

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FINANCIAL ASSISTANCE  
STATE ENTERPRISE AND ECONOMIC DEVELOPMENT SECTION**

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August 28, 2007

[Voucher Manager's Name and Address]

Dear [Voucher Manager]:

**Re: Voucher Denial Appeal for Employee**

The Department of Housing and Community Development (Department) received a letter of appeal from the [Employer's agent], dated June 13, 2007, regarding the Enterprise Zone's denial of the voucher application for [Employee].

We have reviewed the documents provided and the basis for the voucher denial. The reason for the denial is that the employee's recorded date of completion on the Form I-9 is incorrect and the date of hire shows December 4, 2006, and December 5, 2006, on the Form I-9 and the voucher application, respectively.

Based on our review, there appears to be several factors that mitigate the discrepancies in the documentation provided. First, because the recorded date of completion also represents the employee's date of birth, it seems reasonable to conclude that this is an oversight. Also, it appears that the discrepancy in the date of hire may be due to varying time frames for processing personnel transactions and the actual first date of work. Another consideration is that the time extension allowed to produce required documents may result in different employment dates being recorded. The instructions for completing the Form I-9, Section 2, allows for verification of identity and employment eligibility within three business days of employment. If the employee is unable to present the required documents within three business days, he or she must provide a receipt for the application of the document(s) within three business days and the actual documents must be presented within 90 days.

As a general rule, the Department will accept a Form I-9 that contains the following information: 1) the employee's name, address, signature and date completed in Section 1, and 2) reasonable gaps between the employment start date and one certification date listed on the Form I-9 and the voucher application. "Reasonable" timeframes should be within the parameters mentioned in the instructions for completing Section 2 of the Form I-9.

Considering that the employee signed the form acknowledging that the address information provided is true, and the date certified by the authorized representative is reasonable in relation to the employment start date, we deem the Form I-9 as

acceptable documentation for purposes of the eligibility requirement for the Targeted Employment Area category.

According to Section 8467 of the California Code of Regulations, an applicant may appeal a denial of a voucher application to the Department. The Department shall issue a written response granting or denying the appeal. The Department shall render its decision in writing, and send a copy to the applicant, the applicant's authorized representative, if applicable, and the zone manager. If the Department grants the appeal, the zone manager shall issue a voucher to the appealing party. The Department's decision shall be final. You may consider this letter as official notification that the Department is granting the appeal. As a result, please issue an approved voucher certificate for the employee.

If you have any questions or concerns about this matter, please contact Christine Atalig at (916) 324-6757.

Sincerely,

Frank Luera  
Section Chief

cc: Agent