FSP POLICY INTERPRETATION – EXPEDITED SERVICE OVERISSUANCE

County: Sacramento

Regulation Cite(s): 63-301.5 and 63-801.1

References: ACIN I-79-03, Question 1

Background:
ACIN I-79-03, Question 1 states that if the client doesn't "willfully" submit information to defraud, then we should not claim an overissuance. MPP Section 63-801 states that a claim should be established anytime a FSHH receives more benefits than they are entitled to, with the exception of under $35, AE.

Question(s):
1) When are the benefits issued under ES guidelines considered an O/I? **2)** If the applicant totally misrepresents their situation, and there's not FS eligibility, is that an O/I? **3)** If the applicant simply misjudges the amount of income, and there's still FS eligibility is that an O/I?

Proposed County Response:
We think, if the client totally misrepresents their situation and there's no FS eligibility that would be an O/I. If the applicant misjudges their income on the SAWS1, that would not be considered "willful" and there would not be an O/I.

State Response:

1) MPP Section 63-801.1 states that the CWD shall establish a claim, in accordance with Section 63-801.2, against any household that has received more food stamp benefits than it is entitled to receive or any household which contains an adult member who was an adult member of another household that received more food stamp benefits than it was entitled to receive, except as specified in Section 63-801.12.
2) Yes. If the applicant totally misrepresents their situation and receives ES food stamp benefits and then it is discovered that the applicant was not eligible for FS, the CWD would establish an overissuance claim against the household.
3) If the applicant misjudges the amount of income and receives ES benefits and the applicant is currently participating in the FSP, the CWD would establish a claim against the household and collect repayment for the claim by reducing the household's food stamp allotment as provided in Section 63-801.44.