STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

February 20, 1991

ALL-COUNTY INFORMATION NOTICE NO: I-14-91

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FOOD STAMP COORDINATORS

SUBJECT: TRANSMITTAL OF FNS FOOD STAMP POLICY MEMORANDUM NO. 90-18: UNTIMELY NOAAs AND FOOD STAMP DISQUALIFICATION FOR FAILURE TO COMPLY WITH WORK REQUIREMENTS

The purpose of this notice is to transmit the attached Food and Nutrition Service (FNS) Policy Memorandum No. 90-18 which addresses the imposition of a Food Stamp disqualification when a Notice Of Adverse Action (NOAA) for failure to comply with Food Stamp work requirements is not issued within required time parameters. The policy memorandum specifies that when issuance of a Food Stamp Notice of Disqualification is delayed through administrative error, Food Stamp sanctions should be prospectively imposed once the administrative error is discovered. A NOAA is to be issued within ten calendar days of discovering the error or determining the noncompliance is without good cause, if such determination had not been previously made. The disqualification period would be for two months beginning with the first month following expiration of the adverse notice period.

The Department is developing regulations to implement this policy of prospective disqualification. These regulations will ensure that those who fail without good cause to comply with Food Stamp work requirements have an opportunity to end or avoid a Food Stamp sanction, even when a NOAA is issued beyond required time parameters due to administrative error.

If you have any questions, please contact your GAIN Operations Analyst at (916) 324-6962.

DENNIS J. BOYLE
Deputy Director

Attachment

cc: CWDA

WORKPLAN
ALL COUNTY INFORMATION NOTICE

Food Stamp Disqualification Following Untimely Issuance of Notice of Adverse Action

Purpose: Clarify the procedure to be followed when, through an administrative error, a food stamp disqualification for noncompliance with work registration requirements is not imposed in a timely manner.

Assumptions and/or Constraints:

* extra time needed to accommodate holidays and vacations.

Action	Who	Begin	Complete
a. Draft ACIN	RN	12/17/90	12/21/90*
b. Unit Manager's review	CA	01/03/91	01/04/91
c. Revise if needed	RN	01/07/91	01/08/91
d. Policy Bur Mgr's review	DS	01/09/91	01/11/91
e. Finalize ACIN	RN	01/18/91	01/22/91
f. Route final for external sign-off to: Ops, Legal, Staff Services		01/23/91	01/25/91
g. Revise as necessary	RN	01/28/91	01/29/91
h. Bureau Chief sign-off	DS	01/30/91	01/30/91
i. Branch Chief sign-off	KBL	01/31/91	02/11/91
j. Division sign-off	DJB	02/04/91	02/06/91
k. To Forms Mgmt	RN	02/07/91	02/07/91
l. Advance copies released		02/08/91	02/12/91

FOOD STAMP PROGRAM
POLICY MEMO

Region: WRO
Index No: 90-18
Provision: 273.7(g)

JUN 12 1990

Subject: Untimely NOAA's for Failure to Comply with Work Requirements Under 7 CFR 273.7

This policy memo supersedes the response to question 11 in PIRS Policy Memo number 89-19.

Question: What is the proper method for implementing disqualifications in instances in which State agencies fail to timely send a Notice of Adverse Action (NOAA) for failure to comply with the work requirements under 7 CFR 273.7?

Answer: The following procedures shall be used when a State agency fails to comply with 7 CFR 273.7(g)(1) and does not timely send a NOAA for failure to comply with the work requirements under 7 CFR 273.7:

If a good cause determination had previously been made and it was determined that the failure to comply was without good cause, the State agency shall issue the NOAA to the individual or household within 10 calendar days of discovering the error.

If a good cause determination had not been made, the State agency should determine whether good cause for the noncompliance exists, as discussed in 7 CFR 273.7(m). The State agency shall issue the NOAA within 10 days of determining the noncompliance was without good cause.

The disqualification period shall begin with the first month following the expiration of the notice period, unless a fair hearing is requested. The period of ineligibility shall continue for 2 months unless cured or terminated for one of the other reasons discussed under 7 CFR 273.7(g)(1).

The period of ineligibility shall continue to be imposed regardless as to whether the disqualified individual was otherwise eligible to receive food stamps. For example, the noncompliance occurred in June, the eligibility worker was timely notified of the noncompliance, but failed to send the NOAA. The error was not discovered until the beginning of August which is the last month of the noncompliant individual's certification period. The individual failed to appear for his recertification interview so the food stamp case closed effective August 31. The eligibility worker continues to act on the noncompliance and determines that the noncompliance was without good cause and issues the NOAA. The noncompliant individual does not request a fair hearing, therefore, the disqualification is imposed for September and October.

If the disqualified individual attempts to reapply for food stamp benefits in September or October the application will be denied, unless the individual has cured the disqualification or the disqualification has been terminated for one of the other reasons discussed under 7 CFR 273.7(g)(1). The individual would not be eligible for food stamps until November 1.

Rationale: Section 6(d) of the Food Stamp Act of 1977, as amended, allows a disqualified individual to resume participation in the Food Stamp Program prior to the end of disqualification if he/she complies with the E&T requirement that was violated. The above procedures guarantee this protection under the Act to cure the disqualification.

Arthur Foley

Arthur Foley
Acting Director
Program Development Division

cc: ALL RO's, ORO, OA&E, PAD, OGC, OIG (Snead), ECRS, Maurice Tracy