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:
   - [x] Policy/Regulation Interpretation
   - [ ] QC
   - [ ] Fair Hearing
   - [ ] Other:

5. DATE OF REQUEST: September 9, 2014
   NEED RESPONSE BY: September 24, 2014

6. COUNTY/ORGANIZATION: Riverside County

7. SUBJECT: Incarceration and CalFresh overissuance

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-402.4; CFR 273.1(b)(7)(vi)

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   ACL 00-10, 12-25, 12-25E

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

Would a CalFresh (CF) overissuance exist on a case if a household member was incarcerated mid-period?

Scenario 1: CF Semi-Annual Reporting (SAR) case that includes two (2) adults (mom and dad) and two (2) children with a January through June reporting period. On March 4, SIU verifies and informs the worker that dad has been incarcerated since January 13 and remains incarcerated with no release date. SIU verified information is considered information "known to the County."

Question 1: Does an overissuance exist for March 2014 even though the customer is not required to report dad's incarceration until the May 2014 SAR 7?
See page two (2) for the second scenario.

10. REQUESTOR'S PROPOSED ANSWER:

Incarceration of a household member is not a mandatory mid-period report. However, SIU verified information is information considered "known to the county" and mid-period action can be taken. Also, SIU verified information from the primary source (correctional facility) can be considered VUR.

Scenario 1: Discontinue dad mid-period for April 2014 and continuing. An overissuance does not exist for March 2014 as the customer was not required to report dad out of the home until the May 2014 SAR 7.

Scenario 2: Discontinue dad mid-period for October 2014 and continuing. An overissuance exist for July 2014 through September 2014 for customer's failure to report dad's incarceration (out of home) on the May 2014 SAR 7.

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

CDSS concurs with the county's answers to both scenarios. Since the incarceration of the father is not a required mid-period report there would be no overissuance in the first scenario. In the second scenario there would be an overissuance from July because the incarceration of the father was not reported on the SAR 7.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
September 9, 2014	October 8, 2014 (WEB)

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:	NEED RESPONSE BY:
	6. COUNTY/ORGANIZATION:	
	7. SUBJECT:	
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):		

Scenario 2: CF SAR case with two (2) adults (mom and dad) and two (2) children with an application date of January 3, 2014 (approved on January 10) and a July through December reporting period. On September 8, SIU verifies and informs the worker that dad has been incarcerated since January 13, 2014, and remains incarcerated with no release date. The household did not report dad's incarceration on the May 2014 SAR 7. The worker discontinues dad for October 2014 and continuing.

Question 2: Is the overissuance processed effective July 2014 and continuing as the customer did not report dad's incarceration on the May SAR 7 or is the overissuance processed from March 2014 and continuing?

Individuals detained in a federal, state or local penal, correctional or other detention facility for more that 30 days, do not retain status as an eligible member of any CF HH. However, incarceration of a HH member is not a mandatory mid-period report for CF cases .

Regulations and references

CFR 273.1(b)(7)(vi) - Residents of an institution are not eligible to participate as a member of any household.

MPP 402.4 - Individuals shall be considered residents of an institution when the institution provides them with the majority of the meals as part of the institution's normal services. Residents of institutions are not eligible for participation in the Food Stamp Program.

ACL 12-25 and 12-25E - the only mandatory mid-period reports for CF cases are:

PACF and NACF cases - the amount likely to render the recipient ineligible for CF benefits for those HH subject to the IRT.

NACF cases only - customers who are required to meet the Able Bodied Adult without Dependant (ABAWD) rule must report any reduction in work hours below 20 hours per week or 80 hours per month.