

**County of San Diego, Health and Human Services Agency (HHSA)  
CalFresh Program Guide**

**Restoration of Benefits**

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**63-456**

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**Revision Date**

03/02/2020

**Background:**

CalFresh benefits will be restored when the loss is due to the specific reasons detailed in 63-456.1. This revision updates the section to the new format. There are no changes due to state legislation.

**Purpose:**

This section describes the regulations regarding the restoration of CalFresh benefits.

**Policy:**

**63-456.1 Entitlement to Restoration of Lost Benefits:**

CalFresh benefits will be given back to a customer when:

- The loss of benefits was due to an administrative error or
- An administrative disqualification for an Intentional Program Violation (IPV) is reversed by a judge or court action or
- Regulations state that the customer is entitled to a restoration of lost benefits

Lost benefits can be restored for up to 12 months prior to the date the customer requests the restoration or 12 months prior to the date the county discovers or is notified that a loss of benefits occurred. Customers do not need to be currently eligible to CalFresh to receive a restoration of lost benefits.

Take the following action when it is discovered that the customer may be entitled to receive a restoration of lost benefits:

- Review the case
- Compute the CalFresh benefits for the months in question
- Issue lost benefits (regardless of customer's current eligibility status)
- Issue lost benefits (in addition to the customer's regular allotment amount)

**63-456.2 Restoration of Benefits Due to Judicial Review:**

Restore lost benefits when instructed by any judicial action. Benefits that are being restored due to a state hearing will be restored for 12 months prior to the date the state hearing was initiated. If the judicial action is the first action the customer has taken to get lost benefits restored, then benefits will be restored for 12 months prior to the date the judicial action was initiated.

**63-456.3 Restoration of Benefits due to Reversal of an IPV Disqualification:**

If an IPV disqualification is reversed by a judicial action, the household will be entitled to any benefits lost during the months that that customer was disqualified.

Benefits will be restored 12 months prior to the date the county is notified of the reversal.

However, if the customer was disqualified in an administrative disqualification hearing that occurred before the judicial reversal, benefits will be restored from the effective date of the notice of action informing the household of the administrative disqualification.

For each month the customer was disqualified, calculate the allotment the customer should have received with the disqualified individual in the household and compare that to the allotment the household received. If the customer received a smaller allotment than it should have received, issue the difference.

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**63-456.4 Lost Benefits Due to County Error:**

If a loss of benefits occurs and the customer is entitled to restoration of those benefits, take immediate action to restore those benefits. No action by the customer is required. A formal application for restoration of lost benefits is not required. Document any verbal restoration requests in case comments and image any written requests.

Do not restore benefits that were lost more than 12 months prior to the month the loss was discovered or reported to the county.

Notify the customer of the following:

- The amount of lost benefits being restored
- Any offsetting that was done
- The right to appeal if the customer disagrees with the lost benefits process

**63-456.5 Calculation of Lost Months for Erroneous Delays, Denials or Termination:**

Lost benefits will be restored when applications are delayed, denied or terminated due to county error.

If the customer was eligible, but received the wrong allotment amount, the loss of benefits will be calculated for the months the household participated in CalFresh.

If a customer did not have an opportunity to participate because of an incorrect delay, denial or termination of benefits, the loss of benefits will be calculated as follows:

**Erroneous Delay**

If an eligible customer's application was delayed (beyond the 30-day time limit), determine the months the loss of benefits occurred based on regulations in Time Limits and Delays 63-109.

**Erroneous Denial**

When a customer's application has been denied in error, the month the loss initially occurred will be the month of application.

If the customer filed a timely recertification, the month the loss initially occurred will be the month following the expiration of the certification period.

**Erroneous Termination**

If the customer's benefits were terminated in error, the month the loss initially occurred will be the first month benefits were not received due to the incorrect termination.

**63-456.6 Offsetting Lost Benefits:**

When a budget re-computation results in lost benefits and there is also an uncollected IHE or IPV overissuance (OI), the lost benefits must be used to offset the OI. Do not offset Administrative Error (AE) claims against lost benefits.

**Note:** Lopez v. Glickman prohibits offsetting of Administrative Error (AE) claims against any amount of lost benefits which have not yet been restored to the household.

When a household is certified and receives an initial allotment, this initial allotment is not considered lost benefits and will not be reduced to offset claims, even if the allotment is paid retroactively.

**63-456.7 Disputed Benefits:**

Customers that disagree with the determination of lost benefits may request a state hearing. State hearings must be requested within 90 days of the date the household is notified of the entitlement or non-entitlement of lost benefits. If a state hearing is requested before or during the time lost benefits are being restored, issue the lost benefits pending the results of the state hearing. If the state hearing is favorable to the customer, restore any additional lost benefits based on the state hearing decision. Benefits lost more than 12 months prior to the date the county was informed of the customer's possible eligibility to lost benefits will not be restored.

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**63-456.8 Household Composition Changes:**

Whenever lost benefits are due and the household's composition has changed, restore the lost benefits to the members who were in the household at the time the loss occurred. If unable to locate or determine household composition, restore the lost benefits to the person who was the head of household at the time the loss occurred.

If a change in household composition occurs, offset the amount of the IHE or IPV claim against restored benefits (63-456).

**63-456.9 Restoration to Households that are Moving Out of County:**

When a customer is moving out of the county, lost benefits will be restored in a lump sum prior to the move.

**63-456.10 Method of Restoration:**

Lost benefits will be issued in a lump sum allotment. Customers may request that lost benefits be issued in monthly installments instead of a lump sum. Determine whether a request to issue lost benefits in monthly installments is reasonable on a case-by-case basis.

**Procedures:**

**63-456.11 Computation of Lost Benefits:**

- Determine if the customer is eligible to receive lost benefits.
- Review the months in which the loss occurred and exclude the months in which benefits may have been lost prior to the 12-month time limit.
- Calculate the amount to be restored for the eligible months.
- In situations where there is no information in the customer's case file to document that the household was eligible, inform the customer what information must be provided to determine eligibility for these months. For each month the customer cannot provide the necessary information to determine eligibility, the household will be considered ineligible.
- For the months the household was eligible, calculate the allotment the household should have received. Compare this to the allotment the household received. If the customer received a smaller allotment, issue the difference.
- If an Inadvertent Household Error (IHE) or IPV claim is unpaid, suspended or terminated, the amount to be restored shall be offset against the amount due on the claim before the balance, if any, is restored to the household.

**Other Program Impacts**

None

**References:**

MPP 63-802

**Sunset Date:**

This policy will be reviewed for continuance on or by 02/29/2023

**Approval for Release:**

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