

CCWRO Welfare News

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In Brief

1-800-952-5253 ARE NOT BEING ANSWERED - 1-800-952-5253 is a telephone number meeting several federal mandates for a toll free telephone line for public benefits participants to contact the California State Welfare Agency. This number has been a nightmare for DSS customers for years. This number has historically been difficult to access, but generally people got through if they persevere. Today only 30% of the needed staff is answering this telephone number. This means California's needy elderly, the disabled and others call and call and no answer. The computer system just drops the calls because there is nobody to answer to the calls.

FURLOUGHS DRIVING ALJS TO RETIREMENT - 80% of the current State Hearing Division Administrative Law Judges are eligible for retirement. The recent three (3) day furloughs, which resulted in 15% reduction in their monthly income means, they do not gain much from working if they can retire. Many who retire will get 80% of their current salary.

IHSS CUTS PLANNED IN VIOLATION OF CIVIL RIGHTS LAWS - DSS is planning major cuts in IHSS. The terminations are based upon the rankings that the county gave the IHSS recipients for the needs set forth in 30-756.2. DSS will have to issue a notice of action and these ranking will certainly be challenged at state hearings and in court. It is estimated that many limited English speaking elderly, disabled and blind of California will get a notice of action terminating their IHSS benefits in a language other than their primary language. If this occurs, it would be a violation of their Civil Rights.

SAN DIEGO COUNTY TOLD THEY CAN PAY CHILD CARE FOR STUDY TIME - On July 23, 2009, Janet Maroge of San Diego County asked "How is study time determined for an Active CalWORKs recipients who is attending College?" Alana Lee of DSS responded stating "... we do not have specific child care regulations addressing child care for 'study time'. If a county decides to reimburse child care for "study time" the

county must develop a policy and apply it consistently in all cases." MPP § 47-220.213 and 47-401.46.

SAN DIEGO COUNTY WANTS TO KNOW HOW TO GET OUT OF PAYING FOR CHILD CARE - On July 30, 2009, Janet Maroge of San Diego County asked: "We have an Active CalWORKs case with a mom, dad and 1 child. The dad is excluded felon on the CalWORKs case. The Mom and Dad are both attending Substance Abuse classes and are requesting child care. For the Mom this is her Welfare to work activity. Because the dad is not on CW, can we still authorize child care?"

So what is the answer? We do not have DSS's response, but MPP §47-220.2 states:

"...

...

Child care shall be paid for every client when the following conditions are met:

.212 Welfare-to-Work Activity Participating in a county-approved welfare-to-work activity; or
.22 Availability of Care

There is no parent, legal guardian, or adult member of the assistance unit living in the home who is able and available to provide care."

Dad is in treatment and not available. Does the county think he should forego treatment so the county won't have to pay child care?

VENTURA COUNTY WANTS TO CONTINUE TO SANCTION EXEMPT PREGNANT MOMS - On May 29, 2009 Mr. Edward Sajor of Ventura County was told by DSS "If a mother meets the WtW exemption requirements under § 42-712.47, then she is exempt from WtW participation for the duration of the exempt period and cures her previous sanction." But this was not enough for Mr. Sajor to do the right thing and stop the sanction. He then asked DSS whether or not the sanctioned person has to submit pregnancy verification to the Employment Service Worker (ES), which most likely had already been given to the Eligibility Worker (EW). The coun-

ty was not told that the ES worker should ask the EW for the verification. Ventura County wants to pregnant women to personally deliver a copy of the same verification that most likely has been scanned and available on CalWIN to delay curing the sanction.

County Welfare Department Victim Report

CAPI BENEFITS STOPPED WITHOUT EVIDENCE IN LOS ANGELES COUNTY - On December 19, 2008, Mr. 08365080 of Los Angeles County received a NOA terminating his CAPI benefits because his immigration status did not meet CAPI eligibility requirements. At the hearing the county could not produce any evidence to support their action. The claim was granted and this victim is back on CAPI again. We wonder how many other CAPI recipients were terminated at the end of December 2008 because of their immigration status when there was no such evidence.

LOS ANGELES COUNTY SANCTIONS WORKING MOMS - Ms. 09050424 has been working since September, 2007 in Los Angeles County. She is a single mom with one child. She has been reporting her income and her earned income has been used all that time to reduce her cash aid. The county has had verification of her earned income since 9-07. The county has included her hours for meeting the TANF work participation rates (WPR). This all sounds good except that all this time she was also sanctioned. Yes, a sanctioned persons work is being used by Los Angeles County to compute their TANF WPR, but her earned net countable income is being deducted from

a MAP of 1 rather than 2. This is how Los Angeles County rewards welfare recipients for meeting the TANF WPR – SANCTIONS.

RIVERSIDE COUNTY CHEATS WELFARE MOM OUT OF TRANSPORTATION AND DSS JUDGE BACKS RIVERSIDE COUNTY IN THIS SCAM

On October 28, 2008, Ms. 09105158 of Riverside county reported that she had a job. She explained that the training portion of the job would require her to travel from Lake Elsinor to Pomona, Glendale and other long distances. The Riverside Employment Services Counselor (ESC) entered the following information into the case record: "We will only continue to authorize mileage through December 2008 as customer will be off aid due to earning and will have access to free transportation through her employer, Metrolink."

Ms. 09105158 submitted a travel claim for December on January 10, 2009 for 1,681.52 miles. The ESC called Ms. 09105158 and informed her that her request was denied and that "the Welfare-to-Work Program would not reimburse her indefinitely." The ESC reminded Ms. 09105158 that "she would only be reimbursed the first two months to assist her as she drove to and from different locations in Los Angeles and San Diego County."

On January 15, 2009 Riverside County sent a Notice of Action stating, "as of January 15, 2009, the Welfare-to-Work payment for public transportation is available. You have available transportation the job." The notice of action made no mention of the disposition of the 1,681.52 mileage reimbursement request.

Ms. 09105158 filed for a state hearing. The hearing decision written by ALJ Leotaud Enaj stated that the "claimant denied having transportation through her job. She testified that her training continued through May 2, when her probation ended. The claimant also provided a schedule that indicated that the time she must report to work varies. One document indicated she reported for duty December 2008, 6:30 a.m. the second week of December 2008,

and 5:50 a.m. the following week. As such the claimant stated if there was public transportation available it would not her to work and back within two hours."

ALJ Leotaud Enaj found "while the claimant maintained that her training continues through the end of probationary period ending May 2, 2009, she failed to corroborate that claim with any credible documentation. Hence, it is found the claimant's training period ended no later than January 31, 2009."

ALJ Leotaud Enaj goes on to state: "ACLs 00-54 and 00-12 provides ... Counties must reimburse a WTW participant for mileage for using a private vehicle if there is no public transportation available, or round-trip travel time using public transportation exceeds two hours. The two-hour round trip excludes transporting children to school or child care. The county must pay mileage at the rate used in the county."

If a participant is commuting across county lines to participate in a county approved activity the county must reimburse the participant for mileage, even if the reimbursement amount seems excessive. Capping, or imposing a limit on supportive services is prohibited under MPP §42-750.11 and ACL 00-12."

This judge ignored section 42-750.11 that mandates the county to pay supportive services not only for training, but also to "maintain employment."

42-750 .11 Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21.

In this case ALJ Leotaud Enaj only ordered the county to pay for December, 2008 and denied transportation for January, February, March, April and May, 2009.

FACTS According to the DSS WtW 25 reports during May, 2009, statewide 47% of the unduplicated participants did not receive transportation. See **table #1** for percentage of WtW participants not getting transportation services during May of 2009.

That is 69,078 individuals who did not receive transportation. Assuming the average transportation payment is \$50 a month. Looking another way this means every year county welfare department cheat welfare recipients out of \$41 million.

That is also like 47% of the welfare workers not submitting a travel claim.

Riverside County does not pay 48% of the WtW participants and people like ALJ Leotaud Enaj are part of this problem.

DSS has agreed to do a workgroup to combat this problem, but it has not happened yet. So the problem continues, and many of California's poor are denied needed transportation funds to allow them to find and maintain employment.

		Percentage of Participants Not Receiving Transportation During May, 2009
Statewide	46.89%	T A B L E #1
Siskiyou	97.85%	
Napa	92.49%	
Ventura	90.46%	
Tulare	89.06%	
Mendocino	81.45%	
Imperial	79.62%	
Trinity	76.12%	
El Dorado	75.98%	
Kern	75.55%	
San Mateo	74.94%	
Yuba	74.61%	
Butte	73.80%	
Santa Barb	73.49%	
Contra Costa	69.18%	
Alameda	68.53%	
Orange	68.21%	
Placer	67.61%	
San Fran	65.77%	
Yolo	65.24%	
Madera	64.78%	
San Joaquin	64.58%	
Sutter	63.14%	
Amador	62.86%	
Merced	62.30%	
Sacramento	60.91%	
Humboldt	60.46%	