

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: 7/24/2014	NEED RESPONSE BY: ASAP
2. REQUESTOR NAME: JENNIFER MARTINEZ		6. COUNTY/ORGANIZATION: YOLO	
3. PHONE NO.: 530-661-2789		7. SUBJECT: IHSS INCOME NOT PAID DUE TO SOC	
4. REGULATION CITE(S): MPP 63-502.13; .131		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

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

Please see scenario below. How should IHSS income be counted in the CalFresh budget in this scenario?

A woman provides care for her own father through IHSS. Based on IHSS program rules her father would be defined as her employer. She is supposed to be paid \$1000 gross per month but the woman's father has a Medi-Cal share of cost of \$950/month. Because of this share of cost, she only actually receives a check for \$50 per month from IHSS. The woman's father is supposed to pay her the difference (his \$950 share of cost). The woman and her father both state that the father could not and did not pay the \$950 share of cost. So the woman only receives \$50 of the \$1000 she is owed for her services. Since the father is supposed to pay the woman his \$950 share of cost should we count the \$1000 gross or only the \$50 the woman actually receives?

10. REQUESTOR'S PROPOSED ANSWER:

MPP 63-502.13 and .131 states that Earned income shall include: all wages and salaries of an employee. There are no income exclusions regarding this or other similar circumstances (that I can find). Therefore, the income should be counted in its entirety.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Regulations at MPP Section 63-503.242 (b)(2) provide that wages held by the employer as a general practice, even if in violation of law, shall not be counted as income to the household. In the case at hand, the father has indicated that he was unable and therefore is unwilling to reimburse his daughter for his Medi-Cal share of cost. There is no indication that the father will be able/willing to reimburse the daughter for her services in future months. Therefore, the daughter cannot reasonably anticipate that she will receive \$1,000 in gross income as a provider of IHSS. Only \$50 can be used when anticipating the daughter's earned income.

Note: See also the section on Reasonably Anticipated Income in ACL 12-25.

FOR CDSS USE

DATE RECEIVED: 7/24/2014	DATE RESPONDED TO COUNTY/ALJ: 9/03/2014
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**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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	6. COUNTY/ORGANIZATION:	
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