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: Shaydra Ennis

3. PHONE NO.: 707-565-2524

4. REGULATION CITE(S): 63-506 (b)(8)

5. DATE OF REQUEST: 10/08/2013

NEED RESPONSE BY: 10/24/2013

6. COUNTY/ORGANIZATION: Sonoma County

7. SUBJECT: Tribal Gaming Income & Profit-Sharing Income

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

ACIN I-34-05 and I-34-05, ACL 09-41 and 12-25

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

Some of our clients receive tribal gaming money quarterly or work for a bakery that has a profit-sharing program. These types of income are always fluctuating. At the bakery for example, every quarter the employee can receive anywhere between $2,000 to $9,000 in income. If we can anticipate a minimum amount that the client will receive every quarter and we budget this for one month every quarter, CalWIN will discontinue the client.

Q1. Should the client be discontinued and have to reapply when the income is over the IRT once every 3 months?

10. REQUESTOR'S PROPOSED ANSWER:

A: We feel this places an undue burden on the clients to reapply every quarter, not to mention the increased workload for staff. We propose that CDSS issue a policy for CalWIN to be reprogrammed to suspend the case for the month every quarter and not issue benefits for that month if the client is over IRT.

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

For Tribal Gaming Money:

If the county determines that the casino's income disbursements are from interest on legal shares to the individual client in trust or restricted land, then, the first $2000 income per calendar year is excluded, and any funds which exceed the $2000 in a calendar year are counted as unearned income in the month in which it is received. The CWD must then determine if the income is expected to continue and the reasonably anticipated amount of income for the remainder of the certification period. Treatment of this income on a statewide basis is derived from MPP 63-506(b)(8), which includes the directives of these Public Laws (P.L. 93-134, 97-458, and 103-66, Section 13736). The client should supply verification of the source of the income. Take into account any changes in income from the Data Month that the AU/household reasonably anticipates for the upcoming Semi-Annual Payment Period.

FOR CDSS USE

DATE RECEIVED: October 8, 2013

DATE RESPONDED TO COUNTY/ALJ: December 31, 2013

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).**

For Profit-Sharing Income:

ACL 12-25 states that for fluctuating income or when the income received in the Data Month is expected to change in the upcoming SAR Payment Period, the CWD must attempt to find out the amount of income the household reasonably expects to receive, in order to determine what income, if any, can be reasonably anticipated and used in the next SAR Payment Period's benefit calculation. Only that portion of income that the household reasonably anticipates it will receive can be used in the benefit calculation.

If the income received causes the household to go over the IRT the household must then report. The CWD must then determine if the income is expected to continue and if yes, the amount of income reasonably anticipated for the remainder of the certification period. This determination must be documented in the case narrative.

If a recipient has fluctuating income, but agrees that he/she usually gets at least a minimum of $2000 quarterly, the income can be anticipated. The CWD must explore with the applicant or recipient what amount can be reasonably anticipated and document the basis for the amount used in the case narrative.

The CWD should explain to the household that if their actual income is less than the anticipated income, the recipient should make a mid-period, voluntary report of decreased income and provide verification so that the CWD may, if appropriate, to increase their benefit amount.