

CCWRO Welfare News

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County Welfare Department WtW Sanctions Hurt Poor This Christmas

This Christmas an estimated **97,868 impoverished children** would have a bad Christmas due to Welfare-to-Work sanctions that bring the benefits of a family of two (2) down to 21% of the poverty level. An estimated **\$6 million dollars** will be taken away from these families for the month of December of 2009.

Table #1 reveals the percentage of WtW participants who have been sanctioned by major counties, the economic cost of those sanctions to impoverished

families in these counties and the number of children who suffered due to these sanctions. Most sanctions are caused by county failure to provide supportive services, such as childcare and transportation. In California about 50% of the WtW participants are not being paid for transportation. Childcare cannot be paid unless the provider is trustlined weeks and sometimes months.

COUNTY WELFARE DEPARTMENT CLIENT ABUSE REPORT

Ms. 2009154029 of Riverside County was sent a notice of action dated June 16, 2009, informing her that effective July 1, 2009, her cash aid benefits would be decreased from \$533.00 to \$326.00 per month, because she had failed to participate or did not make good progress in her assigned Welfare to Work activity. What does the law say about an adequate notice of action?

Adequate notice is define in EAS §22-001(a)(1) which provides:

22-001(A)(1) "The following definitions shall apply wherever the terms are used throughout Division 22.

(a) (1) Adequate Notice - A written notice informing the claimant of the action the county intends to take, the reasons for the intended action...."

In this case the notice was not adequate because it did not specify the "reasons" for the specific action. The Notice of Action did not specify what activity she failed to meet

October 2009	Cases Sanctioned	Unduplicated Participants	Percentage of Unduplicated Participants Sanctioned	Dollar Cost to Impoverished CalWORKs Families (in thousands)	No. of Children Who Suffered in 8/09
TABLE #1					
Statewide	48,934	149,309	33%	\$6,361,420	97868
Alameda	1,472	5,975	25%	191,360	2944
Fresno	3,262	8,635	38%	424,060	6524
Kern	4,746	4,953	96%	616,980	9492
Los Angeles	13,311	36,745	36%	1,730,430	26622
Madera	292	664	44%	37,960	584
Merced	1,037	1,779	58%	134,810	2074
Riverside	4,169	8,362	50%	541,970	8338
San Bern.	6,971	12,609	55%	906,230	13942
San Diego	1,297	10,433	12%	168,610	2594
San Francisco	390	1,851	21%	50,700	780
San Joaquin	971	4,214	23%	126,230	1942
Santa Clara	991	4,818	21%	128,830	1982
Santa Cruz	263	750	35%	34,190	526
Stanislaus	1,135	2,528	45%	147,550	2270

Source: DSS October, 2009
 WtW 25 and WtW25A reports

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or make good progress in. It also failed to say whether was the problem that she did not make good progress or that she did not do what she was supposed to do. Finally how does one make good progress in job search? Is failure to find a job "bad" progress and finding a job "good" progress? Has anyone from Riverside County looked at the unemployment rates lately?

Moreover, this is not a 30-day notice of action as required by EAS §42-721.23

"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."

Ms. 2009154029 filed for a state hearing. The deficiency of this notice of action was not addressed in the hearing decision. The hearing decision indicates that "...

Her Welfare to Work activity plan included Job Search from May 27, 2009 to June 5, 2009, which required that she go to class from 8 am to 12 noon, and look for a job on her own Monday through Thursday, for a total of 35 hours per week, and Job Club @ 35 hours per week thereafter, with the activities being the same as Job Search."

The hearing decision further states:

"The county provided evidence of having made a mental health referral in the case in 2007, and that at that time; the clinical therapist who evaluated the claimant determined that the claimant was capable of working full time.

In response, the claimant submitted into evidence a Riverside County Department of Mental Health Consumer Care Plan, testifying that she had met with a therapist on September 21, 2009 and again on Sep-

tember 28, 2009. In pertinent part, it indicates the following: "Client present with depressive symptoms that include inability to sleep, feelings of hopelessness, crying spells, inappropriate guilt and loss of concentration. It also indicates that the therapeutic "intervention" is to "Provide individual counseling sessions to help alleviate barriers to employment."

Riverside County shall rescind its notice of action, and shall not decrease the claimant's cash aid benefits from \$555.00 to \$340.00 per month. The county shall provide the claimant with all appropriate retroactive benefits to the extent that the claimant has not received such benefits through aid pending this hearing decision, as otherwise eligible."

Ms. 2009154029 was one of the lucky ones who asked for a hearing and got justice. Thousands like her did not understand that they can ask for a hearing or were afraid to do so and have been unlawfully sanctioned without an adequate notice of action.



From
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