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:

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S):

5. DATE OF REQUEST: 5/25/17

NEED RESPONSE BY: 6/15/17

6. COUNTY/ORGANIZATION: Glenn County HHSA

7. SUBJECT: PVS, VUR, and OIs

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 12-25 p. 78, ACL 15-95, p. 2-3, ParaReg 291-5A, ParaReg 292-3C, see reverse side for details

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

Questions: When processing a PVS report with new income (i.e. UIB), that is under the IRT and could not be reasonably anticipated at intake/RE/SAR7, do we: 1) Consider prospective budgeting rules and not take action on the case until the next SAR period, as the income did not exceed IRT and was not required to be reported or 2) Act on the PVS VUR and initiate a decrease as soon as timely notice can be given?

Additionally, if we are to take action mid-period and the worker exceeds the 45 day timeframe for processing the PVS report, would there be admin overissuances? If so, would they begin with the first month in which 10 day notice could have been reasonably given or would they begin the first month proceeding the 45 day timeframe, in which 10 day notice can be given? Example: PVS received 2/1/17 showing new UIB income that is below IRT. PVS is processed late on 4/25/17 and CF is decreased with timely notice effective 6/1/17. Is there an overissuance and if so when does it begin?

10. REQUESTOR'S PROPOSED ANSWER:

Since the PVS report is considered VUR, action must be taken to include the new income in the CF budget and initiate a decrease as soon as timely notice can be given.

If the IEVS is processed late there is no overissuance as ACLs 12-25 and 15-95 prohibit reconciling reasonably anticipated and actual income as long as the recipient met their reporting requirements and the county averaged and issued benefits based on reasonably anticipated income. In the example above with a PVS received 2/1/17, processed on 4/25/17, and action taken effective 6/1/17 there is no overissuance.

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

Because the PVS report is VUR, and using the example above, action should be taken on the overissuance (OI) mid-period as soon as timely notice can be given. The OI is considered an administrative error since the match was processed outside of the 45 day allotment. The OI would be calculated back to the date the UIB was first received by the client, which, in the example above, would begin on a date prior to the 2/1/17 PVS report.

FOR CDSS USE

DATE RECEIVED: 05-25-17

DATE RESPONDED TO COUNTY/ALJ: AB 06-30-2017

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: 3. PHONE NO.: 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).**

We considered the resources below, when questioning whether or not to act mid-period and if there would be overissuances:

ACL 12-25
pg 78 Income related failure to report and CWD errors will only be determined based on the mandatory client reporting requirements under SAR rules. Mandatory client reports include, SAR 7, RE/RC forms and income over IRT.

ACL 15-95
Pg 2. When IEVS matches are received showing unreported income, the CWD must process these matches to determine the actual monthly income received. An IEVS match that reveals a client had unreported income under their IRT during any month of the SAR Payment Period except for the Data Month will not result in an O/P because it was not required to be reported.....
Pg 3. "The Calfresh Policy Bureau has determined that Calfresh O/Is will also now be computed in a manner consistent with the policy described in this ACL.

http://www.cdss.ca.gov/shd/res/pdf/ParaRegs-Food-Stamps-Corrective-Actions.pdf

ParaReg 291-5A 5/16 No overpayment/overissuance or underpayment/underissuance shall be assessed when actual income received during the payment period differs from the amount of income reasonably anticipated, as long as the recipient met his/her reporting responsibilities. No reconciling based on actual income is done if reporting requirements are met accurately and completely and the county averaged and issued benefits based on reasonably anticipated income. (All-County Letter (ACL) 12-25, May 17, 2012, p. 83; ACL 03-18, April 29, 2003, p.74)

ParaReg 292-3C 10/15 Information from Income and Eligibility Verification System (IEVS) matches needs to be evaluated to determine if the information was required to be reported by the recipient on the SAR 7 or the redetermination/recertification (RD/RC) forms, or as a mandatory mid-period report. If the information, after being confirmed under IEVS regulations, was required to be reported, but was not, then appropriate action may be taken. If the information was not required to be reported (voluntary report) then no action may be taken. When reconciling IEVS matches with reported income from the SAR Data Month or RD/RC, the County Welfare Department must take prospective budgeting rules into consideration. This includes taking into account information that was available at the time the determination of reasonably anticipated income would have been made, if reported timely. In other words, County Welfare Departments may not rely on actual income, if, at the time the mandatory report was due, the income could not have been reasonably anticipated. (All "reasonably anticipated" rules apply, even when retroactively considering the case for unreported information.) (ACL No. 12-25, May 17, 2012)