



CDSS

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Regulation Package # 0806-04

CDSS MANUAL LETTER NO. FS-08-02

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

**Regulation Package # 0806-04**

**Effective 07/15/08**

**Sections 63-300, 63-504, and 63-601**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG1807.htm>.

State regulations require counties to conduct a face-to-face interview at least once every 12 months as part of the recertification process, except when a household qualifies for an exemption i.e. transportation issues or similar hardship on a case-by-case basis.

CDSS has received approval from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) (USDA, FNS Waiver #2070014) to replace the face-to-face interview with a telephone interview. Therefore, regulations changes are necessary to implement the Department's approved waiver that allows the county the option to conduct a telephone interview in lieu of a face-to-face interview for Quarterly Reporting/Prospective Budgeting (QR/PB) households during the recertification process. This also includes elderly or disabled households at initial application. Face-to-Face interviews will be conducted if requested by the household or the CWD determines one is necessary to verify conditions of eligibility. These state regulation changes will streamline the recertification process thereby making it easier for eligible food stamp households to continue in the Food Stamp Program.

Also current state regulations at MPP Section 63-601.124 allow a household certified out-of-office to be exempt from Statewide Fingerprint Imaging System requirements. This exemption combined with the waiver of the face-to-face interview at MPP Section 63-300.45 would allow any eligible household to potentially never complete the SFIS requirement, as there is no limit to how many times a household may be certified based on telephone interviews. This exemption is in conflict with current state law (Welfare and Institutions Code Section 10830(e)). This section specifies that every applicant for aid, recipient of aid, other than dependent children or persons who are physically unable to be fingerprint imaged, shall, as a condition of eligibility for assistance, be required to

be fingerprint imaged. The out-of-office interview is not listed as an allowable exemption under current statute. These regulation changes will require that eligible households certified out-of-office still complete all necessary SFIS requirements in accordance with current State law.

These regulations were considered at the public hearing held on November 14, 2007.

### **FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp Manual changes was FS-08-01.

<u>Page(s)</u>	<u>Replace(s)</u>
102 through 106	Pages 102 through 106
361 through 364	Pages 361 through 364
378 through 380	Pages 378 through 380

Attachment

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<b>63-300</b>	<b>APPLICATION PROCESS (Continued)</b>	<b>63-300</b>
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(QR) The CWD at the time of the initial application interview shall determine which households shall be subject to QR/PB, as specified in Section 63-505.2. The CWD may require those households subject to QR/PB requirements to have a face-to-face interview during the recertification process. For those QR/PB households that are not required to have a face-to-face recertification interview, the CWD shall conduct an interview by telephone, in accordance with Section 63-300.45.

Households subject to QR/PB requirements shall be provided with the following during the certification and recertification process:

- (QR) .411 Written and verbal explanations of QR/PB;
- (QR) .412 A copy of the QR 7 report and an explanation of how the report shall be completed and submitted;
- (QR) .413 An explanation of the QR verification requirements that the household is responsible for meeting;
- (QR) .414 A telephone number (toll-free or a number where collect calls will be accepted from households living outside the local calling area) which the household may call to ask questions or to obtain help in completing the quarterly report.

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- .415 The CWD may provide the name of a worker to contact.

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**.42 Waiving the Interview (CWD Screening Process)**

The CWD shall screen applicants for the need to have face-to-face interviews as part of the application and recertification process. If mutually acceptable face-to-face interview accommodations between the county and applicant/recipient cannot be made, the county shall then evaluate whether the household qualifies for an exemption as specified in Sections 63-300.43 and .44.

**.43 Waiving the Face-to-Face Interview (No Option)**

The face-to-face interview shall be waived at initial certification and at recertification for any household in which all the household members are 60 years of age or older, or physically disabled. The face-to-face interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office. For those households that are not required to have a face-to-face interview, the CWD shall conduct an interview by telephone, in accordance with Section 63-300.45.

**63-300 APPLICATION PROCESS (Continued)****63-300****.44 Waiving the Face-to-Face Interview (Case-by-case)**

The CWD shall waive the face-to-face interview and instead allow a telephone interview on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the interview because of transportation difficulties or similar hardships which the CWD determines warrant a waiver of the interview. These hardship conditions include, but are not limited to: illness, care of a household member, prolonged severe weather, or work hours which preclude a face-to-face interview, lack of transportation, or living in a rural or remote area. The CWD shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the interview and shall document in the case file why a request for a waiver was granted or denied.

**.45 When the Interview is Waived or Not Required**

The CWD has the option of conducting a telephone interview or a home visit for those households for whom the face-to-face interview is waived or not required. Home visits shall be used only if the time of the visit is scheduled in advance with the household.

The CWD shall conduct a face-to-face interview at recertification in accordance with Section 63-300.4 when requested by the household or when the county determines it is necessary to verify conditions of eligibility.

When the face-to-face interview is waived or not required, it does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

When the face-to-face interview is waived or not required, it shall not affect the length of the household's certification period.

There is no limit to how many times a household may be certified based on telephone interviews. However, the case file must be adequately documented each time the face-to-face interview is waived.

.451 The CWD shall attempt to complete all SFIS requirements not completed at time of certification, when the household member(s) is/are in the office for any reason. The CWD shall not require the household member to make a special trip into the office solely for the purpose of the SFIS compliance. However, a household that has not met SFIS requirements during the initial certification period must satisfy the SFIS requirements by the end of the household's initial certification period or prior to being recertified. If the household member does not comply with SFIS requirements, the CWD must take appropriate action as specified in Section 63-505.14.

**63-300 APPLICATION PROCESS (Continued) 63-300**

.46 Scheduling Initial Application Interviews

The CWD shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. The special circumstances of the household, including households with working members, must be considered to the extent practicable, when interviews are scheduled. If a household misses its scheduled interview, the CWD shall send the household a Notice of Missed Interview (NOMI). The CWD shall reschedule if the household requests another interview within 30 days of the initial application filed.

.461 The CWD shall not deny a household's application prior to the 30<sup>th</sup> day after initial application if the household fails to appear for the first scheduled interview. A NOMI must be sent to the household reminding the household to reschedule their interview prior to the 30<sup>th</sup> day after application. Only after the NOMI is sent and the household fails to reschedule, can the CWD send a denial notice on the 30<sup>th</sup> day after application.

.462 If the household requests a second interview during the 30-day application-processing period and is determined eligible, the CWD must issue prorated benefits from the date of application.

.463 If the household fails to keep its second scheduled interview, a notice of denial must be issued no earlier than the 30<sup>th</sup> day after application.

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Example 1: The household applies on March 1 and is scheduled for an interview by the CWD on March 5. The household misses the first scheduled interview. The household is sent a NOMI and asked to reschedule their interview appointment. They reschedule within 30 days of the application date on March 10. The household keeps their March 10 appointment. The case is processed for eligibility. If eligible, the case is granted as soon as administratively possible and benefits are issued from the date of application. If the household is found to be ineligible for benefits, the case is denied on the 30th day after application.

Example 2: The household applies on April 5 and is scheduled for an interview by the CWD on April 6. The household fails to appear for the first scheduled interview. The CWD sends a NOMI as soon as administratively possible. The household reschedules a second interview within 30 days of the application date, but fails to appear. The CWD must deny the household on the 30th day following the date of application.

The NOMI process will not impact the recertification process.

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**63-300 APPLICATION PROCESS (Continued)****63-300****.464 Scheduling Recertification Interviews**

- (a) As part of the recertification process, the CWD must conduct a face-to-face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The requirement for a face-to-face interview once every 12 months may be waived in accordance with Sections 63-300.43 and .44 or not required in accordance with Section 63-300.41(QR).
- (b) If a household receives PA/GA and will be recertified for food stamps more than once in a 12-month period, the CWD may choose to conduct an in-office face-to-face interview with that household only once during that period. At any other recertification during that year period, the CWD may interview the household by telephone, conduct a home visit, or recertify the household by mail.
- (c) CWDs shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires.

**.465 In-office Interviews During the Certification Period**

CWDs may request households to report for an in-office interview during the certification period, but may not require it. If a mutually acceptable location outside the office cannot be agreed upon by the household and the CWD, the interview shall take place in the office.

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For example: the CWD may not require households to report en mass for an in-office interview during their certification period to review the household's case files or for any other reason during the certification period.

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**HANDBOOK ENDS HERE****.5 Verification**

- (a) Verification is the use of third-party information or documentation to establish the accuracy of statements on the application. Verification and documentation are tools for making this judgment and recording the decision-making process in the case file.
  - (1) Prior to determining eligibility for applicant households, sufficient information concerning the applicant's situation must be obtained in order for the EW to make an informed judgement as to the household's eligibility. The household shall be given at least 10 days from the date of request to provide required verification. If the household does not provide the needed information in the time allotted, the CWD shall issue an adverse notice of action by the 30<sup>th</sup> day following the application date.

**63-300 APPLICATION PROCESS (Continued)****63-300****.6 Receipt of Verification/Documentation**

Upon request, CWDs shall provide a written receipt to any applicant or recipient who hand delivers documents that have been requested by the CWD. Receipts shall only be provided for documents which have been delivered in person to a CWD employee other than the applicant's or recipient's regularly assigned caseworker and to the location in which or through which the caseworker and to the location in which or through which the caseworker conducts his or her business. (Only one receipt is required for monthly income reports and their supporting documents.)

**.61 Notice of Right to a Receipt**

CWDs shall post a notice of the applicant's or recipient's right to a receipt in a prominent location and in an area where documents are regularly received.

**.62 Exemptions from Receipt Requirements**

.621 A CWD which maintains a system of logging hand delivered documents shall be exempt from the requirement to provide a receipt or post notice of right to a receipt.

.622 A CWD which provides receipts for all hand delivered documents without a request by an applicant or recipient shall be exempt from the notice posting requirement.

.623 Section 63-300.623(MR) shall become inoperative and Section 63-300.623(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) A CWD which receives monthly income reports and other requested documents which have been mailed by the applicant or recipient shall not be subject to the requirements in this section.

(QR) A CWD which receives quarterly income/eligibility reports and other requested documents which have been mailed by the applicant or recipient shall not be subject to the requirements in this section.

**63-300 APPLICATION PROCESS (Continued)****63-300**

NOTE: Authority cited: Sections 10554, 11265.1, .2 and .3, 18904, and 18910, Welfare and Institutions Code. Reference: Sections 10554, 11023.5, 11265.1, .2, and .3, 11348.5, 18901.10, 18904, 18910, and 18932, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2, 273.2(b)(ii), (c)(2)(i) and (ii), (c)(3), (c)(5), (e)(1), (e)(2), (e)(3), (f)(1)(i)(C), (ii)(B)(1), (2), (3), and (C), and (iii)(h)(1)(i)(D), and proposed (f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(3), (f)(3)(ii), (f)(8), (h), (h)(1)(i)(D), and (j)(1); 7 CFR 273.4(a)(2) and (10) and (c)(2); 7 CFR 273.7(i)(4) and (j)(1); 7 CFR 273.12(c) and (c)(3); 7 CFR 273.14(b)(3)(i), (iii) and (b)(4) and (e); 7 CFR 273.21(h)(2)(iv), (i), and (j)(3)(iii)(B); USDA, Food and Nutrition Service Service (FNS) Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; FNS Quarterly Reporting/Prospective Budgeting waiver dated April 1, 2003; USDA, FNS Waiver # 2070014; 7 U.S.C.A. 2020(e)(2); Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, 1990; U.S.D.A., Food and Consumer Services, Administrative Notice No. 94-22, dated January 7, 1994; Chapter 306, Statutes of 1988, and AB 1371, Chapter 306, Statutes of 1995; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

**63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504**  
(Continued)

- (1) The CWD may schedule the interview prior to the date the application is timely filed provided the household is not denied at that time for failing to participate for participate in the interview.
  - (2) The CWD shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled, or the household has failed to participate in any interviews scheduled prior to this time and has requested another interview.
  - (3) If the household does not participate in any interview scheduled in accordance with this section or attempted to reschedule another appointment, the CWD need not initiate any further action.
- (e) Delayed Processing
- (1) If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the CWD, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the CWD shall provide restored benefits to the household back to the date the household's certification period should have begun had the CWD not erred and the household been able to apply timely.
  - (2) When a household's eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification, the household shall receive an opportunity to participate, if eligible, within five working days after the household submits the missing verification and benefits shall not be prorated.

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Example: A household completed the interview and application process before the end of its current certification period in April. However, verification still must be provided within 10 days of the completed application process. The 10-day period for submitting verification extends into the month following the current certification period, or on May 5th. The household submits the verification on May 4th within the allowable 10-day period. The CWD must provide a full month of benefits for May and by the 9th day in May due to the five-day limit for providing an opportunity for the household to participate in the program.

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**63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504**  
(Continued)

- (f) Repealed by Manual Letter No. FS-87-05, effective 7/1/87.
- (g) CWD Action on Timely Applications for Recertification

The CWD shall provide uninterrupted benefits to any household determined eligible after the household timely files an application and participates in an interview. The CWD shall provide uninterrupted benefits within the time standards listed below even if, to meet these standards, the CWD must provide an opportunity to participate outside the normal issuance system.

- (1) Households provided a notice of action informing them of the expiration of their certification period at the time of certification and that have timely reapplied shall be notified of their eligibility or ineligibility and provided an opportunity to participate, if eligible, not later than 30 days after the date of their last opportunity to participate.
- (2) For all other households that have met all required application procedures, the CWD shall approve or deny the application and notify the household of its determination by the end of the current certification period. For households determined eligible, the CWD shall provide an opportunity to participate by the household's normal issuance cycle in the month following the end of their current certification period.
- (3) If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of CWD fault, the CWD must continue to process the case and provide a full month's allotment for the first month of the new certification period.
- (h) Failure to Submit a Timely Application for Recertification

Households who file an application for recertification after the dates specified in Section 63-504.613, but by the end of the certification period, shall be considered to have made an untimely application for recertification.

- (i) CWD Action on Untimely Applications for Recertification
  - (1) Any household shall lose their right to uninterrupted benefits if they fail:
    - (A) To submit a timely application for recertification unless the household is entitled to expedited service and the application is filed at least three days prior to the next normal issuance date in the new certification period; or
    - (B) To participate in an interview.

<b>63-504</b>	<b>HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY</b>	<b>63-504</b>
	(Continued)	

.88 Photo ID Card Waivers

.881 One or more of the minimum photo ID requirements in Section 63-504.84 may be waived for any CWD that can demonstrate that its alternate ID card or system will provide adequate safeguards against fraudulent and duplicate issuances.

.882 In counties where photo ID cards are mandated, and a waiver is desired, the CWD shall request a waiver from FNS through SDSS. Decisions on the granting of waivers will be made on a case-by-case basis.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11265.1, .2, and .3, 11369, 18904, and 18910, Welfare and Institutions Code. Reference: Sections 10554, 11265.1, .2, and .3, 18901.6, 18904, and 18910, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(8)(i); (f) (8)(i)(A) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (f)(8)(ii), (h), and (h)(1)(i)(D), 7 CFR 273.2(j)(3) and (4); 7 CFR 273.8(b); 7 CFR 273.9(d)(6)(iii)(F), 7 CFR 273.10(d)(4), (f), (g)(1)(i) and (ii); 7 CFR 273.12(a)(1)(i)(A), (a)(1)(i)(B), and (a)(1)(i)(C)(2); proposed 7 CFR 273.12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and (c); 7 CFR 273.12(e)(1), (e)(2), and (e)(4); 7 CFR 273.13(a)(2); 7 CFR 273.13(b)(1); 7 CFR 273.14; 7 CFR 273.14(b)(3) and (e); 7 CFR 273.18(e)(6)(ii); 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), (f)(2)(v), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3)(ii), (i), (j), (j)(1)(vi), (j)(1)(vii)(A) and (r), (j)(2)(iii), (j)(3)(ii), (j)(3)(iii)(B), (j)(3)(iii)(C), and proposed (j)(3)(iii)(E) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 274.10; Public Law (P.L.) 100-435, Section 351, P.L. 101-624, and P.L. 103-66; Section 1717, [7 U.S.C. 2014(e)]; 7 U.S.C. 2014(d)(7), 2017(c)(2)(B) and 2020(s); U.S.D.A. Food and Consumer Services, Administrative Notices 94-39 and 97-50; P.L. 104-193, Sections 801, 807 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; USDA, FNS Waiver #2070014; Federal Administrative Notice 97-99, dated August 12, 1997; United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) Administrative Notice (AN) 03-23, dated May 1, 2003

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<b>63-505</b>	<b>HOUSEHOLD RESPONSIBILITIES (Continued)</b>	<b>63-505</b>
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- .124 Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until the household cooperates.
  
- .13 Refusal to Cooperate with a Quality Control (QC) Reviewer
  - .131 Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until:
    - (a) The household cooperates; or
    - (b) The household reapplies at least 95 days after the end of the annual review period in which the refusal to cooperate with a nonfederal QC reviewer occurred; or
    - (c) The household reapplies after seven months from the end of the annual review period in which the refusal to cooperate with a federal QC reviewer occurred.
  - .132 These households shall provide verification of all eligibility requirements, including items that would normally only be verified if questionable, as specified in Section 63-300.53.
  
- .14 Refusal to Cooperate with the Statewide Fingerprint Imaging System (SFIS) Requirement
  - Eligible household members who are not exempt per Sections 63-601.12 through .123 and Section 63-601.14 shall be required to fulfill SFIS requirements prior to the issuance of food stamp benefits to that household, even if the household is eligible for benefits. The SFIS requirements, exemptions, and postponements are explained in Sections 63-601.12 through .123, Section 63-601.13, and Section 63-601.14.
  - .141 If a household member is under the age of 18 and is applying for Food Stamp benefits as a separate household, he/she must comply with the SFIS requirements in order to receive Food Stamp benefits, unless otherwise exempt.
  
- .2 Section 63-505.2(MR) shall become inoperative and Section 63-505.2(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

**(MR) Monthly Reporting/Retrospective Budgeting Households**

All households participating in the Food Stamp Program except as provided in Section 63-505.21, shall report household circumstances monthly on the CA 7 as a condition of eligibility. Households shall not be required to submit any reports of changes other than the CA 7.

<b>63-505</b>	<b>HOUSEHOLD RESPONSIBILITIES (Continued)</b>	<b>63-505</b>
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(QR) Quarterly Reporting/Prospective Budgeting Households

All households participating in the Food Stamp Program except as provided in Section 63-505.21, shall report household circumstances quarterly on the QR 7 as a condition of eligibility. QR households will also be required to report changes as specified in Sections 63-508 and 63-509.

.21 Section 63-505.21(MR) shall become inoperative and Section 63-505.21(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) The following households shall be excluded from monthly reporting and retrospective budgeting. See Section 63-504.43 for those households receiving PA.

(QR) The following households shall be excluded from QR. See Section 63-504.43.

.211 Migrant farmworker households, as defined in Section 63-102(m).

.212 Seasonal farmworker households, as defined in Section 63-102s.

.213 Households in which all adult members are elderly or disabled, as defined in Section 63-102(e), and have no earned income.

.214 Households in which all members are homeless individuals, as defined in Section 63-102(h)(1).

.215 Households residing on Indian reservations.

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Public Law 103-11 enacted April 1, 1993 has delayed the implementation date for Section 63-505.215 to January 31, 1994.

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.22 Repealed by SDSS Manual Letter No. FS-89-07, effective 11/1/89.

.3 Sections 63-505.3 through .34(MR) shall become inoperative and Sections 63-505.3 through .34(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.



