

## In Brief

✓ **Counties Not Complying with ACIN-I-77-04 - Transitional Food Stamps** - ACIN I-77-04 provides that counties use aid code "0F" for transitional food stamp (TFS) cases. Some counties refuse to assign an aid code to TFS, making it impossible to determine whether TFS is being issued in these counties. Instead of instructing counties to obey the lawful directives of CDSS, as provided in the California Welfare and Institutions Code, CDSS has instructed its Estimates Section to "extrapolate" the TFS caseload. Although the extrapolation will provide CDSS with an estimate of the TFS caseload, it does nothing to confirm that all counties are issuing TFS. Source: CWDA.

✓ **Inter-County-Transfers (ITC)** - CDSS is working on new regulations which would provide that a case is transferred from one county to another county at the end of the quarter rather than at the end of a month. Since California benefit levels are set at two (2) different levels, there are concerns about what benefit level a person gets when they move between regions.

**CCWRO ADVOCACY POINTER:** When a family moves from Region 2 (the lower benefits Region) to Region 1, their benefits should increase effective the date that the family began living in Region 1.

✓ **CDSS encourages counties to meet with advocates** - At a September 1, 2005 meeting with counties, CDSS encouraged counties to network with county advocacy groups. Sacramento advocates have been meeting every other month with the local welfare director and staff for some time.

**CCWRO ADVOCACY POINTER:** If your program wants to start meeting with your county welfare department, you can contact CCWRO for assistance in arranging the meeting.

✓ **SB 1104 (Ch. 229, Stats. of 2004) and SB 68 (Ch. 78, Stats. of 2005) proposed regulation** - CDSS has scheduled a public hearing on regulations implementing trailer bills for the 2004-2005 and 2005-2005 state budgets. The bills can be found at <http://www.leginfo.ca.gov/bilinfo.html>. The proposed regulations can be downloaded at [http://www.dss.cahwnet.gov/ord/PublicHear\\_2217.htm](http://www.dss.cahwnet.gov/ord/PublicHear_2217.htm). The proposed regulations and the public hearing were not on CDSS's web page as of 11/28/05. We assume it is "coming soon". For copies of the regulations, if not on the internet, e-mail [ord@dss.ca.gov](mailto:ord@dss.ca.gov) and ask for a copy of the proposed regulations.

✓ **Upcoming SSA COLA reduces other benefits** - CDSS has released ACIN I-72-05 dated November 14, 2005, announcing that effective 1/1/06 there will be a 4.1% SSA COLA. The ACIN instructs counties to anticipate the COLA for those CalWORKs, Medi-Cal and Food Stamp recipients receiving SSA benefits and reduce benefits based on this anticipation - a Christmas gift from the Schwarzenegger Administration. In the past, DSS mailed out ACLs/ACINs instructing counties not to implement the statutory AFDC/CalWORKs COLA because the

## IN THIS ISSUE

- In Brief
- California Welfare System For Claiming Administrative Costs Seems Fraudulent
- Client Abuse Report
- Statistical Report - Expedited Food Stamp Service
- State Hearings Quarterly data
- TANF Update - H.R. 4241 Passed the House.

**Publisher:** CCWRO.

**Reporters:** Kevin Aslanian and Grace Galligher.

**Contributors:** Steve Goldberg and Diane Aslanian.

Governor had proposed to eliminate the COLA. DSS then issued retroactive checks because the COLA was not abolished. SSA COLA reduces benefits while the AFDC COLA increases benefits, thus the 46 day advance ACIN ordering counties to implement provisions that reduce benefits, and the earlier instruction not to implement the AFDC/CalWORKs COLA.

## California's Welfare System Claiming Administrative Costs

California counties claim administrative funding through a process called "time-study." Each quarter, welfare workers complete a form that shows how they spend their time so the county and the state can claim federal and state funding for administration.

Authors note: I learned about Time-Study in the 1970s from Santa Clara County. The County had a vocational services unit that required general assistance recipients to do workfare and other work activities as a condition of receiving County-funded General Assistance. I requested a copy of the Time Study forms completed by the workers. Although their activities were solely related to General Assistance, and so, designated county funds, all of their time was attributed to Title XX, federal funding for social services.

Things have not changed through the years. I noted in the County Welfare Directors Association (CWDA) meeting minutes that CWDA wants CDSS to give advance notice of the counties chosen to participate in the time study. This is the same CWDA who supported legislation that provided for unannounced home visits by welfare fraud workers as a condition of eligibility.

Why would the counties want to know in advance about time studies? Could it be they have something to hide? Most workers we interviewed know that "time-study" is a sham.

Some counties issue memos instructing staff on how to complete the time-study forms to maximize state and federal funds for the counties.

## Statistical Report Expedited Food Stamps

Expedited Food Stamps was designed to assist hungry households nationwide. Specific rules apply to expedited services. Anyone applying for Food Stamps may be eligible to receive their Food Stamps within three (3) days if they meet any of the following criteria:

- **Households with less than \$150 in gross monthly income AND whose liquid resources do not exceed \$100;**
- **Households whose combined gross monthly income and liquid resources are less than the household's monthly rent/mortgage and utilities;**
- **Destitute migrant or seasonal farm worker households whose liquid resources are \$100 or less.**

For the quarter of April 1 through June 31, 2005, there were 321,000 households who applied for food stamps in California. Counties report that only 42% of the applicants requested Expedited Food Stamps. 55% of the requests for Expedited Food Stamps were denied by the county. Of those who were lucky to break the barriers between the food stamps and the hungry household members, 20% were not provided the food stamps within three (3) days as required by federal and state law.

The TOP TEN counties failing to issue Expedited Food Stamps within three days, thus sentencing poor parents and children to hunger are set forth below TABLE 1:

TABLE #1

Statewide	20%
1. El Dorado	37.21%
2. Yolo	35.29%
3. Ventura	33.04%
4. Los Angeles	28.43%
5. Santa Clara	26.67%
6. Sacramento	24.84%
7. Tehama	20.86%
8. Lake	20.79%
9. Humboldt	20.41%
10. Napa	20.00%

### County Welfare Department Client Abuse Report

Ms. A.P. of Sacramento County received \$3,400 on her EBT card and another \$1,350 in food stamps from the CalWIN computer system. CalWIN was getting into the holiday spirit and was sending welfare recipients extra money to have a merry Christmas and maybe a happy new year. But Ms A.P.'s joy was short-lived. She received a call from her welfare worker, Valentina, "ordering" Ms. A.P. to return the erroneously- issued CalWORKs and Food Stamp benefits immediately. You see, Valentina didn't do her job by stopping the benefits before the computer issued them. Ms. A.P. informed her worker that her husband works (welfare to work) and could not come to the welfare office the next day as demanded by Valentina. A welfare advocate contacted Valentina and informed Valentina that Ms. A.P. would be glad to return the overpaid funds, but first, Valentina must issue a notice of action stating how much was overpaid and how Ms. A.P. could return the money. Valentina agreed to do so. Valentina informed the advocate that some clients were afraid of being referred to collections and will return the money rather than being referred to collections. Valentina also reminded the advocate that a referral to collections can damage a credit rating.

Within 20 minutes of talking to Valentina, the advocate received a call from Ms. A.P.'s family stating that Valentina had just called and asked why she contacted a welfare advocate. Valentina also told Ms. A.P. that if the money was not returned immediately, Valentina would send it to collections. The advocate told Ms. A.P. that an alleged overpayment could be referred to collections, Ms. A.P. must get a NOA, which is subject a fair hearing and a claim of equitable estoppel. Only after all of these avenues have been exhausted, can the case be referred to collections. What Valentina was doing was intentionally making false statements and terrorizing Ms. A.P.. State Regulation Section 44-352.45 states:

**"If the recipient or individual no longer receiving aid refuses or is unable to repay the amount demanded, the county shall refer the case to the appropriate county official for action on a civil judgment, unless specifically exempted under MPP 44-352.2."**

MPP §44-352.2 refers to nonfraudulent overpayments less than \$35.

### Quarterly State Hearing Report

CDSS recently published its State Hearing quarterly activity report for the months of April 1 through June 30, 2005. The activities are as follows:

State Hearings (SH) filed	16,919
SH Withdrawn	2,084
SH Verbal Withdrawals	4,568
SH Conditionally Withdrawn (CW)	3,574
SH Verbal CW	2,586
SH Non-appearances	2,433
SH Decisions Granted	1,034
SH Decisions Granted in part	383
SH Decisions Denied	1,121
SH Decisions Dismissals	430

## House Passes Welfare Deform Legislation Again

On November 17, 2005, the United States House of Representatives, by a 217 to 214 vote, passed H.R. 4241 which slashes many programs for the poor. 14 Republicans voted against this mean-spirited legislation under a closed rule by the House Rules committee - H.Res. 560.

In a Democracy, these kinds of actions are debated before they are voted upon. However, in the Republican House of Representatives, everything is decided before the vote. In the United States House of Representatives the people are not even allowed to object to legislation. The House Rules Committee, run by Republicans, passed a rule allowing a one hour debate for each side followed by a vote; no amendments allowed. The decision was made by the White House and the Republican House of Representatives and could not be altered.

When House Resolution No. 560 came to the floor from the Rules Committee setting forth the rules for consideration of H.R. 4241, Congressman Dc-Dermott (Democrat) said:

"It is the Republican season of giving, and here is what it means: we take from the sock of the poor children in this country 330,000 child-care dollars and put it in the rich sock. It is Christmas time. Take \$700 million from Social Security and put it in the rich stocking. Take child support, \$21 billion from Child Support Enforcement and put it in the rich stocking.

Take Medicaid from the poor, \$10 billion, and put it in the rich stocking. Student loans, \$14 billion. I take \$14 billion from student loans and give that to the rich stocking. And food stamps from 300,000 tables we take and put it in the rich stocking. Finally, foster children, \$600 million from foster children in this country goes into the sock, later tomorrow, of the rich because we have taken it from the poor and we have given it to the rich.

That is what this bill before us is all about. Tonight in the dead of night you are going to give to the rich who do not need it and take from the needy who cannot afford to lose it. You will disguise this as a Christmas stocking with presents, just in time for the holidays. But it is a heavy-handed club used on the American people. The heartland is not heartless. Not even the dead of the night will hide what you intend to do to the American people tonight. Even the rich will be ashamed. I wonder if the Republicans will. They should be."

H. Res. 560 passed by 228 votes. Then the house passed H.R. 4241, which would now go to a Senate-House Conference Committee. The Senate Version does not contain the House barbaric cuts against the poor of America.

### SUMMARY OF H.R. 4241

**H.R. 4241** would force women with newborn babies to work 40 hours a week with no guarantee of child care;

**H.R. 4241** would increase the participation rates to 70% by 2010;

**H.R. 4241** will change the way participation rates are calculated that make it harder for States to meet these participation rates;

**H.R. 4241** will require 24 hours of actual work and allows a maximum 16 hours of education and training. This means that a person who needs education and training to get a job will not get the tools to get a job.

**H.R. 4241** provides for specific sanctions for alleged nonparticipating in this Republican Work Program (remember what Vladimir Ilyich Lenin said "whoever works shall eat"). This allows the States to terminate benefits to newborn babies and children if the parents fail to participate in the work program. If the nonparticipation occurs for at least 2 months, terminate benefits of the whole family for at least one month as long as the person is not participating. This is known as the Republican Pro-Family Full Family sanction policy. The bill does not care that the parent is not able to participate because the State welfare agency will not accommodate them as it often happens in California.

**H.R. 4241** provides that a millions of dollars will be given to organizations that promote "fatherhood". This is another way of funneling federal money to right wing organizations.

**H.R. 4241** lacks any provisions that provides positive reinforcements for fatherhood - just gives money to *fatherhood bureaucrats*.

**H.R. 4241** would prohibit using TANF funds directly or through contract to an entity that is based offshore.