

# CCWRO Welfare News

Coalition of California Welfare Rights Organizations, Inc. [CCWRO.ORG](http://CCWRO.ORG)  
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## In Brief

○ On June 29, 2010, Riverside County asked DSS if "...a person would be eligible to receive permanent housing if she is receiving CalWORKs aid paid pending?" On July 2, 2010 DSS responded, "The household retains recipient status pending the hearing decision. As such, there is no basis to deny eligibility for permanent housing assistance to an AU that is in receipt of CalWORKs aid paid pending."

○ Tulare County informed DSS that the county is getting reports that TANF clients from Arizona are coming to Tulare County because they are afraid that Arizona will deport them.

○ San Diego County informed DSS that the county is considering conducting an Extended Hours Pilot in the East Region Family Resource Centers (FRC). The plan is to have the office be open four (4) days a week and closed to staff and the public on alternate Mondays and Fridays. The pilot FRCs will accept applications from 7:00 a.m. to 6:30 p.m. with same-day interviews for applications submitted by 4:45 p.m.. Processes have been identified to meet the expedited timeframes.

○ On July 8, 2010, LA DPSS asked DSS, when computing an IHSS overpayment, the Los Angeles District Attorney and California Department of Health Care Services Chief Fraud investigator Chuck Conly claim that they "... collect the gross amount rather than the net amount received by the provider" when computing the overpayment

On July 8, DSS responded stating "We have looked into this and determined that for a provider overpayment, the provider should be asked to pay back the net amount of the payments he/she received. This is indicated on page XII-B-12 of the CMISP Manual (Special Instructions, Section III)." Hopefully, this will stop Los Angeles County from defrauding low wage earners being abused by law enforcement officials. We just wonder how many

other counties are defrauding IHSS providers by demanding gross income in lieu of the net income that they received.

○ On July 17, 2010, San Luis Obispo County asked if an IHSS recipient is living in a condemned house, could that recipient receive IHSS services? On July 23, 2010, DSS promulgated a new rule that living in a condemned house would not meet the definition of "own home" since the applicant is living illegally and unsafely at the place he chooses to reside.

There is nothing in the state regulations that support this unlawful rule promulgated by DSS. In fact, it is contrary to state regulation MPP §30-700(o)(2) which expressly sets forth what does not constitute "own home" and condemned housing is not one of the exceptions. Moreover, the regulation states that "own home," means a place that the applicant or recipient "chooses to reside" and not where the county or the state bureaucrats think they should reside.

*MPP §30-700.1 The In-Home Supportive Services (IHSS) Program provides assistance to those eligible aged, blind and disabled individuals who are unable to remain safely in their own homes without this assistance. IHSS is an alternative to out-of-home care. Eligibility and services are limited by the availability of funds.*

*MPP §30-700(o)(2) "Own Home" means the place in which an individual chooses to reside. An individual's "own home" does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. A person receiving an SSI/SSP payment for a nonmedical out-of-home living arrangement is not considered to be living in his/her home.*

○ Los Angeles County is planning an on-line web application system for CalWORKs and Food Stamps to be launched December 31, 2010 similar to the "C4 Yourself" system. The person heading this project is Hayward Gee, DPSS Information Technology Manager, and Eligibility Systems.

## IHSS Data Confidential?

The CDSS Disability and Adult programs division, Adult Services Branch, Adult Programs Systems Unit publishes monthly statistical reports that contain information about service assessment summary, management statistical summary, recipient summary characteristics listing and discontinuance from IHSS eligibility by reason. However, don't look for this report on the website. CDSS does not publish this report. The only report that can be found on the CDSS web page is the IHSS monthly reports that stopped in April of 2003.

The reason? The reports are "confidential". At least that is what each page of this information produced with taxpayer dollars that does not contain "national security information" allege. This may reflect CDSS's efforts to be transparent – hide taxpayer paid information from the public.

During August 2010 the report reveals that 1,087 IHSS recipients asked the counties to close their case. It is called "recipient request". Anytime we see data showing that recipients are asking the county to stop their benefits raises many red flags and we suspect county abuse of IHSS client. 14 counties state that about 20 percent of the monthly discontinuances occur because the IHSS recipients call and voluntary state, "Please stop my IHSS".

# COUNTY CLIENT ABUSE REPORT

○ On 9/1/10, Ms. **B161K21 of Los Angeles County** received a notice of action stating that she will receive \$1,270 in August, 2010, \$1,270 in September, 2010 and \$1,905 in October, 2010. Ms. B161K21 work hours and wages will be the same for each of the three months. When her advocate called District #31 for clarification, District Director Derrick Robinson promised to call back or have somebody call back. This never happened. DPSS district #31 is famous for being a "bad" office in the Los Angeles community.

○ **Ms. B18SF39 of Los Angeles County** received a letter from DPSS dated 7-12-10 stating that her worker would call her on 8/27/10 for a food stamp annula recertification. Nobody called. Ms. B18SF39 called and called, but could not reach the worker. The worker only talks to DPSS clients 1 or 2 hours a day. The rest of the day workers are what is called "protected time" from bothersome customers.

When an advocate contacted DPSS, the advocate was told that DPSS included a statement on the notice dated 7/12/10 that the county would only call if the recipient returns the completed package. Ms. B18SF39 stated that the 7/12/10 letter did not contain this information. However, Ms. B18SF39 did complete the packet and mailed it to Ms. Mora on 9/3/10. On 9/18/10, Ms. B18SF39 received a notice of action that her food stamp benefits will be terminated for failure to complete the food stamp annual redetermination process.

○ Ms. L.H. of San Bernardino County was assigned to a job search activity. Her husband also participates in a WtW activity. Ms. L.H. 's child has emotional problems and must be picked up from school at 2:30. This means that Ms. L.H must leave the WtW activity before 2:30 p.m. to pick up her minor child. San Bernardino County prohibited her from leaving before 2:30 p.m. to pick up her child from school. She opted

to protect her minor child in lieu of obeying the San Bernardino County. As a result San Bernardino seeks to sanction her. Travel to her activity site takes 2 hours and 19 minutes to go by public transportation and 2 hours and 21 minutes to return home. In most civilized counties this is called "remote" and the participant would not be sanctioned. But San Bernardino County is in a different planet and adheres to different laws.

She received a notice of action (NOA) dated 9/15/10 stating that her food stamps would be changed from \$0 to \$494 because she did not follow the CalWORKs WtW rules. The NOA fails to state what rule she did not follow, when she failed to follow these alleged rules and what exactly she could do to fix this situation. In September Ms. L.H received \$612 in Food Stamps and not \$0 as incorrectly alleged in this NOA.

She also received another NOA on 9/15/10 stating that effective 10/1/10 her monthly cash aid would be changed from \$0 to \$595. The NOA alleges that the reason for the proposed action is that Ms. L.H "...failed to participate or did not make good progress in an assigned Welfare to Work activity." In September Ms. L.H received \$710 and not \$0 as incorrectly alleged in this NOA.

The notices are totally inadequate and not timely. State regulation, MPP § 42-721.23 state "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." There were many other problems with this NOA that would take several pages to describe. This victim has asked for a state hearing. The victims are not sure if San Bernardino County would stop the sanction pending the hearing request as required by law. With San Bernardino County you never know.