# 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: 3/26/15
   NEED RESPONSE BY: asap

6. COUNTY/ORGANIZATION: Humbolt

7. SUBJECT: Overissuance, SSI

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): MPP 63-402.226; ACL 12-25, p. 79

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**
   MPP 63-402.226; ACL 12-25, p. 79

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

The claimant is represented by Legal Aid, which seeks a rehearing of a decision that upheld the county's right to collect a CF OI for 12/13 thru 5/14 as the claimant was elig for SSI during such months. The RH req concerns 12/13 and 1/14 only. The claimant was determined eligible for SSI effective 10/13 but did not receive SSI benes until a lump sum was issued in 3/14. The claimant was also in a non-pay SSI status when the state hearing was conducted in 9/14, but his eligibility for SSI still had not terminated. At the time of the OI, the clmt was a change-reporting homeless HH of one. The AR contends that even though the claimant was eligible for SSI in 12/13 and 1/14, his lump sum received in 3/14 cannot be counted as income re the OI months of 1/13 and 12/14. The AR also contended at the hearing that the clmt had no duty to report his SSI status to the county until his next recert date in 2/14. The AR ruled otherwise as the clmt remained eligible for SSI.

10. REQUESTOR'S PROPOSED ANSWER:

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. I have no personal position on the issue.

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

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

As stated in MPP 63-402.226, a person must actually receive, not merely have applied for, SSI/SSP benefits to be determined ineligible for CalFresh. The state concurs with the claimant's defense that no OI can be assessed retroactively for December 2013 and January 2014 for funds received in March 2014.

**FOR CDSS USE**

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ: A.B.