

## In Brief

✓ **Sacramento County Denies Problems with CalWin computer-** After concerns about the new CalWin computer system, Greg Saxton of Food and Nutrition Service contacted Sacramento County regarding the implementation of the new system. There were concerns about how the new system has resulted in many food stamp applicants and recipients not receiving timely benefits during March and April of 2005. The County has denied any such problems. If FNS does a review of the March and April 2005 applications, it will find that many food stamp recipients and applicants did not receive their benefits in a timely fashion. **Sacramento County also denied that they did not issue aid paid pending in accordance with state regulations.**

✓ **DSS to allow Food Stamp recipients to use EBT cards for approved restaurants in LA County-** On June 8, 2005, LA County DPSS was informed by DSS that LA County's proposal to implement a food stamp restaurant meals program for homeless, elderly and disabled food stamp recipients had been approved.

✓ **Is a Child Care Tax Credit considered CalWORKs income?** In a policy interpretation done by DSS for another section of DSS, it was held that the special child tax credit of \$1,000 paid to a family is treated as an income tax credit refund and it is exempt income pursuant to MPP 44.111.3L.

✓ **Welfare-to-Work or Welfare-to Sanction?** As CCWRO anticipated in 1996 when the program was enacted, the primary goal of the program was to sanction and still is. **During May of 2005, 53% of the unduplicated participants were sanctioned, while only 3% found employment that resulted in termination of CalWORKs.** Welcome to the Welfare-to-Sanction Program.

✓ **Los Angeles County told they have to pay transportation for self-employed persons-** On June 8, 2005, Sylvia Romero of LA County DPSS asked CDSS if the county had to pay transportation to CalWORKs participants who are self-employed.

Sylvia Moreno informed DSS that Los Angeles County's research of the law has lead them to conclude that being ..."self employed and having expressed a need for transportation benefits, the participant would have an option of receiving transportation but would not have an option of claiming transportation expenses as a part of her operational expenses. Would you agree with this statement?"

Karen Vinson of CDSS issued a Policy Interpretation that states:

"Yes, self-employed CalWORKs participants are eligible to receive transportation supportive services.

MPP § 42-750.11 states that necessary supportive services shall be available to every participants in order to participate in the program activity to which he or she is assigned or retain employment.

MPP § 42- 716.11 lists the welfare-to-work activities, which includes self-employment.

If a person has signed a welfare-to-work plan that approves self-employment as their welfare-

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**Publisher:** CCWRO. **Reporters:** Kevin Aslanian and Grace Galligher. **Contributors:** Steve Goldberg and Diane Aslanian.

to-work activity and the plan indicates that transportation payments are a needed supportive service, they are entitled to transportation payments to get to and from their place of business. The transportation that is a part of the operation of a business, such as purchasing supplies or making deliveries, would not be a supportive service. These are part of the cost of doing their self-employment business and can be taken into account in calculating benefits under MPP 44-113.2 and 63-503.413.

**CCWRO COMMENT:** This does not make sense. If the WtW activity is self-employment, then any transportation expenses related to the activity is a needed transportation cost. There is nothing in the statute or duly promulgated regulations that state "supportive services is limited to and from the activity."

As Karen Vinson pointed out in her Policy Interpretation, 42-750.11 defines supportive services and it states:

§ 42-75011 "Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21."

**ADVOCATES NOTE:** There is nothing in this language that limits supportive services to travel to and from the place of employment. This is clearly a new regulation duly promulgated by Karen Vinson of DSS without going through the California Administrative Procedures Act. It is also an illegal policy right now in effect in Los Angeles County, that affects at least 32% of the states unduplicated participants.

**WtW participants who are participating in any activity have a RIGHT to supportive services for any type of transportation need said activity generates. To limit a need supportive service because the participant can obtain the services from another source is**

**an intentional violation of MPP 42-750.11 and a violation of Yslas v. Anderson.**

## CCWRO Litigation Report

### ROBLES v. SAENZ

Sacramento County Case No. 03CSO0996

This writ of administrative mandate and petition for writ of mandate (filed with the Asian Law Alliance) pursuant to C.C.P. § 1085 challenges the validity of the policy of the California Department of Social Services ("DSS") that the indigent exception which exempts the income and resources of the immigrant's sponsor for purposes of establishing eligibility for the Cash Assistance Program for Immigrants ("CAPI") does not apply before August 29, 2002, the date that DSS issued All-County Letter No. 02-63. This policy is inconsistent with Welfare and Institutions Code section 18940(b) which requires that federal deeming rules and exemptions governing the Supplemental Security Income ("SSI") Program, including all federal and state laws and regulations designed to protect SSI recipients and their resources, shall govern CAPI.

CASE STATUS- Began draft of opening brief, research amendment of petition and amended petition.

### VU, et. al. v. BOLTON

(San Francisco Superior Court Case No. CPF 04-504362)

Bay Area Legal Aid requested that CCWRO co-counsel on this case. CCWRO has a Russian client being affected. BALA wanted to bring this action. Legal Services of Northern California requested that we co-

represent CCWRO's Russian client in this litigation. Co-counsel Welfare Law Center in New York. This case was filed on July 15, 2004.

This is a writ of mandate action brought pursuant to Welfare and Institutions Code § 1085 and is brought by limited-English proficient (LEP) individuals applying for and receiving Food Stamps in California. Petitioners challenge Respondent's failure to translate into appropriate languages all Food Stamp program and certification materials, in violation of the bilingual requirements of the federal Food Stamp Act and its implementing regulations. Plaintiffs are represented by Bay Area Legal Aid, Center on Welfare Law and Policy, CCWRO, LSNC and Western Center on Law and Poverty.

CASE STATUS: Respondents want to settle case. There have been regular settlement conference calls with Attorney General and DSS staff for the past several months. Settlement negotiations are continuing.

***GAVRILENKO v. SAENZ***  
(Sacramento County Superior Court Case  
No. 00CS01547)

CCWRO working with LSNC, is amending the petition for writ of administrative mandamus to a class action petition for writ of mandate; complaint for declaratory and injunctive relief along with the writ of administrative mandate.

This action challenges the validity of the practice and policy of the California Department of Social Services ("CDSS") that allows counties to impose the Maximum Family Grant limitation when the English language notice of action is issued to non-English speaking recipients when the CDSS has translated the notice of action into the recipient's primary language. This policy and

regulations.

CASE STATUS: Worked on opening brief.

***HOWARD, et.al., v. BOYLE***

Legal Services of Northern California requested that CCWRO and Western Center on Law and Poverty co-counsel. CCWRO has one of the two named clients in this lawsuit. The amount of food stamps a family receives is based on the household's income. In computing the food stamp allotment, the household's income is reduced by the amount of the household's shelter costs. For the purpose of determining the amount of food stamps that the Claimant's household is entitled to receive counties must compute the income deductions for the amount of shelter costs. Counties prorate the amount of shelter costs between family members not receiving food stamps because of ineligibility and the eligible food stamp members. The proration is done pursuant to the Department of Social Services regulation sections 63-502.36 and 63-502.372.

The proration of standard utility costs violates federal regulation 7 C.F.R. §273.9(d)(6)(iii)(F). The United States Department of Agriculture, Food and Nutrition Service issued Administrative Notice 02-23. This notice specifically provides that DSS ". . . may not prorate the SUA if all the individuals who share utility expenses but are not in the food stamp household are excluded from the household only because they are ineligible. . ."

CASE STATUS. We are waiting for the administrative record. Discussed timing of case and met with client.

# SIPS Down 52%

## Statistical Analysis

In May 2002 there were 11,008 WtW participants in a “self initiated activity” according to the 5/02 WtW 25 reports. DSS and most counties have never supported such independent actions by welfare recipients and have erected many barriers between the Cal-

ty workfare bureaucrats in three counts.

**COUNT ONE:** Drop out of college. You can’t go to college if you are on welfare, is what many CalWORKs -receiving college student are told.

**COUNTY TWO:** Student sanctioned by reducing the meager CalWORKs benefit (which is at the same level as in 1990) by 25%.

**COUNT THREE:** Student receives a notice stating that the student has to attend job club during the same hours that he or she is in school. Failure to do so would result in at least 25% reduction in CalWORKs benefits.

Counties	May, 2005	May, 2002	Diff.	% of Diff.
Statewide	5,234	11,008	-5,774	-52%
Orange	80	508	-428	-84%
Los Angeles	1,148	5,050	-3,902	-77%
Ventura	90	225	-135	-60%
Contra Costa	34	77	-43	-56%
San Benito	6	13	-7	-54%
Sonoma	18	38	-20	-53%
Mendocino	36	73	-37	-51%
Santa Clara	223	399	-176	-44%

WORKs student and the SIP activity. These barriers have proven to be effective resulting in 52% less SIPs in 5/05 than there were in 5/02.

The primary barrier is that the student must be enrolled in college before applying for CalWORKs. A CalWORKs recipient who applies for welfare before being asked to participate in any WtW activity then starts attending college will be severely punished by the coun-

Table #1 reveals some of the more aggressive counties fighting the war on making sure that CalWORKs recipients do not end up in school and having a much better chance of escaping poverty.

Orange county has reduced their SIPs by 84%. Los Angeles County by 77%. Contra Costa County by 56% and Santa Clara County by 44%.

**CalWIN**  
*Client Abuse*  
**Report**

✓ A Sacramento Vietnamese client received, as a condition of eligibility for public assistance, a CalWIN verification checklist printed in batch for Vietnamese language. The words were overlapping and correct characters were not used in translation.

✓ A Food Stamp recipient received a notice of action stating that she was overpaid. CalWIN also mailed a notice of action to the absent parent. (CalWIN has been programmed to believe that absent parents are responsible for overpayments of the custodial parents and that Welfare and Institutions Code §10850 does not exist for CalWIN.) It appears that the people who built the flawed CalWIN system were not aware that violation of confidentiality is a crime in California. This problem was noticed by the CalWIN system operators on or about April 19, 2005 and has yet to be fixed as of July 12, 2005.

✓ A General Assistance (GA) recipient received a notice of action (NOA) that contained the State Fair Hearing Information on the front of the notice and the GA fair hearing information on the back. A Sacramento county official stated that “..this STATE information on the front could easily confuse someone into thinking that open call to request a hearing on a Food Stamp issue would also count as a GA filing.”

✓ Another client completed the annual re-determination for 5/10/05. The determination resulted in changes in benefits, which took

effect by CalWIN, but CalWIN did not issue the “due process” required NOAs to let the client know about the new amounts and the renewal/recertification period.

✓ Another client who applied for Medi-Cal in June of 2005 did not get a verification checklist because the CalWIN computer simply refuses to print out of verification checklist.

These CalWIN problems are coming to your county soon.

CalWIN Start Date	COUNTY
9/05	Sonoma
10/05	San Mateo
11/05	San Francisco
12/05	Alameda
1/06	Tulare
2/06	Orange
3/06	Santa Barbara
4/06	San Luis Obispo
5/06	San Diego
6/06	Fresno

*For more information about CalWIN and what you can do in your county call Grace Galligher of CCWRO at 916-736-0616 or e-mail @ ccwro@aol.com.*

# Sanctions Up 110%

## Statistical Analysis

This week, DSS published the May, 2005 WtW 25 reports. We decided to compare the May 2002 sanction rates to the May, 2005 sanction rates. As we have suggested in this publication before, the WtW program is really a "welfare to sanction" program. The grease is the growing amount of funds that counties get to hire WtW workers who can operate the Welfare to Sanction program of California while benefit payments to needy families go down or do not keep up with inflation.

**Table #1** shows county-by-county number of sanctions during May of 2002 and 2005, the number and percentage of increased sanctions. Several counties did not submit the WtW 25 as required by state regulations. The counties refusing to submit reports without any consequences are Riverside, Sacramento and San Bernardino counties.

Southern California counties, such as Orange and Los Angeles are leaders in running a welfare to sanction program. In three years Orange county has increased its sanction rate by 535%. During May of 2002, Orange County sanctioned 80 families. During May of 2005 they sanctioned 508 families. Orange county found 104 families jobs that resulted in termination of employment during May of 2002. In May of 2005 there were only 10 families who found a job that made them ineligible for welfare.

Los Angeles county is second in California at 340%. Meanwhile during May of 2002 1,568 persons found jobs that resulted in termination of welfare benefits, but in May of 2005 it was down to 500 families finding jobs. **This is a 318% reduction in finding employment and a 340% increase in sanction - a true welfare to sanction program.**

**TABLE # 1**

Counties	2002 total	2005 total	Diff.	% of Diff	Counties MAY	2002 total	2005 total	Diff.	% of Diff
<b>Statewide</b>	<b>5,234</b>	<b>11,008</b>	<b>5,774</b>	<b>110%</b>					
Alameda	310	103	-207	-67%	Orange	80	508	428	535%
Alpine	0	0	0	0%	Placer	0	22	22	100%
Amador	3	1	-2	-67%	Plumas	1	1	0	0%
Butte	103	122	19	18%	Riverside	NR	294	NR	NR
Calaveras	4	7	3	75%	Sacramento	NR	563	NR	NR
Colusa	0	1	1	0%	San Benito	6	13	7	117%
Contra Costa	34	77	43	126%	San Bernardino	NR	1,005	NR	NR
Del Norte	36	8	-28	-78%	San Diego	187	236	49	26%
El Dorado	15	11	-4	-27%	San Francisco	75	0	-75	-100%
Fresno	865	365	-500	-58%	San Joaquin	284	127	-157	-55%
Glenn	1	0	-1	-100%	San Luis Obispo	50	52	2	4%
Humboldt	40	66	26	65%	San Mateo	0	17	17	100%
Imperial	61	97	36	59%	Santa Barbara	68	50	-18	-26%
Inyo	0	0	0	0%	Santa Clara	223	399	176	79%
Kern	383	445	62	16%	Santa Cruz	38	50	12	32%
Kings	57	47	-10	-18%	Shasta	84	65	-19	-23%
Lake	10	5	-5	-50%	Sierra	0	0	0	0%
Lassen	17	9	-8	-47%	Siskiyou	28	15	-13	-46%
Los Angeles	1,148	5,050	3,902	340%	Solano	59	36	-23	-39%
Madera	70	61	-9	-13%	Sonoma	18	38	20	111%
Marin	9	6	-3	-33%	Stanislaus	143	146	3	2%
Mariposa	4	2	-2	-50%	Sutter	47	22	-25	-53%
Mendocino	36	73	37	103%	Tehama	23	25	2	9%
Merced	219	194	-25	-11%	Trinity	5	0	-5	-100%
Modoc	0	1	1	100%	Tulare	109	133	24	22%
Mono	0	1	1	100%	Tuolumne	13	18	5	38%
Monterey	97	138	41	42%	Ventura	90	225	135	150%
Napa	10	10	0	0%	Yolo	41	37	-4	-10%
Nevada	6	3	-3	-50%	Yuba	24	8	-16	-67%