderly and disabled, elderly or disabled or elderly and/or disabled?

The QR 285B, DFA 285B, and DFA 285D budgets ask about "Household(s) With (An) Elderly/Disabled Member".

The DFA 285D states, "Is the elderly/disabled member unable to purchase and prepare meals separately from others in the home due to a disability?" (Scenario on Page 2)

10. REQUESTOR'S PROPOSED ANSWER:

Per 63-402.17, separate household status can only be given to an individual who is elderly and disabled if that individual is unable to purchase and prepare meals due to his/her disability status. However, the income of the others with whom the individual resides (excluding the income of such individual's spouse) cannot exceed 165 percent of the federal income poverty guidelines.

The term "elderly/disabled" will be replaced with "elderly or disabled," "elderly and disabled," or "elderly and/or disabled" as appropriate.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

In reference to separate household status, ACL 11-05 and 11-05E incorrectly refer to 'elderly/disabled' as 'elderly or disabled' and 'elderly and/or disabled.' The correct interpretation of 'elderly/disabled' refer to members who are both elderly and disabled as stated in CFR 273.1(2) and MPP 63-402.17. This definition is further clarified in page 5 of ACIN 1-18-07 titled 'Household concept- separate household status for elderly/disabled person.'

The term "elderly/disabled" as shown on QR 285B can be replaced with 'elderly and disabled.'

Since the mentioned case is not age 60 or over, the disabled member is not elderly and does not qualify as a separate household.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

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

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: 9/20/2012	NEED RESPONSE BY: 10/1/2012
2. REQUESTOR NAME: Jean Keyes	6. COUNTY/ORGANIZATION: Shasta County	
3. PHONE NO.: 530-225-5022	7. SUBJECT: Elderly and Disabled Separate Household Rule	
4. REGULATION CITE(S): 63-402.1, CFR 273.1(2)	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). ACIN I-18-07, ACL 11-05, ACL 11-05E	

Household consists of married couple and their 25 year old child.
 The 25 year old child is receiving Social Security Disability.
 The 25 year old child cannot purchase and/or prepare meals separately due to a disability.