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: 11/14/12

NEED RESPONSE BY: ASAP

6. COUNTY/ORGANIZATION: Riverside

7. SUBJECT: CalFresh Household Composition Overissuance

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-402.142; 63-300.1

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):

I am a retired annuitant (RA) ALJ assigned to review requests for rehearings of State Hearings Division Decisions. I am reviewing a case where an ALJ ordered a county to reduce the amount of an OI for the period of 12/11 through 2/12 and found that an UI had occurred during such months because the claimant's 24 year-old daughter and the daughter's child had not been included in the HH. The county has requested a rehearing, contending that the daughter and child should not be retroactively added to the HH because the claimant had never requested that they be included in the HH prior to the state hearing.

It is undisputed that the daughter and her child purchased and prepared food with the claimant and other HH members during the period at issue. It is also undisputed that the claimant had not asked to have the daughter and her child added to the HH before the state hearing.

10. REQUESTOR'S PROPOSED ANSWER:

I don't have an opinion about this issue. I just want to know state policy. Is it state policy to include the daughter and the daughter's child in the HH retroactively and to reduce the amount of the OI accordingly? It would appear in another context that if the daughter had income, her income would be imputed to the claimant for OI/benefit computation purposes even if the claimant had not added the daughter as long as the daughter purchased and prepared food with the claimant. Why would the answer be different where the daughter, as here, had no income?

Continued on next page.

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

The Manual of Policies and Procedures (MPP) 63-802.1 states: The CWD shall restore to a household benefits which were lost whenever the loss was caused by an administrative error as defined by Section 63-801.22, or; an administrative disqualification for an intentional Program violation was subsequently reversed as specified in Section 63-805.3, or; a statement elsewhere in the regulations specifically states that the household is entitled to restoration of lost benefits.

Therefore, based on the information provided, the HH is not entitled to an underissuance. Failure to include HH composition changes on a mandatory report does not meet the criteria of issuing lost benefits. However, if the failure to report results in an overissuance, per MPP 63-801.1 the adult members of the HH are responsible for repayment.

The information given indicates that the HH failed to meet their QR mandatory reporting responsibility.

FOR CDSS USE

DATE RECEIVED: 11-15-2012

DATE RESPONDED TO COUNTY/ALJ: 12-03-2012

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: 11/14/14	NEED RESPONSE BY: ASAP
	6. COUNTY/ORGANIZATION: Riverside	
	7. SUBJECT: CalFresh Household Composition Overissuance	
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): MPP 63-402.142; 63-300.1		

QUESTION (continued):

This is a quarterly reporting household. the claimant applied for benefits for a HH of 4. the ALJ issued a decision saying the HH should have numbered 6 persons.

The OI is for the period of 4/11 thru 6/11 and 11/11 thru 2/12. however, the ALJ found an OI for the first period notwithstanding the fact that the claimant's adult daughter and d's child should have been added to the household.

The claimant testified at the state hearing that she was not aware that she could have added D and child to the HH. So the earliest that this claim (that D and D's child should have been in the HH) was made appears to have been when the state hearing was requested in response to the OI NOAs.

Having found that the HH should have included the D and D's child, the ALJ found an UI for the second OI time period of 11/11 thru 2/12.