

In Brief

✓ **California CalWORKs Vehicle Exemption Hurts Self-Sufficiency**

- In California, one needs a car in order to get a job and be self-sufficient, which is the alleged goal of WtW. While CDSS promotes self-sufficiency it opposes excluding one car for a CalWORKs family. Does this make sense? Not according other states, such as; Alaska, Arizona, Arkansas, Colorado, District of Columbia, Hawaii, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Hampshire, North Carolina, Pennsylvania, South Carolina, South Dakota, Vermont and West Virginia. All of these States exempt the value of the entire car. The welfare officials of these states believe one needs a car to be self-sufficient and they are right.

✓ **CalWORKs Time Limits Not Necessarily Mandatory**

- California has a 60-month time limit for parents with children. After 60 months, the parents' benefits are stopped and only the children receive CalWORKs benefits. There are some states that do not have time-limits, such as; Massachusetts, Michigan, New York and Vermont. Time limits is a state option embraced by those who proposed and voted for the CalWORKs program.

✓ **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 started living in Region 1.

✓ **Kern County Accepts On-line Food Stamp Applications** - According to Diane Blankenship, Assistant Program Manager of Kern County Department of Human Services, they accept on-line food stamp applications and workers have been informed of this fact.

✓ **Medicare Part D - Drug Program Mess**

- Effective January 1, 2006, Medi-Cal and Medicare recipients will be forced to participate in this new Bush Drug program. This new Drug program forces eligible persons to sign up with a Drug Plan or be assigned to a Drug Plan. Even though the Bush Secretary of HHS says that each drug plan provides all eligible drugs, in reality not all plans provide all drugs. In order to find out which plan provides drugs that a recipient needs, HHS has a Drug Calculator which finds a plan that will cover your drugs. This so-called "prescription drug finder tool" does not contain correct information according to National Senior Law Center. The calculator address is : www.Medicare.gov.

✓ **CalHELL Blues- Closed Cases Include Medi-Cal- Open Cases Do Not**

- Effective December 1, 2005, CalWIN, also known as CalHELL, stopped Medi-Cal benefits for active cases and activated Medi-Cal for closed cases.

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Publisher: CCWRO.

Reporters: Kevin Aslanian and Grace Galligher.

Contributors: Steve Goldberg and Diane Aslanian.

CWD Responses to CDSS Food Stamp Survey

MPP 63-104.21(h) and 63-205.1 require that counties complete an Annual County Food Stamp Program Survey of Operations and Access to assure that the needs of recipients are adequately met.

This reminds us of the Quarterly Reporting requirements for food stamp recipients and the consequences for violating these requirements. If the QR-7 is not received by the end of the month that it is due, benefits are stopped and the household goes hungry for days or weeks before they can get their food stamps back.

While food stamp recipients have to complete a QR-7 and return it by mail, which sometimes gets lost by the county, DSS provided counties with forms that can be completed on line and returned to DSS via the internet.

The ACIN requesting this information was mailed to counties on July 6 and gave counties until August 15 to respond. That is 39 days.

When a recipient's QR-7 is received incomplete, the food stamps are proposed to be terminated. When the counties' survey responses arrived, many were incomplete.

- Del Norte County failed to provide the address of the One-Stop center that in their survey, the county stated provided services;
- Placer County submitted a report which State officials could not understand. Brenda Green of Placer County was not able to complete the survey.
- As of August 17, 2005, Tulare County had failed to turn in their report.

- When DSS staff received the survey from Solano County it was incomplete. DSS attempted to call Toni Cellucci, the contact person who completed the survey, but got an answering machine instead. Moreover, Toni's phone recording did not provide an option to reach a live person. Sadly, this is a common situation for recipients who try to reach their workers.

Statistical Report IEVS Reports

CDSS has finally put the IEVS reports on the internet. (http://www.dss.cahwnet.gov/research/DPA482-Inc_2241.htm) Income and Eligibility Verification System (IEVS) takes the reported income of a CalWORKs/Food Stamp recipient and matches that up with the income that employers report to IRS. If they do not match, it is called a "hit". The list of hits are transmitted to the county. The county is required to act on these hits within 45 days. Some counties do not act on the overpayment within 45 days as required by state and federal law. This causes the overpayments to grow then the county prosecutes the family for a big overpayment.

Advocates have been working with CDSS to reduce the backlog. Some counties, such as Alameda have made progress, but others are still way behind.

The April-May-June, 2005 report reveals that some counties don't even bother to report. The nonreporting counties were Fresno, Inyo, Modoc, Placer, San Joaquin, Tehama, and Trinity.

During the first quarter of 2005 these nonreporting counties terminated benefits of 4,592 impoverished families for not submitting a QR-7. These nonreporting counties represent 11% of the statewide terminations for failure to submit a completed QR-7.

Fresno County	2,270
Inyo County	6
Modoc County	16
Placer	0
San Joaquin	2,115
Tehama	157
Trinity	28

At least Placer County did not terminate benefits for failure to submit a QR-7, which is commendable. On the other hand, maybe CalWIN prevented them from terminating benefits for no QR-7.

Many counties file felony charges against welfare moms for an overpayment over \$400 and less than \$500. Several counties have IEVS backlogs that would take years and years to clear up at the rate that these counties are operating now.

County	Hits Pending	Years to process
Calaveras	354	44 years
Del Norte	1066	Infinite
Mariposa	307	Infinite
Merced	3457	Infinite

County	Hits Processed During the First Quarter of 2005
Calaveras	2
Del Norte	0
Mariposa	0
Merced	0

County Welfare Department (CWD) Client Abuse Report

Los Angeles County Robs Victim of Thousands of Dollars-

In December of 2004 Ms. T.H. was homeless in Los Angeles. She could not find housing in Los Angeles County, so she moved to San Bernardino where she found housing. Los Angeles paid homeless assistance for her to obtain permanent housing in San Bernardino County.

She applied for intercounty transfer with San Bernardino County, but never received a penny from San Bernardino County because Los Angeles County never transferred the case to San Bernardino County.

During April of 2005 she received a notice of action from Los Angeles County terminating her benefits for failure to complete an annual redetermination.

Ms. T.H called her Los Angeles worker and informed the worker that she did not have any papers to complete. The worker mailed her forms which Ms. T.H. completed and returned to Los Angeles County. On May of 2005 her benefits were stopped for failure to do a redetermination. As a result Ms. T.H was unlawfully denied benefits for May, June, July, August of 2005. She started working September of 2005.

Meanwhile, Los Angeles County has imposed an overpayment against her for an unrelated matter. Her advocate contacted Los Angeles County appeals representative, Bill Yakomovich and asked why couldn't the underpayment be adjusted against the overpayment. He responded that she did not file for a fair hearing timely. The county did not have to offset the obvious underpayment against the alleged overpayment because

she did not file for a hearing within 90 days.

State law provides that if a welfare recipient has an overpayment over \$400 it is a felony. In this case the underpayment is over \$3,000.

She is hoping to get justice, but she is very pessimistic given the inequitable application of the law in California for welfare overpayments and underpayments.

ADVOCATES MEET WITH DSS

On December 7, 2005, advocates held their regular meeting with CDSS's Welfare to Work Division.

Present were:

ADVOCATES

Arias, Yolanda, LAFLA
Aslanian, Kevin
Berger, Jodie, LSNC
Bingham, Steve, BALA
Galligher, Grace
Herald, Mike, WCL&P
Lopez, Dora, WCL&P
Meiss, Kate, Neighborhood Legal Services
Morrow, Michelle, CRLA
Reese, Anita, LIFETIME
Weiss, Steve, BALA

CDSS

Albrecht, Kelly, WtW Analyst
Allen, Terri, Support Services
Cagle, Karen, Employment & Eligibility Branch Chief
DeVore, Bill, WtW
Grayson, Gary, Fraud Bureau Chief
Hernandez, Maria, CalWORKs Eligibility Bureau Chief
Hightower, Lisa, Assistant General Counsel
Lacy, Lisa, Food Stamp Branch working on ABAWDS
Lee, Jessica, DSS Chief Meeting Coordinator with Advocates
McCloskey, Marilyn, CDSS Welfare Attorney
Metsker, CharLee, Deputy Director of Welfare

to Work Division
Papin, Mike, Supervisor of Food Stamp Section
Sullivan, Gail, WtW Bureau
Webb-Curtis, Christine, Welfare to Work Bureau Chief
Yee, Richton, Food Stamp Branch Chief
(This is a partial list from memory)

Issues:

1. Prescreening forms- CDSS was supposed to do an ACL explaining what is AN acceptable prescreening form and what is not. Advocates did a Public Records Act request and transmitted a stack of county prescreening forms that sought unneeded information in addition to information needed to identify the applicants. Kevin talked to Maria Hernandez who asked for a list of counties that seek unneeded information and the type of information. This will be available at the meeting.

CDSS RESPONSE: CDSS is drafting a ACIN and a draft ACIN will be shared with us within 2 weeks explaining what is allowable in a prescreening form and what is not. In addition the ACIN shall state that the SAWS-1 shall be made available to the client at the same time they get a prescreening form.

2. CalWIN/Leader/C-IV update about problems and what is being done to remedy them. INFORMATION NEEDED: A list of Trouble tickets for the first two quarters of 2005 and discussion as to what is being done to address these problems.

CDSS RESPONSE: 12/14/05 LADPSS is meeting with advocates monthly on LEADER. LEADER is causing many OP according to Yolanda Arias. Kevin will transmit an e-mail to Yvonne asking for trouble tickets.

The ACIN is in the process and it is being done by Civil Rights Bureau regarding county usage of translated forms. This will be discussed at the 12/16/05 meeting regarding computers.

CharLee said that DSS has instructed coun-

ties to use manual issuance of NOAs if the computer does not do it.

CharLee said that DSS is formulating a policy so that there is a statewide policy to assure that files are available to claimants. CharLee agreed to do an ACIN telling counties that the case file has to be available to claimants - period.

3. San Francisco Early Welfare Fraud Detection Program also known as "FRED" Protocol Action by DSS - Steve Bingham's provided DSS with a copy of the FRED protocol developed by San Francisco County and Advocates. CDSS agreed to examine the document and share it with others.

CDSS RESPONSE: CDSS said that they are not doing an ACL, rather they are doing a best practices and review county operations of FRED. CDSS will have a survey questions for counties that they are monitoring.

FRED reviews will capture employment verification to assure that it is not "job-unfriendly".

4. IEVS Problems - Letter going out to counties with problems on doing form 482 reports. CDSS to send us copy of (redacted without county ID) letter, so we can see what they are going to do.

CDSS RESPONSE: Gary Grayson will get back to us within 2 weeks regarding counties not submitting DPA 482 and the backlog. We will look at this again next meeting. Jodie suggested that there be a standard for when CAP kicks in, like 30/60 days behind.

5. CalWORKs Penalties - Discussion of why people get penalties and how to avoid. Work with Maria on minimizing and curing penalties, after discussion of issue. Discussion re: problem with Truancy NOA and Immunization notice (failure to list "personal/religious opposition," as option.

CDSS RESPONSE: CDSS will look at a revised language to these notices. Maria will e-mail

NAOs to Jodie and we will be getting back to her. CDSS will entertain Q&A on this issue.

6. Implementation of Sanctions ACL 03-54 - Many counties have failed to implement ACL 03-59. Thousands of sanctions have been imposed in direct violation of ACL 03-59. This is true such high sanction counties as Los Angeles.

CDSS will be setting up a Sanction WORK-GROUP. Survey to determine whether or not and when they started to implement ACL 03-59 will be finished next week. Kate Meiss said that LEADER does not do GAIN sanctions.

7. Exemptions before WTW assignment- At time of application (42-711.11) to be provided WtW 6 on exemptions. Also at appraisal. Supposed to be entire list. DSS agreed to tell counties that if found exempt at application, it's as if appraisal didn't exist (if exempt back to date of application.) Also a good time to remind can't mandate appraisal for applicants.

CDSS RESPONSE: This issue will be included in a future Q&A.

8. Domestic Violence - DSS stated counties were only required to report what they are doing as a stop-gap until state protocols. Discussed problem was that some seem to never have done anything. Others do things that are not complete or not consistent. Requested ACL to remind counties must have protocols, can't be more restrictive. Suggested having a form, like exemption, to request DV and remind must issue NOA of denial. DSS has agreed to do a ACL and will clear it with advocates before it goes out.

CDSS RESPONSE: An ACL is in progress. CDSS is looking at request forms and NOAs that will be shared with advocates. ACIN should come out in December.

The second ACIN should be out for comment in January regarding NOAs and request forms.

9. Separate Overpayment NOA for different causes (Admin error to be separate from HH error): People said NOA's issued by computer.

But then LA said, they may be the problem, because thought they had an agreement w/ advocates to combine all issues on one NOA. They were told they couldn't do this (?) List to CDSS as follow up item.

CDSS RESPONSE: CDSS will get back to us by determining what the issue is and what the proposed resolution to the issue is. Kevin and Jodie should work with Maria on this.

This may be an automation problem. DSS will consider doing an ACIN/ACL on this issue.

What is collected first? 5% or 10%? This is a policy issue that has to be decided for an ACL/ACIN.

10. Student Sanctions Problem: Many students who are SIP and whose 18 months expired are still being sanctioned when they should be participating in WtW. Current clients are also being limited to 18/24 months.

CDSS RESPONSE: OLD SIPs and current SIPs and treatment of such SIPs. DSS will look into these issues and work on a ACL on this. Bill DeVore DSS will do a Q&A on SB 1104, which will include these issues.

11. QR Implementation Problem: Many counties are still anticipating UIB income when they have no idea when the applicant/recipient will get the money. Proposed Solution to the Problem: Issue an ACL informing counties that UIB can only be anticipated if they have verification of the exact date that the applicant/recipient will receive the UIB check. This also applies to DIB.

CDSS RESPONSE: Advocates should send Maria Hernandez with our top 10 Q&As for an ACIN. Advocates will have this done by 1/10/06.

NEXT MEETING: First or second week of March, 2006. Date to be determined.

Advocates Meet with State Hearings Division to Discuss Fair Hearings Issues

Present were:

Aslanian, Kevin, CCWRO
Carlson, Lonnie, Presiding Juge,DSS
Galligher, Grace, CCWRO
Harmison, Karlen, Presiding Judge, DSS
Lopez, Dora, WCL&P
Morefiled, Rosie, Analyst, DSS
Shelvy, Marjorie, LAFLA

Issues:

1. Status of Proposed Q&A.

Advocates have drafted a list of Q&A as a means of addressing issues that need resolution.

STATE HEARING DIVISION (SHD) RESPONSE: SHD IS WORKING ON THE PROPOSED Q&A AND WILL GIVE US AN UPDATE NEXT MEETING.

2. Division 22 Package Status.

A number of issues raised were referred to the regulations for resolution. This included the issue of conditional withdrawals.

SHD RESPONSE: SHD SAID THAT CONDITIONAL-WITHDRAWALS WILL BE IN THE SECOND PACKAGE OF REGULATIONS THAT IS BEING DEVELOPED BY TOM WILCOCK, PRESIDING JUDGE FOR BAY AREA.

3. Status of mentioning how to get subpoenas in the acknowledgment of hearing receipt

SHD RESPONSE: SHD PASSED OUT A DRAFT REVISION OF THE ACKNOWLEDGMENT OF HEARING NOTICE.

THE UPDATE IS IN THE PROCESS.

4. Telephone hearings

Advocates wanted to know the number of telephone hearings being conducted in California.

SHD RESPONSE: SHD ESTIMATES THAT 10% OF THE HEARINGS ARE CONDUCTED TELEPHONICALLY.

5. Placing SHD statistical information in the web.

SHD PUBLISHES VARIOUS STATISTICAL REPORTS FOR MANAGEMENT AND IT IS A PUBLIC DOCUMENT. ADVOCATES ARE SUGGESTING THAT THIS INFORMATION BE PLACED ON THE NET, JUST LIKE AFDC AND FOOD STAMP INFORMATION IS PLACED ON THE NET.

SHD RESPONSE: SHD WOULD LOOK AT THIS REQUEST AND PROVIDE ADDITIONAL INFORMATION AT THE NEXT MEETING.

6. Rehearings

Currently SHD only grants rehearings for cases where the claimants abandoned the hearing and still wish to have a hearing. Previously rehearings were granted for any reason that SHD deems appropriate. Generally 80% of the rehearings granted were for the counties in the past if the rehearings granted for reopening of hearings were excluded from the calculation. Thus, county requested rehearings were more likely to be granted than a rehearing filed by a claimant. Counties also had the additional advantage of lobbying for the rehearing by phone or at meetings with CDSS. Advocates have asked that rehearings be expanded to cover defective tapes and where the Administrative Law Judge fails to address the issues raised at the hearing as required by state law.

SHD RESPONSE: SHD WILL GET BACK TO ADVOCATES AT THE NEXT MEETING.

7. Advocates have proposed that DSS use a statewide legal services 800 number on the back of the notice of action.

SHD RESPONSE: SHD WOULD GIVE US AN UPDATE AT THE NEXT MEETING ON THIS ISSUE.

8. Defective Tapes.

Advocates assert that at times, the tape of the hearing is defective, thus, there is no record of the hearing for a CCP §1094.5 action.

SHD RESPONSE: SHD AGREED TO ASK BARRY BERN STEIN TO ISSUE A TRAINING NOTE ABOUT HOW TO TEST THE TAPE BEFORE AND AFTER THE HEARING TO ASSURE THAT THE HEARING IS BEING RECORDED PROPERLY.

9. County Ex-Parte communication with ALJs.

Advocates assert that judges are communicating with county appeals representatives prior to the hearing prior to the hearing without the presence of the claimant or the claimant's representative, if represented.

SHD stated that it is the policy of the Department that judges are prohibited from conducting ex-parte communications with county staff and must conduct themselves in such a way as to insure that there is not even an appearance of relationship between ALJs and county appeals staff.

SHD RESPONSE: SHD WOULD BE DOING TRAINING ON THIS ISSUE. A TRAINING NOTE AND A PARAGRAPH IN THE BENCH BOOK SHOULD INCLUDE INFORMATION ABOUT EX-PARTE COMMUNICATIONS WITH COUNTY STAFF.

10. Internet Fair Hearings Request System

SHD shared a copy of the webpage for filing fair hearings.

SHD RESPONSE: SHD WOULD ACCEPT COMMENTS FROM ADVOCATES BY 12/31/05.

11. Parking in Los Angeles State Hearings

location on Wilshire .

State hearings for the County of Los Angeles is held on Wilshire. Parking next to the Wilshire office building is \$25 or more per hearing.

Advocates are looking for solutions to this problem. One idea is to have DSS validate the parking ticket.

Another option is to inform claimants of where cheaper parking is located. There is also a major problem whether or not this location is "accessible".

SHD RESPONSE: IT WAS AGREED THAT AT THE NEXT MEETING ADVOCATES WILL PROVIDE ALTERNATIVE SOLUTIONS TO THIS PROBLEM FOR SHD'S CONSIDERATION. SHD SAID THEY WANT TO ADDRESS THIS

ISSUE

NEW ISSUES FOR NEXT MEETING

1. Presentation by SHD of state policy for alternating ALJ decisions.
2. SHD agreed to do training on treatment of hearsay evidence for the next training that the division does and open the training up to advocates.

2006 Meeting Schedule

February 9, 2006

April 13, 2006

June 8, 2006

August 10, 2006

October 12, 2006

December 14, 2006

Happy New Year

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