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Background:

When taking any action to approve, deny or discontinue benefits for a household, a Notice of Action (NOA) must be provided. All notices must be adequate and timely with certain exceptions. ([63-303.2 & 3](#))

Policy:

63-303.1 Adequate Notice & Timely Notice:

A NOA is considered **adequate** if it explains in easy to understand language:

- The upcoming action;
- The reason for the action;
- The household's right to request a state hearing;
- The availability of Aid Paid Pending (APP) while awaiting a state hearing and the potential overissuance, if the action is upheld;
- The number to call for additional information. For households living outside the local calling area, a toll-free number or a number that accepts collect calls must be provided;
- The availability to the household of free legal representation if there is an individual or organization available that provides these services;
- The specific regulation that supports the action (The State Manual of Policies and Procedures [MPP] regulation cites).

A **timely notice** is a NOA that is mailed at least 10 calendar days prior to the effective date of the upcoming negative action. An increase in benefits does not require timely notice.

Note: Applicants and recipients have the option to receive certain NOAs via [electronic notification](#).
ACL 13-61

The NOA must be provided in the applicant or recipient's preferred language when available. If a translated NOA is not available, the English NOA must be provided with the *Notice of Language Services (GEN 1365)* and a County contact number. ([Civil Rights Policy](#))

63-303.2 Exceptions from Providing a Timely Notice:

All adequate notices must be timely with the following exceptions:

- A. The County uses mass change notices or posters to inform households of a mass change such as a Cost of Living Allowance (COLA) or other changes in CalWORKs, General Relief, Social Security, etc.
- B. A household member has applied, been determined eligible for, and is in receipt of SSI or SSP benefits.
- C. Terminating the eligibility of a resident of a drug and alcoholic treatment center or a group when the facility loses its state certification or the authorized representative has been suspended due to a disqualification by Food and Nutrition Service (FNS).
- D. A household member is disqualified for an Internal Program Violation (IPV) or the household's allotment is reduced or terminated to reflect the disqualification of the household member.
- E. A household's benefits are reduced or discontinued as a result of the household not responding to a NOA requesting:
 - Verification which was postponed for Expedited Services.

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- A complete SAR 7 must be submitted by the extended filing date, however, continue to provide timely and adequate notice as explained in [63-274.5](#).
 - Missing verification(s) or additional verification/clarification of questionable information.
- F. The household voluntarily requests, in writing or in person verbally, that their case be discontinued.
- G. The household moves and is approved for Supplemental Nutrition Assistance Program (SNAP) in another state or CalFresh in another county.
- H. A household's eligibility and benefits are being approved or denied under the Restoration of Eligibility and Benefits Waiver.

63-303.3 Exemptions from Providing a NOA:

A NOA is not required under the following situations:

- A. It has been determined that, based on reliable information, all of the household members have died.
- B. The household has been receiving an increased allotment because of a restoration of lost benefits, and the household was previously notified in writing of when the increased allotment would terminate.
- C. A Semi-Annual Reporting (SAR) household's allotment is adjusted to take into account changes which were anticipated at the time of certification and the household was previously notified.
- D. A Change Reporting (CR) household's allotment varies from month to month during the certification period due to changes which were anticipated at the time of certification and the household was already notified at the time of certification.
- E. A household applied for Public Assistance (PA) and CalFresh benefits and has been receiving CalFresh pending the approval of the PA grant **and** was notified at the time of the certification that CalFresh benefits may be reduced or terminated if the PA benefits were approved.
- F. A household is converted from a voluntary repayment to allotment benefit reduction as a result of failure to make agreed repayments.
- G. A household's participation in CalFresh is terminated because the household did not provide postponed verification(s) for Expedited Services.
- H. A household's participation is terminated because it did not respond to a Notice of Expiration of Certification (NEC).
- I. A household's participation is terminated because the household failed to respond to a NOA informing them of the non-receipt of the SAR 7 or receipt of an incomplete SAR 7 by the extended filing date.
- J. When using mass change notices or posters to inform households of a mass changes such as a COLA or other changes in CalWORKs, General Relief, Social Security, etc.
- K. The household is receiving Transitional CalFresh benefits, and the Transitional CalFresh certification period is ending because the household did not respond to a Notice of Expiration of Certification (NEC).

Procedure:

NOA Requirements for Pending Status:

When an application is held pending:

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- Provide the household a “Notice of CalFresh Pending” (DFA 377.1A) at the intake interview or by mail.
- The pending NOA must state the reason(s) the case is pending and that the application will be denied within 30 days of the date of application if the household does not take the required actions.
- Notify the household when the application is being held pending more than 30 days due to the Agency’s fault.

NOA Requirements for Approval Actions:

Send the Approval Notice as soon as the determination is made, but no later than the date the household receives their first allotment for the certification period. (Refer to [63-109.1B](#))

The NOA will advise the household of the following:

- The amount of the allotment;
- The beginning and ending dates of the certification period; and
- Any variations in the benefit level based on changes anticipated at the time of certification.

When the initial allotment includes benefits for both the month of application and the second month's benefits, the NOA will inform the household that this initial allotment includes more than one month's benefits and will indicate the monthly benefit level for the remainder of the certification period.

When a household’s application is approved on an expedited basis and verifications are postponed, the NOA will inform the household of the requirements for providing the postponed verifications.

NOA Requirements for Denial Actions:

When an application is denied:

- Provide the household with a NOA explaining the basis for the denial.
- The NOA will be provided as soon as the determination is made, but no more than 30 days from the date the application was filed, unless the application was held pending. Refer to [63-109.3](#)

NOA Requirements for Withdrawals or Request for Discontinuance:

When a household voluntarily withdraws an initial application verbally or in writing, a notice confirming the withdrawal will be sent. Refer to [63-121.2](#)

When a household requests a discontinuance of benefits verbally or in writing, a notice confirming the request will be sent as well as the notice of action informing the household of the termination of benefits. (Refer to **NOA Requirements for Changes in Eligibility Status or Benefit Levels** below)

Reminder: Never advise or suggest the customer withdraw their application regardless of the perceived ineligibility. The withdrawal action can only be customer initiated and for their own reasons. The withdrawal reason must be documented in case comments. [Refer to 63-103.9.](#)

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NOA Requirements for Expiration of the Certification Period:

Provide each household with a NOA informing them of the expiration of their certification period. A NOA will be given during the next to last month of the certification period, except as specified under the following circumstances:

- A NOA is not required for a Public Assistance household whose application for CalFresh and Public Assistance benefits was jointly processed, provided the recertification occurs in the month prior to the last month of the certification period.
- A NOA is required at certification if a household is certified initially for a one or two month period, and the certification is completed in the month following the month of application.

The Notice of Expiration of Certification (NEC) is the discontinuance notice if the household does not reply to the NEC by submitting an application for recertification.

NOA Requirements for Changes in Eligibility Status or Benefit Levels:

An adequate and timely notice is required to inform a household of any change in eligibility status or benefit level during their certification period including:

- All instances where the proposed action would result in a discontinuance or reduction of benefits due to a late or incomplete SAR 7.
- Any action to reduce or terminate benefits within the certification period.
- When benefits are increased as a result of a reported change. An adequate NOA will be sent no later than the date the increased benefits will be received.

Proposed Change in Benefits NOA:

Provide a NOA of a **proposed change** to the Semi-Annual Reporting (SAR) household when they fail to submit verification/information of a deduction with a SAR 7 that is otherwise complete or submits a SAR 7 that contains questionable information.

Send a NOA no later than 10 days before the end of the submit month. The household will be given until the extended filing date to provide the missing verifications/information.

If the household submits a SAR 7 after the NOA was mailed, a second NOA informing the household of the proposed change in benefits does not need to be provided.

If the household submits incomplete verifications/information after the NOA informing the household of the proposed change in benefits has been mailed, a second notice does not need to be provided.

Note: Contacting the customer to explain why the report remains incomplete is highly recommended.

NOA Requirements for SAR Households:

Provide a NOA to a SAR household to inform them of any action resulting from information reported by the household on the SAR 7. The NOA must be provided:

- To a household that submits a complete SAR 7
 - At least 10 days before the effective date of a decrease in benefits; or

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- No later than the date of receipt for an increase in benefits.
- No later than the household's normal or delayed issuance date, to a household which submits a complete SAR 7 after the 11th of the submit month but by the extended filing date.

Manual Notices:

When completing a **manual** NOA, ensure that the reverse side of the NOA has adequate and accurate information regarding the household's right to a fair hearing. All automated NOA's are printed with this information.

References:

[MPP 504.2](#)

Sunset Date:

This policy will be reviewed for continuance by 04/30/2018

Release Date:

04/202015