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:

2. REQUESTOR NAME: Deborah Smaller, ALJ II Specialist

3. PHONE NO.: 619-521-8023

4. REGULATION CITE(S): Both reporting and overissuance regulations

5. DATE OF REQUEST: 11/19/2012

NEED RESPONSE BY: asap

6. COUNTY/ORGANIZATION: case involves Riverside County

7. SUBJECT: claimant has requested a rehearing

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):

The judge in this case upheld a county action that determined the claimant had been overissued $4890 for a six month period on the basis that she failed to report her husband's income that made the household income ineligible for CalFresh benefits.

The claimant testified at hearing, and reasserts on rehearing, that her husband was not in the household during the period of time at issue, and that she reported this to the county verbally and in writing.

The judge determined that there was insufficient evidence to support the claimant's testimony, finding that the claimant did not report to the county that her husband was out of the home.

10. REQUESTOR'S PROPOSED ANSWER:

There is no reason to consider that the judge's finding that the claimant did not meet her reporting responsibilities is not an abuse of discretion.

However, should the judge still not have made a finding about whether the claimant's husband was or was not in the home for the purpose of determining whether the claimant's household was, in fact, substantively ineligible for the benefits received and, therefore, an o/i occurred pursuant to Sec 63-102(o)(1), i.e., where the benefits received exceeded the amount the household was eligible to receive?

Continued on second page.

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

To answer your first question, in the hearing summary sheet you sent to CDSS along with the CF 24 (Hearing No. 2012093146-604) it states on Page 2 that "the County representative indicated that she conducted a case review and found no information in the case file documenting that the claimant reported that her husband was not in the home from March 2011 through August 2011." Therefore it appears that the judge did, in fact, determine that the claimant's household was substantively ineligible for the benefits received.

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FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
November 28, 2012	December 7, 2012

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: NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: 7. SUBJECT:
2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S):	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**

REQUESTOR'S PROPOSED ANSWER (continued):

I.e., even if the claimant failed to meet her reporting responsibilities, does that mean that, as a matter of law, she is not eligible for any benefits for which her household was substantively eligible if the evidence establishes that her husband had left and his income was not available? Should the overissuance in that case not be recalculated to determine that portion that represents her husband's benefit amount?

STATE POLICY RESPONSE (continued)

In answer to your second question, the Manual of Policies and Procedures (MPP) 63-802.1 states: The CWD shall restore to a household benefits which were lost whenever the loss was caused by an administrative error as defined by Section 63-801.22, or; an administrative disqualification for an intentional Program violation was subsequently reversed as specified in Section 63-805.3, or; a statement elsewhere in the regulations specifically states that the household is entitled to restoration of lost benefits.

Therefore, based on the information provided, the HH is not entitled to an underissuance. Failure to include HH composition changes on a mandatory report does not meet the criteria of issuing lost benefits. However, if the failure to report results in an overissuance, per MPP 63-801.1 the adult members of the HH are responsible for repayment.

The information given indicates that the HH failed to meet their QR mandatory reporting responsibility.

As to your third question, please see the response to question one.