

# CCWRO Welfare News

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## In Brief

● **RETROACTIVE MFG WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.** **Silva Valencia** of Los Angeles County asked DSS on 4-24-09 whether an ex-recipient who was on aid in Los Angeles County a year ago and now lives in Louisiana can apply for a domestic abuse waiver of Maximum Family Grant (MFG) rule for the time she was on aid in Los Angeles County with a MFG child. She said she had been a victim of domestic abuse since 2003. DSS answered "Yes, an ex-participant can apply for a retroactive abuse waiver...However retroactivity cannot precede the implementation of the CalWORKS domestic abuse provisions on January 1, 1998."

● **LOS ANGELES COUNTY LEARNING DISABILITY INFORMATION** - According the Los Angeles County DPSS, as of March, 2009 there were 152,410 cases in Los Angeles County and 56,653 have Spanish as a primary language. In Los Angeles County only 5% of the English speaking caseload agree to take the "learning disability" (LD) test and 25% of those who take the test show a learning disability. . About 63% of people who take the full battery of LD tests show a learning disability.

● **FLEEING FELONS COUNTED FOR COUNTY PARTICIPATION RATES BUT NOT ENTITLED TO SERVICES-** Fleeing Felons cannot receive either CalWORKs or Food Stamps in California. Their location is known because they are getting public assistance for their children and stimulating the economy. It is cheaper than putting the children in foster care. **George Paccerelli** of DPSS asked DSS why is it that counties cannot provide supportive services to fleeing felons, yet the county will get penalized if the fleeing felon

does not meet the work participation rate? Good question. Another example of our irrational welfare system.

● **NO CAPS FOR CAR REPAIRS** - **Tara Locks** of Tehama County informed DSS that she has seen several county plans that place a cap on coverage of car repairs as an ancillary service. She wondered if Tehama County can put a cap on car repairs? **Geoffrey Miller** of said the "...no capping" principle applies to vehicle repairs. He referred the county to ACLs 08-41 and 04-404.

● **SPONSORS CAPI RECIPIENTS WHO GET INDIGENCE EXCEPTIONS ARE NOT PURSUED.** **Yvonne Buno of Sacramento County** asked DSS why DSS does not does go after the sponsor in CAPI cases where the recipient has been given an indigence exception. DSS responded that it does not pursue the sponsor because they do not have the resources to do so.

● **CALWIN COLLECTS OVERPAYMENT IN VIOLATION OF THE LAW.** On June 3, 2009, **Clara Rayos of Ventura County** informed DSS that Ventura County the CalWIN system is collecting 20% from the CAPI benefits of couples rather than 10%. DSS has allowed Ventura to continue to collect 20% from couples in violation of state law.

● **VENTURA COUNTY WANTS TO TAKE MONEY OUT OF THE CAPI RECIPIENTS' EBT CARD WITHOUT ANY LEGAL AUTHORITY.** Ventura County asked DSS if it can collect a CAPI overpayment from the client's EBT card? DSS responded that there are no CAPI regulations allowing the county to take money out

of the EBT card. However **Terri Harness** of DSS adult services branch advised Ventura County "...you should notify the recipient before expunging any benefits from their EBT card. To give you a formal response, we would need to request a legal opinion from our Legal Office. Since there is no case pending with this scenario, and due to limited resources, we are unable to do this at this time. Bottom line, I would say the important thing would be to make sure to notify the recipient before you take action." So there you have it. There is no official position, but CDSS says the county can go ahead and take the money out of the persons EBT account as long as he client is informed.

● **LOS ANGELES COUNTY REFUSES TO ISSUE AID PAID PENDING IN ACCORDANCE WITH THE LAW.** Ms. C.R. filed for a state hearing on 7-30-09. She is entitled to aid paid pending. State regulation 22-073.11 provides:

22-073.1 Upon receipt of a request for hearing or notice from the Department that a recipient has filed a request for a state hearing, the county shall provide aid pending the state hearing in accordance with Section 22-072, when entitlement exists.

*MPP§22-072.11 Such payment shall be either placed in the U.S. Mail or available for hand delivery to the recipient (if agreed to by the county and recipient) within five working days of the receipt of the hearing request by the appropriate agency as specified in Section 22-004, or the date the regular scheduled aid payment would otherwise have been paid to the recipient, whichever is later."*

There is also a Court Order entitled *Blankenship v. Saenz* that can be downloaded at: [http://www.ccwro.org/index.php?option=com\\_docman&Itemid=105](http://www.ccwro.org/index.php?option=com_docman&Itemid=105)

On August 21, 2009, **Linda Rice** of the Los Angeles County Appeals and State Hearings stated that the district office has been ordered to issue aid paid pending. After this statement was made, **Linda Tamez, E.W. III of Lincoln Heights ASH/OP/OI Unit-room 107**, who is responsible to initiating the aid paid pending stated that she had never received such an order. Who is telling the truth?

### SANTA CLARA COUNTY IMPOSES FULL FAMILY SANCTIONS.

Ms. R.G. has been sanctioned for over a year. On 2/25/08 she was mailed a letter stating that her aid would be lowered from \$526 to \$324 for not signing the WtW plan.

On 7/9/09 received a notice of action stating:

*"As of 07/31/2009, the County is stopping your cash aid.*

*Here's why:*

*You must give us facts and proof we need and do the other things we need you to, as best you can. You have not provided Proof that you have contacted WTW program and attended orientation to lift your WTW sanction, as part of our Vendor Payment Pilot Program.*

*M40-126.342 CW/RCA/KG Disc. For failure to provide information Rules: These rules apply. You may review them at your welfare office: EAS Section(s) 40-126.342."*

We looked up this section and it states:

*"MPP§ 40-126.342 Rescind Denial The county shall rescind a denial and grant aid if the applicant is otherwise eligible based on the original application when:*

*(a) The denial is based solely on*

*the applicant's failure to cooperate in providing evidence of eligibility; and*

*(b) The county receives the needed evidence within 30 calendar days of the date of denial."*

Ms. R.G. was mailed a VP 3 offering her three options:

Option #1 – Vendor Payment;  
Option #2 - Designate Alternative Cardholder  
Option #3 - You must contact the WTW worker within two working days; • You must complete the WTW orientation by \_\_\_\_ date. You must participate in an approved WTW activity for thirty (30) days from the date you sign the WTW Plan.

Santa Clara County was duly informed that this policy violates state law and regulations. The specific regulation that this violates is:

*MPP § 42-721.43 "Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit until the noncomplying individual performs the activity(ies) he or she previously refused to perform; or if the activity that the noncomplying individual originally failed to perform is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform.*

*(b) The individual is determined to be in compliance with program requirements, and is otherwise eligible.*

*If the individual completes the activity after the first of the month following the date of the request to end the sanction, the county shall issue a supplemental payment, retroactive to the first of the month following the date of the request to end the sanction; or*

### HANDBOOK BEGINS HERE

*(a) Example: An individual who was sanctioned for failing to attend orientation contacts the CWD on July 14 and indicates he wishes to end his sanction. The*

*individual signs his curing plan on July 17, attends orientation on July 23 as required by his curing plan, and cures his sanction. On August 1, if the individual is otherwise eligible, his cash aid is restored.*

Santa Clara County was contacted to determine what this was all about. Denise Boland, Santa Clara County Welfare Department Employment Services Administrator was informed of the fact that the county policy violates the above cited regulation. The county policy states:

*"On page 8, 7b of the "Business Process CalWORKs Sanctioned Client Vendor Payment Pilot Project" you have this language:*

*"WtW 29 must be completed for the next appropriate activity, and the client must participate for 30 days regardless if the sanctioned activity was Orientation. No exceptions!"*

*On page 10, 9 states:*

*Fails to meet the curing sanction requirements*

*Discontinue CalWORKs for the ENTIRE family."*

On August 21, 2009, after receiving all of this information, Ms. Boland has informed us that Santa Clara County will continue their current practice.

### SOME FACTS ABOUT SANTA CLARA COUNTY

During May, 2009, 31% of Santa Clara County unduplicated participants were sanctioned. In addition, 60% of unduplicated participants in Santa Clara County did not receive transportation. This information is based upon the county's own reports submitted to DSS known as the WtW 25 reports that can be downloaded at: <http://www.dss.cahwnet.gov/research/PG276.htm> - it is the last group of reports on this web page.

There are reports that many sanctions are caused because the county does not provide supportive services. Can the Santa Clara County welfare department officials imagine that 60% of them coming with County Welfare Directors Association meetings do not submit travel claims? Not in this lifetime.