
Department policy states that in calculating the CalWORKs grant where there is an MFG child, do not consider the needs of the MFG child in the "family MAP".

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01D -- How Far Back County May Recoup Food Stamp Overissuance

Facts

The county issued the claimant a notice of action in May 2002 demanding repayment of a food stamp overissuance that it alleges occurred due to unreported income for several months between August 1997 and April 2001. The county presented evidence that it determined by computation in May 2002 that the overissuance occurred. The overissuance for purposes of this hearing is treated as being caused by inadvertent household error.

Law

The county shall take action on inadvertent and administrative error claims for which less than three years have elapsed between the month the overissuance occurred and the month the county determined by computation that an overissuance occurred, irrespective of the date the claim determination was completed. (§63-801.111)

The county shall calculate the amount of the FS overissuance which occurred during the six years preceding the date the overissuance was discovered. The county shall not include in its calculation any amount of the overissuance which occurred in a month more than six years prior to the date the overissuance was discovered. (§63-801.311(b), as revised effective August 10, 2001)

The CDSS interpretation of the three-year time period discussed in §63-801.111 is as follows:

"The three-year time frame does not begin with the date of discovery, the date the case is referred to investigations, or the date the investigative staff uses the information on IEVS and other verifications to calculate the OI. The three-year time frame begins with the date of the occurrence of the OI." [Manual of Policies and Procedures (MPP) 63-801.11; ACIN I-03-02].

MPP §63-801.311(b) instructs the county to calculate the claim for this six-year period. The county would be operating within the three-year time frame as required by MPP §63-801.11 as long as one month of the overissuance occurs within three years of establishing the claim. Therefore it does not matter that part of an overissuance occurred more than three years prior to the establishment of the claim as long as a portion of the overissuance occurred within the three-year time frame. (All-County Information Notice (ACIN) No. I-52-02, July 22, 2002, Question 1)

Analysis

A portion of the overissuance occurred in 2001, which is within three years of May 2002 when the overissuance was determined by calculation. Since at least one month of the overissuance occurred within three years of the date the overissuance was determined by calculation, the county is permitted to recoup any overissuance that occurred within six years prior to the date the overissuance was discovered.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01C -- Determination of Maximum Family Grant Rule is Made On a One-Time Basis

Facts

The claimant received a notice of action in February 2001 advising her that her newborn child would not be added to the CalWORKs assistance unit because of the Maximum Family Grant (MFG) rule. The claimant did not request a hearing until July 2002 to dispute that action.

The claimant contends that she is entitled to have her CalWORKs grant reviewed for the prior 90 days because her current grant amount is at issue and because her child born in 2001 is not currently in the assistance unit.

Law

When a request for a state hearing concerns the current amount of aid the request shall be filed within 90 days, but the period of review shall extend back to the first of the month in which the first day of the 90-day period occurred. (§22-009.12)

Analysis

The issue is whether the claimant's child is subject to the MFG rule. That determination is made on a one-time basis. The fact of the child's birth and that the county issued a notice of action denying CalWORKs for that child is not subject to review on a month-by-month basis. The claimant's request for hearing in July 2002 is untimely after the claimant received adequate notice in February 2001. The request for hearing thus must be dismissed and the county determination that the child is not eligible for CalWORKs because of the MFG rule is not subject to review.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01B -- When an English Language Notice of Action is Proper Notice to Non-English Speaking Person
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