

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



May 11, 1999

ALL COUNTY INFORMATION NOTICE I-34-99

TO: ALL COUNTY WELFARE DIRECTORS  
ALL WELFARE-TO-WORK COORDINATORS  
ALL FOOD STAMP COORDINATORS

**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS

The purpose of this All County Information Notice is to provide counties with answers to questions of Food Stamp Program policy. These questions have been submitted to the Employment and Eligibility Branch (EEB) through the County Welfare Directors Association Technical Review Team. The answers are provided in two sections according to EEB bureau responsibilities: Food Stamp Bureau and Employment Bureau.

If you have any questions, please contact Cindy MacDonald of the Food Stamp Policy Implementation Unit at (916) 654-1898 or Robert Nevins of the Employment Bureau at (916) 654-1408.

**Original Document signed by  
CharrLee Metsker on 5/11/99**

CHARR LEE METSKER, Chief  
Employment and Eligibility Branch

Enclosures

***FOOD STAMP PROGRAM POLICY  
QUESTIONS AND ANSWERS***

1. Question:

Are noncitizens who are lawfully admitted for permanent residence and who have 40 qualifying quarters ineligible for 5 years after admission?

Answer:

Noncitizens who are lawfully admitted for permanent residence and who have 40 qualifying quarters are eligible for federal food stamps. Section 402 of PRWORA provides an exception to the 5-year ban for this type of noncitizen.

2. Question:

When determining the eligibility of a noncitizen applicant child, can qualifying quarters earned by a parent before the child enters the United States be credited?

Answer:

Yes. Manual Section (M.S.) 63-405.413 indicates all quarters earned by a noncitizen parent prior to a noncitizen applicant's birth, or arrival, can be credited through the quarter the noncitizen attains age 18.

3. Question:

(a) How do you determine when to allow child care to a FS budget when the cost may or may not be paid by a CalWORKs vendor payment?

Answer:

(a) An expense covered (either already paid and reimbursed or anticipated to be reimbursed) by an excludable reimbursement payment or vendor payment is not a deductible expense when computing the households coupon benefits. However, if the child care payment is not reimbursed and results in an out-of-pocket expense to the recipient, FS benefits must be recalculated to provide either a benefit supplement in the current issuance month or a restoration of lost benefits. (M.S. 63-502.2(b) (2))

Question:

(b) How do you determine the amount of a non-reimbursed share of cost for child care?

Answer:

- (b) If there is a non-reimbursed share of cost to the recipient for child care expenses, which is the difference between the reimbursement rate and the total child care cost, the share of cost is deductible. The share of cost must be verified and must not exceed the allowable deductible amount of \$175 or \$200, depending on the age of the child. (M.S. 63-502.34 and 63-1101.22).

Counties may choose either of the following two options for a child care deduction:

Option #1: Claim the deduction in the month in which the expense occurs and then count the reimbursement as income in the month it is received.

Option #2: Ignore the deduction when cost incurred by the client and also ignore the reimbursement when received by the client.

4. Question:

In the following circumstances is the household (HH) considered Categorical Eligible? (M.S. 63-102c. (3)), the definition of Categorical Eligible (C.E.), means to be considered eligible for food stamps because of the household's eligibility for public assistance or general assistance.)

- (a) An individual is sanctioned for failure to comply with CalWORKs work registration requirements, but remains FS eligible.

Answer:

- (a) As long as all household (HH) members are CalWORKs recipients, then the HH is C.E. Once a HH member loses CalWORKs eligibility and is no longer a member of the aided unit, then the entire household loses C.E. (M.S. 63-301.92) mixed FS households are not C.E.

Question:

- (b) An individual is sanctioned for failure to comply with CalWORKs work registration requirements and is also sanctioned for FS.

Answer:

- (b) Since the sanctioned HH member loses both CalWORKs and FS eligibility, the remaining HH members' C.E. is not affected. (M.S. 63-301.746). The disqualification of a FS household member should not affect the eligibility of an otherwise C.E. household.

5. Question:

What are the instructions on how to handle the income and resources of an individual who fits into two regulation categories?

Answer:

When an excluded HH member fits two income and/or resource categories, use the stricter treatment of income and/or resources of the available categories. A chart has been prepared to clarify the treatment of income and resources for excluded HH members in four categories: a) Ineligible Non-citizen, and Social Security Disqualified whose income normally is prorated and b) Ineligible Student and Ineligible ABAWD whose income and resources are not normally counted. In the categories of income, resources and/or deductions the income is either prorated or the entire amount is used by listing it as “All” meaning all income or all resources or all deductions are counted.

**TREATMENT OF EXCLUDED FS HH MEMBERS IN MULTIPLE INCOME AND RESOURCES CATEGORIES**

	<u>Income</u>	<u>Resources</u>	<u>Deductions</u>
<b>Ineligible non-citizen:</b>			
- ineligible student	Prorate	All	Prorate
- Commits IPV	All	All	All
- fleeing Felon/Parole Violator	All	All	All
- Drug Felon	All	All	All
- Work Sanctioned	All	All	All
<b>SSN Disqualified:</b>			
- Ineligible student	Prorate	All	Prorate
- Ineligible ABAWD	Prorate	All	Prorate
- Commits IPV	All	All	All
- Fleeing Felon/Parole Violator	All	All	All
- Drug Felon	All	All	All
<b>Ineligible Student:</b>			
- Commits IPV	All	All	All
- Fleeing Felon/Parole Violator	All	All	All
- Drug Felon	All	All	All
- Work sanctioned (before being a student)	All	All	All
<b>Ineligible ABAWD:</b>			
- Commits IPV	All	All	All
- Fleeing Felon/Parole Violator	All	All	All
- Drug Felon	All	All	All
- Work sanctioned	All	All	All

6. Question:

Do the failure-to-comply rules apply to both reduced and terminated benefits?

Answer:

No, the household must have been receiving assistance in the CalWORKs program at the time of the violation and that assistance must be reduced but not terminated per ACIN I-62-96.

## **EMPLOYMENT BUREAU QUESTIONS AND ANSWERS**

1. Question:

Is there a QC error if a waiver county does not review ABAWD eligibility until recertification is due?

Answer:

No. Errors will be cited only when the case has been recertified or the county has reviewed ABAWD compliance since its waiver expired, whichever comes first.

2. Question:

Is the Temp 2133 (Important Information for Food Stamp Recipients Work requirement), still a required form?

Answer:

No. The Temp 2133 was designated for use by counties upon expiration of their ABAWD waivers. Language describing the ABAWD work requirement has been added to the FS 9 and DFA 285-A3. The FS 9 or DFA 285-A3 must be issued at certification and recertification.

3. Question:

Is it correct to send the ABAWD discontinuance notice in the third month that a food stamp recipient fails to meet the ABAWD work requirement?

Answer:

Yes. The DFA 377.11A (Food Stamp Notice of Discontinuance, First Failure to Meet ABAWD Work Requirement) shall be issued in the third month in accordance with regulations at MPP Section 63-410.41 (See ACL 97-08, page two, question one). When, through administrative error the notice is not issued timely, requirements at MPP Section 63-801.221 apply. An overissuance should be established for food stamps incorrectly issued beyond the three free months identified in MPP Section 63-410.

4. Question:

A Non-Assistance Food Stamp (NAFS) case includes three brothers who are not exempt from the ABAWD work requirement. How many hours must each brother participate in a qualifying activity in order to meet the work requirement?

Answer:

If a brother works or participates in an education/training assignment identified in MPP Section 63-410.213 he must do so for 20 hours per week averaged monthly. He cannot split his hours with the other brothers. When workfare is used, the required number of workfare hours shall equal the household's food stamp allotment divided by the Federal or state minimum wage, whichever is higher. The brothers may combine their workfare hours to fulfill this requirement (see ACL 98-21, question 11).

5. Question:

When a county begins implementing ABAWD regulations following expiration of a waiver, is there a hold-harmless period similar to the hold-harmless period that began February 22, 1997 and ended June 22, 1997?

Answer:

No. When a county's ABAWD waiver expires, it will not be granted an additional hold-harmless period.

6. Question:

A welfare-to-work (WTW) participant fails to comply with a job search assignment. On August 1, she is sent a notice of action imposing a CalWORKs sanction effective September 1. If the participant signs a compliance plan within 20 calendar days from the date the notice of action is sent (MPP Section 42-721.27), should a food stamp sanction be imposed? What should be done if the participant fails to sign a compliance plan within twenty calendar days?

Answer:

When a compliance plan is signed within 20 days of the date the sanction notice is sent, regulations at MPP Section 42-721.27 specify that the notice of action shall be rescinded. Therefore, a food stamp sanction should not be imposed. When a participant either fails without good cause to meet the terms of a compliance plan, or to sign a plan within the 20-day limit, both CalWORKs and food stamp sanctions are imposed (compare MPP Section 42-721.29 and 63-407.54).

7. Question:

A WTW participant begins complying to end a CalWORKs sanction. Does her food stamp sanction end when she begins complying? Or, does it continue until the CalWORKs sanction is cured?

Answer:

The food stamp sanction ends when the CalWORKs sanction ends in accordance with MPP Section 42-721.43. When the CalWORKs sanction ends, the participant is considered subject to and complying with WTW requirements and so qualifies for the work registration exemption at MPP Section 63-407.21(c).

8. Question:

An individual voluntarily quits a job without good cause ten days prior to applying for CalWORKs and food stamps. The individual is not exempt from WTW participation. Do voluntary quit requirements at MPP Section 63-408.1 apply with food stamps denied for 90 days from the date of quit? Or, does the applicant qualify for the work registration exemption at MPP Section 63-407.21(c)? What requirements apply to an individual who is employed at application, but three days later he voluntarily quits the job without good cause? Does he qualify for the WTW exemption since the voluntary quit occurred after CalWORKs application?

Answer:

Voluntary quit requirements at MPP Section 63-408.1 apply in both situations and food stamps should be denied for 90 days starting from the date of quit. The WTW exemption only applies to persons subject to and complying with WTW requirements at the time of quit (compare MPP Section 63-407.21(c) and 63-408.31). Neither individual qualifies for the WTW exemption as their CalWORKs application has not been granted. The sanction cannot be ended through WTW participation (see MPP Section 63-408.612).