

## TFS CASE WITH EXPIRED CERTIFICATION PERIOD

Date: February 13, 2008

Number: TFS-08-01

### SITUATION

The County is reviewing an October 2007 case in which the household is receiving TFS and there has not been a recertification since April 2007. The county used the TFS process with Comparison II (done first) resulting in a \$104 under-issuance and Comparison I resulting in a \$140 over-issuance.

FNS-310 Handbook Section 727.3 (TFS Variance Determination) states that Comparison II is done first in the error determination process, thus still allowing for two comparisons if necessary.

However, Section 752 (Expired Certification Period) states, "The reviewer shall verify the household's actual circumstances for the appropriate sample or budget month and compare them to the worksheet."--in other words, Comp I only.

### QUESTION:

Since TFS reviews start with Comparison II and Expired Certification cases only allow for Comparison I, which methodology is the reviewer to use in this instance?

### Additional Consideration

This TFS case required the use of both Comparisons. What if only Comparison II was used resulting in either no error or an error under the tolerance level? Would the reviewer then have to base the findings on Comparison I thereby doing two comparisons and ignoring the use of the Comparisons as outlined in Sections 621 and 622?

## RESPONSE:

Per FNS the FNS 310 Section 231 Certification Errors states that the “QC review is based upon the examination of the benefits authorized for the household for the sample month” and the benefit amount that is under review is the “benefit amount authorized through the certification process.” In the example, the case had an expired certification period, therefore you will use Section 752 (Expired Certification Period) to determine if the benefit amount for the sample month is correct based on actual circumstances for the appropriate sample or budget month.

Included in this response are CFR and CDSS regulations pertaining to Transitional Benefits Alternative (TBA) or Transitional Food Stamp (TFS) in California. 7 CFR 273.12(f) addresses the process pertaining to PA and GA households and it is clear that one of the requirements to qualify for TBA/TFS is that the case has to be within the Food Stamp certification period.

## Reference Materials:

- FNS 310 Section 231 and 752
- ACL 03-66- “TFS benefits will be provided to households who are terminating their participation in the CalWORKs program without the need to re-establish food stamp eligibility. It also states that “at the time the household transitions off of CalWORKs and becomes eligible for TFS, the county will adjust the household’s certification period to coincide with the end of the transitional benefit period. This may result in either a shorter or longer certification period than initially assigned.”
- 63-504.13 Transitional Food Stamp Benefits
  - (d) The CWD shall adjust the food stamp certification period to coincide with the end of the transitional period. The county shall notify the household of the change in their certification period in accordance with adequate notice provisions as specified in Section 63-504.2. There are no transitional food stamp benefits beyond the five-month benefit period.
  - (e) The CWD shall notify the household of the expiration of the transitional benefit period. If transitional food stamp benefits are ending for any reason other than the expiration of the five-month benefit period, the CWD shall provide the household a timely notice of action prior to the termination of transitional benefits.

- 273.12 (f) *PA and GA households.*

(3) The State agency may not terminate a household's food stamp benefits solely because it has terminated the household's PA benefits without a separate determination that the household fails to satisfy the eligibility requirements for participation in the Program. **Whenever a change results in the reduction or termination of a household's PA benefits within its food stamp certification period**, the State agency must follow the procedures set forth below:

(4) *Transitional Benefits Alternative.* The State agency may elect to provide households leaving TANF with transitional food stamp benefits as provided in this paragraph (f)(4). A State agency electing the Transitional Benefits Alternative (TBA) must provide transitional benefits, at a minimum, to all families with earnings who leave TANF. The State agency may not provide transitional benefits to a household which is leaving TANF when: the State agency has determined that the household is noncompliant with TANF requirements and the State agency is imposing a comparable food stamp sanction in accordance with §273.11; the State agency has determined that the household has violated a food stamp work requirement in accordance with §273.7; the State agency has determined that a household member has committed an intentional Program violation in accordance with §273.16, or the State agency is closing the household's TANF case in response to information indicating the household failed to comply with food stamp reporting requirements. **The State agency must use procedures at paragraph (f)(3) of this section to determine the continued eligibility and benefit level of households denied transitional benefits under this paragraph (f)(4).**

(i) When a household leaves TANF, the State agency may freeze for up to 5 months the household's benefit amount at the level the household received when it was receiving TANF. This is the household's transition period. If the household is losing income as a result of leaving TANF, the State agency must adjust the food stamp benefit amount before initiating the transition period. To provide the transition period, the State agency may extend the certification period for up to 5 months, not to exceed the maximum periods specified in §273.10(f)(1) and (f)(2).