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In Brief

✓ **Cost of Average Monthly Assistance per case for CalWORKs**

– According to DSS's ACF-202 TANF Caseload Reduction Report to the federal government, the "average Monthly Assistance per Case is \$7,397. How much of that money goes to the poor and how much goes to everybody else? Good

question. We looked at the Governor's proposed State Budget and lo and behold \$526 a month goes to poor families. Yes, 7% of the money is used for payments to families and 93% of the money is used for anything but payments to CalWORKs families living on a fixed income of what they were getting in 1989. To say that this program is to help the poor is an absolute and bold face LIE!

✓ **Child Care Transition from Stage 1 to Stage 2** – According to county welfare officials during January –March

of 2007 40% of the Stage 1 cases referred to the Riverside County Stage 2 agency funded with State Department of Education funds were rejected. The stage 2 agencies are known as Alternative Payment Program (APP). Some APPs refuse to issue a notice of action rejecting the Stage 1 case. Other APPs

are requesting verification in excess of the required verification. All APP's have their own appeal process that are rather weak and

provide minimal due process compared to the excellent due process provided for Stage 1 participants (Stage 1 appeals are conducted by DSS, while Stage 2 and 3 appeals are conducted by the APPs under Department of Education weak due process regulations). EAS §47-310.21 governs Stage 1 due process and provides:

“47-310.2 Second County

The second county shall:

.21 Establish a Child Care Case

Establish a child care case as soon as the

client applies for and meets the child care eligibility requirements as specified in Section 47-220, regardless of the status of the cash aid transfer.”

It appears that some counties are still violating regulations that have been around for three years.

✓ **Yuba County Mails Letters to Employers Without Contacting Clients**— DSS requires that when a county discovers through the IEVS system that an overpayment has occurred the county must contact the client to get information about the overpayment before contacting the employer. In fact, federal law requires that counties contact the client within 45 days. Yuba County does not contact the client according to a recent report done by DSS. Not only that, but the letter to the employer also contains a law enforcement seal on the county’s first contact letter to the employer. CCWRO and other advocates have informed DSS that current or former welfare recipients can lose their employment when an employer gets a letter like this. Finally this county has a 400 case backlog.

✓ **Orange County Causing Overpayments by Violating Federal Regulations** – In a May 9, 2007 report DSS found that Orange County fails to contact clients who has overpayments within 45 days as required by state and federal law. The county waits 90 to 100 days before contacting the client. Meanwhile, the overpayments pile up. An estimated 39,300 cases may have

overpayments that are not reviewed timely as provided by federal and state law. Orange County failure to timely review potential overpayments result in more overpayments accumulating. The county welfare officials responsible for reviewing for potential overpayments are never prosecuted for causing the increased accumulation of overpayments due to their refusal to carry out the regulations. However they are always excited to prosecute welfare parents for alleged fraud.

✓ **Los Angeles County Told to Stop Imposing Overpayments Without a Adequate Notice of Action (NOA)** – On June 13, 2007, Charr Lee Metsker of CDSOS wrote a letter to Los Angeles County regarding the imposition of overpayments and overissuances without an adequate NOA. CDSS gave Los Angeles County a list of cases where OP/OI have been imposed without an adequate NOA. The letter asks Los Angeles DPSS to provide DSS with a county plan to identify these cases and rectify the problem.

✓ **California Stopping Food Stamps Without Proper Notice** – California Food Stamp Participation rates are the last in the country and for a good reason. Procedural protections in federal law are not obeyed by California. For example while federal law provides that when a household (HH) misses a recertification appointment, they must mail the Notice of Missed Interview (NOMI). California does not do that.

California Last in Food Stamp Participation A Look at Expedited Service Food Stamp

According to a recent report by FNS and Mathematica Policy Research, Inc. California leads the United States for the fewest number of eligible people

receiving food stamp benefits. There are a number of reasons for this accomplishment in California. The biggest problem is county administration of the

Food Stamp program - a 19th century system being used in the 21st century.

The other problem is that counties are allowed to do whatever they want to do without any meaningful oversight by the State Agency responsible for the statewide uniform administration of the Food Stamp Program.

We recently reviewed the data on Expedited Service Food Stamp (ESFS) quarterly report for the first three months of 2007. The law mandates that those in need of emergency food stamps shall receive the food stamps within three days. **The report reveals that in 24% of the cases the county violated this law.** The human consequences are immeasurable and devastating. The counties violate the law and face zero consequences. But that is how California operates.

Food Stamp recipients violate a law they may go to jail. *The county breaks the law-nobody cares. So what if some poor child is hungry – what’s the big deal?*

The way ESFS works is that when a household (HH) makes an application the county shall determine if the HH is eligible for ESFS. We looked at how many people applied for FS during January, February and March of 2007 and how many HH were considered for FS by counties. Statewide 37% of the HH were considered for ESFS. Tulare County considered 71% of the applicants for ESFS while neighboring Kern County only considered 5% for ESFS. Any rational person would be asking why. But not DSS. “What’s the big deal” is their attitude. TABLE #1 shows the percentage of applicants considered for ESFS.

| | |
|----------------|-----|
| Statewide | 37% |
| Tuolumne | 78% |
| Tulare | 71% |
| Sonoma | 68% |
| Placer | 64% |
| Napa | 61% |
| Contra Costa | 57% |
| Yuba | 54% |
| San Diego | 52% |
| Los Angeles | 52% |
| Ventura | 49% |
| Solano | 45% |
| Sacramento | 44% |
| Riverside | 43% |
| Kern | 43% |
| San Mateo | 43% |
| San Bernardino | 37% |
| Mono | 36% |
| Monterey | 36% |
| Lassen | 32% |
| Merced | 32% |

| | |
|-----------------|-----|
| Santa Clara | 32% |
| Humboldt | 30% |
| Del Norte | 29% |
| Tehama | 29% |
| Santa Cruz | 27% |
| Trinity | 27% |
| Amador | 26% |
| Sutter | 26% |
| Siskiyou | 26% |
| Colusa | 24% |
| Inyo | 24% |
| Mendocino | 23% |
| Kings | 21% |
| Butte | 21% |
| Plumas | 21% |
| Sierra | 21% |
| Nevada | 21% |
| San Luis Obispo | 21% |
| Calaveras | 20% |
| San Benito | 20% |
| Shasta | 20% |
| Yolo | 18% |

| | |
|---------------|-----------|
| Santa Barbara | 17% |
| Lake | 15% |
| Mariposa | 14% |
| El Dorado | 14% |
| Glenn | 13% |
| Marin | 11% |
| Madera | 11% |
| San Joaquin | 5% |
| Stanislaus | 4% |
| Orange | 3% |
| Imperial | 2% |
| San Francisco | 1% |
| Alpine | 0% |
| Modoc | 0% |
| Alameda | No Report |
| Fresno | No Report |

A careful review of the data reveals that many counties only consider HHs for ESFS if they are actually eligible for ESFS. Statewide 42% of ESFS applications are approved. For example Amador County considered 86 applications for ESFS and 78 were granted. That is a 91% approval rate. Calaveras County also has 91% approval rate. Mariposa County has a 95% approval rate. Mendocino County has a 93% approval rate. San Bernardino County only 12% of the HHs

considered for ESFS are granted. Merced is 16%.

As we stated above, 24% of the HHs eligible for ESFS received their benefits after the 3-day issuance timeline. ***The top five offenders of this law are Santa Cruz County at 70%; Sonoma at 63%; Solano at 58%; Santa Clara at 55% and Imperial at 52%.*** Table #2 sets forth the percentage of cases not receiving their ESFS benefits within the 3-day timelines.

| | |
|-----------------|-----|
| Statewide | 24% |
| Santa Cruz | 70% |
| Sonoma | 63% |
| Solano | 58% |
| Santa Clara | 55% |
| Imperial | 52% |
| Contra Costa | 42% |
| Placer | 37% |
| Sacramento | 36% |
| San Mateo | 28% |
| Los Angeles | 26% |
| Tulare | 24% |
| Napa | 24% |
| Ventura | 21% |
| Santa Barbara | 21% |
| Nevada | 18% |
| San Francisco | 17% |
| Lake | 16% |
| San Luis Obispo | 14% |

| | |
|-------------|-----|
| Orange | 14% |
| Yolo | 14% |
| Sutter | 13% |
| San Joaquin | 12% |
| Inyo | 11% |
| San Diego | 11% |
| Kings | 10% |
| Calaveras | 9% |
| Riverside | 9% |
| Lassen | 9% |
| Marin | 9% |
| Trinity | 9% |
| Butte | 8% |
| Tuolumne | 8% |
| Humboldt | 7% |
| Shasta | 7% |
| Madera | 7% |
| El Dorado | 6% |
| Mariposa | 5% |
| Plumas | 5% |
| Siskiyou | 5% |
| Tehama | 5% |

| | |
|----------------|--------------|
| Merced | 5% |
| Kern | 5% |
| Mendocino | 3% |
| Yuba | 3% |
| Amador | 3% |
| San Benito | 2% |
| Del Norte | 2% |
| San Bernardino | 2% |
| Monterey | 2% |
| Alpine | 0% |
| Colusa | 0% |
| Fresno | 0% |
| Glenn | 0% |
| Modoc | 0% |
| Mono | 0% |
| Sierra | 0% |
| Stanislaus | 0% |
| Alameda | No Reporting |

A B 1808 County Plans Often Untimely and Not Approved by the Board of Supervisors.

During 2006-2007, AB 1808 denied welfare parents an annual cost of living increase and used that money to give counties an additional \$2230 million to increase WtW participation and reduce sanctions. The first step was for counties to submit a county plan showing how they would spend money taken

away from impoverished families; families who currently live on fixed income amounts from 1989.

CDSS issued All County Letter 06-46 instructing counties to submit a county plan by January 5, 2006. The plans were supposed to be approved by the

County Board of Supervisors and the county welfare director was required to certify thereto. All of the plans have been placed on the internet according CDSS. They can be found at:

http://www.dss.cahwnet.gov/cdssweb/CountyPlan_283.htm

As of August 26, 2007 the counties of El Dorado, Glenn, Imperial, Lake, Mariposa, Mono and San Mateo refused to submit a county plan.

San Bernardino County, who preaches "personal responsibility to their clients" submitted a plan on December 20, 2006, but the Board of Supervisors approved the plan on April 19, 2007. That is about 95 days late. No funding was withheld from San Bernardino County during this period – no sanctions like San Bernardino County imposes on poor families during the months of January, February and March of 2007.

Madera County, also with a high sanction rate, was 14 days late and 31 days

late without obtaining approval from their Board of Supervisors.

All in all, eight (8) counties, Alameda, Del Norte, Madera, Mendocino, Merced, Plumas, San Diego, and Yuba were late in submitting their plans without any consequence. Three (3) of the counties submitted their plans prior to the Board of Supervisors approval. They were the counties of Madera, San Bernardino and Yuba.

All of these counties received their increased funding even though they failed to meet 90-day datelines established by DSS. The county plan standards were designed with input from counties. The plan was a series of questions that the counties simply had to answer. Moreover, most of the plans contain no objective measurable performance standards—they are simply a group of words that have no real meaning and no accountability. It is indeed socialism for counties.

County Welfare Department Client Abuse Report

• **San Diego County Imposes a Sanction While Refusing to Provide Transportation and Ignoring Good Cause.** Mr. 2007031338 received a notice of action imposing a sanction that did not include the specific regulations that the county used to impose the sanction and it did not have any information about state hearings. The decision provides "Despite the inadequacy of the notice, the claimant nor his legal coun-

sel raised the issue. Instead, they went forward with the hearing. The claimant needed transportation and the decision states: "When queried as to whether she offered to assist the claimant with transportation the EMC stated "no"." The decision goes on to state "In addition, the claimant testified that V.R., the County WtW worker, called him a liar and treated him disrespectfully, The ECM adamantly denied calling the claimant a

liar; however, a review of the county narrative prepared by V.R. stated the claimant "lies". When confronted with her narrative, V.R. testified that there is a difference between "liar" and "lies". The ALJ granted the claim. This County Victim was saved because he asked for a state hearing and found a judge who was "fair".

• **Imperial County Unlawfully Imposes a Sanction Without a 30-day Notice and It Is Upheld by DSS.** Ms. 2007089204 was issued a notice of action on March 19, 2007 imposing a sanction effective April 1, 2007. MPP 42-721.23 states: "Upon determination that an individual has failed or refused to comply with program requirements, the CWD shall send the individual a notice of action effective no earlier than 30 calendar days from the date of issuance." The notice was unlawful but the county unlawful sanction was upheld by the state hearing process.

• **Riverside County Unlawfully imposes a sanction without a 30-day Notice and it is Upheld by DSS.** Ms. 2007016367 was issued a notice of action imposing sanction, the ultimate purpose of the WtW program, effective February 1, 2007. This expressly violates MPP 42-721.22. The sanction was imposed on this victim because among other things, she was not "properly dressed". The decision states that Riverside County determined that "...she was inappropriately dressed in that she was wearing a mini top

which left approximately 4 inches of midriff exposed, tight black jeans, and ballet flats. Because the county did not like what she was wearing, her benefits for a family of three, have been reduced from \$689 to \$555 without a proper notice. Despite the wrong notice Administrative Law Judge Rufino Diaz of DSS upheld the unlawful sanction.

CCWRO SERVICES AVAILABLE TO LEGAL SERVICES PROGRAMS

Types of Services Offered

- Litigation Co-Counseling
- Informational Services
- Research Services
- In-depth Consultation
- Training (see below)

CCWRO Provides Assistance in the Following Programs

CalWORKs, Welfare to Work (WtW), Food Stamps, Medi-Cal, General Assistance/General Relief, CalWIN, Refugee Benefits & Immigration Problem

TRAINING PROVIDED FOR

1. WtW Sanction Defense
2. Welfare State Hearings
3. Administrative Writ
4. CalWIN
5. CalWORKs Cutting Edge Issues
6. CalWORKs Basics
7. County and State Advocacy
8. Citizenship Verification