

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 25, 1998

ALL COUNTY LETTER NO. 98-11

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

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

SUBJECT: IMPLEMENTATION OF REGULATIONS FOR DENIAL OF FOOD STAMP BENEFITS DUE TO UNTIMELY VERIFICATION (ORD #0197-01)

REFERENCE: MANUAL SECTIONS (M.S.) 63-030; 63-301.33, .34, .42, .421, .423, and .441(a)(2); 63-503.13 and .131

This letter provides County Welfare Departments (CWDs) with information regarding regulations which will become effective on May 1, 1998. These regulations are necessary to implement the provisions of a waiver approved by the United States Department of Agriculture, Food and Consumer Service. The waiver allows CWDs to send a denial notice to food stamp applicant households prior to the 30th day of the application processing period if the household has failed to provide requested verification. The effective date of the denial, however, remains the 30th day following the date the application was filed. The regulations are effective for applications dated on or after May 1, 1998. Attachment I describes the major provisions of these regulations.

Also attached is the form DFA 377.1A (12/97), Notice of Denial or Pending Status, which CWDs are to provide to households affected by these regulatory changes.

Camera-Ready Copies and Translations

Counties should call the Forms Management Bureau at (916) 657-1907 or CALNET 437-1907 for camera-ready copies of the DFA 377.1A (12/97) in any language. However, counties that have provided the Language Services Bureau with a county contact and have identified specific languages needed in their county (choices of Spanish, Chinese, Cambodian and Vietnamese) will automatically be sent those languages as soon as the DFA 377.1A (12/97) is translated. The Spanish and Asian language versions are expected to be available at a later date.

NOTE: The Food Stamp Program Bureau provided the Language Services Bureau with a listing of County Food Stamp Coordinators in June 1997. If any changes have occurred since that time, or if your county wishes to advise the Language Services Bureau of the county's specific needs, contact the Language Services Bureau at (916) 657-3429 or CALNET 437-3429.

Stock

The DFA 377.1A (12/97) may be ordered from the California Department of Social Services (CDSS) warehouse according to the forms ordering procedure in the County Forms Catalog upon receipt of the Notice of Change Form (GEN 127) which is issued when stock is available.

CDSS Contacts

If you have any questions regarding food stamp forms, contact Donna Morgan at (916) 654-5709. For any questions regarding Asian/Spanish translations, contact Shirley LuKung at (916) 654-1277.

If you have any questions regarding these regulations, please contact Alan Rowe of the Food Stamp Program Bureau at (916) 653-5208.



BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

IMPLEMENTATION OF A WAIVER TO SEND A DENIAL NOTICE ON OR BEFORE RATHER THAN ON, THE 30TH DAY AFTER APPLICATION IF THE HOUSEHOLD FAILS TO PROVIDE THE REQUESTED VERIFICATION (M.S. 63-030)

This section specifies that the provisions contained in these regulations must be implemented effective May 1, 1998, for food stamp applicants.

APPLICATION PROCESSING TIME STANDARDS (M.S. 63-301.33)

This section is being amended to allow County Welfare Departments (CWDs) to send a notice of action denying an application for failure to provide requested verification on or before the 30th day following the date the application was filed. Previously, the notice of action had to be sent on the 30th day following the date the application was filed. The effective date of the denial, however, remains the 30th day following the date the application was filed.

APPLICATION PROCESSING TIME STANDARDS (M.S. 63-301.34)

This section is being amended so that the "NORMAL PROCESSING AND DENYING THE APPLICATION" chart reflects the change to M.S. 63-301.33 and M.S. 63-301.421.

APPLICATION PROCESSING TIME STANDARDS (M.S. 63-301.42)

This section is being amended to indicate that if the CWD chooses to deny the application, the notice of denial may be sent on or before the 30th day following the date of the application. If the CWD chooses to pend the application, however, the notice of pending status must be sent on the 30th day from the date of application. Previously, both of these notices were required to be sent on the 30th day from the date of application.

APPLICATION PROCESSING TIME STANDARDS (M.S. 63-301.421)

This section is being amended to clarify that the starting date of the 30 day period for reopening a case without a new application is the date that the notice of action becomes effective, not the date it is mailed. Previously, because the notice could not be mailed until the 30th day after the application was filed, the mailing date and the effective date were the same. This change makes it possible for a notice of denial to be sent as early as 10 days after the application is filed, which maintains the intent that there be a full 60 days for the initial application to be used to determine the status of the case.

APPLICATION PROCESSING TIME STANDARDS (M.S. 63-301.423 and .441(a)(2))

These sections repeal the phrase "first of the month following the month of application" and adopt the phrase "date the CWD received verification that the household completed the required action." Previously, in circumstances where the household provided the verification after the 30th day, benefits were provided from the first day of the month following the month of application. Effective May 1, 1998, households providing the required verification subsequent to the 30th day from the date of application will have benefits prorated from the date the CWD receives verification that the household has completed the required action. This change brings state regulations into conformity with federal regulations.

DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (M.S. 63-503.13 and .131)

These sections are being amended to establish an exception to the date from which benefits are normally prorated. If application processing is delayed beyond 30 days due to the fault of the household, benefits are to be prorated from the date the CWD receives verification that the household completed the required action, rather than the date of the application.

NOTICE OF DENIAL OR PENDING STATUS

COUNTY OF _____

STATE OF CALIFORNIA
HEALTH AND WELFARE AGENCY
DEPARTMENT OF SOCIAL SERVICES

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone: _____
Address : _____

(ADDRESSEE)



Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

DENIAL:

- Your household's application for Food Stamps has been **denied** because:

- If you do the following by _____, your application will be reopened.

If you don't do this by this date you will have to reapply if you want to get food stamps.

- We asked you for the following information when you applied for food stamps. You did not give us the information within ten (10) days of the day it was requested. You must give us the information by _____ (30 days after date of application) or your application will be denied and you will not get another notice.
- Your household cannot get food stamps until _____ because of the reason your application was denied. You may reapply then.
- If you get cash aid, you may be able to get food stamps. If you do not get a Food Stamp notice within 15 days after your cash aid is approved, contact your cash aid worker about food stamps.

BACK BENEFITS:

- Your application/request for back food stamp benefits dated _____ was denied because:

- Your application/request for back Food Stamp benefits dated _____ was denied because it was filed in the wrong county. You must ask for those benefits from the county where you were denied or received benefits.

Rules: These rules apply. You may review them at your welfare office.

PENDING STATUS:

- Your application is pending.

- You have done what you need to do. We are still working on your case and you will hear from us soon.

- We asked you for the following information when you applied for food stamps. You did not give us the information within ten (10) days of the day it was requested. You must give us the information by _____ or your application will be denied and you will not get another notice. If you still want food stamps, you will have to reapply.

If you give us the things listed here by the date above, your application will be reopened.

YOUR HEARING RIGHTS

To Ask For a State Hearing

- You only have 90 days to ask for a hearing. The 90 days started the day after we gave or mailed you this notice.
- You have a much shorter time to ask for a hearing if you want to keep your same benefits.

To Keep Your Same Benefits While You Wait For a Hearing

You must ask for a hearing before the action takes place.

- Your Cash Aid will stay the same until your hearing.
- Your Medi-Cal will stay the same until your hearing.
- Your Food Stamps will stay the same until the hearing or the end of your certification period, whichever is earlier.
- Your CalWORKs Child Care benefits will **NOT** stay the same until your hearing.
- If the hearing decision says we are right, you will owe us for any extra cash aid or food stamps you got.

To Have Your Benefits Cut Now

If you want your Cash Aid or Food Stamps cut while you wait for a hearing, check one or both boxes.

- Cash Aid Food Stamps

To Get Help

You can ask about your hearing rights or free legal aid at the state information number.

Call toll free: 1-800-952-5253

If you are deaf and use TDD, call: 1-800-952-8349

You may get free legal help at your local legal aid office or welfare rights group.

Other Information

Child and/or Medical Support: The District Attorney's office will help you collect support even if you are not on cash aid. There is no cost for this help. If they now collect support for you, they will keep doing so unless you tell them in writing to stop. They will send you any current support money collected. They will keep past due money collected that is owed to the county.

Family Planning: Your welfare office will give you information when you ask for it.

Hearing File: If you ask for a hearing, the State Hearing Office will set up a file. You have the right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W. & I. Code Section 10950).

HOW TO ASK FOR A STATE HEARING

The best way to ask for a hearing is to fill out this page. Make a copy of the front and back for your records. Then, send or take this page to:

Your worker will get you a copy of this page if you ask. Another way to ask for a hearing is to call 1-800-952-5253. If you are deaf and use TDD, call: 1-800-952-8349.

HEARING REQUEST

I want a hearing because of an action by the Welfare Department of _____ County about my

- Cash Aid Food Stamps Medi-Cal Child Care
 Other (list) _____

Here's why: _____

- Check here and add a page if you need more space.
- I want the person named below to represent me at this hearing. I give my permission for this person to see my records or come to the hearing for me.

NAME _____

ADDRESS _____

- I need a free interpreter.
 My language or dialect is: _____

My name: _____

Address: _____

Phone: _____

My case number: _____

My signature: _____

Date: _____

Adopt Section 63-030 to read:

63-030 IMPLEMENTATION OF A WAIVER TO SEND A DENIAL 63-030
NOTICE ON OR BEFORE, RATHER THAN ON, THE 30TH
DAY AFTER APPLICATION IF THE HOUSEHOLD FAILS TO
PROVIDE THE REQUESTED VERIFICATION

.1 The ~~regulations~~ **amendments** contained in Sections 63-301.33, .34, .42, .423, .441(a)(2),
63-503.13, .131, and 63-504.616 **filed with the Secretary of State on** shall
become effective ~~November~~ **December** ~~March~~ **May** 1, 199**7**~~8~~ for food stamp applicant
households.

Authority Cited: Sections 10553, 10554, and 18904 of the Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 18904 of the Welfare and Institutions Code; Federal
Waiver Approval Letter, dated May 24, 1996; 7 Code of Federal Regulations
(CFR) Sections 272.3(c)(1)(ii), 273.2(h)(2)(**I**)(**A**) ~~273.10(a)(2)(i)~~ and
273.10(g)(**1**)(ii); **Federal Administrative Notice 97-99, dated 8-12-**
97; and Federal Food Stamp Policy Memos 82-9, dated 12-8-81 and 88-4,
dated 11-13-87 ~~relating to 7 CFR 273.10(a)(2)(i).~~

Amend Sections 63-301.33, .34, .42, .423, and .441(a)(2) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.3 Denying the Application (Continued)

- .33 In cases where the CWD was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the application may be denied ~~on the 30th day~~ if the CWD provided assistance to the household in obtaining ~~the required~~ verification when required as specified in Section 63-300.5~~5~~, but the household failed to provide the requested verification. The CWD may send a notice of action denying the application on or before the 30th day following the date the application was filed, to be effective the 30th day following the date the application was filed. If the CWD denies the application, the household must file a new application if it wishes to participate in the program.

.4 Delayed Actions (Continued)

.42 Delays Caused by the Household

If by the 30th day of the application processing period, the CWD cannot take further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The CWD has the option either to deny or pend the application and to notify the household of the action taken by sending the household a notice of action either denying or pending the application ~~on the 30th day~~. The option chosen by the CWD shall apply to all households within the county. If the application is to be denied, the CWD may send a notice of denial on or before the 30th day after application, to be effective on the 30th day. If the application is held pending, the CWD shall send the household a notice of pending status on the 30th day after application. (Continued)

.421 If the application is denied, the CWD shall notify the household of the action it must take to reactivate its application; that the case will be reopened without a new application if the required action is taken within 30 days of the date the ~~denial~~ notice of action denying the application ~~is mailed~~ **becomes effective (30 days after the date of application)**; and that if the household does not take the required action within the **second** 30-day period **(60 days of the date of application)**, a new application must be submitted in order to participate in the Food Stamp Program. (Continued)

.423 If the household responds and is determined eligible during the second 30-day period, the CWD shall provide benefits only from the ~~first of the month following the month of application~~ date the CWD received verification that the household completed the required action. (Continued)

.44 Delays Beyond 60 Days

.441 (Continued)

(a) If the household is determined eligible, the CWD shall provide benefits to the household as follows: (Continued)

(2) If the initial delay was the household's fault, the household shall receive benefits retroactive only to the ~~first of the month following the month of application~~ date the CWD received verification that the household completed the required action. (Continued)

Authority Cited: Sections 10554 and 18904 of the Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Section 11349.1, Government Code; 7 CFR 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.2(d)(1),(h)(1)(C), (h)(2)(i)(A), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), (j)(2)(iii), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.8(e)(17); *proposed* 7 CFR 273.9(d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.10~~(a)(2)(i)~~,(c)(1) and (g)(1)(ii); 7 CFR 274.2; (Court Order re Final Partial Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768].); Public Law 102-237, Sections 902 and 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; and P.L. 104-193, Section 838 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Food and Consumer Service Waiver dated May 24, 1996; and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987.

Amend Sections 63-503.13 and .131 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503

.1 Month of Application (Continued)

.13 A household's benefit level for a) the initial month of certification, or b) the first month for which the household is certified for participation in the Food Stamp Program following any period during which the household was not certified for participation, shall be prorated from the date the application is received in the appropriate office. However, if processing of the application was delayed beyond 30 days due to the fault of the household, the benefit level shall be prorated from the date the CWD received verification that the household completed the required action, as specified in Section 63-301.423. Migrant and seasonal farm worker households which have a break in participation of 30 days or less shall not have their benefits prorated. They shall receive benefits for the whole month.

.131 Using a calendar or fiscal month, households shall receive benefits prorated from the date of application to the end of the month, except as specified in Section 63-503.13. (Continued)

Authority Cited: Sections 10554 and 18904 of the Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59 No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10(a)(1)(iii)(B) ~~and (2)(i)~~; 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol 59, No 235 on December 8, 1994; 7 CFR 273.11(a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) ___ F. Supp. ___; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; P.L. 100-435, Section 351, and P.L. 101-624, Section 1717; [7 U.S.C. 2012, 2014(e), and 2017(c)(2)(B)]; and P.L. 104-193, Sections 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987.

Amend Section 63-504.616 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.6 Recertification of All Households

.61 General Requirements (Continued)

.616 CWD Action on Timely Applications for Recertification

The CWD shall provide uninterrupted benefits to any household determined eligible after the household timely files an application and and attends an interview, and provides all of the necessary verification within 30 days after the end of the household's certification period. If the household provides the missing verification beyond 30 days after the expiration of its certification period, the CWD shall prorate the benefit level from the date that the CWD received the necessary verification. The CWD shall provide uninterrupted benefits within the time standards listed below even if, to meet these standards, the CWD must provide an opportunity to participate outside the normal issuance system. (Continued)

Authority Cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(8)(i); (f)(8)(i)(A) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.2(j)(3) and (4); 7 CFR 273.8(b); 7 CFR 273.10 ~~(a)(2)(f)~~, (d)(4), (g)(1)(i) and (ii); proposed 7 CFR 273.12(a)(1)(vi) as published in the Federal Register, 59, No. 235 on December 8, 1994, and (c); 7 CFR 273.13(a)(2); 7 CFR 273.14(b)(3); 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3)(ii), (i), (j), (j)(1)(vi), (j)(1)(vii)(A) and (r), (j)(2)(iii), (j)(3)(ii), (j)(3)(iii)(C), and proposed (j)(3)(iii)(E) as published in the Federal Register Vol. 59, No. 235 on December 8, 1994; 7 CFR 274.10; P.L. 100-435, Section 351, P.L. 101-624, and P.L. 103-66; Section 1717, [7 U.S.C. 2014(e)]; 7 U.S.C. 2014 (d)(7) and 2017(c)(2)(B); U.S.D.A. Food and Consumer Services, Administrative Notice 94-39; and P.L. 104-193, Sections 807 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987.