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: 10/24/12

NEED RESPONSE BY: 10/31/12

6. COUNTY/ORGANIZATION: County of Santa Barbara

7. SUBJECT: OI Recoupment from an SSI/SSP recipient.

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S): 63-801, 63-801.611

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

ACIN I-54-09 8/18/09; 7CFR 273.18

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

Scenario: An OI was determined in 4/10. At the time HH consisted of a husband and wife with minor children. The husband left the home in 9/10 and was awarded SSI/SSP status in10/10. In 12/10 he joined another CF HH. The OI followed him as he continues to be liable. CalWIN wants to start recoupment on the OI that was originated 4/10 while he was a CF recipient with his wife. Because he is now a SSI/SSP recipient, does he continue to be liable?

Per ACIN I-54-09, "excluded HH members not currently in a status to be receiving benefits, are responsible for repayment of an O/I claim. Although SSI/SSP recipients may be responsible for the O/I, repayment cannot be demanded from the SSI/SSP benefit. Repayment can be demanded from the other excluded adult household members.

10. REQUESTOR'S PROPOSED ANSWER:

The following regulations support an adult member is liable for the OI: 1) All adult HH members shall be jointly and individually liable for the value of any OI of benefits to the HH. 63-801; 2) If a change in HH composition occurs, the CWD shall initiate collection action which may be taken against any or all HH which contain an adult member who was an adult member of the original HH that received an OI. 63-801.611 Change in HH Composition
The following is specific to the SSI/SSP recipient in that they are responsible for the OI however repayment cannot be taken from their SSI/SSP benefit:1) Per ACIN 1-54-09, SSI/SSP recipients may be responsible for the O/I; however repayment cannot be taken from the SSI/SSP benefit; 2) Pursuant to Louis v. McMahon, an SSI/SSP recipient does not have to use his/her SSI/SSP income to repay the OI. Thus the county may only recoup an OI from an SSI/SSP recipient if he/she has other assets to pay the OI or if he/she voluntarily agrees to repay from the SSI/SSP.
The SSI/SSP recipient is not liable for the OI although it occured when the recipient was part of a CF HH as a recipient.

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

All County Information Notice I-54-09EII states that excluded household members (such as those receiving SSI/SSP) that may have caused the OI are responsible for the repayment of an OI claim. ACIN I-27-90 states that the SSI/SSP funds "...are not subject to collection and that these funds cannot be used to repay...Food Stamp [CalFresh]overissuances without the express permission of the client." Therefore, the SSI/SSP recipient is liable for the OI, however repayment cannot be demanded from the SSI/SSP benefit.

FOR CDSS USE

DATE RECEIVED: 10/24/12

DATE RESPONDED TO COUNTY/ALJ: 10/30/12-JN