# 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. 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:

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S):
   20-300, 20-351 I (1) . California Penal Code 1203.049

5. DATE OF REQUEST: 08/09/12

NEED RESPONSE BY: 08/17/2012

6. COUNTY/ORGANIZATION:
   Santa Clara County Social Services

7. SUBJECT:
   CF IPV -Nolo Contendere

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):

CFC 20-351 I (1) states (1) Intentional Program Violation (IPV) in the CalWORKS program- "IPV" means that a determination made by a state or federal court, including any determination made on the basis of a plea of guilty or nolo contendere, or pursuant to an administrative disqualification hearing, that an individual has intentionally...

CFC 20-300, Intentional Program Violation in the Food Stamp Program, does not mention anything about nolo contendere pleas.

If a client pleas nolo contendere, should a CF IPV be recorded or should this be recorded as an Inadvertent Household Error (IHE) overissuance?

10. REQUESTOR'S PROPOSED ANSWER:

Unfortunately, I do not have a proposed answer for this question. Per California Penal Code 1203.049, clients may plea nolo contendere for CalFresh. However, it is not clear if these pleas constitute an IPV conviction for CF as it is for CalWORKS.

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

The county can establish an IPV for CalWORKs but not for CalFresh. According to MPP 20-351.1, a determination of an IPV includes a nolo contendere plea for CalWORKS. However, there is no such provision in MPP 20-300.1 regarding the determination of an IPV for CalFresh. The county may not impose an IPV penalty based on a nolo contendere plea in CalFresh when the judge does not impose a penalty. The county would have to request an Administrative Disqualification hearing (ADH) and present clear and convincing evidence that an IPV occurred, or obtain a waiver (MPP 22-220.3 and MPP 22-320).
If the county attempted to impose a penalty for an IPV in CalFresh without an ADH based upon a nolo contendere plea, an ALJ would reverse that penalty if the claimant requested a hearing to dispute the penalty. If the county does not request an ADH or an ADH waiver than the county must collect the O/I as an IHE.

## FOR CDSS USE

| DATE RECEIVED: | DATE RESPONDED TO COUNTY/ALJ: |
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