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:
   - ☐ Policy/Regulation Interpretation
   - ☐ QC
   - ☑ Fair Hearing
   - ☐ Other:

2. REQUESTOR NAME: William Blum

3. PHONE NO.: 310-709-0642

4. REGULATION CITE(S): MPP 63-509(a)(2)

5. DATE OF REQUEST: 11/22/13

NEED RESPONSE BY: ASAP

6. COUNTY/ORGANIZATION: Riverside

7. SUBJECT: Overissuance Computation

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):

I am a retired annuitant (RA) ALJ assigned to review requests for rehearings of State Hearings Division Decisions. I am reviewing a case where the ALJ's decision reduced the amount of an alleged OI for the period of 11/11 thru 8/12 from $1735 to $1045. The OI arose because of unreported income. The claimant was initially assisted as a change-reporting HH because she was homeless and unemployed. She was approved to receive CF in September 2009.
The claimant started working on August 29, 2011. She did not report her income, and the county did not learn of her employment or her earnings until July 2012, at which time she was switched to a quarterly reporting HH, but the switch came too late to avoid the OI.
The ALJ, citing 63-509(a)(2), concluded that the initial data month for purposes of reconstructing the OI under the principles of quarterly reporting should be September 2011. The county, citing 63-504.14 and 63-503.15, maintains in its rehearing request that the initial data month should be October 2011. (See continuation on next page)

10. REQUESTOR'S PROPOSED ANSWER:

I don't have an opinion about this issue. I just want to know state policy.

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

In this case CalFresh concurs with the original ALJ's decision.

MPP 63-801.311(c)(1) states:
(1) If, due to an inadvertent error on the part of the household, the household failed to report a change in its circumstances within the time frames required in Section 63-505, the first month affected by the household's failure to report shall be the first month in which the change would have been effective had it been timely reported.

If the client started work August 29, 2011, the first month affected by the household's failure would be September 2011.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
November 22, 2013	December 18, 2013

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

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☑ Fair Hearing ☐ Other:	5. DATE OF REQUEST: 11/14/14 NEED RESPONSE BY: ASAP 6. COUNTY/ORGANIZATION: Riverside 7. SUBJECT: CalFresh Overissuance
2. REQUESTOR NAME: William Blum 3. PHONE NO.: 310-7090642 4. REGULATION CITE(S): MPP 63-509(a)(2)	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**

QUESTION (continued):

The choice of the applicable initial data month affects all subsequent quarters, and affects computation of the aggregate OI and the month-by-month OIs. Using September 2011 resulted in a finding of no OI for the months of November 2011 through January 2012 and a slightly lower OI in some other months.

I need to know program's position on which party is correct.