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: March 8, 2013
   NEED RESPONSE BY: March 15, 2013

6. COUNTY/ORGANIZATION: Santa Clara

7. SUBJECT: Sales commissions and reasonably anticipated income

2. REQUESTOR NAME: Natalie Williams

3. PHONE NO.: 916-759-0468

4. REGULATION CITE(S): 63-509(a)(2); 44-101(c)(1); 44-315.311(a); 63-509(a)(4)

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
NOTE: All requests must have a regulation cite(s) and/or a reference(s).

ACL 03-18; ACL 09-41; 63-509 (a)(1) and (6); 63-102(c)(13); 63-102 (i)(6); 63-509(b)(1); 63-102 (r)(1); 63-509(d); 63-503.322(a); 63-503.242(a)(1);

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

The cliamant began receiving CalFresh in March 2010. The County notified claimant of overissuance for period June 2010 through August 2010 for failure to completely report all eanred income which exceeds maximum gross income limit. The claimant sells cars. He disputes the calculation and argues through his attorney that the only income he can reasonably anticipate is minimum wage since, if needed, his emplyer supplements any of his commissions to equal minimum wage each month. He reported net income and attached checks to the April 2010 QR 7 dated May 2, 2010. The check stubs indicated a net amount. The county asked for gross income verification twice and when it was not received it sought wage information from the employer. The employer showed gross income for April of approx $5000 (income was earned in March). The county determined the claimant was over gross income limit and thus the overissuance. The claimant testified he told his worker he received commissions. The claimant receives an advance each month that is later deducted from the following months paycheck. The advance is the only income he reported on the QR 7. (cont)

10. REQUESTOR'S PROPOSED ANSWER:

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

The recipient did not meet the requirements to report his gross income on the QR 7. The county is correct in assessing an OI for the June 2010 through August 2010 quarter since the gross income was verified from the employer.

However, because of the recipients occupation, the county should have looked at past history of income to determine his income for purposes of calculating CalFresh benefits. Per MPP 63-503.242(a)(1), "...the CWD shall take into account the income already received by the household during the month of application and any anticipated income the household and the CWD are reasonably certain will be received...". In addition, MPP 63-503.242(a)(3) states, "If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the CWD and the household may use a longer period of past time if it will proved a more accurate indication of anticipated fluctuations, in future income."

FOR CDSS USE

DATE RECEIVED: 3/8/13

DATE RESPONDED TO COUNTY/ALJ: 3/19/13 (JN)

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:	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**	
3. PHONE NO.:		
4. REGULATION CITE(S):		

He did not list the gross or the net amount of the check dated April 10, 2010. The claimant did not indicate anything on the QR 7 that would indicate he expected his income to fluctuate. Since the county is supposed to only count reasonably certain income how, if at all, is it is determined what amount of commission income is reasonably certain?

The claimant was receiving transitional CalFresh through February 2010. On March 5, 2010 he applied for CalFresh. The case narrative notes bi-weekly income of $600. The county used $1200 as income for the period March 2010 through May 2010 and the claimant was assigned to Cycle 3. The county knew the claimant was working on commission at the time of the March 5, 2010 application.