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:

5. DATE OF REQUEST: July 16, 2013 (Rev. 7/22)
   NEED RESPONSE BY: July 24, 2013

6. COUNTY/ORGANIZATION: DSS - STATE HEARINGS

7. SUBJECT: Is representative payee fee excluded income in CalFresh

2. REQUESTOR NAME: MARK HAMMOND

3. PHONE NO.: (916) 712-9125

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).

   UNABLE TO FIND ANY SPECIFIC AUTHOIRTY ON THIS ISSUE

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

FACTS: The claimant was awarded monthly Social Security disability benefits of $1,061. In calculating the amount of his CalFresh benefit Sacramento County used the entire $1,061 amount of the Social Security disability benefit. The claimant testified he is required by the Social Security Administration to receive his disability payments through a representative payee. The claimant testified the representative payee organization takes a monthly fee directly from his monthly disability payment, and the amount he actually receives from the payee is the disability benefit amount minus the payee fee. The claimant contends his CalFresh benefit should be calculated using the actual amount he receives (the disability benefit amount minus the payee fee) as opposed to the entire $1,061 amount awarded by the SSA.
QUESTION: In the Calfresh program, is a representative payee fee, paid by a client who is required by the Social Security Administration to receive payments through a representative payee and taken directly from the SSA payment by the representative payee, excluded as income?

10. REQUESTOR'S PROPOSED ANSWER:

Absent any specific authority on point, which I am unable to find, I believe the portion of the benefit that is kept by the payee as a fee is unavailable income, and the CalFresh benefit should be calculated by using the actual amount the claimant receives (the disability benefit amount minus the payee fee)

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

Per USDA provision 273.9(c)(1) the amount of the fee, which the organization (representative payee) withholds from the funds it receives on behalf of the SSI recipient, would not be counted as income to the recipient for food stamp purposes. The monthly fee collected by the organizational representative payee is legally obligated to the payee rather than to the household by virtue of the statute and thus is not countable under section 273.9(c)(1)(iv). To qualify to collect a fee as a representative payee an organization must be a community based nonprofit social service agency which is bonded or licensed in each State in which it serves as representative payee.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
7/16/2013	7/23/2013

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REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

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

2. REQUESTOR NAME:

3. PHONE NO.:

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