# CALFRESH REQUEST FOR POLICY INTERPRETATION

**PI#** 18-05

**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. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO:
   - ☑ Policy/Regulation Interpretation
   - ☐ QC
   - ☑ Other: Hearings

5. DATE OF REQUEST: 01/05/2018
   NEED RESPONSE BY: 02/01/2018

6. COUNTY/ORGANIZATION: Stanislaus County

7. SUBJECT: MID PERIOD INCARCERATION

2. REQUESTOR NAME:

3. PHONE NO.: EMAIL:

4. REGULATION CITE(S):

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

   §63-402.4
   ACL 12-25 and ACL12-25E

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

Single Person CF Household. On 4/152016 case approved with an Application Date of 4/13/2016. SAR submit month 9/2016. On 9/1/2016 SIU (Special Investigation Unit) received a Prison Match reporting that the customer was incarcerated on 5/14/2017. SIU confirmed incarceration from May 2016 through September 2016 and ongoing. The CF case was discontinued effective 10/1/2016 with the appropriate notice, and an Inadvertent Household Error Overissuance was established from June 2016 through September 2016.

1. Did the customer have a reporting responsibility to notify the County of his incarceration or a change of address?
2. Was the County correct to set up an Overissuance for June through September 2016?
3. If the County was correct to set up the Overissuance, should it be established as an Inadvertent Household Error?

10. REQUESTOR'S PROPOSED ANSWER:

1. No. Per ACL-25E, neither an address change nor incarceration are mandatory mid-period reports
2. As a resident of an institution the customer was not eligible for benefits while incarcerated. However, as there is no requirement to report incarceration the customer should be removed from CF as soon as the information is known to the County but no Overissuance should be assessed.
3. If there is no reporting requirement then there is no Inadvertent Household Error

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

1. The State agrees with the proposed answer - neither an address change nor incarceration are mid-period reporting requirements.
2. The State does not agree with the county's actions - the household should have been discontinued due to failure to file a complete SAR 7 timely, not due to the incarceration being known to the county. An overissuance should not have been established for the household. A prison match report is not VUR and is not a mid-period reporting requirement. When the county receives a prison match report, the county should follow-up with the household by sending a notice of match results, as a prison match report is actionable mid-period. If the household does not respond to the notice, the county will make a note of it in the case file and follow-up at the next recertification.
3. The State agrees with the proposed answer – no overissuance is established for the household.

**FOR CDSS USE**

| DATE RECEIVED: | DATE RESPONDED TO COUNTY/ALJ: |
|---|---|
| 1/09/2018 | 1/17/2018 SM (Revised 3/1/2018 SM) |