



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

June 17, 2011

ALL COUNTY LETTER NO. 11-46

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALFRESH COORDINATORS
ALL QUALITY CONTROL 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: SUPPLEMENTAL SECURITY INCOME/STATE
SUPPLEMENTARY PAYMENT (SSI/SSP) RECIPIENTS IN
SUSPENDED STATUS AND ELIGIBILITY TO CALFRESH

REFERENCE: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
WAIVER #2110010

The purpose of this letter is to inform County Welfare Departments (CWDs) of a recent change to CalFresh eligibility restrictions on former SSI/SSP recipients, due to a waiver approval by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS).

BACKGROUND

Once an individual is no longer eligible for SSI/SSP, the Social Security Administration (SSA) places the case in a suspended, rather than terminated status. SSA regulations at 20 CFR 416.1335 provide that an individual in suspended status has 12 consecutive months to have their SSI/SSP benefits reinstated if he or she becomes eligible again without having to file a new application. After 12 months, the individual is automatically terminated from the SSI/SSP program.

As a result of California's SSI/SSP cash-out policy, federal regulations at 7 CFR 273.20 prohibit eligibility to CalFresh during any month that a person receives SSI/SSP during that month. Paragraph (b) of that section specifies that this includes people whose SSI/SSP benefits have been suspended.

SUMMARY OF CHANGES

The California Department of Social Services (CDSS) has requested and received FNS approval of a waiver request to allow for two categories of suspended SSI/SSP recipients to participate in CalFresh, if otherwise eligible under regular eligibility rules, during the 12-month SSA suspension period. A copy of the waiver is attached. The first group consists of persons in suspended status as a result of cuts to the state portion of the SSI/SSP grant. SSI/SSP eligibility rules state that an individual's monthly income,

after certain deductions, cannot exceed the maximum SSI/SSP monthly payment. California has reduced the maximum SSI/SSP rate by cutting the SSP several times over the past two years. Another state budget cut effective July 1, 2011 will impact more recipients. This waiver applies to those SSI/SSP suspensions resulting from the July 1, 2011 budget cut and all other future reductions in SSI/SSP payments due to state budget cuts while the waiver remains in effect.

The second group consists of Humanitarian Refugees/Asylees in suspended status due to the expiration of their extended federal time limits. In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act which made most legal immigrants ineligible for SSI, except for certain Humanitarian Refugees/Asylees during their first seven years in the United States. Beginning in 2003, many reached their seven-year limit and lost eligibility for SSI. These refugees/asylees were not eligible to receive SSI benefits until 2008 when Congress extended their time limits by two years. The first groups of refugees/asylees reached the end of their additional two-year extension on October 1, 2010 and were placed in suspended status by SSA.

In an effort to increase program access and ensure that these two categories of otherwise eligible individuals have access to nutritional assistance, FNS has approved CDSS' waiver request for a 24-month period from June 13, 2011, through June 13, 2013.

VERIFICATION REQUIREMENTS

For applicants impacted by this waiver, CWDs must verify that their SSI/SSP suspension is due to their being in one of the categories referenced above before approving an application for CalFresh, provided they meet all other eligibility requirements. For verification purposes, CWDs must review the applicant's letter from SSA informing them of their suspension and the specific reason for the suspension. If the applicant is unable to provide the suspension letter from SSA or the suspension letter does not indicate the specific reason for suspension, CWDs shall assist the applicant in obtaining the required verification of the reason for suspension before determining eligibility for benefits. Sample copies of the suspension letters from SSA are attached.

Verification documentation must be included in the client's file. Appropriate verification documentation may be a copy of the client's SSI suspension letter indicating that the reason for suspension meets the requirements of this waiver or notes in the case record reflecting other verification from SSA.

QUALITY CONTROL (QC)

FNS has denied CDSS' request for a QC hold harmless period for recipients who were in suspended status that may have been approved for CalFresh benefits prior to the end of the 12-month SSI/SSP suspension.

No special QC procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

If you have any questions please contact Tracy Ahlenstorf of the CalFresh Policy Bureau at (916) 653-5528 or via e-mail at tracy.ahlenstorf@dss.ca.gov.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachment

Social Security Administration (SSA) Supplemental Security Income Notice of Planned Action Letter (Generated and Mailed by SSA)



June 13, 2011

**United
States
Department of
Agriculture**

SNAP-10-6/Waiver 2110040 Modification CA

Food and
Nutrition
Service

Western Region

90 Seventh St.
Suite 10-100
San Francisco, CA
94103

Ms. Linda Patterson
Cal Fresh Branch
744 P Street, MS 16-32
Sacramento, CA 95814-5512

Dear Ms. Patterson:

This is in your response to your June 8, 2011 request to modify waiver #2110040, items 11 and 12. Modifications were approved for section 12 of the waiver response: information required for extension. In addition, we have modified the waiver approval dates to June 13, 2011 through June 13, 2013. Please replace the prior waiver response with the attached modified response.

If you have any questions regarding the modified waiver, please contact Dave Bailey via email at dave.bailey@fns.usda.gov .

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Stewart".

DENNIS STEWART
Regional Director
Supplemental Nutrition Assistance Program
Western Region

Attachment

cc:

CA SPO, POI, SNAP, WRO
CA QC, SNAP, WRO

Attachment 1

WAIVER RESPONSE

1. **Waiver serial number:** 2110040
2. **Type of request:** Modification
3. **Primary regulation citation:** 7 CFR 273.20(b)
4. **Secondary regulation citation:** 7 CFR 273.20(a)
5. **State:** California
6. **Region:** Western Regional Office
7. **Regulatory requirements:**

Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.20(a) make individuals who receive supplemental security income (SSI) benefits and/or State supplementary payments (SSP) as a resident of California ineligible to receive SNAP because the State's SSI/SSP payments include the value of the SNAP allotment. SNAP regulations go on to clarify in 7 CFR 273.20(b) that SSI/SSP recipients in California whose SSI/SSP are suspended will remain ineligible for SNAP until terminated from the SSI program.
8. **Proposed alternative procedures:**

California's Department of Social Services (CDSS) is requesting that certain groups of SSI recipients in suspended status be eligible for SNAP benefits during the 12 month suspension period. Specifically, the two groups of SSI recipients in suspended status subject to this waiver are:

 - Individuals in California suspended from the SSI program as a result of cuts to the State portion of the SSI/SSP.
 - Humanitarian Refugees or Asylees suspended from the SSI program due to expired Federal time limits.

CDSS will verify that the reason for SSI suspension meets one of the above scenarios before approving the individual for SNAP, provided they meet the other SNAP eligibility requirements. To verify an applicant's status, CDSS will contact SSA directly or review an applicant's notification letter from SSA if that letter notes the specific reason for the suspension.
9. **Action and reason for approval or denial:**

Food and Nutrition Service (FNS) shares CDSS' concerns that clients subject to this waiver may not be receiving the necessary nutrition assistance they need,

particularly during the 12-month SSI suspension. FNS is approving this waiver in an effort to increase program access and ensure these individuals have access to nutritious food.

FNS is denying the CDSS' request to approve this waiver retroactively to October 1, 2010. Furthermore, the 120-day QC error exclusion at 275.12(d)(2)(vii) applies only to new Program regulations, implementation of mandatory changes in Federal law, and, at FNS option, optional regulatory or legislative provisions to offset the impact of required changes resulting from the passage of a new law or publication of a regulation. CDSS' request is not directly related to the passage of a new law and is specifically a waiver. Therefore, FNS is denying the request for a QC hold harmless period for Humanitarian Refugees/Asylees who were in suspended status but may have been approved SNAP benefits prior to the end of the suspension period.

This modification supersedes any prior waiver approvals.

10. Regulatory or legislative basis for action:

Approval is based on 7 CFR 272.3(c)(1)(ii), which allows FNS to approve waivers that would result in a more effective and efficient administration of the program.

11. Conditions and reasons:

This waiver is approved under the following conditions:

- The waiver is limited to two groups of SSI recipients in suspended status:
 - Individuals in California who receive SSI/SSP benefits but have been suspended from the SSI program due to state budget cuts that reduced their SSP grant.
 - Humanitarian Refugees or Asylees in suspended status with the SSI program due to expired Federal time limits.
- Verification Requirements. For applicants subject to this waiver, CDSS must verify the reason for SSI suspension before approving the applicant for SNAP, provided the applicant meets regular SNAP eligibility requirements. For verification purposes, CDSS can review the applicant's notification letter from the Social Security Administration (SSA) if that letter notes the specific reason for the suspension. If the individual is unable to provide a suspension letter from SSA or an individual's SSI suspension letter does not indicate a specific reason for suspension the CDSS must contact SSA directly to verify the reason for suspension.

Verification documentation must be included in the client's file. Appropriate verification documentation may be a copy of the clients SSI suspension letter indicating the reason for suspension meets the requirements of this waiver or notes from a verification phone call with SSA.

- Due to the small population affected by this waiver and the long history of cash-out in California, we are requesting the CDSS make a good faith effort to reach out to clients subject to this waiver and inform them of their potential eligibility for SNAP. Outreach efforts should be clear to avoid confusion with other SSI/SSP active or suspended recipients to avoid issuance of benefits to clients not subject to this waiver.
- CDSS will ensure that local offices are informed of the waiver and verification requirements and, if necessary, that training is conducted to assure that the terms of this waiver are implemented and maintained correctly.
- CDSS has the capacity to and will provide to FNS the required data outlined in section 12 of this waiver response form.

12. Information required for extension:

FNS will consider a 24-month extension of this waiver based on the following information:

- I. A State wide sample of 100 cases minimum processed under this waiver to include the following information:
 - a. Amount of benefits issued to each individual* in the sample.

**For mixed SSI households, indicate the amount of increase or decrease in the SNAP household allotment.*

A mid-term report with the above data is due no later than 12 months before the expiration date listed in section 13. A final report (an additional 100 cases minimum) with the above data is due no more than 30 days after the expiration date listed in section 13.

13. Expiration date:

This wavier is effective June 13, 2011 and expires June 13, 2013.

14. Limitation, if any, on regional office approval of like requests:

The approval of this waiver is for the California Department of Social Services only.

15. Quality control procedures:

No special QC procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

16. Date of national office action: Original approval: April 14, 2011; Modification: June 8, 2011.

17. Date of State agency's request: February 15, 2011

18. Date of regional office's transmittal of request to national office: February 17, 2011 with revisions submitted March 29, 2011

19. Date of regional office's transmittal or response to State agency: June 14, 2011

20. Actual implementation date