

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



*July 26, 2000*

ALL-COUNTY INFORMATION NOTICE NO. I-76-00

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY FOOD STAMP  
COORDINATORS

REASON FOR THIS TRANSMITTAL	
<input type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order or Settlement Agreement
<input checked="" type="checkbox"/>	Clarification Requested by One or More Counties
<input type="checkbox"/>	Initiated by CDSS



SUBJECT: FOOD STAMP WORK REQUIREMENTS AND SANCTIONS:  
QUESTIONS AND ANSWERS

REFERENCE: ALL COUNTY LETTER NO. 98-21; 99-78; and All County Information Notice I-42-00

This All County Information Notice (ACIN) provides answers to questions raised by the Food Stamp Committee's Technical Review Team and other county staff regarding the Able-Bodied Adult Without Dependents (ABAWD) and California Food Assistance Program (CFAP) work requirements. This ACIN also addresses questions involving food stamp sanctions and voluntary quit. The policies that are contained in this letter reflect revised ABAWD regulations that took effect February 1, 2000, and revised CFAP policies that were issued via All County Letter (ACL) 99-78, dated October 1, 1999.

Effective November 1, 1999, non-assistance CFAP recipients are required to meet the ABAWD work requirements, as defined in Manual of Policies and Procedures (MPP) Section 63-410. Therefore, many of the answers to ABAWD questions that are contained in this ACIN also apply to non-assistance CFAP recipients. Revised notices of action reflecting the changes to the CFAP work and sanction requirements were issued in ACL 00-15, dated February 22, 2000. CFAP recipients who receive California Work Opportunity and Responsibility to Kids (CalWORKs) benefits continue to be subject to welfare-to-work (WTW) requirements at MPP Section 42-700.

State statute specifies that all federal food stamp requirements also apply to CFAP recipients. Therefore, non-assistance CFAP recipients must meet the general food stamp work requirements at MPP Sections 63-407.42, .43, and .44, which requires them to do the following: submit information regarding employment status, when requested; report to an employer, when referred; and accept a bona fide offer of suitable

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employment. They also are subject to food stamp and voluntary quit sanctions, in accordance with MPP Sections 63-407.5 and 63-408, if they fail to comply with WTW, General Assistance (GA), Refugee Cash Assistance (RCA), or food stamp work requirements.

If you have any questions regarding this letter, please contact Robert Nevins at (916) 654-1408.

Sincerely,

***Original Document Signed By  
Suzanne Nobles on 7/26/00 for***

CHARR LEE METSKER, Chief  
Employment and Eligibility Branch

Enclosure

c: CWDA  
CSAC

## Food Stamp Work Requirements and Sanctions Questions and Answers

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**The 36-Month Period Defined and Tracking ABAWD Compliance  
Section 63-410.1**

**Question 1**

**When an individual moves to California and applies for food stamps, should the county inquire as to whether the applicant was subject to and complying with the Able-Bodied Adult Without Dependents (ABAWD) work requirement in the previous state of residence to determine whether the application should be approved or denied?**

**Answer**

With the passage of regulations that took effect February 1, 2000, months for which food stamps are received outside of California will be included when determining whether the ABAWD work requirement has been satisfied. Therefore, a county should inquire about an applicant's ABAWD status and compliance in a previous state. Approval or denial of the food stamp application will be dependent on whether the work requirement was met in the previous state. *This answer supercedes that contained in ACL 98-21, Questions 7 and 8.*

**Question 2**

**Regulations at the Manual of Policies and Procedures (MPP) Section 63-410 state that an ABAWD is ineligible if he receives food stamps for three months without meeting the work requirement. An ABAWD fails to meet the work requirement in July.**

**Question 2A**

**Is the ABAWD considered a food stamp recipient for July if he receives coupons in the mail, but does not use them?**

**Answer**

Yes. When coupons are mailed, the client is considered to have received them, regardless of whether they are used. July would count against the three-month limit. However, if the coupons are returned as undeliverable, the individual is not a recipient for July and it would not count against the three-month limit.

**Question 2B**

**Is the ABAWD considered a food stamp recipient for July if he receives food stamp benefits via Electronic Benefit Transfer?**

**Answer**

Yes. When benefits are posted to the account, the client is considered a food stamp recipient for that month. July would count against the three-month limit.

**Question 2C**

**In a county with an over-the-counter issuance system is the ABAWD considered a food stamp recipient for July if he doesn't pick up his coupons?**

**Answer**

No. MPP Section 63-602.32 provides that a household which does not transact or pick up its food stamps during the period they are valid shall lose its entitlement to the benefits for that period. Therefore, the ABAWD is not considered a food stamp recipient for July and the month would not count against his three-month limit.

**ABAWD WORK REQUIREMENT DEFINED**

**Section 63-410.2**

**Question 3**

**What wage must an ABAWD earn from employment to satisfy the ABAWD work requirement?**

**Answer**

With the passage of revised ABAWD regulations, employment at any wage may be used to meet the ABAWD work requirement. Thus, self-employment and employment for in-kind income may be used to satisfy the ABAWD work requirement even if income generated is less than the minimum wage multiplied by the number of hours worked. Minimum wage protections contained in state and/or federal law continue to apply to ABAWDs. This answer supercedes policy contained in ACL 98-21 (Questions 12 and 25).

**Question 4**

**Regulations at MPP Section 63-410.211 state that the ABAWD work requirement can be met by working at least 20 hours per week, averaged monthly. Does this mean that a food stamp recipient has met the ABAWD work requirement if he/she works 80 hours in a month that contains four weeks and two additional working days? Or are additional working days treated as a partial week for which the ABAWD work requirement must be met?**

**Answer**

Full weeks are used when determining whether the ABAWD work requirement has been satisfied through employment. Partial weeks need not be considered in determining whether a sufficient number of hours have been worked. Thus, an individual has met the ABAWD requirement when the total number of hours worked in the month divided by the number of full weeks in the month equals an average of 20 hours or more per week.

**Question 5**

**Are household tasks performed for a spouse, boyfriend, or other member of the food stamp household, e.g., laundry and cleaning, considered work for in-kind income?**

**Answer**

No. Work for in-kind income only refers to services directly provided to an employer in exchange for a benefit, such as rent. The domestic tasks described in this situation are provided as a benefit to the food stamp household, not directly to the employer.

**Question 6**

**Can participation in a General Assistance (GA) workfare program, which is not a Food Stamp Employment and Training (FSET) funded component, be used to satisfy the ABAWD work requirement?**

**Answer**

Yes. Regulations at MPP Section 63-410.212 specify that the ABAWD work requirement may be met through participation in a workfare program as defined in Section 20 of the Food Stamp Act or in a comparable program.

**Question 7**

**When can a food stamp applicant or recipient be required to participate in the 30-day job search period, which precedes a workfare assignment?**

**Answer**

Workfare job search may be assigned at FS application or certification, but not at recertification.

**Question 8**

**Can the 30-day job search period, which may be assigned to an FSET participant prior to placement in a food stamp workfare activity, also be assigned prior to participation in self-initiated workfare?**

**Answer**

No. The job search period of up to 30 days is only allowable in workfare programs, including the FSET workfare component, that guarantee placement in a workfare slot if the participant does not find a job. Because self-initiated workfare participants seek their own workfare slots, they would not be guaranteed a workfare slot at the end of the job search period and should not be placed in a 30-day job search period.

**Question 9**

**Persons who elect to participate in self-initiated workfare are responsible for documenting hours of participation. What constitutes sufficient documentation for purposes of verifying compliance?**

**Answer**

In addition to completing Form CW 7, which contains general questions regarding participation in job/training activities, counties may require individuals to submit written verification statements from the agencies with which they have found a workfare placement. Counties are required to take the measures necessary to verify the recipient is meeting the work requirements on a monthly basis.

**Question 10**

**For counties that do not have an FSET program, can self-initiated workfare be offered to food stamp recipients as a means for satisfying the ABAWD work requirement?**

**Answer**

Yes. Counties that do not offer FSET may establish a self-initiated workfare program for their ABAWD population. However, all costs for tracking compliance and other administrative activities must be paid from county funds.

**Question 11**

**Counties who offer self-initiated workfare must require participation of at least 20 hours per month. Counties may also require additional hours of participation, provided they stay within the limit of 120 hours per month. A county establishes a monthly participation requirement of 40 hours for self-initiated workfare participants. In September, an individual participates for 32 hours. Since he met minimum participation requirements established by the state, but not those developed by the county, has he met the ABAWD work requirement for September?**

**Answer**

No. The ABAWD requirement is not met for any month in which a self-initiated workfare participant does not satisfy requirements established by the county, provided these requirements are within the minimum and maximum parameters identified in ACL 98-07, 20 hours and 120 hours respectively.

**EXEMPTIONS  
Section 63-410.3**

**Question 12**

**A client applies for expedited services and claims that he should be exempted from the ABAWD work requirement based on disability. The disability is not obvious and the county requests verification in accordance with MPP Section 63-407.21(b). Should expedited services be approved pending the receipt of verification? If expedited services are approved and the county subsequently learns that the claim of disability was unsubstantiated, should the months in which food stamps were received count against the three-month limit identified in MPP Section 63-410?**

**Answer**

Expedited services should be approved if the individual is eligible in accordance with MPP Section 63-301.531. ABAWD status is not considered when determining eligibility for expedited services. MPP Section 63-301.541(d) states that the county welfare department shall attempt to verify questionable work registration exemptions, but shall postpone these efforts if they cannot be accomplished within the time frames for approving and issuing expedited service.

If the claim of disability is found to be false, or is not substantiated, the case should be reviewed for a possible inadvertent household error overissuance claim (MPP Section 63-801). In addition, the months for which food stamps were received shall



count against the three-month limit, as identified in MPP Section 63-410, since the individual was not exempt and did not satisfy the ABAWD work requirement.

**Question 13**

**An individual claims that he is physically unfit for employment, but the unfitness is not evident. Does a written statement from a physician's assistant constitute sufficient documentation to verify a claim of physical unfitness?**

**Answer**

Yes. Appropriate verification for a claim of physical unfitness includes a written statement from a medical professional such as a nurse practitioner or physician's assistant.

**Question 14**

**Regulations at MPP Section 63-410.323 specify that any adult living in a household that contains a dependent child is exempt from the ABAWD work requirement. Does the reference to "household" refer to the home in which the child resides or the food stamp household of which he/she is a member?**

**Answer**

"Household" refers to the food stamp household of which the dependent child is a member.

**Question 15**

**An individual applies for unemployment insurance (UI) benefits. His UI application is denied and he appeals the denial. Does the individual qualify for the unemployment compensation exemption at MPP Section 63-407.21(e) during the appeal process?**

**Answer**

No. Regulations at MPP Section 63-407.21(e) exempt from work registration a person who has applied for, but has not begun to receive unemployment compensation. In this case, the application for unemployment compensation was denied, and the individual would not qualify for the exemption at MPP Section 63-407.21(e) while awaiting the UI hearing decision.

**Question 16**

**An individual has a UI overpayment. He obtains employment, loses the job and reapplies for UI. He is denied receipt of weekly UI benefits until the UI overpayment is recovered. If the individual applies for food stamps, is he exempt from food stamp work registration during the weeks UI is denied?**

**Answer**

Yes. The individual would be exempted per MPP Section 63-407.21(e). He would be considered a UI recipient since he is registered with the Employment Development Department and his benefits are being diverted to remedy the overpayment. However, when UI benefits are withheld as a penalty for fraud, an individual is ineligible for UI and would not qualify for the exemption.

**Question 17**

**Section 63-407.222 states that persons who lose exemption status due to a change in circumstances that is not subject to the reporting requirements at Section 63-505.3 or .5 shall register for employment at their household's next recertification. Are these persons considered exempt from work registration and the ABAWD work requirement from the date they lose exemption status until their next recertification? Or, are they immediately subject to the ABAWD work requirement when they lose exemption status?**

**Answer**

Persons identified in Section 63-407.222 are considered exempt from work registration and the ABAWD work requirement until recertification.

**Question 18**

**Can a person be exempted from the ABAWD work requirement due to caring for an incapacitated person even if the care provided is minimal, e.g., one hour per day?**

**Answer**

No. For purposes of the incapacity exemption at MPP Section 63-407.21(d), an individual would not be considered "responsible" for care of an incapacitated person unless the care precludes employment of at least 30 hours per week. The county may request a doctor's statement verifying the incapacity and identifying the number of hours for which care is needed. This answer is consistent with the drug/alcohol treatment program exemption at MPP Section 63-407.21(f) (see ACL 98-21, Question 23).

**LOSS OF ELIGIBILITY  
Section 63-410.4**

**Question 19**

**When a client is discontinued for not meeting the ABAWD work requirement, how should the county treat his income and resources while he is ineligible for food stamps?**

**Answer**

The income and resources of an individual excluded for failing to satisfy the ABAWD work requirement are considered unavailable to the household in accordance with MPP Section 63-503.45. However, if the ABAWD also receives a food stamp sanction when he is discontinued, his/her income and resources shall be counted in their entirety in accordance with MPP Section 63-503.441(a).

Example: An ABAWD works an average of 60 hours per month for three months and is discontinued for not meeting the work requirement. While he is ineligible, his income and resources are considered unavailable to the household.

Example: An ABAWD fails to meet the work requirement for two months. In the third month, he obtains employment of 25 hours per week, but two weeks later, he quits the job without good cause. He is discontinued for not meeting the ABAWD work requirement and also receives a voluntary quit sanction. His income and resources are counted in their entirety until he regains eligibility and cures the sanction.

*This policy is consistent with Question 3 of ACIN I 57-97 and supersedes that contained in ACL 97-08.*

**REGAINING ELIGIBILITY  
Section 63-410.5**

**Question 20**

**An ABAWD is discontinued effective July 31 after receiving food stamps for three months without meeting the work requirement. The client reapplies on August 15 and agrees to participate in workfare in order to regain eligibility.**

**Question 20A**

**Should the county deny the application and advise the client to reapply when he has completed the required number of workfare hours? Or, should the**

**application be pended so that the client is provided an opportunity to regain eligibility?**

**Answer**

The application should be pended for 30 days in accordance with MPP Section 63-301. In order to be approved for food stamps, the client must complete the required number of workfare hours during the 30-day period that began August 15 and ends September 13.

**Question 20B**

**How does the county determine the number of hours the client is required to participate to regain eligibility and receive the first month's allotment? If the household's prospective allotment is used, what allotment should the county use in this case since the 30-day period for regaining eligibility begins August 15 and ends September 13?**

**Answer**

Workfare hours are always determined by dividing a food stamp allotment by the minimum wage. The county has two options for determining what allotment should be used to calculate the number of workfare hours needed to regain eligibility. The county can prospectively determine the household's allotment for a 30-day period and divide this figure by the minimum wage. Or, the county can use a range of estimated food stamp allotments and corresponding workfare hours based on typical ABAWD cases.

Example: The county estimates that the ABAWD is eligible to a full-month allotment of \$127 at time of application. Therefore, he/she would be required to complete 22 hours of workfare ( $\$127 \div \$5.75$ ) by September 13th. If the client successfully regains eligibility, the food stamp application would be approved from the date the client applied i.e., August 15. A normal certification period should then be established.

**Question 20C**

**If the client regains eligibility by September 13, what must he do to retain eligibility for the rest of September? How can the county avoid the problem of budgeting from the middle of one month to the middle of the next month?**

**Answer**

To retain eligibility, the ABAWD will need to complete additional workfare hours. The additional required hours for the second month can be determined by

subtracting the estimated full-month allotment (\$127 in this case) from the total allotments for the initial two months i.e., August and September. This allotment balance would then be divided by the minimum wage to determine the additional workfare hours required. If the client retains eligibility for the rest of the month, workfare participation is then determined based on the food stamp allotment for each calendar month.

Example: The client completes his 22-hour workfare assignment and regains eligibility in September. He is determined eligible for an allotment of \$67 for August (prorated) and \$95 for September, based on his income at that time. The \$127 would then be subtracted from the combined actual allotment of \$162 resulting in a balance of \$35. This means that the ABAWD would need to complete an additional six hours of workfare (\$35 divided by \$5.75) to fulfill his participation requirement for the rest of September. Effective October 1st, workfare participation would be determined based on the food stamp allotment for October and each subsequent calendar month.

#### **Question 21**

**A client was discontinued July 31 for not meeting the ABAWD work requirement. The client reapplied for food stamp benefits on September 2, works 80 hours and successfully regains eligibility on September 25. What is the beginning date of aid? Does this date differ for a client who regains eligibility through participation in workfare or another work activity?**

#### **Answer**

When a client regains eligibility during the 30-day application process, benefits are issued back to the date of application. This policy applies regardless of whether a client regains eligibility through employment, workfare, or participation in an allowable work activity. The client would be issued benefits back to September 2nd.

#### **Question 22**

**After being discontinued for not meeting the ABAWD work requirement, a client reapplies as a member of a household that would otherwise be eligible for benefits. He is employed on the date of the application/interview, but he has not worked enough hours to regain eligibility. How should the case be treated if the household is eligible for expedited services?**

#### **Answer**

The ABAWD should not be approved for expedited service, but the rest of the household should be approved if otherwise eligible. Benefits for other members should not be delayed because the ABAWD is ineligible. The ABAWD's application

should be pended for the standard 30-day period to see whether he regains eligibility. If he does, benefits should be restored back to the date of application in accordance with the policies contained in Questions 20 and 21.

### Question 23

**An ABAWD fails to meet the work requirement for three months, is discontinued, and regains eligibility by participating in FSET workfare. In October, the client fails to participate in his workfare assignment, but the worker does not discover the noncompliance until early November. The client was neither employed nor exempt from the work requirement for October and November. What over issuance, sanction, and other eligibility requirements, including the three-consecutive-month requirement, apply?**

#### Answer

First, a sanction for noncompliance with the FSET workfare assignment would be imposed effective December 1st. Second, an overissuance claim based on administrative error should be established for the month of November (MPP Section 63-801.221) since the client was ineligible for that month. Finally, the three-consecutive-month period identified in MPP Section 63-410.52 is not available because the ABAWD committed a sanctionable offense (MPP Section 63-410.53). A client is only eligible for the three consecutive months if he stops meeting the ABAWD work requirement for a reason that is not a sanctionable action, e.g., he is laid off, his hours are reduced to less than 20 hours per week, or his GA workfare assignment ends through no fault of his own.

### Question 24

**An ABAWD fails to meet the work requirement for three months and is discontinued June 30th. He reapplies December 2 and regains eligibility during the application process by participating in the county's self-initiated workfare component. In January, he stops participating and does not meet the ABAWD work requirement for that month. Is the client eligible for the three consecutive months and if so, do they begin January 1st?**

#### Answer

The client is eligible for the three consecutive months beginning January 1 because sanctions are not imposed for failure to participate in volunteer programs, such as self-initiated workfare.

**WORK REGISTRATION SANCTIONS AND VOLUNTARY QUIT  
Sections 63-407.5 and 63-408**

**Question 25**

**Persons registered in a substitute program, including a GA work program, are considered registered for work under the food stamp program (MPP Section 63-407.23). Those persons in a substitute program having participation requirements that exceed those established for FSET are deferred from FSET participation (MPP Section 63-407.811(b)). MPP Section 63-407.54 specifies that persons sanctioned under a substitute program shall also receive a food stamp sanction. Does this regulation apply to those who qualify for the substitute program deferral?**

**Answer**

Yes. Participants sanctioned in a substitute program should also receive food stamp sanctions per MPP Section 63-407.54, regardless of their deferral status. Failure to comply with requirements of a substitute program or a Welfare-to-Work (WTW) assignment is treated as failure to meet food stamp work requirements even though a substitute program participant may qualify for an FSET deferral and a WTW participant is exempt from food stamp work registration.

**Question 26**

**A WTW participant receives a first instance sanction, but food stamps are not discontinued as she is exempt from food stamp work registration due to caring for a five-year-old child. She subsequently receives a second WTW sanction and food stamps are discontinued for the first time, as she is no longer exempt from work registration. Her food stamp sanction lasts a minimum of one month and her WTW sanction lasts a minimum of three months. Should the county provide a means by which the food stamp sanction can be cured after one month? Or, does the food stamp sanction continue until the WTW sanction is cured?**

**Answer**

The food stamp sanction lasts until the individual either becomes exempt from food stamp work registration, or begins complying with WTW requirements. Regulations at MPP Section 63-407.531 specify that a first instance food stamp sanction continues for one month, or until the sanction is cured, whichever is longer. In the case at hand, the means by which both sanctions must be cured is participation in the WTW program.

**Question 27**

**While under a WTW sanction, a client continues to receive food stamps as she cares for a child under six years of age. Before the sanction is cured, the child turns six. Does the individual remain eligible for food stamps? Or, are benefits discontinued until the WTW sanction is cured?**

**Answer**

MPP Section 63-407.21(d) specifies that when a child has his/her birthday during a certification period, the caretaker relative shall begin complying with food stamp work requirements as part of their next recertification process. Therefore, the individual under WTW sanction would receive food stamps until his/her next recertification. At that time, food stamp sanctions would also be imposed if the WTW sanction has not been cured.

**Question 28**

**If, because of an exemption from food stamp work registration, a client continues to receive food stamps while under WTW sanction, would the policy of not increasing food stamp benefits due to failure to comply with another assistance program apply?**

**Answer**

Yes. Regulations at MPP Section 63-503.51 specify that food stamps shall not increase when a household's benefits from another welfare or public assistance program are reduced due to failure to comply with a requirement of that program. This includes a person who continues to receive food stamps while under WTW sanction. However, if the food stamp work registration exemption ends before the WTW sanction is cured, food stamps are discontinued and the policy of not increasing benefits would no longer be applicable.

**Question 29**

**When a food stamp sanction ends, are benefits reinstated the date the sanction is cured or the first of the following month? Does this policy differ for single versus multiple person households?**

**Answer**

For a single person household, benefits are reinstated from the date the sanction ends if the client has reapplied and is otherwise eligible. If the client has not reapplied when the sanction is cured, benefits shall be reinstated from the date he subsequently reapplies. For multiple person households, the individual is added



back into the household beginning with the first day of the month following the month in which the sanction is cured.

**Question 30**

**A Refugee Cash Assistance (RCA) recipient is sanctioned and his food stamps are discontinued in accordance with MPP Section 63-407.54. Refugees are only eligible for RCA for eight months from the date the Immigration and Naturalization Service certifies that they have entered the United States. The RCA recipient fails to cure his sanction and his period of eligibility expires. Does the food stamp sanction end? If not, how can it be cured since participation in an RCA employment/training program is not an option?**

**Answer**

When RCA eligibility ends, the food stamp sanction should cease as there is no longer a means for curing it.

**Question 31**

**A food stamp recipient voluntarily quits a job on May 14, but the quit is not discovered until the middle of July. Sanctions are prospectively imposed beginning August 1. Would an overissuance claim be established for food stamps received starting from the date of quit?**

**Answer**

No. Only requirements for prospective sanctions at MPP Section 63-408.2 should be applied even when a county does not discover that a food stamp recipient has quit a job until several months after the quit occurred. To collect an overissuance would result in two penalties for a single act of noncompliance.

**Question 32**

**How do counties treat the income and resources of food stamp recipients who are sanctioned for voluntarily quitting employment? Do policies for food stamp recipients also apply to food stamp applicants who are denied eligibility due to voluntary quit?**

**Answer**

Food stamp applicants and recipients who voluntarily quit employment without good cause are excluded household members and their income/resources are counted in their entirety when determining the household's food stamp allotment. Regulations

at MPP Section 63-503.441 apply even though voluntary quit is not specifically listed as a sanctionable action.

### **Question 33**

**An individual applies to be added to an existing food stamp household, but the county learns that he voluntarily quit a job without good cause two weeks prior to the date of application. Since the individual is seeking to join an existing food stamp household, should he be treated as a recipient and receive a minimum one, three, or six-month sanction? Or, should he be treated as an applicant with food stamps denied for 90 days starting from the date of quit?**

### **Answer**

The individual is an applicant and the voluntary quit requirements at MPP Section 63-408.1 would apply. Food stamps should be denied for 90 days starting from the date of the job quit.

### **Question 34**

**If a person has reached the 18-24 month time limit and decides not to participate in Community Service in order to remain eligible for CalWORKs benefits, does she remain eligible for food stamps? If so, does the food stamp allotment increase due to the decrease in the CalWORKs grant? Or, do requirements at MPP Section 63-503.5 apply which prohibit an increase in food stamp benefits when an individual fails to comply with the requirements of another assistance program?**

### **Answer**

When a person reaches the 18-24 month time limit and fails to participate in Community Service without good cause, a CalWORKs sanction is imposed for failing to comply with WTW requirements. Regulations at MPP Section 63-407.54 require imposition of a food stamp sanction when an individual is sanctioned for noncompliance with a WTW, unemployment compensation, or GA work requirement. Therefore, food stamp sanctions would be imposed until the individual cures the WTW sanction through participation in community service or unsubsidized employment, or qualifies for one of the food stamp work registration exemptions at MPP Section 63-407.21.

**Question 35**

**The mother in a single parent household receives a WTW sanction and her portion of the food stamp allotment is discontinued. During the sanction, the mother's ten-year-old child, who is the only other household member eligible for CalWORKs, moves out of the home and the case is closed. Is the mother eligible for food stamps as a non-assistance case?**

**Answer**

No. Neither the WTW nor the food stamp sanction is lifted when the case is closed. The client can only get food stamps as a non-assistance case if she qualifies for a food stamp work registration exemption. Otherwise, the client can only get food stamps again if she has a CalWORKs public assistance case (e.g., she reapplies for CalWORKs because her child moves back in with her) and she cures the WTW sanction.

**CFAP WORK REQUIREMENT  
Section 63-411**

**Question 36**

**Should new California Food Assistance Program (CFAP) applicants be issued a copy of the CFAP Work Rule informing notice (TEMP 2177)?**

**Answer**

Yes. It is important that applicants be adequately informed so that they can satisfy the new CFAP work requirement or be exempted as appropriate. Standard public assistance and non-assistance informing documents that are issued at application and recertification are being revised to include these changes. Until existing food stamp informing documents are modified, all CFAP applicants should be provided a copy of the TEMP 2177. The TEMP 2177 was developed to alert existing CFAP recipients of the new work requirement established by Assembly Bill AB 1111, Chapter 147, Statutes of 1999. The TEMP 2177 also informs CFAP recipients of revised food stamp sanction policies for those who fail to comply with WTW requirements, voluntarily quit employment or perform other sanctionable actions. The revised TEMP 2177 was issued in an Errata dated October 25, 1999.

**Question 37**

**What are some of the means by which individuals can satisfy the non-assistance CFAP work requirement that is now the ABAWD work requirement?**

**Answer**

ABAWD regulations and policies apply to non-assistance CFAP recipients. The means by which these persons can satisfy their work requirement include:

Employment of 20 hours per week. This includes self-employment and work for in-kind income. There is no requirement that employment pay at least the minimum wage for purposes of meeting the non-assistance CFAP work requirement. However, counties should make some effort to ensure that the employment is legitimate.

Participation in GA workfare assignments or other workfare programs that resemble food stamp workfare.

Participation of at least 20 hours per week in allowable work/training activities. Hours of participation in allowable work activities may be combined with one another or with employment to meet the 20-hour work requirement. However, workfare hours may not be combined with other activities, as workfare is an independent way of meeting the non-assistance CFAP work requirement. Allowable work activities include RCA work/training activities, Job Training Partnership Act (JTPA) assignments and any county employment and training program approved by the state.

**Question 38**

**Can FSET funds be used to administer activities that would satisfy the non-assistance CFAP work requirement? If not, can counties refer CFAP recipients to other qualifying activities to help them meet their work requirement?**

**Answer**

Federal and state FSET funds may not be used to administer CFAP work activities, but are reserved only for FSET administration. A county can refer CFAP recipients to various qualifying activities that do not use FSET funds. These include GA workfare, a program under the JTPA, and work activities for CFAP recipients who also receive RCA. Counties can also offer self-initiated workfare, which is not FSET-funded.

**Question 39**

**Can counties offer self-initiated workfare to their non-CalWORKs/CFAP population as a means for satisfying the non-assistance CFAP work requirement?**

**Answer**

Yes. However, all costs for tracking compliance and other administrative activities must be paid from county funds.

**Question 40**

**When a CalWORKs/CFAP recipient receives a WTW sanction, does he also receive a food stamp sanction? Or, does he become subject to the ABAWD work requirement?**

**Answer**

A food stamp sanction would be imposed in accordance with MPP Section 63-407.54 if, at the time of the WTW sanction, the CFAP recipient does not qualify for any of the food stamp work registration exemptions at MPP Section 63-407.21. All sanction requirements at MPP Sections 63-407.5 and .6 apply to CFAP recipients. The ABAWD work requirement only applies to persons who receive CFAP, but do not receive CalWORKs.

**Question 41**

**Is a food stamp sanction imposed when a CFAP recipient fails to comply with a GA workfare assignment?**

**Answer**

Yes. Section 18932 (a) of the Welfare and Institutions Code specifies that all state laws and regulations for federal food stamp recipients apply to CFAP unless specifically excluded by state law. This includes regulations at MPP Section 63-407.54 which require imposition of a sanction when a federal food stamp recipient fails to comply with the requirements of one of the work programs identified in MPP Section 63-407.23, including a GA workfare program. See MPP Sections 63-407.5 and .6 for applicable food stamp sanction requirements.