

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 checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		5. DATE OF REQUEST: May 16, 2013	NEED RESPONSE BY: June 1, 2013
2. REQUESTOR NAME: James Beall - ALJ		6. COUNTY/ORGANIZATION: Riverside County	
3. PHONE NO.: 760-510-4934		7. SUBJECT: Resource Limits in CalFresh	
4. REGULATION CITE(S): ACL No. 11-11		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). W&I 18901.5; ACL No. 11-11 issued January 27, 2011; ACL No. 09-24; Family Planning-PUB 275 brochure; Riverside County Department Memorandum 2012-149;	

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

If a household's gross income exceeds 130% of the Federal Poverty Level, are they entitled to Modified Categorical Eligibility (MCE) for Non-Assistance CalFresh Households?

FACTS: a single female, 73 years old and disabled applied for CalFresh on March 27, 2013. She receives \$1,223.00 per month from a pension as her only income. She has cash resources totaling \$4,400.00.

On April 9, 2013 Riverside County determined her income exceeded the MCE limit of 130% of FPL (\$1,211.00 for a single person) and then determined that her countable resources exceeded the \$3,000.00 property limit, and denied her CalFresh application. They specifically relied on their Dept. Memorandum which previously sought clarification from CDSS.

10. REQUESTOR'S PROPOSED ANSWER:

Effective February 1, 2011, there is effectively no resource limitation in the CalFresh Program due to the expansion of modified categorical eligibility. ACL 11-11 states that all CalFresh non-assistance (NACF) households are eligible for MCE. It does not specifically limit this rule to households receiving under 130% of the FPL.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

CalFresh concurs with your assessment that MCE is a point of eligibility, however, in this case it does not apply. All County Information Notice (ACIN) I-46-12 includes an attachment: "California Monthly Income Eligibility Standards Allotments and Deductions." This chart shows the maximum amounts that a HH may earn and still be eligible for CalFresh. Under "Gross Monthly Income Eligibility Standards (130% of Poverty Level)", the maximum gross income for a HH of one is \$1,211. Whether resources are taken into account or not, at the time of application the HH received more than the maximum allowable income for eligibility. The 200% Poverty level did not take effect until All County Letter (ACL) 13-32, dated April 24, 2013. The county was correct in their denial of the HHs application.

FOR CDSS USE

DATE RECEIVED:

May 16, 2013

DATE RESPONDED TO COUNTY/ALJ:

June 5, 2013

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

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