

**Item 00-08-02B**

**No Food Stamp Overissuance When Recipient Submits a Complete Monthly Income Report By Extended Filing Date**

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In *Saldivar v. McMahon*, the federal district court ordered the CDSS to provide timely notice of adverse action prior to reducing or terminating benefits, regardless when the monthly income report was submitted.

All County Information Notice I-62-89, dated September 5, 1989 discussed the *Saldivar* case. Per ACIN I-62-89, as part of the implementation of the court order, the CDSS notified the counties that when a monthly income report was initially filed late or incomplete, and the recipient subsequently submitted a complete monthly report by the extended filing date, the counties "must not establish a claim against the (food stamp) household as long as a complete (CA-7) is submitted by the extended filing date".

The following example illustrates the issue:

The county has been issuing \$84 in food stamp benefits to Jim Claimant and his wife based on \$500 net monthly income. Jim completes his April CA-7 in which he reports an increase in income which will result in \$800 in net monthly income. Jim mails in his April CA-7 on May 6, but forgets to include pay stubs. The county returns the April CA-7 with a notice of action advising him that the CA-7 was incomplete. Jim resubmits the CA-7 with the pay stubs on May 27, which is before the extended filing date of June 1.

The county issues Jim \$84 in food stamp benefits for June 2000. Jim should have received only \$10 in food stamp benefits based on April income. Had Jim returned a complete CA-7 earlier in May, the county would have been able to issue Jim the correct \$10 food stamp allotment for June.

Although Jim has a \$74 overissuance for June, the county may not establish a claim for that month because he submitted a complete CA-7 before the June 1 extended filing date.