

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



January 4, 2000

ALL COUNTY INFORMATION NOTICE I-01-00

TO: ALL COUNTY WELFARE DIRECTORS  
ALL WELFARE-TO-WORK COORDINATORS  
ALL FOOD STAMP COORDINATORS**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS – II

Reference: ACIN I-34-99, Food Stamp Questions and Answers, May 11, 1999

The purpose of this letter is to provide counties with answers to Food Stamp Program Policy questions. These questions have been submitted to the Employment and Eligibility Branch (EEB) by the County Welfare Directors Association's Technical Review Team (TRT). These questions and answers were discussed and reviewed at the monthly TRT meetings with county and state representatives.

If you have any questions, please contact Cindy MacDonald of the Food Stamp Policy Implementation Unit at (916) 654-1898.

**Original Document signed by**  
**Charr Lee Metkser on 1-4-00**  
CHARR LEE METSKER, Chief  
Employment and Eligibility Branch

Enclosure

***FOOD STAMP PROGRAM POLICY  
QUESTIONS AND ANSWERS***

1. Question:

How is income counted when a household (HH) member has been sanctioned in another assistance program due to “failure to comply” with the requirements of that program?

Answer:

In accordance with MPP 63-503.514, FS cannot be increased even though the CalWORKs grant has been reduced in a “failure to comply” sanction (or penalty). Therefore, FS counts the CalWORKs grant the same as though the sanction had not occurred.

2. Question:

What is the definition of disabled for purposes of the CFAP work requirements and for CFAP sponsors?

Answer:

Welfare To Work (WTW) regulations MPP 42-712.441 define an individual as exempt when the disability is expected to last at least 30 calendar days and significantly impairs the individual’s ability to be regularly employed or participate in WTW activities. This exemption applies to CFAP recipients whose disability prevents regular employment.

3. Question:

A noncitizen mother receives CalWORKs (not FS eligible due to alien status). The noncitizen mother is eligible to receive Pregnancy Special Needs. The FS HH also consists of a citizen child receiving CalWORKs and an undocumented noncitizen child.

How is the pregnancy special needs payment(s) treated for food stamps:

Answer:

The pregnancy special needs payment is part of the CalWORKs grant. To determine the amount of income to the FS HH the total amount of the CalWORKs grant is divided between the two persons in the CalWORKs AU, the mother and the citizen child. Only the portion of the CalWORKs grant attributable to the member of the FS household (the citizen child) is counted in the FS budget.

4. Question:

An ABAWD fails to meet the work requirement for three months, is discontinued, and regains eligibility. He subsequently loses his job and is eligible to receive food stamps for the three consecutive month period identified in MPP 63-410.52. When would the three consecutive months begin under the following circumstances?

1. Client reports job loss on May 5, and so, the work requirement is not met for May.
2. Client reports job loss on May 25, but he has already worked enough hours to satisfy the work requirement for that month.

Answer:

The three consecutive month period begins with the first month in which the ABAWD work requirement is not met. The three consecutive month period would begin May 1 in the first scenario and June 1 in the second scenario.

5. Question:

(a) MPP 20-300 states Intentional Program Violations (IPVs) that occurred prior to August 22, 1996 shall be considered only one previous disqualification. A client has two IPVs prior to August 22, 1996 and is convicted of a third IPV for acts after August 22, 1996. This should be the client's third disqualification. If the above manual section is correct, this will only be considered the client's second offense, a 24 month disqualification. Is this correct?

Answer:

(a) Yes, this is correct. The complete reference is MPP 20-300.343, which states; "One or more IPVs which occurred prior to the implementation of these penalties shall be considered as only one previous disqualification when determining which penalty to impose."

Question:

(b) Do other disqualifications and/or sanctions, such as for voluntary quit, follow the same penalties as IPV disqualification?

Answer:

(b) No, MPP 20-300.33 applies only to IPVs either ordered in an Administrative Disqualification Hearing, through a court order or in a voluntary disqualification consent agreement with the recipient. Sanctions and disqualifications from other sources each have their own set of rules.

Question:

(c) If an IPV contains some months prior to the regulation change and some after, what disqualification time frame do you impose? Example: A client is convicted of an IPV for the months of July 1996 – December 1996. This is the client's first offense. How long are they disqualified from Food Stamps, six months or one year?

Answer:

(c) If the fraudulent act begins prior to but extends beyond implementation of the new penalties, the new penalties should be applied. In this case the client would receive a one year disqualification.

6. Question:

If qualifying quarters are needed from a nonhousehold member who is not available or not willing to sign a release to obtain the quarters, is it still possible to obtain the qualifying information?

Answer:

Yes, a signed release form is not necessary when requesting information on qualifying quarters for a spouse(s) or parent(s) of a lawfully admitted noncitizen and the nonhousehold member is not available. The Social Security Administration will provide this information based on Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

7. Question:

Counties were originally told that in determining legal noncitizen eligibility that there was a threshold period and once an individual established quarters of employment, those quarters remained even if individual's situation changed. A conflicting answer was found in a Federal Question and Answer. For example, if eligibility was established for an individual based on a spouse's quarters and later there was a divorce, would that individual's eligibility need to be reevaluated and if so at what point?

Answer:

The legal noncitizen would lose the quarters of the ex-spouse effective the date the divorce becomes final. If the legal noncitizen is currently participating in the Food Stamp Program at the time of the divorce, the county can wait until the next recertification to redetermine the client's eligibility.

8. Question:

(a) Is California Assistance Program for Immigrants (CAPI) income applied prospectively like other public assistance grants or retrospectively?

Answer:

(a) CAPI income is treated prospectively like other public assistance grants.

Question:

(b) Are CAPI recipients considered categorically eligible?

Answer:

(b) CAPI is not TANF funded nor is it part of the state's Maintenance of Effort (MOE), therefore individuals receiving CAPI are not categorically eligible.

Question:

(c) If a CAPI supplement is issued, must it be retrospectively budgeted?

Answer:

(c) No, state additional/corrective payments are not rebudgeted.

Question:

(d) Would an individual receiving CAPI automatically meet the definition of an "elderly or disabled member"?

Answer:

(d) A person must be 65 years of age to be eligible for CAPI as elderly, where FS considers a person elderly at age 60. CAPI uses the same criteria and method to determine disability as Supplemental Security Income (SSI). Therefore, an individual receiving CAPI based on age or disability automatically meets the definition of elderly or disabled member for FS. All County Letter 98-82 provides eligibility guidelines for CAPI.