STATE OF CALIFORNIA-HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

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. 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 or 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:

- [x] POLICY/REGULATION INTERPRETATION
- [ ] QC
- [ ] FAIR HEARING
- [ ] OTHER:

5. DATE OF REQUEST: 04/09/13

NEED RESPONSE BY: 04/16/2013 or sooner

6. COUNTY/ORGANIZATION

LOS ANGELES/DEPARTMENT OF PUBLIC SOCIAL SERVICES

7. SUBJECT:

Verification Requirement for Unearned Income

2. REQUESTOR NAME:

3. PHONE NUMBER:

8. REFERENCES: (Include ACL/ACIN, court cases, etc. In references)

NOTE: All requests must have a regulation cite(s) and/or a reference(s).

4. REGULATION CITE(S): 63-505.41(QR)(a), 63-508.45 200-006.2 200-006.3 200-006.5 63-300.22, 63-300(m) 63-509(j) (1) (A)

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

Based on section 63-505.41(QR)(a), "The CWD may request verification be submitted for any item that has changed or appears questionable. QR households shall provide verification of the following information reported on the QR7: (a) Gross non-excluded earned income each month; non-excluded unearned income and the source of excluded income when first reported and when there is a change". Yet, based on section 63-508.45, "Verification is provided for gross non-excluded earned income and non-excluded unearned income for the Data Month when first reported and when there is a change in the amount of income received." These two policies are contradictory. Which one is correct? Do we need verification for ongoing unearned income when it is reported on QR7 or can we use IEVS to verify the reported income and not make the QR 7 incomplete when verification is missing?

According to section 63-509(i)(1)(A), "CWD Action on the information obtained from Match systems: The CWD shall consider information received from match systems such as the Income and Eligibility Verification System (IEVS), the Payment Verification System (PVS), and other such sources for purposes such as: To determine if information reported on QR 7s is accurate;" Does this mean IEVS abstract can be used as verification for reported information on QR 7?

As per section 63-300.22 IEVS Interface, "All applicants for, and recipients of food stamp benefits shall be notified in writing at the time of application, and at each recertification, that information available through IEVS will be requested, used, and may be verified through collateral contact when discrepancies are found by the CWD, and that such information may affect the household's eligibility and level of benefits." If EVS can be used as verification, what kind of written form/notice should the counties use to inform the applicants/recipients that IEVS will be used in determination of eligibility and benefit level? Should each county create a form for this purpose and the applicant/recipient should sign it? Or just explain it and document it in case comments that applicant/recipient was informed that IEVS will be used in eligibility and benefit level? Attached is a sample form that is currently used by our County's CalWORKs program. Please let us know if we could the same form modified to reflect NACF for this purpose.

Also, per section 63-300 (m)(1), Verification of Eligibility through IEVS, "Income and eligibility information shall be requested through IEVS and shall be used, to the extent possible, in the determination of eligibility in accordance with the procedures specified in Sections 20-006.2 and 20-006.4.

According to section 20-006.121, after (f), under "Handbook begins here", "Upon receipt of the matched IEVS data from the state, the CWD is to use this information to determine eligibility and the appropriate level of benefits by reviewing and comparing it to the case record information, and by verifying the applicability of the matched data." In addition, per 20-006.3, Uses of IEVS information, "The CWD shall use information obtained through the IEVS for the purpose of: .31, "Verifying the applicant's/recipient's eligibility."

Furthermore, per section 20-006.531, IEVS Information Considered Verified Upon Receipt, "IEVS information received directly from the income/benefit source shall be considered verified upon receipt. Such information includes Social Security and Supplemental Security Income benefit information from SSA, cash aid benefit information from another county or state, and unemployment insurance and disability insurance benefits from California or another state." Per section 20-006.532, "If the IEVS information is determined to be applicable to the case circumstances, the CWD shall take appropriate action without additional verification/documentation of the information or shall document in the case file that no action is required."

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10. REQUESTOR'S PROPOSED ANSWER:

Based on the references mentioned above, IEVS can be used as verification for ongoing unearned income when the information is reported on the QR 7; however, it is not clear if and how the applicant/participant should be informed the IEVS will be used for eligibility and benefit level. Attached is the form PA 2497 that is used by CalWORKs program. Need clarification as which one of the policies mentioned above is correct.

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11. STATE POLICY RESPONSE *(CFPB USE ONLY):* Please refer to ACIN I-45-11 for information regarding verifications. In regards to QR income reporting requirements follow MPP 63-508.45 which says: Verification is provided for gross non-excluded earned income and non-excluded unearned income for the data month when first reported and when there is a change in the amount of income received except as specified in Sections 63-504.325(a) and 63-505.311. IEVS reports may be utilized but counties should only verify mandatory eligibility factors for CalFresh unless it is for the purpose of maximizing benefits as specified in ACIN I-45-11. Applicants agree that all facts, including benefit and income facts may be reviewed and checked out by county, state, and federal personnel by signing the SAWS 2a (required form, no substitutes permitted), Statement of Facts at application and recertification. If information obtained from IEVS is considered VUR (refer to ACL 13-17 for a complete definition of VUR) then the CWD should take appropriate action.

NOTE: Regulations at MPP 20-006 are intended to clarify the meaning of fraud in public social services programs (including public assistance) and thus may not specifically apply to CalFresh. See 20-001.1.

FOR CDSS USE

DATE RECEIVED: **April 23, 2013**	DATE RESPONDED TO COUTY/ALJ: **April 2013**