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## **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**