

Item 02-04-02C

ACIN I-04-02 January 11, 2002 (Synopsis): Food Stamp Work Requirement and Sanction Questions and Answers

Subject: Food Stamp Work Requirement and Sanction Questions and Answers

The answers to some of the questions in this ACIN are as follows:

An individual is exempt from the Able-Bodied Adult Without Dependents (ABAWD) work requirement if he/she lives in a food stamp household that contains a member who is under age 18, but is ineligible for food stamps.

Per 63-407.21(e), a food stamp recipient who applies for Unemployment Insurance Benefits (UIB) in a month and is denied in that same month is exempt from work registration and the ABAWD work requirement for that entire month.

MPP §63-407.811(c)(3) provides that an individual who lives an unreasonable distance from the Food Stamp Employment and Training (FSET) work/training site is deferred from FSET participation. This ACIN defines unreasonable distance as daily commuting time exceeding two hours per day excluding time to transport a child to and from a child care facility.

Per MPP §63-503.441, food stamp applicants and recipients who are sanctioned for failing to comply with work requirements are excluded household members. Their income and resources are counted in their entirety for food stamp allotment purposes unless otherwise exempt.

Item 02-04-02B

ACIN I-03-02 January 14, 2002 (Synopsis): Food Stamp Questions and Answers

Subject: Food Stamp Questions and Answers

This ACIN provides answers to questions. The answers to some of these questions are as follows:

Because room rental is considered self-employment, income received from room rental is treated as earned income for food stamp allotment computation purposes.

A homeless client who is in a shelter that provides three meals a day may still be eligible for food stamps. Per MPP §63-503.6, a homeless person is permitted to use food stamps

to purchase prepared meals from meal providers who have been authorized by the Food and Nutrition Service (FNS) to accept food coupons at the shelter.

Per MPP §63-801.112, the county shall not take action on inadvertent or administrative error claims for which more than three years have elapsed between the month the overissuance occurred and the month the county determined by computation that the overissuance occurred.

Per MPP §63-801.311(b) the county shall calculate the amount of overissuance that occurred during the six years preceding the date the overissuance was discovered. The county shall not include in its calculations any amount of overissuance which occurred in a month more than six years prior to the date the overissuance was discovered.

There is a difference between establishing and calculating claims. Claims are "established" by documenting the amount of and reason for the overissuance and issuing a demand letter to the person. The date of the demand letter is the date the overissuance is established. Computing the amount of overissuance does not constitute establishing a claim. Counties must compute and issue a demand letter within three years from the month the overissuance occurred.

This ACIN provides the following example of calculating a claim back six years, but acting within three: "An overissuance occurred in December 2000. The county must establish a claim (compute the amount of claim and issue a demand letter) for this overissuance within three years which would be before December 2003. When the county computes the amount of this overissuance, it must go back six years to determine the total amount of the claim. Thus, if the county discovers and calculates the amount of the overissuance in December 2002, it would include in its calculations any amount which occurred during the six years preceding the December 2002 date, which would be back to December 1996."

"Once a claim is established, there is no time limit, with the exception of (*Lomeli* cases pursuant to MPP §63-801.222) on collection of overissuances."

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 10, 2002*

Item 02-04-02A

ACIN I-82-01 October 4, 2001 (Synopsis): Food Stamp Questions and Answers

Reference: ACINs I-01-00 and I-124-00

This ACIN is one of several that provide answers to questions regarding food stamp policy. This ACIN states that because there have been several food stamp regulation packages in the past few years, some of the answers in the Food Stamp Questions and Answers Distribution System (FSQUADs) may be obsolete.