



CDSS

WILL LIGHTBOURNE
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

November 20, 2015

ALL COUNTY LETTER 15-93

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

SUBJECT: CALFRESH WAIVER EXTENSION: DENY INITIAL
APPLICATIONS BEFORE THE 30th DAY

REFERENCES: [ALL COUNTY INFORMATION NOTICE I-58-08; I-14-06](#)
WAIVER #2010189; 7 CODE OF FEDERAL
REGULATIONS (CFR) 273.2(f)(5)(i), 7 CFR 273.2(h) (2), 7
CFR 273.2(h)(2)(A), 7 CFR 273.2 (h)(1)(i)(C), 7 CFR
273.2(e)(3), 7 CFR 273.2(g)(3), 7 CFR 273.10(g)(1)(ii);
AND MANUAL OF POLICIES AND PROCEDURES
SECTIONS 63-300.46, 63-300.5(i), 63-301.32, 63-301.33,
63-301.42, 63-301.44, AND 63-504.23

The purpose of this letter is to transmit and provide instructions to County Welfare Departments (CWDs) regarding waiver # 2010189 which allows CWDs to deny an initial application 10 days after the date of request for verification when an applicant fails to provide the required information.

The California Department of Social Services (CDSS) submitted a waiver extension request to the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) to continue to waive Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(h)(2). FNS approved this waiver effective May 1, 2015 for a period of twelve months.

FNS is aware that some states, who have this same waiver, have been denying applications 10 days after the date of request for verification without conducting

REASON FOR THIS TRANSMITTAL

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

an interview with the household. CDSS does not normally issue guidance for waiver extensions and initially CDSS did not believe that guidance for this waiver extension would be needed. However, it has come to CDSS's attention that additional guidance was requested. Therefore, CDSS is transmitting this letter with the modifications to the waiver conditions which are listed below:

- The CWDs may not deny an application for failure to provide requested verification within 10 days unless an interview was completed.
- Households that fail to provide required verification within the 10-day period may be denied in the CWD's automated system. The Notice of Denial may be sent prior to the 30th day but must not be effective until the 30th day.

The CWDs are reminded that they will continue to comply with the following regulatory requirements:

- 7 CFR 273.2(e) (3) and MPP Section 63-300.46 requires that the CWD schedule an interview for all applicant households who are not interviewed on the day they submit their application.
- The CWD may not deny a household's application prior to the 30th day after application if the household fails to appear for their first scheduled interview.
- 7 CFR 273.2 (g)(3) and MPP Section 63-301.3 requires that the CWD send the household a Notice of Denial on the 30th 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 CWD to express interest in pursuing the application.
- 7 CFR 273.2(h) (1) (i) (C) and MPP Section 63-301.33 requires that the household be given sufficient time to provide missing verification.
- Sufficient time is at least 10 days from the date of the CWD's initial request for that particular missing verification.

This letter and other CDSS Letters and Notices are available on the internet at: <http://www.dss.cahwnet.gov/lettersnotices/default.htm>.

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If you have any question regarding this letter, please contact the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

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Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

APR 30 2015

Mr. Ryan Fruchtenicht
Bureau Chief
CalFresh Branch
Department of Social Services
744 P Street
Sacramento, California 95814

RE: California Waiver Request to Deny Initial Applications before the 30th Day –
Extension

Dear Mr. Fruchtenicht:

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). 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.

The Food and Nutrition Service (FNS) is approving this waiver for a period of 12 months so that any potential negative impacts on client access may be promptly evaluated and addressed. The waiver is effective for a 12-month period beginning May 1, 2015.

As part of FNS' effort to assess indefinitely approved waivers for potential negative impacts to program access, it has come to our attention that some States may be denying applications 10 days after the date of request for verification without conducting an interview with the household. As a result, FNS made modifications to the waiver conditions listed below:

- 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 the date 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)(A).

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

- 7 CFR 273.2(e)(3) requires that 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 30th 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 30th 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.

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 California's request for one year, effective May 1, 2015.
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:
 1. The State may not deny an application for failure to provide requested verification within 10 days unless an interview was completed.
 2. 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.
 3. The State must assist households in obtaining verifications in accordance with 7 CFR 273.2(f)(5)(i).
 4. 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)(A).

WAIVER RESPONSE

1. **Waiver serial number:** 2010189
2. **Type of request:** Extension
3. **Regulatory citation:** 7 CFR 273.2(h)(2)
4. **State:** California
5. **Region:** Western
6. **Regulatory requirements:** 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 waiver will allow the State to deny an application when a household fails to provide required verification within 10 days of the date of request for verification, provided that the household has been interviewed. The State will inform households of the 10-day standard in writing and notify households at the interview the date the household must provide any missing verification. The State will assist households in obtaining verification in accordance with 7 CFR 273.2(f)(5)(i). The State will send a notice of denial to the household in which the applicant fails to provide required verification within the 10-day period. 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 60 days after filing an application, the State agency must reopen the application and provide benefits from the date the household furnished the missing verification, per requirements at 7 CFR 273.2(h)(2).

In addition to the requirements of 7 CFR 273.10(g)(1)(ii), the Notice of Denial provided to impacted households will contain clear language notifying the household:

- Why the application was denied, per 7 CFR 273.10(g)(1)(ii); and
- The application will be reopened if the required verifications are received within 30 days of the date of application and benefits will be provided from the date of application.

Mr. Ryan Fruchtenicht
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- 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 60 days after filing an application, the State agency 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 provided to impacted households **must** contain clear language notifying the household:

- 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.

FNS will consider an extension of this waiver if the data 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.

If you have any questions or need any additional information regarding this waiver, please contact Andrew Riesenber at (415) 645-1927 or Andrew.Riesenber@fns.usda.gov.

Sincerely,



Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Attachment

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5. 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.
6. 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.
12. **Expiration date:** April 30, 2016
13. **Limitation, if any, on regional office approval of like requests:**
Approval of this waiver is limited to the California Department of Social Services.
14. **Quality control procedures:** No special QC procedures are required for cases subject to the provision of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.
15. **Date of State agency's request:** March 6, 2015
16. **Date of regional office's transmittal of request to national office:**
March 19, 2015
17. **Date of national office action:** APR 30 2015

18. Anticipated implementation date (*notify FNS if actual date differs*): May 1, 2015

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

Name: Ryan Fruchtenicht

Email: Ryan.Fruchtenicht@dss.ca.gov

Phone: (916) 657-3356

20. FNS regional contact (name/email/telephone):

Name: Andrew Riesenber

Email: Andrew.Riesenber@fns.usda.gov

Phone: (415) 645-1927