

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 or 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 QC FAIR HEARING OTHER:	5. DATE OF REQUEST: 04/15/13	NEED RESPONSE BY: 04/23/2013 or sooner
2. REQUESTOR NAME: LINO RIOS	6. COUNTY/ORGANIZATION LOS ANGELES/DEPARTMENT OF PUBLIC SOCIAL SERVICES	
3. PHONE NUMBER: (562) 908-6345	7. SUBJECT: IRA Accounts	
4. REGULATION CITE(S): 63-501.11 & ACIN I-91-06 Dated Dec. 5, 2006	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):

A participant utilizes her IRA account to pay her car payment. The pt. receives a direct deposit from IRA account into her checking account on a monthly basis of \$400 plus penalties.

Our question is: How should this money be treated? Unearned income? Or resources the month received which is exempt?

10. REQUESTOR'S PROPOSED ANSWER:

Per MPP 63-501.11, funds held in IRAs and funds held in accessible Keogh plans that involve no contractual obligation with anyone who is not a household member are considered resources. Simplified Employer Pension Plans (SEPs) which are considered IRAs by banks and the IRS, are also counted as resources, per Federal Administrative Notice (AN) 02-26. Effective October 1, 2008, pursuant to the Food Conservation and Energy Act of 2008, all tax preferred education accounts and retirement accounts (e.g. IRAs) are excluded from countable resources in determining eligibility. Resources are excluded under EMCE/BBCE effective 2/1/2011.

Can not find any policy that clarifies how this money should be treated?

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Included in the regulations defining unearned income, MPP63-502.142 states: Annuities, pensions, retirement, veteran's, or disability benefits; worker's or unemployment compensation; old-age, survivors, or social security benefits; strikers' benefits except as specified in Section 63-502.135; foster care payments for children or adults who are members of the food stamp household as specified in Section 63-402.322(b); and any deemed income from a sponsor who has signed an I-864 and/or I-864A paid to a sponsored noncitizen.

IRA withdrawals are considered retirement and should therefore be classified as unearned income in the month it is withdrawn.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUTY/ALJ:

