

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 11, 2002

ALL-COUNTY INFORMATION NOTICE NO. I-04-02

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS

SUBJECT: FOOD STAMP WORK REQUIREMENT AND SANCTION QUESTIONS
AND ANSWERS

This All County Information Notice (ACIN) provides answers to questions raised by the Food Stamp Committee's Technical Review Team and other county staff. Topics include exemption policies for food stamp work registrants, including Able-Bodied Adult Without Dependents (ABAWDs), and food stamp sanctions.

Question 1:

With the exception of foster children, does an individual qualify for the exemption at MPP Section 63-410.323 if s/he lives in a household that contains excluded household members under age 18?

Answer:

Yes. An individual is exempt from the ABAWD work requirement if s/he lives in a food stamp household that contains members who are under 18, but are ineligible for food stamps.

Question 2:

A food stamp recipient applies for unemployment compensation in early August and his/her application is denied later that month. Regulations at MPP Section 63-407.21 (e) exempt from work registration an individual who applies for, but has not begun to receive, unemployment compensation. Is the individual exempt from work registration and the ABAWD work requirement during August even though his/her application for unemployment compensation is denied in the same month?

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Answer:

Yes, the food stamp recipient is considered exempt from work registration and the ABAWD work requirement for the entire month of August since s/he was an applicant for unemployment compensation during part of that month.

Question 3:

Regulations at MPP Section 63-407.811(c)(3) provide that an individual who lives an unreasonable distance from the FSET work/training site is deferred from FSET participation. Please define unreasonable distance for purposes of the FSET deferral.

Answer:

Unreasonable distance exists if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Unreasonable distance also exists if the distance to the FSET site prohibits walking and neither public nor private transportation is available to transport the individual to the site. This definition is the same as that contained in food stamp regulations at MPP Section 63-407.72, which contain criteria for determining whether employment shall be considered suitable.

Question 4:

Regulations at MPP Section 63-407.854 state that, "For a job search component as described in Section 63-407.841(a), the participation requirement shall be permitted to begin at application for an initial period of up to eight consecutive weeks, and continue for an additional period of up to eight weeks during 12 consecutive months." Does this mean that following the eight weeks of job search that begins at application, the county can only require a participant to complete a maximum of eight additional weeks of job search per year? Or, can the yearly job search requirement exceed eight weeks per participant?

Answer:

Notwithstanding the optional eight-week job search requirement that begins at application, the recipient job search requirement is limited to eight weeks of supervised or unsupervised job search during a period of twelve consecutive months. MPP Section 63-407.54 states that this 12-month period shall be permitted to begin at any time following the close of the initial eight-week period.

Example: An individual applies for food stamps on September 1, 2001 and is assigned to applicant job search for eight weeks during September and October. In February 2002, he is assigned to eight weeks of recipient job search. When the eight weeks are completed, the recipient may not be assigned to job search again until February 2003.

Question 5

After completion of the CalWORKs Welfare-to-Work (WTW) 18/24 month time limit, CalWORKs participants must participate in unsubsidized employment, grant-based on-the-job training community service, U.S. Department of Labor Welfare-to-Work Grant paid community service or paid work experience, and/or unpaid community service as a condition of CalWORKs eligibility. What CalWORKs and food stamp sanction rules apply if an individual fails to meet these conditions when the 18/24 month time limit expires?

Answer:

When an individual fails to participate in an assigned WTW activity after the 18/24 month time limit ends, the CalWORKs WTW sanction requirements at MPP Section 42-721 apply. When a WTW sanction is imposed, a food stamp sanction is also imposed per MPP Section 63-407.54 unless the client qualifies for a Food Stamp work registration exemption at MPP Section 63-407.21.

Question 6:

A mother in a single-parent household fails to comply with CalWORKs WTW requirements. The county imposes a CalWORKs sanction and the mother's portion of the food stamp allotment is discontinued. During the sanction, the mother's youngest child turns 18 and the CalWORKs case is closed. Thus, the mother is permanently ineligible for CalWORKs and she cannot cure her food stamp sanction through compliance with WTW requirements. Since the mother has no means of curing her food stamp sanction, can food stamps be restored after the minimum one, three, or six month food stamp sanction period is complete?

Answer:

Yes, once the mother's minimum food stamp sanction period ends, she can apply for food stamps as a non-assistance case and be approved for aid if otherwise eligible. She would then be subject to non-assistance food stamp work requirements, including the ABAWD work requirement, if applicable. (Food and Nutrition Service's central office staff provided this response and CDSS will be issuing clarifying MPP regulations.)

Question 7:

An individual receives both CalWORKs and food stamps under the California Food Assistance Program (CFAP). He fails to comply with CalWORKs WTW requirements and a CalWORKs sanction is imposed. Food stamps are also discontinued as federal food stamp sanction requirements also apply to recipients of CFAP (see MPP Section 63-411.3). While under the CalWORKs/CFAP sanctions, how should the county treat any income and resources of the sanctioned household member?

Answer:

The income and resources should be counted in full, unless otherwise exempt, when determining the CFAP allotment for the remaining household members. Regulations at MPP Section 63-503.441 specify that food stamp applicants and recipients who fail to comply with a food stamp work requirement without good cause are excluded household members and their income/resources are counted in their entirety, unless otherwise exempt, when determining the household's food stamp allotment. Failure to comply with a WTW assignment is treated as noncompliance with a food stamp work requirement.

Question 8:

An individual applies for Food Stamp expedited service and during the interview, the eligibility worker learns that the applicant quit a job within 60 days from the date of application. Per MPP Section 63-301.541 (d), expedited service cannot be denied pending a determination of whether good cause existed for the voluntary quit. The worker explains that if expedited service is granted and the county determines that the quit was without good cause, the individual will be sanctioned (as a recipient). The sanction will last a minimum of one, three, or six months, depending on the number of sanctions previously imposed. The individual requests to withdraw his application as he doesn't want to be sanctioned. Can the application be withdrawn and the individual subsequently be approved for food stamps if he reapplies more than 60 days beyond the date of voluntary quit?

Answer:

Yes, regulations at MPP Section 63-300.36 provide that the household may voluntarily withdraw its application at any time prior to the determination of eligibility. They also specify that the household shall be advised of its right to reapply at any time subsequent to a withdrawal. The individual in this case has not been determined eligible and is free to withdraw his application.

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If you have any questions regarding this letter, please contact Robert Nevins at (916) 654-1408. Specific questions regarding the treatment of income and resources and food stamp application requirements should be directed to the Food Stamp Policy Bureau at (916) 654-1896, where staff will direct your call to the appropriate analyst.

Sincerely,

***Original Document Signed By
Charr Lee Metsker on 1/11/02***

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

c: CWDA
CSAC