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: 1/26/15

NEED RESPONSE BY: asap

6. COUNTY/ORGANIZATION: Riverside

7. SUBJECT: CF Overissuance computation

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-503.151; 63-509(a)(4)(A)

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 03-18, p.8

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

The clmt was discontinued from CF 9/30/12 but reapplied 10/22/12. The new app was approved and the county issued benes. The present action is an OI recovery action. The months at issue for rehearing purposes only concern 10/12 through 12/12. The clmt had $1071 in October earnings, which she did not disclose with her re-app. The clmt had no earnings for 11 or 12/12. When the county learned of the unreported income, it initiated the OI action in 2/14. Both the county and the ALJ prorated the clmt's earned income for October 2012, but the ALJ only counted her earnings for October (finding no anticipated income for 11 and 12/12). The county averaged averaged the claimant's October income over the quarter.

10. REQUESTOR'S PROPOSED ANSWER:

The county has requested a rehearing. The county's approach yielded an OI for the quarter of $249 while the ALJ's approach yielded an OI of $114.

I am a retired annuitant ALJ assigned to review rehearing requests. I am interested only in ensuring that my review follows program's legal interpretations.

Please advise. A copy of the decision will forwarded to you upon request.

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

CDSS concurs with the ALJ's decision. Under Semi-Annual Reporting, income is not averaged with very rare exceptions. The overissuance should be computed based on the household's circumstances if the household had reported correctly. Therefore, since the income terminated in October the county should not prospectively budget any income for the months of November and December.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ: (WB)