
When Calculating a Food Stamp Overissuance, Do You Include the CalWORKs Grant That the Household Received, or the Grant the Household Should Have Received?

MPP §§63-801.3 and .4 require counties to calculate and recoup food stamp overissuances regardless of whether the overissuance was caused by administrative error, inadvertent household error or intentional Program violation. When calculating the correct level of benefits, counties must include the income that the household actually received in the month at issue. (See MPP §63-503.212(a)) Therefore, when computing an overissuance, counties must include as income, the CalWORKs grant that the household actually received. Counties should not compute an overissuance based upon the amount of food stamps the household should have received.

The following example illustrates how to compute a food stamp overissuance:

A household received a CalWORKs grant of \$1000. The household reported no income. It is later discovered that the household had \$200 in unreported unearned income. When this income is taken into consideration, the CalWORKs assistance unit was entitled to receive only an \$800 CalWORKs grant.

When determining the amount of food stamps the household should have received, the county would use the \$1000 CalWORKs grant the household actually received plus the \$200 unreported income. The county would use the \$1000 CalWORKs grant for purposes of calculating any overissuance even if the household had reported the \$200 unearned income and the county failed to budget that income.

Note: In a state hearing involving a CalWORKs administrative error overpayment or a food stamp overissuance, an Administrative Law Judge may apply equitable estoppel and order the county to compute the food stamp allotment using the CalWORKs grant the household should have received instead of the CalWORKs grant actually received.

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

Item 02-12-01I

CDSS ACWDLs 02-53 -- November 8, 2002 -- 2003 Medicare Catastrophic Coverage Act (MCCA) Spousal Impoverishment Caps

Effective January 1, 2003, the Community Spouse Resource Allowance (CSRA) is increased to \$90,660. The minimum monthly maintenance need allowance (MMMNA) is increased to \$2267 monthly.

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

Item 02-12-01H

CDSS ACWDLs 02-52 -- November 8, 2002 -- Annual Redetermination of Medi-Cal Eligibility

Counties are reminded that per W&IC §14012 and Title 42 CFR §435.916 counties are required to redetermine Medi-Cal eligibility at least every 12 months.

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

Item 02-12-01G

CDSS ACWDLs 02-51 -- October 18, 2002 -- Treatment of Work-Related Pension Funds and IRAs

This ACWDL provides answers to questions regarding work-related pension funds, IRAs, Keoughs and other work-related retirement funds. The answers to some of these questions are as follows:

A retirement fund is considered exempt if it is held in the name of a family member such as a parent, spouse, child or community spouse who chooses not to receive Medi-Cal or is ineligible for Medi-Cal.

A retirement fund is unavailable if it is in the name of the Medi-Cal beneficiary or applicant and one of several circumstances apply. Those circumstances include:

- .. that the applicant or beneficiary is receiving periodic payments from the fund, or making systematic withdrawals at age 70 and 1/2 or older; or,
- .. the applicant/beneficiary has requested release of funds in the form of payments or a lump sum payment (The balance of the fund is considered unavailable from the first of the month that a request for the release of funds is made); or,
- .. the individual must terminate employment to access the funds; or,
- .. the funds are jointly held with a third party and that party refuses to grant access to the funds.

If the applicant/beneficiary is taking reasonable steps to pursue payments, the funds in a work-related pension fund are deemed unavailable. For example, if an applicant/beneficiary provides verification that he/she sent a letter to an employer requesting release of funds, the funds will be deemed unavailable. If the request for release of funds is denied, the applicant/beneficiary does not have to repeat the request at renewal until the individual reaches age 55 or terminates employment.