

# CCWRO Weekly New Welfare News

Coalition of California Welfare Rights Organizations, Inc. 1901 Alhambra Blvd., Sacramento, CA 95816  
• Telephone (916) 736-0616 • Cell (916) 712-0071 Fax (916) 736-2645

November 24, 2008,  
Issue #08-23

## In Brief

### ● **Santa Clara County imposes an IPV penalty for an overpayments caused by the county.**

- On 6-4-08 Santa Clara County issued a Notice of Action (NOA) against Ms. E.R. stating that she cannot get food stamps for three months due to an alleged Intentional Program Violation (IPV) act. It turns out that CalWIN created the IPV. The overissuance was a combined agency error and inadvertent household error. The question is, how can a computer create an IPV?

### ● **Los Angeles Client Sanction for Working and County Won't Pay APP**

- Los Angeles County Appeals Representative Rutha Om informed us that if Ms. B003501, who filed for a state hearing before the effective date of the GAIN sanction, will still be sanctioned, unless she cooperates with the welfare department. The reason she is being sanctioned is because she did not keep her 8:30 am appointment with GAIN because she was working and did not get money for transportation. It appears that Los Angeles County DPSS does not believe in Due Process of Law and operates a program that forces CalWORKs recipients to show up at the welfare department rather than their job. GAIN is the LA version of WtW program.

### ● **HHS Rumored Not to Issue Final Regulations on Caseload Reduction Credit Proposed Regulations.**

The Notice of Proposed Rulemaking in the Federal Register on August 8, 2008 (73 FR 46230-32) announced that the Department of Health and Human Services (HHS) would be repealing 45 CFR 261.43 (b). This section pertains to the Temporary Assistance for Needy Families excess maintenance-of-effort provision (MOE). "Caseload Reduction Credit" is where states take credit for spending money that doesn't go directly to families on welfare, eg. grants to college students and other gimmicks used by states. HHS has stated that they would not be filing a final rule before January 20, 2009 and would let the Obama Administration decide faith of these regulations. Thus, states can continue to claim they are spending money on the poor when they are not. Stay tuned for further developments.

## Study Time As a WtW Activity & It Applies To SIPs

California is now considering homework called "study time" as a Welfare-to-Work activity because it is allowable under federal law.

According to DSS, study time does not apply to students going to school as a self-initiated program (SIP). DSS contends that the current statute prevents the State from counting study hours for SIPs. Thus, many SIPs who would otherwise meet the federal work participation rates (WPR), are not counted as meeting the federal participation rates. Thus, DSS policy handicaps the WPR rates.

Welfare and Institutions Code Section 11325.23. (a) (3)(C) states:

*"If participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the county shall require concurrent participation in work activities pursuant to subdivisions (a) to (j), inclusive, of Section 11322.6 and Section 11325.22."*

This section does not prohibit DSS from counting study time of SIPs. It simply states that the classroom, laboratory, or internship activities shall add up to 32 hours. In fact study time is authorized under W&IC§11322.6(r) that states:

*"Other activities necessary to assist an individual in obtaining unsubsidized employment."*

Study time qualifies as an "other activity". State law authorizes unsupervised or supervised study time for SIPs in California.

Unsupervised study time is available for 1 hour for each hour of class room time.

Supervised study time includes time spent with a tutor or studying under the supervision of the educational institution. The number of hours for supervised study time is determined by the educational institution.

Study time can potentially increase the California work participation rate more than the WINS program that was recently enacted by the State Legislature.

## Tom Daschle Selected as Secretary of Health and Human Services

Barack Obama has chosen former Senate Majority Leader Tom Daschle to be his Secretary of Health and Human Services. Tom Daschle will also wear another hat as White House Health Czar, in charge of getting Obama's health care reform enacted into law. Below is a brief background on Daschle on Welfare.

Twice, Daschle voted against the original TANF legislation that changed the AFDC program into the TANF block grant. On the third vote, Daschle voted in favor of the TANF legislation.

Daschle voted in favor of eliminating the food stamps block grant.

Daschle opposed a procedural motion that encouraged President Clinton to allow punitive waivers which the States wanted to implement pursuant to TANF.

## USDA ALLOWS CALIFORNIA TO DENY FOOD STAMP BENEFITS TO ABOUT 50% OF THE ABLE-BODIED ADULTS

California received a statewide waiver of the ABAWDS requirements that limits food stamp benefits to 3 months out of any 36-month period. Under the waiver, the 3-month time limit would not apply to able-bodied adults who are nutritionally challenged.

However, about 50% of California's able bodied adults may not be able to benefit from this waiver because the counties of Los Angeles, San Diego, Orange, Riverside, San Bernardino and Ventura do not believe in helping the nutritionally challenged human beings in their community. San Diego has the lowest food stamp participation rates in the United States.

We have been informed by reliable sources that these counties are going to go to their Board of Supervisors and back out of the waiver. Many of these poor people would have to depend on the already over burdened food banks in their community or eat out of garbage cans.

DSS requested a statewide waiver of the ABAWDS requirements pursuant to 7 CFR §273.24(f)(3)(i),(ii),(iii) because the State of California has qualified for extended unemployment insurance benefits, thus, the state is eligible for an ABAWDS waiver.

The official waiver provides for no conditions. This

ABAWDS waiver was approved by the FNS national office on October 14, 2008. The regional office transmitted this waiver to DSS on 10-28-08. The transmittal of this statewide waiver of the ABAWDS waiver, contrary to the waiver approved by the national office, allows the state to allow certain counties not to participate in this waiver.

There is a statewide administration of the Food Stamp program mandate in the federal regulations. If California wanted a waiver for 50% of the State and not for the whole state, then they should have filed a 52 county application for a waiver and not the statewide waiver.

Finally, we wonder who is in charge? The National Office approves a statewide waiver and then the regional office does a transmittal that changes the scope of the waiver by making it possible for 50% of the California's able-bodied adults to not benefit from the waiver. Why does the waiver application go to the National Office?

## California is a Needy State

Federal TANF provides a \$1.7 billion TANF contingency fund for needy states.

A needy state is defined as one whose average unemployment rate for the most recent three month period is at least 6.5% or has a high food stamp participation rate.

After spending 100% of the Maintenance of Need, California would be eligible to download 20% of state federal TANF block grant, which is about \$700 million. However, in addition to the 100% MOE match, the State would have to match the \$700 million, dollar for dollar. So far, California has to put up 80% of the \$3.7 billion TANF Block grant as a MOE.

**HOW TO DEFINE A NEEDY STATE?** There is talk to change the definition of a needy state. A needy state should be redefined to mean (1) any state that meets the unemployment standard and/or the food stamp standard; (2) spends all of its TANF funds on actual TANF recipients, and (3) at least 70% of the TANF funds is paid in the form of "payments to families" should qualify as a needy state. All other states should be known as "Greedy States" who take from the poor to balance their general funds like California.

**The Outrage 2008** - For 2008-2009 California budget appropriated \$5.2 billion of the \$6.6 billion TANF allocation for welfare families and **used the remaining \$1.4 billion in the general fund in order to "balance" the State budget.** How about needy families?