

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



July 29, 2003

ALL-COUNTY INFORMATION NOTICE I-44-03

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL FOOD STAMP COORDINATORS  
 ALL FOOD STAMP CORRECTIVE ACTION  
 MANAGERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: UNITED STATES DEPARTMENT OF AGRICULTURE SANCTION  
 APPEAL INFORMATION REQUEST

The United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) has formally notified California regarding the Federal Fiscal Year (FFY) 2002 food stamp payment error rate results. California's combined food stamp error rate of 14.84 percent exceeds the national tolerance level of 8.26 percent, which subjects the state to a sanction liability of \$88,888,311. Due to USDA's consideration of earners and non-citizens in the California Food Stamp Program (FSP) caseload, the original liability amount has been reduced to \$62,556,295. We are still in the process of validating these amounts with the USDA.

In response to the federal sanction liability and according to state regulations (Section 15-621.6, CDSS, Manual of Policy and Procedures), we are requesting information from you that may assist us in establishing a possible basis for appeal and/or settlement with FNS. In accordance with federal regulations (7 C.F.R. 275.23 (e)(7)), USDA may consider the following criteria as possible good cause for relief from liability claims.

- Natural disasters or civil disorders that adversely affect program operations;
- Strikes by agency staff necessary to determine FSP eligibility and process case changes;
- Caseload growth;
- A change in the FSP or other federal or state programs that has a substantial impact on the management of the FSP—program changes that are not common to all states; and,

- A significant circumstance beyond control of the agency—a circumstance not common to all states, such as a fire in a certification office.

California Department of Social Services (CDSS) has been granted an extension of time, until September 16, 2003, for consideration of an appeal. This allows the State more time to fully evaluate state and county issues which may impact the sanction. We are requesting that counties review their FSP for FFY 2002 to determine if specific county conditions may meet any of the criteria that are listed above.

Federal regulations (7 C.F.R. Section 275.23 (e)(11)) also allow states the opportunity to settle the sanction and reinvest the liability or a portion thereof in new activities that are designed to reduce payment errors. If a settlement agreement is reached with the USDA for FFY 2002, we will be contacting the Performance Measurement Counties with error rates above the federal tolerance level on the submission of error reduction reinvestment projects. The Performance Management Counties are the largest 19 counties representing 90 percent of the statewide food stamp issuance.

State statute (Welfare and Institutions Code, Section 18905) and regulations (Section 15-621, C.D.S.S., Manual of Policy and Procedures) clarifies that counties responsible for error rates above Federal tolerance have a sanction liability. Consistent with these provisions, CDSS will notify Performance Measurement Counties that have exceeded the national tolerance level of 8.26 percent, and identify the amount of each county's specific liability. At that time, counties can appeal directly to CDSS for a reduction or elimination of their county specific portion of the FFY 2002 sanction liability amount as specified in the regulations.

Please review your FFY 2002 FSP activities and identify any information that you may believe is useful for California to appeal/settle the USDA sanction. This information should be submitted to John Moist, at 744 P Street, Mail Station 16-32, Sacramento, California 95814 by **August 15, 2003**. If you have questions please call Mr. Moist at (916) 651-6556.

Sincerely,

***Original document signed by***  
RIGHTON YEE, Chief  
Food Stamp Branch