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: May 26, 2012

NEED RESPONSE BY:

6. COUNTY/ORGANIZATION: Contra Costa County--State Hearing Dept

7. SUBJECT: Cafeteria Plan Benefits as Income in the CalFresh

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): 63-502.111; 63-502.12 and 7 CFR 273.9(c)(1)

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

My issue is this: the claimant works for an employer on a full-time basis. As part of her benefit package, her employer puts money into a group benefits cafeteria plan which provides a benefits allowance to eligible employees. Employees must use these benefits to pay for health and dental insurance premiums from a group of insurance plans offered through the employee. If the employee can establish s/he has health and dental insurance elsewhere (such as through a spouse's employer) he/she may elect to take the benefit as cash payment included in their biweekly paycheck. If the employee does not have health/dental insurance from another source, s/he MUST select one of the medical and one of the dental plans offered by the employer and have the cafeteria plan benefit pay the premium. If any of the cafeteria plan benefit is left over after the monthly premiums are paid, the employee is given the remainder in his/her biweekly check.

In my case, the claimant is unmarried, so does not have health and dental insurance coverage from another source. The

10. REQUESTOR'S PROPOSED ANSWER:

I think that since she does not have access to the income the amount of the benefits used to pay for the medical and dental insurance premiums are not income. I think the amount remaining after the premiums are paid, which she receives in her paycheck is income.

What is program's position?

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

The State disagrees with the above proposed answer.

State regulations MPP Section 63-502.111 states gross income shall include all income from whatever source, except as specified in Section 63.502.12 and excluding only those items in Section 63.502.2. This regulation does not list the exclusion of "monies used for employer-sponsored group benefit plans, e.g. cafeteria plans". This section refers to the exclusion of an "in-kind benefit".

Therefore, the state concurs with the treatment of income applied by the Contra Costa County worker.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

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: May 14, 2012 NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: Contra Costa County -State Hearing Dept 7. SUBJECT: Cafeteria Plan Benefits as Income in CalFresh
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):	

claimant's cafeteria plan benefit is $262.38 each biweekly paycheck of which $181.36 is used to pay her medical and dental premiums. This leaves her $81.02 which she get in cash.

The County has treated the entire $262.38 as income, which causes her gross income to exceed the CalFresh program limits. The claimant's position is that only the $81.02 should be considered as income, since she never sees the $181.36 and does not have the option to elect to take it as cash.