



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

November 21, 2017

ALL COUNTY LETTER 17-118

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CALFRESH PROGRAM SPECIALISTS  
ALL CALWORKS PROGRAM SPECIALISTS  
ALL SPECIAL INVESTIGATIVE UNIT CHIEFS  
ALL COUNTY HEARING SPECIALISTS  
ALL ADMINISTRATIVE LAW JUDGES

SUBJECT: CALWORKS AND CALFRESH: ADMINISTRATIVE  
DISQUALIFICATION HEARINGS

REFERENCES: 7 CODE OF FEDERAL REGULATION (CFR) SECTION  
[273.16\(a\)](#), MANUAL OF POLICES AND PROCEDURES (MPP)  
SECTIONS [20-300](#), [20-351](#), [20-352](#), [22-202](#), [22-305](#), [22-315](#),  
ALL COUNTY LETTER [12-06](#), AND [17-102](#)

The purpose of this letter is to reiterate to counties the Administrative Disqualification Hearing (ADH) requirements for the CalFresh and California Work Opportunity and Responsibility to Kids (CalWORKs) programs. Specifically, this letter focuses on the requirement to pursue the establishment of an Intentional Program Violation (IPV) through either criminal **or** administrative proceedings.

To ensure program integrity, County Welfare Departments (CWD) are responsible for investigating any case of an alleged IPV, and ensuring that appropriate cases are acted upon either through ADH or referral to a court of appropriate jurisdiction (7 CFR Section 273.16(a)(1)).

An IPV in the CalFresh Program is defined as having intentionally either made a false or misleading statement, or misrepresented, concealed, or withheld facts, or committed any act which constitutes a violation of the Food Stamp Act, the CalFresh Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of food stamp benefits (MPP Section 20-300.1).

An ADH at the state level shall be initiated for the CalFresh program when a CWD informs the CDSS State Hearings Division (SHD) that clear and convincing documentary evidence in the CWD's possession indicates that an administrative disqualification is appropriate (MPP Section 22-201.1).

An IPV for the CalWORKs program is defined as an individual has intentionally made a false or misleading statement or misrepresented, concealed, or withheld facts; or committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and committed these acts to establish or maintain CalWORKs eligibility, or to increase or prevent a reduction in the amount of the CalWORKs grant (MPP Section 20-351(i)(1)).

An ADH at the state level shall be initiated for the CalWORKs program when the CWD determines that the respondent has committed an IPV based on a preponderance of evidence as the standard of proof (MPP Section 22-305.45).

If the CWD has referred the case to the prosecuting authority, and the referral is not accepted or the prosecuting authority accepts the referral but fails to act on the case, the CWD must withdraw the referral and the case will be returned to the CWD. The CWD must then initiate referral action for an ADH (MPP Section 22-301.3 and MPP Section 20-300.23). For example, if the dollar amount is below the county District Attorney's prosecution threshold, CWD must refer the case for an ADH through the California Department of Social Services (CDSS).

Upon receipt of an ADH referral, CDSS will provide written notification of a state level hearing to the individual alleged to have committed an IPV, with a copy to the CWD. This notification will be sent at least 30 days prior to the date of the ADH and is required to be either personally served or sent by first class regular mail (MPP Sections 22-202.511 and 22-315.5). If the respondent no longer receives benefits, the county will verify the respondent's mailing address prior to mailing the IPV notice. It should also be noted that if the hearing notice is sent using first class mail and is returned as undeliverable, the hearing will be postponed to allow the CWD time to verify or obtain a valid address. If the hearing is rescheduled and the notice continues to be returned as undeliverable, a hearing will not be scheduled until such time that another verified address is provided.

In the event that an individual is found to have committed an IPV through the ADH process, the CWD must send the individual an Administrative Disqualification Notice (Forms ABCD 239.7A for CalWORKs, and CF 377.7A and CF377.7A1 for CalFresh). This notice informs the individual of the disqualification decision, the reason for the decision, and the date the disqualification will take effect. In addition, this notification shall inform the individual of the change in benefits as it pertains to the remaining household members and what the household allotment will be during the disqualification period. These same rules apply if the individual waives his/her rights to an ADH by signing an ADH Waiver (MPP Section 20-300.25 and Section 20-352.4).

If a case meets the definitions of an IPV provided in MPP Section 20-300.1 for CalFresh and Section 22-305.45 for CalWORKs, and the case is not being criminally prosecuted, the ADH process is a requirement and not a discretionary decision on the part of the CWD, the county District Attorney's office, or any other local authority to support program integrity in the CalWORKs and CalFresh programs. Any questions regarding the ADH process may be emailed to [PIBPolicy@dss.ca.gov](mailto:PIBPolicy@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

TODD R. BLAND  
Deputy Director  
Family Empowerment and Engagement Division