

June 11, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 19-57**

The purpose of this All County Letter is to provide County Welfare Departments with instructions regarding the Early Denial Waiver #2010189. Under this waiver, counties that opt in are allowed to deny an initial CalFresh application prior to the 30<sup>th</sup> day when an applicant fails to provide the required verification within ten days from the date of the request for verification.



PAT LEARY  
ACTING DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

June 11, 2019

ALL COUNTY LETTER (ACL) NO. 19-57

TO: ALL CALWORKS PROGRAM SPECIALISTS  
ALL COUNTY WELFARE DIRECTORS  
ALL CALFRESH PROGRAM SPECIALISTS  
ALL CONSORTIA REPRESENTATIVES  
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH WAIVER EXTENSION/MODIFICATION APPROVAL:  
DENY INITIAL APPLICATIONS BEFORE THE 30<sup>TH</sup> DAY

REFERENCE: [ACL 18-64](#); [ACL 17-55](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-58-08 AND ACIN I-14-06](#); [7 CODE OF FEDERAL REGULATIONS 273.2\(f\)\(5\)\(i\)](#), [7 CFR 273.2\(h\)\(2\)](#), [7 CFR 273.2\(h\)\(1\)\(i\)](#), [7 CFR 273.2\(e\)\(3\)](#), [7 CFR 273.2\(g\)\(3\)](#), [7 CFR 273.10\(g\)\(1\)\(ii\)](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) 63-300](#), [MPP 63-300.46](#), [MPP 63-300.5\(i\)](#), [MPP 63-301.32](#), [MPP 63-301.33](#), [MPP 63-301.41\(b\)](#), [MPP 63-301.42](#), [MPP 63-301.44](#), AND [MPP 63-504.23](#)

The purpose of this letter is to provide County Welfare Departments (CWDs) with instruction regarding waiver #2010189. This waiver allows CWDs to deny an initial application prior to the 30<sup>th</sup> day when an applicant fails to provide the required verification within ten days from the request for verification. This waiver is commonly known as the “early denial waiver”.

The California Department of Social Services (CDSS) recently received from the United States Department of Agriculture, Food and Nutrition Service (FNS) an extension approval of the early denial waiver. Based on a survey conducted by the CDSS, 42 CWDs have opted to implement the waiver extension. The waiver extension is approved for implementation in the following counties:

Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Kings, Lake, Los Angeles, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Riverside, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

The FNS has approved this waiver extension in the above counties for a period of five continuing years, effective May 1, 2019 through April 30, 2024, and it is contingent upon each CWD's compliance with the conditions listed under item ten of the enclosed waiver extension approval. Those items are:

- The CWD may not deny an application for failure to provide requested verification within ten days unless an interview was completed.
- The CWD must inform households of the ten-day standard in writing and verbally notify households at the interview the date the household must provide any missing verification.
- The CWD must assist households in obtaining verification in accordance with 7 Code of Federal Regulations [\(CFR\) 273.2 \(f\)\(5\)\(i\)](#).
- Households that fail to provide required verification within the ten-day period may be denied, provided that the CWD interviewed the household. If the verification is provided within 60 days of the application date the CWD must act on the verification without requiring a new application per regulation [7 CFR 273.2\(h\)\(2\)\(A\)](#) and Manual of Policies and Procedures [\(MPP\) 63-301.44](#).
- If the household provides missing verification within the initial 30-day period, the CWD must reopen the application and if eligible, provide benefits from the original date of application.
- If the household provides the missing verification within the 60 days after filing an application, the CWD must reopen the application and provide benefits from the date the household furnished the missing verification.
- In addition to the requirements of [7 CFR 273.10 \(g\)\(1\)\(ii\)](#) and [MPP Section 63-504.23](#), the Notice of Denial sent to impacted households must contain clear language notifying the client of:
  - The reason for the denial, per [7 CFR 273.10\(g\)\(1\)\(ii\)](#), and
  - Their right to submit verification within 30 days of the date of application and, if eligible, receive benefits from the date of application.

Waiver data requirements are listed under item 11 of the enclosed waiver extension approval. Data reporting is required in order for the State to be considered for a future waiver extension approval. A survey will follow to collect the following data elements:

- Complaints filed related to this waiver because of a denial or rescind action if a client supplied the necessary information within either 30 or 60 days.

- Fair hearing requests related to this waiver of a denial or rescind action if a client supplied the necessary information within either 30 or 60 days.

The CDSS will contact CWDs to conduct an implementation survey before requesting an extension of this waiver for the period of May 1, 2024 to April 30, 2029. If a CWD would like to opt into or out of the waiver during the current waiver extension approval period, please contact the CalFresh Policy Bureau.

If you have any question regarding this ACL, please contact the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

***Original Document Signed By:***

KIM JOHNSON  
Deputy Director  
Family Engagement and Empowerment Division

Attachment: Federal Waiver



Food and  
Nutrition  
Service

Park Office  
Center

3101 Park  
Center Drive  
Alexandria  
VA 22302

APR 19 2019

Kim McCoy Wade  
Chief  
CalFresh and Nutrition Branch  
California Department of Social Services  
744 P Street  
Sacramento, California 95814

RE: SNAP – California Waiver Request to Deny Initial Applications Before the  
30<sup>th</sup> Day – Extension – Approval

Dear Ms. McCoy Wade:

This letter transmits the approval of the California Department of Social Services (DSS) request to continue to waive Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(h)(2)(i). Under this waiver (2010189), California can deny an application 10 days after the date of request for verification when an applicant fails to provide the required information.

Although the State requested a waiver for additional regulatory requirements, the Food and Nutrition Service (FNS) does not believe they are necessary to administer this waiver in accordance with the alternative procedures provided by the State agency, so this approval only waives SNAP regulations at 7 CFR 273.2(h)(2)(i).

DSS requested flexibility to implement this waiver as a county option rather than as a statewide requirement. Based on a survey of counties provided by the State, this waiver is approved for implementation only in the following counties:

Alameda	Los Angeles	Santa Clara
Amador	Mariposa	Shasta
Butte	Mendocino	Siskiyou
Calaveras	Merced	Solano
Colusa	Mono	Sonoma
Contra Costa	Monterey	Stanislaus
Del Norte	Napa	Sutter
El Dorado	Nevada	Tehama
Fresno	Placer	Trinity
Glenn	Riverside	Tulare
Humboldt	Sacramento	Tuolumne
Imperial	San Benito	Ventura
Kings	San Francisco	Yolo
Lake	San Mateo	Yuba

Ms. McCoy Wade

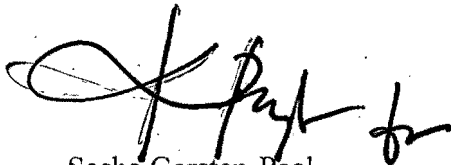
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FNS is pleased that the data provided by DSS shows that the State agency is effectively implementing the waiver. DSS states in its extension request that feedback regarding the waiver has been positive and that the waiver helps to improve the efficiency and effectiveness of State operations by supporting staff in meeting the application processing standards.

In accordance with the memo FNS issued on April 1, 2019: *Supplemental Nutrition Assistance Program: Extending Approval Periods for Certain Administrative Waivers*, FNS is approving this waiver in the above counties for a period of 5 years, effective May 1, 2019, through April 30, 2024. The approval is contingent upon the State agency's compliance with the waiver conditions and data reporting components in items 10 and 11 of Enclosure 1. The detailed waiver response is enclosed. If the State agency would like to extend the approval, a request must be submitted to the Regional Office 60 days prior to the expiration date. The extension request must include an updated list of counties that intend to implement the waiver.

If you have questions or need additional information regarding this waiver, please contact your Regional Office contact, Jackie Bourne at (415) 293-3717 or [jackie.bourne@fns.usda.gov](mailto:jackie.bourne@fns.usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Sasha Gersten-Paal', with a stylized flourish at the end.

Sasha Gersten-Paal  
Chief  
Certification Policy Branch  
Program Development Division

Enclosure

## Enclosure 1

### DENY INITIAL APPLICATIONS BEFORE THE 30<sup>TH</sup> DAY WAIVER RESPONSE

1. **Waiver serial number:** 2010189
2. **Type of request:** Extension
3. **Regulatory citation:** 7 CFR 273.2(h)(2)(i)
4. **State:** California
5. **Region:** Western
6. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulatory requirements at 7 CFR 273.2(h)(2)(i) require that if a State agency cannot take action on the application due to the fault of the household, the household shall lose its entitlement to benefits in the month of application. If verification is lacking, the State agency holds the application pending for 30 days.
7. **Description of alternative procedures:** The State agency will deny an application 10 days after the date of request for verification when an applicant fails to provide the required verification, provided that the State interviewed the household.
  - The State agency will inform households of the 10-day standard in writing and notify households at the interview of the date by which the household must provide any missing verification.
  - The State agency will not deny an application for failure to provide any missing verification within 10 days unless an interview was completed.
  - The State agency will assist households in obtaining verifications in accordance with 7 CFR 273.2(f)(5)(i).
  - Households that fail to provide required verification after the 10-day period may be denied. If the verification is provided within 60 days of the application date, the State agency will act on the verification without requiring a new application per SNAP regulation 7 CFR 273.2(h)(2)(i)(A).
  - If the household provides missing verification within the initial 30-day period, the State agency will reopen the application and if eligible, provide benefits from the date of application. If the household does not provide the missing verification until the second 30 days after filing an application, the State agency will reopen the application and provide benefits from the date the household furnished the missing verification.

The State will continue to comply with the following regulatory requirements:

- 7 CFR 273.2(e)(3) requires the State agency schedule an interview for all applicant households who are not interviewed on the day they submit their application. The State may not deny a household's application prior to the 30<sup>th</sup> day after application if the household fails to appear for the first scheduled interview.
- 7 CFR 273.2(g)(3) requires that the State agency send the household a Notice of Denial on the 30<sup>th</sup> day following the date of application if the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application.
- 7 CFR 273.2(h)(1)(i)(C) requires that the household be given sufficient time to provide missing verification. Sufficient time is at least 10 days from the date of the State agency's initial request for that particular missing verification.

**State-specific alternative procedures, if applicable:** None.

8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) recognizes the need for State agency measures for effective and efficient program management. FNS is approving the State agency's request for 5 years, effective May 1, 2019.
9. **Regulatory or legislative basis for action:** Approval is based on 7 CFR 272.3(c)(1)(ii), which allows FNS to approve waivers that would result in a more effective and efficient administration of the program.

**10. Conditions and reasons:** Approval is contingent upon the following conditions:

- The State may not deny an application for failure to provide requested verification within 10 days unless an interview was completed.
- The State must inform households of the 10-day standard in writing and notify households at the interview of the date by which the household must provide any missing verification.
- The State must assist households in obtaining verification in accordance with 7 CFR 273.2(f)(5)(i).
- Households that fail to provide required verification within the 10-day period may be denied, provided that the State interviewed the household. If the verification is provided within 60 days of the application date, the State must act on the verification without requiring a new application per SNAP regulation 7 CFR 273.2(h)(2)(i)(A).
- If the household provides missing verification within the initial 30-day period, the State must reopen the application and if eligible, provide benefits from the date of application. If the household provides the missing verification within the 60 days after filing an application, the State must reopen the application and provide benefits from the date the household furnished the missing verification.

- In addition to the requirements of 7 CFR 273.10(g)(1)(ii), the Notice of Denial sent to impacted households **must** contain clear language notifying the client:
  - Why the application was denied, per 7 CFR 273.10(g)(1)(ii), and
  - The application will be reopened if the required verification is received within 30 days of the date of application and benefits will be provided from the date of application.

**11. Information required for extension:** FNS will consider an extension of this waiver if the data analysis provided does not indicate any negative effects on program access or integrity among the affected households. The data required for extension shall include:

- Any complaints and fair hearing requests related to this waiver which can be related to the denial action or rescind action if the customer supplied the necessary information within either 30 or 60 days.
- Any significant changes in the number of rescind actions on initial applications during the waiver extension period.

Waiver extension request must be submitted to the Regional Office 60 days prior to the expiration date.

**12. Expiration date:** April 30, 2024

**13. Limitation, if any, on approval:** Approval of this waiver is limited to the following counties within the California Department of Social Services:

Alameda	Los Angeles	Santa Clara
Amador	Mariposa	Shasta
Butte	Mendocino	Siskiyou
Calaveras	Merced	Solano
Colusa	Mono	Sonoma
Contra Costa	Monterey	Stanislaus
Del Norte	Napa	Sutter
El Dorado	Nevada	Tehama
Fresno	Placer	Trinity
Glenn	Riverside	Tulare
Humboldt	Sacramento	Tuolumne
Imperial	San Benito	Ventura
Kings	San Francisco	Yolo
Lake	San Mateo	Yuba

**14. Quality control (QC) procedures:** No special QC procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.

**15. Date of State agency's request:** April 4, 2019

**16. Date of Regional Office's transmittal of request to National Office:** April 9, 2019

**17. Date of National Office action:** APR 19 2019

**18. Anticipated implementation date (*notify FNS if actual date differs*):** May 1, 2019

**19. State agency contact (name/email/telephone):**

Name: Alexis Fernández

Email: Alexis.Fernandez@dss.ca.gov

Phone: (916) 653-6162

**20. FNS Regional Office contact (name/email/telephone):**

Name: Jackie Bourne

Email: Jackie.Bourne@fns.usda.gov

Phone: (415) 293-3717