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12
 13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
 16

17 **STATE OF CALIFORNIA; STATE OF**
 18 **NEW YORK; STATE OF ARIZONA;**
 19 **STATE OF COLORADO; STATE OF**
 20 **CONNECTICUT; STATE OF**
 21 **DELAWARE; DISTRICT OF**
 22 **COLUMBIA; STATE OF HAWAII;**
 23 **STATE OF ILLINOIS; OFFICE OF THE**
 24 **GOVERNOR** ex rel. Andy Beshear, in his
 25 official capacity as Governor of the
 26 Commonwealth of Kentucky; **STATE OF**
 27 **MAINE; STATE OF MARYLAND;**
 28 **COMMONWEALTH OF**
MASSACHUSETTS; STATE OF
MICHIGAN; STATE OF MINNESOTA;
STATE OF NEVADA; STATE OF NEW
JERSEY; STATE OF NEW MEXICO;
STATE OF OREGON; OFFICE OF THE
GOVERNOR ex rel. Josh Shapiro, in his
 official capacity as Governor of the
 Commonwealth of Pennsylvania; **STATE OF**
RHODE ISLAND; STATE OF
WASHINGTON; STATE OF
WISCONSIN,

Case No. **3:25-cv-06310-MMC**

SUPPLEMENTAL DECLARATION OF
ALEXIS FERNÁNDEZ GARCIA IN
SUPPORT OF PLAINTIFF STATES’
MOTION FOR STAY OR
PRELIMINARY INJUNCTION

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Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
AGRICULTURE; BROOKE ROLLINS, in
her official capacity as U.S. Secretary of
Agriculture; U.S. DEPARTMENT OF
AGRICULTURE'S OFFICE OF
INSPECTOR GENERAL,**

Defendants.

1 **SUPPLEMENTAL DECLARATION OF ALEXIS FERNÁNDEZ GARCIA**

2 I, Alexis Fernández Garcia, declare as follows:

3 1. I am a resident of the State of California. I am over the age of 18 and have
4 personal knowledge of all the facts stated herein, except to those matters stated upon
5 information and belief; as to those matters, I believe them to be true. If called as a witness, I
6 could and would testify competently to the matters set forth below.
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8 **Professional Background**

9 2. The California Department of Social Services (CDSS) is responsible for the
10 administration of public social services, except health care services and medical assistance,
11 throughout California.

12 3. I am currently employed by CDSS as Deputy Director of the Family
13 Engagement and Empowerment Division (FEED) and have held this position since August
14 2023.
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16 4. Prior to my most recent employment with CDSS, I was the Senior Director of
17 Safety Net at Code for America Labs, Inc. I was previously employed by CDSS from June
18 2016 to August 2021; first as Chief of the CalFresh Policy Section from June 2016 to
19 September 2017, then as the Chief of the CalFresh Policy Bureau from October 2017 to July
20 2019, then as Acting Chief of the CalFresh & Nutrition Branch from July 2019 to January
21 2020, and then as the Chief of the CalFresh and Nutrition Branch from February 2020 to
22 August 2021. Before joining state service, I was the Policy Director at First 5 Association of
23 California and Director of Legislation at California Food Policy Advocates.
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25 5. I have a Master’s degree in Social Welfare, with a specialization in Management
26 and Planning, from University of California, Berkeley.

27 6. As Deputy Director of FEED, I am responsible for the administration of several
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1 federal and state social service programs that provide critical financial, food, and employment
2 and training support to individuals and families with low income. FEED oversees the
3 development of program policy and procedures and provides operational oversight. Among the
4 social services programs administered or overseen by FEED is the CalFresh program.

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6 **USDA’s Preliminary Findings on Fraud, Waste and Abuse**

7 7. On September 26, 2025, Shiela Corley, Chief of Staff to the Deputy Under
8 Secretary for the Food, Nutrition, and Consumer Services (FNCS) mission area, a component
9 of the United States Department of Agriculture (USDA), submitted a Supplemental Declaration
10 in support of the USDA’s Supplemental Opposition Pursuant to Court Order, ECF No. 83.

11 8. In her Supplemental Declaration, Ms. Corley asserts that FNS has uncovered
12 instances of the same household being issued SNAP benefits twice in the same month. She
13 concludes that this means that States are either paying benefits to an account no longer being
14 used by a household or that households are fraudulently receiving more benefits than permitted.

15 9. Ms. Corley’s declaration provides no context for the conclusions she draws from
16 the limited statistics provided about duplicate payments. For example, in drawing conclusions
17 regarding duplicate issuance within the same household in the same month, the definition of
18 household that was used by FNS is not provided. Accordingly, it is unclear whether FNS is
19 making its claims based on a household sharing the same address, or a household in which
20 members “purchase and prepare” food together as utilized by the SNAP regulations, or some
21 other definition entirely.
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23
24 10. In any event, Ms. Corley’s declaration ignores numerous SNAP regulations that
25 offer legitimate explanations for SNAP households receiving multiple payments in the same
26 month.

27 11. I am informed and believe that Federal SNAP law recognizes numerous
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1 circumstances when a benefit or supplement may be issued in the same month. For example,
2 the state agency may appropriately issue a supplement to address an issuance error. (7 C.F.R. §
3 273.12(c)(1)(ii).) A recipient may lawfully receive benefits twice in the same month if they are
4 abused and have fled the home of the abuser or fled to a shelter for battered women and
5 children. (7 C.F.R. § 273.3(a).) State agencies may provide replacement issuances to a
6 household when food purchased with SNAP benefits was destroyed in a household misfortune
7 when reported within 10 days. (7 C.F.R. § 274.6(a).) When a household applies for initial
8 benefits after the 15th of the month and is eligible for expedited service, they must receive
9 benefits for the application month and the following month at the same time. (7 C.F.R. §
10 273.2(i)(4)(iii)(C).) Further, SNAP regulations support that EBT benefits be able to be used in
11 any state. (7 C.F.R. § 274.8(b)(10).)

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14 12. Although Ms. Corley attempts to connect alleged duplicate payments in a single
15 month with “putting the accumulating benefits at risk for theft,” it is my understanding that
16 SNAP regulations contemplate that households may accumulate benefits on their EBT cards
17 beyond the month in which they are initially received, and state agencies must only expunge
18 them after 9 months (or 274 days) of inactivity. (7 C.F.R. § 274.2(i).)

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20 13. Ms. Corley’s assertion that FNS’s discovery of 300,000 “potential” instances of
21 deceased individuals enrolled in SNAP is either an indication of wasteful allocation of funds or
22 fraud and abuse fails to recognize the federal regulatory system which governs SNAP and the
23 unfortunate death of recipients.

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25 14. As Ms. Corley noted, the federal government has only identified “potentially”
26 deceased individuals. If the federal government cannot confirm whether a SNAP recipient is
27 deceased, the individual States may not be able to either. I am informed and believe that, as
28 required by SNAP regulations, state agencies utilize the Social Security Administration’s

1 (SSA's) Death Master File to verify whether individuals are deceased. (7 C.F.R. § 272.14.) I
2 am informed and believe that the SSA death match is not updated in real time which results in a
3 lag in the SSA death data. Additionally, my understanding is that States are required to
4 independently verify death matches to determine their accuracy and provide notice to the
5 household and an opportunity to respond prior to any determination to deny, reduce, or
6 terminate benefits on such basis. (7 C.F.R. § 272.14(c)(3) and (4).)
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8 15. The conclusions drawn by Ms. Corley do not demonstrate that any benefits were
9 fraudulently issued and used while any person was deceased. Benefits could have been issued
10 while a person was alive and remain available on their account after they later became
11 deceased. Further, to the extent that benefits may have been issued to a person who may
12 ultimately be verified as deceased, the State may have done so while following all related
13 regulatory requirements. As noted above, it is my understanding that federal expungement rules
14 and timelines prevent States from expunging benefits earlier than the timeline mandated by
15 law, even after a death is reported (but not yet verified). (See 7 C.F.R. § 274.2(i).) In fact, only
16 if a death match is verified for all certified members of the household and the SNAP case is
17 closed in accordance with noticed regulatory requirements and collection of any overpayments,
18 as appropriate, may a state agency expunge a household's outstanding SNAP balance after a
19 death match. (7 C.F.R. § 274.2(i)(4).)
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22 16. Although Ms. Corley's declaration does not identify how many States have
23 provided data, assuming that all 28 states that are not party to this lawsuit have provided the
24 USDA with their data, the data sample Ms. Corley draws from likely includes at least
25 18,373,693 people participating in SNAP in those states as of May 2025, based on publicly
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1 available USDA statistics.¹ Even if 300,000 of those participants were deceased, that would
2 only represent 1.6% of the total participant population. However, as identified above, without
3 additional information, these statistics are virtually meaningless.

4 17. Ms. Corley's declaration states that FNS's preliminary review uncovered over
5 500,000 instances of unexplained placeholder SSNs being used in SNAP but rightfully did not
6 conclude that this was an indication of fraud, waste or abuse.

7 18. I am informed and believe that while social security numbers are generally a
8 requirement for participation in SNAP (7 C.F.R. § 273.6), an applicant for SNAP may
9 demonstrate that they have submitted an application for an SSN to the Social Security
10 Administration to temporarily receive benefits. (7 C.F.R. § 273.6(b)(2).) I am further informed
11 and believe that application and approval is allowed when a newborn does not yet have an SSN
12 until the next certification or 6 months, whichever is later. (7 C.F.R. § 273.6(b)(4).) It is my
13 understanding that State agencies may also determine that good cause exists for the failure to
14 provide or apply for a SSN and allow participation in SNAP for a period of one month without
15 such SSN. (7 C.F.R. § 273.6(d).) Such good cause determinations may be extended on a
16 monthly basis.

17 19. As noted above, assuming that all 28 states which are not party to this lawsuit
18 have provided the USDA with their data, this data sample Ms. Corley's assumptions draw from
19 likely includes approximately 18,373,693 people participating in SNAP in those states as of
20 May 2025. Even if there are 500,000 participants with placeholder SSNs, that is only 2.7% of
21 the participants. Without acknowledging the regulatory exemptions from utilizing an SSN, and
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27 1. *Supplemental Nutrition Assistance Program: Number of Persons Participating*, USDA
28 (last updated Aug. 8, 2025), available at: <https://fns-prod.azureedge.us/sites/default/files/resource-files/nap-persons-8.pdf>.

1 whether and how that was addressed in FNS’s statistical analysis, along with additional
2 contextual information, one cannot draw any meaningful conclusions from these statistics.
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6 Executed on October 3, 2025, at Sacramento, California.
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10 Alexis Fernández García
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