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:

5. DATE OF REQUEST: APRIL 9, 2013

NEED RESPONSE BY: ASAP

6. COUNTY/ORGANIZATION: FRESNO

7. SUBJECT: SCHEDULING THE APPOINTMENT AND NOMI

2. REQUESTOR NAME: MARTHA JUE

3. PHONE NO.: 559-600-2762

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).

LISTED ON THE LAST PAGE

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

Question 1: In past Management Evaluations the county was cited for not having an appointment letter. In addition, state QC reviewers look for the appointment letter when reviewing Negatives. According to the CFR, there is no requirement for the scheduled appointment to be provided in writing. Does the State regulation require the scheduled appointment to be provided in writing? If yes, what is the regulation? Question 2: When the applicant (intake) or a client (recertification), calls to rescheduled their interview, is the Notice of Missed Interview (NOMI) issued? Question 3: If the NOMI should not be issued when the applicant/recipient reschedules the interview, and they continue to do so several times, what action should the county take on the application if the 30 days for processing is up for an intake application and recertification? Question 4: If the county is in the middle of conducting the interview and the applicant/client states they have something else to do and unable to finish the interview, is it appropriate to send out the NOMI?

10. REQUESTOR'S PROPOSED ANSWER:

Answer 1: The scheduled appointment does not have to be provided in writing. Management Evaluation staff have been misinforming counties. QC staff should not be reviewing for the letter. Answer 2: Yes, a NOMI would be issued. Rescheduling the appointment constitutes the same action as missing the scheduled interview. Without the NOMI the county would be unable to deny the application at the end of 30 days for failure to complete the application process. Answer 3: The applicant/client would be sent a notice to let them know that their application is pending and what they must do in that 2nd 30 days or the application will be denied. When the applicant/client complies, the benefits will begin from the date they comply, unless it was the county's fault for the delay. Answer 4: Send out the NOMI since the client did not complete the interview and the appointment has to be rescheduled. See response 2.

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

State Response 1: Both federal and state rules do not require the counties to provide in writing a scheduled interview, however, if the appointment date and time is scheduled a few days in advance, the counties are encouraged to send an appointment letter to remind the household of their interview. It is good business practice to provide the household with an appointment letter reminding them to show for their scheduled interview. Federal and state rules require the counties to schedule the initial interview for initial application and recertification and are also required to send the NOMI when the household misses the initial scheduled interview. Counties are also required to document in the case files the date and time the household is scheduled for their interview. Furthermore, 7 CFR 273.14(b)((J)(iii) does state that in order to expedite the recertification process, that the county is encouraged to send a recertification form, and an interview appointment letter that allows for either an in-person or telephone interviews. QC looks for the appointment letter to see if the county scheduled the initial interview appointment and if the county issued the NOMI if the household failed to show...

FOR CDSS USE

DATE RECEIVED: April 23, 2013

DATE RESPONDED TO COUNTY/ALJ: Revised May 12, 2015

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).**

9. (cont.) Question 5: Does the rescheduled interview have to be provided to the household in writing?

10. (cont.) Answer 5: No. However, the case documentation must clearly establish what was the applicant's/client's appointment date and time.

11. (cont.) State Response 1: ...for their first scheduled appointment.
State Response 2: Yes, you are correct to send a NOMI to the household even if the household calls to reschedule. MPP Section 63-300.461 states that the county must send a NOMI when the household has missed the initial scheduled interview. Only after the NOMI is sent and the household fails to reschedule, can the county send a denial notice on the 30th day after application.
State Response 3:First of all, the county must have opted to either send a denial or pending notice after the first 30 days following the date of application. If your county has opted to send a denial notice instead of a pending notice or vice a versa, the option must be a countywide option and not a case-by-case basis (7 CFR 273.2(3)(D)) . So whether your county opts to send a denial or pending notice, the county must send a NOMI to the household once they have missed the initial scheduled interview. This applies whether or not the household calls to reschedule prior to the NOMI going out or not. If the county opted to send a denial notice after the 30th day, the household can call to reschedule several times as long as it is within the 30-day processing timeframe. However, once the household fails to show for the initial scheduled interview the NOMI should be sent to the household. If the county has opted to send a denial notice by the 30th day due to the household failure to reschedule a second interview within the 30 day timeframe, the county must send a NOMI prior to denying the application. If the county denies the application and does not send the NOMI to the household for failure to reschedule a second interview, the county can be cited an error (7 CFR 273.2(3)(D)(2)). If the county opted to pend the case for an additional 30 days from the date the application was filed and the household fails to show for the initial scheduled interview, a NOMI must be sent to the household reminding the household that it is the household's responsibility to reschedule a second interview. If the household fails to complete the application process by the end of the second 30-day period, the county shall deny the application and require the household to file a new application if they wish to participate. (7 CFR 273.2(4)(iii)). If the household is at fault and they fail to complete the application process for recertification by the end of the certification period, the household must reapply. If the county is at fault for failure to complete the application process for recertification, the county must continue to process the case and provide a full months allotment for the first month of the new certification period (7 CFR 273.14(e)).
State Response 4: Yes. The NOMI is sent if the household missed the scheduled interview and for households that do not complete the interview. It is highly recommended in these instances that a date and time to complete the interview is scheduled at the time the applicant leaves the initial interview. The completion of the interview should be at least 10 days prior to the 30th day to allow the applicant to submit verification.
State Response 5: No, the scheduled and rescheduled interview is not required to be provided in writing for initial application or recertification, however, the state regulations does mention an appointment letter be sent to the household together or separately from the application for recertification. This language makes the assumption that the scheduled appointment is provide to the household in writing. It is county business practice to send an appointment letter to the household to remind them of their scheduled/rescheduled interview appointment. Counties that do not wish to provide a written appointment letter for the initial application, should make sure that the date and time of the scheduled or rescheduled appointment be documented clearly in the case file and how the household was informed of their scheduled interview.