IEVS OP/OI Policy Question

Scenario A:

The hearing results are in. The ALJ upheld the CalWORKS OP and disallowed the FS OI. She states that an inadvertant household error can be established against a CE household only when the amount of the OI can be calculated on the basis of a change in net income or household size. (ACL 90-71, 7 CFR 273.18(a) (1) (III), (a) (2).

I am looking at MPP 63-301.74 and.742 (MR)(QR) and seeing that if the household fails to comply with MR or QR requirements they are no longer to be considered categorical and are subject to all eligibility and benefits provisions. Question 5 on the QR 7 asks "Did anyone buy,get,sell, trade or give away any property?" so failure to report any change in the balance of the unreported asset would be a failure to accurately report and would hence lose the household categorical status. So from then on, we would have an overissuance. We calculated from the beginning of aid, so we should amend that to the first QR 7 where our client fails to report.

Obviously,if you lie to be eligible you shouldn't have the right to be categorical when we discover it, but the regs do not appear to support that thought.

Question A:

If you lie to be eligible you shouldn’t have the right to be categorical eligible when we discover it, but the regs do not appear to support that thought. Is lying refusing to cooperate?

State Response to QA:

Yes. If the client refuses to provide the correct information to the CWD, then the client is refusing to cooperate. In the State regulations under “Categorically Eligible PA Households” it states that if the client fails to provide the CWD with the information to correctly determine eligibility and benefit levels, then the household has failed to comply with the QR requirements (MPP Sections 63-508.44 and 63-301.742)

Scenario B:

I have another large OP/OI case going forward where the initial unreported asset was a vehicle worth more than $4650 (prior to the reg change for FS exclusion of any vehicle) and then 5 bank accounts and a lot of fast moving money became the issue. That case is a GA/FS case and the question is going to arise about categorical there as well. For GA /FS a household shall not be considered categorical if it refuses to cooperate in providing information to the CWD that

is necessary for making an eligibility determination or completing any subsequent review of eligibility. (MPP 63-301.824, .824(a)).

Question B:

So if someone lies about their assets to be eligible for aid only their CalWORKs (and/or GA) would be at issue for OP/OI calculation? Should we just not do FS OI's on cases that could be considered categorical?

State Response to QB:

Yes. Only the CalWORKs and/or GA portion would be an issue for an OP calculation for assets. As long as each individual in the household received or was authorized to receive PA benefits and determine to be CE, the household is considered to have been properly eligible for food stamps during that period of time even if the PA eligibility was subsequently determined improper (ACL 90-71). CE cannot be rescinded retroactively.