

AUGUST QUESTIONS AND ANSWERS

Eligibility 08-00-01

SITUATION: Recipient came to the U.S. from Africa for a family member's funeral. He was forced to remain in this country to take care of his mother, who is ill. His wife and children are still in Africa. The family owns a home in Africa valued at \$70,000.

QUESTION:

Can the home be excluded from resource consideration?

ANSWER:

Per Ernie Villalobos, FS Bureau, August 8, 2000, "per MPP. 63-501.3(a), a home temporarily unoccupied shall be excluded as a resource so long as the FSHH member intends to return to it. It does not matter where the home is located, so the home is exempt as it is not occupied by the FS recipient." Therefore, exclude the home from resource consideration. Obtain a statement from the FSHH that it intends to return to its home. Cross reference the statement in comments to class 213.

Saldivar 08-00-02

SITUATION:

May review. NOA for no CA-7 sent May 18, CA-7 received May 26. EW applied Saldivar and issued benefits at the April level. QC discovered the CA-7 was incomplete because the fifth paycheck was not reported.

QUESTION: Is the household ineligible for not meeting the monthly reporting requirements with the NOA being sufficient notice or is the household still eligible because it was never advised that the CA-7 was incomplete?

ANSWER:

Per FS Bureau Policy Interpretation no. 1780, the unreported income takes precedence over Saldivar. The household is still eligible, so calculate the overissuance based on the inclusion of the fifth check.

Recertification 08-00-03

SITUATION:

May review. At recertification, which occurred April 26, the client disclosed he/she is now a naturalized citizen and has been since July 2, 1999. This information changes him/her from a CFAP to a Federal program participant.

QUESTION: Does this create a Federal underissuance and a CFAP overissuance for the sample month?

ANSWER:

No. Per FNS-310 section 712.1, information from the last day of the budget month is used when determining retrospective eligibility factors such as citizenship status. Since the change in status was reported in the processing and not the budget month, the resulting error would be excluded. NOTE: This response presumes that there was not a recertification between the naturalization date and sample month.

Fleeing Felon 08-00-04

SITUATION:

May and June reviews. In both cases, we were advised by SIU on April 17 that the households contain fleeing felons. Line staff would be advised of this later on. Benefits were issued in both instances.

QUESTION: How do we treat these cases?

ANSWER:

Per FNS-310 section 848 B, the June case is ineligible because the agency had time to terminate the case. For the May case, since the EW would not have been advised of the fleeing felon status until after April 17, per FNS-310 section 712.1, the variance would not be included because this is a retrospective eligibility factor with information based upon the last day of the budget month. NOTE: In addition, it is probable that Saldivar would have prevented the worker from terminating the case at the end of the month. Documentation: If Saldivar is a factor, include in the case comments a description of the county's process for this type of case, including specific dates, to show why benefits could not have been terminated.

Residency 08-00-05

SITUATION: The household has been living in England so the head of household could attend school. The household has continued to maintain its residence in the county. The authorized representative (sister) picks up the monthly allotment and apparently completes and submits all CA-7s. The household returned to the county in the sample month.

QUESTION: Is the household still eligible?

ANSWER:

Per FNS-310 Section 833, since no household member participated in another project area, the residency variance shall be reported but not result in ineligibility.

Therefore, the household is eligible. Documentation: Indicate in the comments for Class 140 that there is a variance but no dollar error. In other income elements as appropriate, document any loans, scholarships, grants, etc. that enabled the household to live abroad and still maintain its residence in the county. Determine how the household was able to meet its living expenses abroad and, since it returned in the sample month, how it was able to pay for the airfare for the three members.

CalWORKs Unearned Income 08-00-06

SITUATION:

B. review for 6/00. We have Workmen's Comp income. (I know we won't call an error but need to notify the worker.) Client received permanent Workmen's Comp through March, 2000 then he started to receive Voc Rehab Temp Disability maintenance allowance April. Is this treated as income or is it exempt income.

QUESTION:

If treated as income, do we allow deductions? He also gets a transportation allowance—is this income or exempt? If treated as income, do we allow deductions? Manual only talks about JTPA . . . if this is the case, how do we treat the income?

ANSWER:

Since this is a B. review case, your inquiry should have been sent to Warren. In addition, when you send your inquiry to Warren, it needs to be provided in the format agreed upon at the PMC meeting, that is, Situation and Question; Warren will complete the Response.

Verification of Citizenship 08-00-07

SITUATION: The numident we have has the birth certificate number and the place of birth, also this child was born in 1998, and shows mother's name, same information as if we had a birth certificate.

QUESTION: Does any one out there know if a numident report from Social Security can be used for citizenship verification when the client cannot get a copy of the B.C.?

RESPONSE: Per Section 821 of the FNS-310, Social Security documents are not listed as standard verification so they are not acceptable. This same section clearly states the options as to other forms of verification that are acceptable and how to proceed when the standard verifications are not available. Note: It is not clear from the Situation that citizenship is questionable. If it is not questionable,

this is not a citizenship issue but rather one of establishing age. If this is an age verification issue, per FNS-310 Section 811 K., Social Security Records are acceptable.

HH Composition/New Member 08-00-08

SITUATION: May review. Child born 4-30 and reported on the CA-7 received 5-12. A FS supplement for May (adding the child) was issued 6-15.

QUESTION: Do we exclude the supplement from the error determination since the action was taken subsequent to the issuance month (FNS-310 Section 232 F.) or is it counted because of the incorrect addition of a new member?

RESPONSE: Per M.S. 63-504.353, the baby is not eligible until June as this is the first month following the month of the reported change. Per FNS-310 Section 723.2 C., any variance resulting from the incorrect adjustment of the allotment because of the addition of a new member is included. Therefore, count the supplement as part of the May issuance.

Likely Conclusion 08-00-09

SITUATION:

June review. The case record shows no evidence of an April CA-7. However, the budget computation on file shows that the worker used the correct amount of earnings (which was \$400 higher than in the previous month) in determining the sample month allotment.

QUESTION: Do we still have to cite the case as ineligible because there is no monthly report?

ANSWER:

No. Per FNS-310 Section 751, the case is not ineligible solely because of a missing monthly report. Since the worker used the exact dollar amount of earnings when computing the sample month allotment, you can make the likely conclusion that the household reported the information and that it probably did so via the monthly report. Documentation: Narrate in the Case Comments or comments for class 311 or 560 that you are making the likely conclusion that the household fulfilled its reporting responsibilities even though the CA-7 cannot be located. Also indicate that there is no dollar error even if there is a missing monthly report.

Minimum Allotment Amount 08-00-10

SITUATION: The case under review has a CE household. The household's income is more than that allowed by the gross income test.

QUESTION:

When determining the amount of the overissuance, do we allow \$10 as the minimum allotment because of CE status or is the household entitled to \$0?

ANSWER: Per FNS, 8-31-00, households of one or two persons are entitled to the \$10 allotment and households of 3 or more persons are still eligible but entitled to \$0. Documentation: Per FNS, you need not complete the entire computation form for these cases. Note in the Case Comments that the household is entitled to \$10 or \$0 as appropriate and cross reference this inquiry and FNS-310 Section 1061.3.