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:
   - [x] Policy/Regulation Interpretation
   - [ ] QC
   - [ ] Fair Hearing
   - [ ] Other:

5. DATE OF REQUEST: 7/23/15

NEED RESPONSE BY: 8/7/15

6. COUNTY/ORGANIZATION: Contra Costa County

7. SUBJECT: Establishing OI

2. REQUESTOR NAME: Audry Gonsalvez

3. PHONE NO.: (925) 313-1641

4. REGULATION CITE(S): MPP 63-801

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).

ACL 12-25, MPP 63-800, MPP 63-508.64

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

In June, 2015 CalWIN failed to generate a large number of the SAR 7 for 05/2015 to our customers. Corrective action was taken immediately and SAR7's were mailed out to the affected households and we have since been receiving the late SAR 7s for processing. We applied good cause for late SAR 7s and did not discontinue the cases for late SAR 7's. However, since the issue with the late SAR 7s was beyond the control of our clients we would also like to utilize good cause to waive the assessment of an overissuances (OI) based on the untimely transmission, receipt and processing of these SAR 7's. We strongly feel that this was no fault of our clients, was beyond their control and could not have been avoided by them. As such they should not bear the added burden of being imposed an OI.

Our question is : Can we, if upon processing the SAR discover an over issuance grant good cause and waive the assessment of an OI for these affected households.?

10. REQUESTOR'S PROPOSED ANSWER:

While we understand that this falls under the category of county administrative OI and the case was given good cause and not discontinued we still feel that the client should not be penalized with an administrative overissuance. We feel that the OI would be unfair to them since the issue was solely our systems error. Our proposed answer is no OI should be assessed for those affected households.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

CDSS has no authority to waive the establishment of overissuance (OI) claims based on good cause. Per MPP 63-801.1, CWDs shall establish a claim, in accordance with Section 63-801.2, against any household that received more CalFresh benefits than it was entitled to receive. Therefore, O/Is must be established as administrative error claims on any cases impacted as described above.

FOR CDSS USE

DATE RECEIVED: 7/24/2015

DATE RESPONDED TO COUNTY/ALJ: 7/24/2015 (SV)

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

1. RESPONSE NEEDED DUE TO:
   - ☐ Policy/Regulation Interpretation
   - ☐ QC
   - ☐ Fair Hearing
   - ☐ Other:

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S):

5. DATE OF REQUEST:

NEED RESPONSE BY:

6. COUNTY/ORGANIZATION:

7. SUBJECT:

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).