

CCWRO Welfare News

Coalition of California Welfare Rights Organizations, Inc.
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August 16, 2010
Issue #2010-20

In Brief

■ On April 1, 2010, DSS contacted United States Department of Agriculture, Food and Nutrition Service (FNS) asking that FNS reconsider its policy of cashing out all SSI households (HH) and allow California to issue food stamp benefits to “pure” SSI households (households composed solely of SSI recipients) but continue cash out for “mixed SSI households. FNS denied this request.

In 1973 when California decided to cash out food stamps for SSI recipients, less than 30% of SSI recipients were receiving food stamp benefits. The primary reason for such low participation was the fact that county welfare departments had many barriers to participation, many of which are still in place today, and the benefits were about \$10 a month for most HH's. In CDSS's proposed Food Stamp Cash Out Program, all SSI recipients would have received \$10 a month of Food Stamp money with their SSI monthly check.

A recent analysis done by Mathematica Policy Research, Inc., commissioned by California Food Policy Advocates, revealed that on the average, cashing out food stamps for SSI recipients would not yield

much more than the current \$10 cash out that SSI recipients currently receive as part of their SSI checks.

■ Los Angeles County DPSS asked CDSS on June 17, 2010 whether or not the county needed a medical statement to classify a food stamp recipient exempt whose unfitness is apparent. On June 21, 2010, Robert Nevin of DSS Food Stamp Division responded: “There is nothing in the regulations that requires a doctor's statement to verify unfitness. The CWD would only request such a statement from the client if unfitness was not apparent.”

■ The CalWIN computer consortia promulgates forms that are used by CalWIN counties if they want to use them. Such forms are not approved by the single state agency (CDSS) in charge of the Food Stamp program and CalWORKs in California. One of these forms is Form CSC 66 (05/09) Attendance Sheet, which requires WtW participants to have their participation a WtW activity signed “under penalty of perjury” by the program provider, such as the job search club, workfare site supervisor or college professors. Following a request from advocates, Sacramento County will stop using the CSC 66 form.

■ The July 14, 2010 Federal Register reveals that, nationally during May of 2009, food stamp applicants spent 4,834,224 hours completing food stamp applications. During that same period, food stamp recipients spent 3,887,814 completing annual recertification forms.

• In May of 2009, only 2 states, Minnesota and South Dakota used monthly reporting. California is the only state that uses quarterly reporting. All other states use semi-annual reporting.

■ On July 22, 2010, the Social Security Administration published a Notice of Proposed Rulemaking regarding procedures for hearing determinations and hearings. The proposed rule provides that the advisors of the administrative law judge (ALJ) would review cases. The advisor could propose to issue a fully favorable decision without having a hearing. If the proposed decision was partially favorable, the claimant would have an option to accept the decision or have a hearing. CDSS could adopt such a policy. It may resolve issues that need not go to a hearing since many county position statements clearly reveal that counties fail to meet their burden of proof.

■ In a June 22, 2010 email CDSS Food Stamp Policy unit informed DPSS that “the provisions of MPP § 63-405.7, regarding obligations of sponsored immigrants to obtain cooperation of his/her sponsor, do not apply once the CWD has determined the adult-sponsored noncitizen(s) is indigent or otherwise exempted from deeming. Upon receiving an application from an adult-sponsored noncitizen seeking food stamp benefits, the CWD must first determine whether the household is indigent. To do this, the CWD must first establish whether the noncitizen is 'unable to obtain food and shelter.' The term 'unable to obtain food and shelter' has been defined to mean that the sum of the eligible-sponsored noncitizen household's own income, the cash contribution actually received from the sponsor and others, plus the value of any in-kind assistance the sponsor provides, does not exceed 130% of the Federal Poverty Level (FPL) for the household size. The adult-sponsored noncitizen is entitled to self-declare that s/he is indigent, in which case, a determination of deemed income from the sponsor and verification of the sponsor's income cannot be required by the CWD; verification of the sponsor's income creates a barrier to program access.”

Los Angeles County Violates a Slew of State Food Stamp Regulations

Venice Welfare Rights Organization in Los Angeles County reports that on August 10, 2010, they went to DPSS District #60 to help people and witnessed widespread violation of the fol-

lowing food stamp regulations:

MPP §63-300.32. The household shall also be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative.

MPP §63-300.33. The CWD shall document the date the application was filed by recording on the application the date it was received by the food stamp office.

MPP §63-300.21 -- Prescreening Applicants. Applicants shall not be required to complete any CWD developed prescreening form.

MPP §63-300.34. The CWD shall make application forms readily accessible to potentially eligible households. The application form shall be provided to anyone who requests the form.

MPP §11-601.311 Provide individuals the opportunity to file an application for and receive Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law.

(a) Make applications for such benefits readily available to individuals.

The state regulations cited above provide that Los Angeles County DPSS must make the SAWS1 application forms “readily available.” The workers at District #60 are ordered not to give out the SAWS 1 until a large assortment of documents (some not part of the state system) are completed and the clients have seen a worker (investigator).

Some applicants are unable to stay at welfare office for long periods of time and must leave without filing a SAWS1. By the time families have jumped through the hoops to get to the SAWS1, the county has deprived households out of millions of dollars worth of food stamp benefits. This seems to be regular practice at many oth-

er DPSS offices in Los Angeles County.

Advocates of the Venice Welfare Rights Organization brought this issue to our attention.

Sacramento County Welfare Worker Needs a Review

Ms. 1B18D27 received several Notices of Action (NOA) filled with errors. The NOA dated 7/20/10, states that Ms. 1B18D27's food stamps would not change. The next NOA dated 7/20/10 changed her food stamp benefits, from \$526 to \$469 because her income had changed. What income? Then another NOA dated 7/20/10, stated that she had reported income of \$461 on her QR7 that would be applied to her benefits for the months of August, September and October. On the QR-7 Ms. 1B18D27 reported two checks of \$150 and \$119, which does not total \$461.

The second column of the 7/20/10 NOA reveals that the worker was using \$161 of self-employment and \$300 of “other nonexempt income.” It is unclear where the worker found the \$300 in “other nonexempt income.” We cannot blame CalWIN for this incompetence.

CDSS and Sacramento County Department of Human Assistance should review all cases by this worker to make sure that other clients are not being cheated out of their benefits. Additionally, this worker raised her voice at Ms. 1B18D27 in public, ordering her to work 35 hours a week. Of course, the maximum required for a recipient who must participate in welfare-to-work activities is 32 hours per week, and that participation does not need to be employment.