

CCWRO #2003-3– January 27, 2003-Weekly New Welfare News Bulletin -

HEADLINES

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•• 2003-2004 State Budget -

On January 15, 2003, the Legislative Analyst released a report regarding the true amount of the State budget deficit. While the Governor estimates that the deficit is \$34.6 billion, the analyst has estimated \$26.1 billion. The truth is that no one will know what the true amount of the deficit will be until May of 2003. During early May, the Governor will present the "May Revise". This is when the real budget writing will start.

Program cuts alone cannot balance the budget. There has to be new revenues, which means new taxes. The Republicans are a definite minority in California. Minorities can only get benefits if they stick together. Thus, the Republican Caucus in the Senate and the Assembly stick together. Those who cross the caucus are punished. A number of Republicans who voted for the budget in 2002-2003 were either defeated in the primaries or termed-out.

The word is that the Assembly Republicans are adamantly opposed to tax increases – no tax is their bottom line. Capital insiders speculate that the budget impasse may last until the November election, when voters will decide on taxes to balance the State Budget. Some are suggesting taxes on services and property tax reform as a solution, but that does not seem likely at this stage of the game. Stay tuned for more.

•• LATEST NEWS - POOR FAMILIES AND CHILDREN - THE EASY TARGETS OF 2003 ATTACKED VICIOUSLY BY THE GOVERNOR AND THE DEMOCRATIC LEGISLATURE

The Democratically controlled Assembly and Senate have approved the senseless and vicious denial of the June 2003 COLA for CalWORKs families when there are millions and millions of TANF dollars available to provide for a COLA for impoverished families and their children of California. This is the just the first vicious and malicious attacks on the poor by the Governor and the Democratic legislature to make money available to more bureaucrats from the mouths of the poor children of California. This was the midyear massacre. The proposed 2003-2004 massacre is the further denial of the COLA and a 6% reduction of benefits. This is a sick sick CUT.

•• CCWRO Litigation Update –

o SHEYKO v. SAENZ (Sacramento County Case # 99CSO2696)

This writ of mandate challenged the policies of DSS that require adult family members in a household who are not applicants for or recipients of CalWORKs or Food Stamp benefits to be finger-imaged and photo-imaged as a condition precedent for receipt of Food Stamps or CalWORKs benefits by eligible family members.

CASE STATUS- Appellant briefs filed. KING v. SAENZ, (Sacramento County Superior Court Case No. 03CS00016)

This petition for a writ of administrative mandamus under Code of Civil Procedure §1094.5 challenges Fresno County's failure to advance Ms. King her transportation expenses. Ms. King lived in Fresno and obtained employment in French Camp, San Joaquin County. The round trip commute was 234.6 per day, six days a week. Although Fresno County paid the mileage for two job interviews, Fresno County refused to pay the monthly mileage allowance would be \$1,504 (mileage rate is 34.5¢/mile). During the hearing, Fresno County argued that the mileage cost is unreasonably high and that the County determined that Ms. King would not be able to sustain this much travel expense when she is

no longer eligible for public assistance. Fresno County also contended that supported service for transportation was intended to assist with transportation costs for recipient residents of Fresno County who are employed within the Fresno area. Focused on the remoteness of Ms. King's employment site and noted that \$1,618 per month in transportation costs is unreasonable and ruled that Ms. King was not entitled to the requested transportation supportive services payment because the transportation expense was not incurred pursuant to a complete Welfare-to-Work contract and the request was for an unnecessary and unreasonable amount.

CASE STATUS – Waiting for the Administrative Record

o MEDINA v. SAENZ, (Sacramento County Superior Court Case No. 03CS00015)

This petition for a writ of administrative mandamus under Code of Civil Procedure §1094.5 challenges the decision to allow Fresno County to recover a CalWORKs overpayment that occurred in 1997. The overpayment occurred for the failure to report income. Fresno County learned about the overpayment in May 1998 but did nothing until July 2001. Recovery of the CalWORKs overpayment should be barred by the statute of limitations. The ALJ found that Fresno County could recover the CalWORKs overpayment even though recoupment of the commiserate Food Stamp overissuance was bared by the statute of limitations.

CASE STATUS – Waiting for the Administrative Record

o McFARLAND V. SAENZ (Sacramento County Superior Court Case No. 03CS)

This petition for writ of administrative mandamus challenges the ALJ's finding that Kern County could impose a sanction for refusing to sign a Welfare to Work plan for which the activity is to attend a third party assessment. The normal process is for the counties to schedule the third party assessment and notify the participant of the date and time of the appointment.

Kern County also proposed to count the receipt of \$1,999 (which Kern County Department of Human Services paid petitioner as a settlement in a court action for misconduct in administering her CalWORKs case) as countable income for purposes of food stamps. The ALJ concurred. This decision is contrary to M.P.P. § 63-502.2(j) which states: "Money received in the form of a nonrecurring lump-sum payment, including, but not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval of an application for any assistance program; AFDC homeless assistance payments for temporary shelter or permanent housing [see M.P.P. § 63-102(h)]; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, in accordance with Section 63-501.111 unless specifically excluded from consideration as a resource by other federal laws as specified in Section 63-501.3(1), § 63-506 or § 63-507."

CASE STATUS – Waiting for the Administrative Record

•• TANF Update –

George Bush has submitted his 2003 TANF welfare reform bill. The bill is Bush's way of demonstrating his compassion for the rich and distaste for poor families with children in America, with a \$657 billion proposed tax cut proposal.

Senator Grassley of Idaho is the new chairperson of the U.S. Senate Finance Committee, which has jurisdiction over TANF reauthorization. On 1/16/03 he issued a press release stating that he intends to pursue reauthorization of the welfare program in the Finance Committee this year. The last sentence of his press release states "My goal is to enact a bipartisan bill as soon as possible". Senator Grassley co-sponsored the Senate Finance Committee bill authored by former chairman Baucus in 2002. And so, the games with the lives of poor families and children have begun.

•• COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK

o Ms. Y.H. received homeless assistance in Sacramento County on 1/01. At the time, she was pregnant, so she had to find a place to live that would cost less than 80% of the grant for a pregnant woman with no other kids. When she found a permanent place to live, the county refused to issue the check to her, notwithstanding the law which states that the check shall be issued to the recipient.

On 4/02 the place she was living was labeled uninhabitable by the city and she became eligible for homeless assistance again. When she applied for homeless assistance, the county assigned a social worker to help her find a place to live. The social worker found a place that was infested with cockroaches. Ms. Y.H. did not want the place, but the social worker LIED to her by stating that, if she did not take that place, she would not be eligible for homeless assistance. After moving in, the cockroach infestation was so bad, she feared for the health of her baby, and so, she had to move.

She is now homeless again compliments of the social worker who coerced her into using her once-in-a-12-month-time-exception homeless assistance for a cockroach-infested apartment.

o Ms. P.O is wondering if anybody in Los Angeles County knows what they are doing. In December, she was notified that her benefits were being reduced from \$548 to \$336 "because some of the aid you got was for Michael Davis". However, Michael Davis has never lived with her. Also, an overpayment recoupment cannot exceed 10% of the grant. In this case, LA County is recouping \$212, which is 40%. She also received a letter demanding the school attendance verification of her 6-year-old who is not yet attending school.

Ms. P.O. is disabled and has provided the county with several verifications of disability.

On 12/14/02, she received a notice of action (NOA) stating that her benefits would be reduced from #336 to \$0. The reason stated in the notice of action was that P.O. had a participation problem in Welfare to Work. On 12/20/02 she received another (NOA) stating that her benefits were being reduced from \$548 to \$336 because she had failed to provide verification of school attendance of her child.

Ms. P.O. filed for a fair hearing. But that did not stop the county from achieving their primary goal – sanction – penalty – whatever they can do to cut the benefits. On 1/4/03 the same worker mailed another NOA stating "As of 01/01/2003, the County is changing your monthly cash grant from \$548 to \$336. Here's why. You must give us proof of regular school attendance for all of the school age children in your assistance unit. This proof was not given." Ms. P.O. admits that she is guilty of not fabricating proof for a child that is not of school age yet in order to satisfy Los Angeles County's hunger for more paper work. She filed for another fair hearing. Just imagine how many other victims like P.O. are being terrorized by Los Angeles County.

CCWRO SERVICES AVAILABLE TO LEGAL SERVICES PROGRAMS & WELFARE RECIPIENTS REFERRED TO US BY LEGAL SERVICES PROGRAMS

Types of Services Offered: Litigation, Fair Hearing Representation, Fair Hearing Consultation, Informational Services, and Research Services, In depth Consultation.

Programs Covered: CalWORKs, Welfare to Work (WtW), Food Stamps, Media-Cal. General Assistance and Refugee Immigration Problems

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