

CCWRO Welfare News

Coalition of California Welfare Rights Organizations, Inc.
1901 Alhambra Blvd. Sacramento, CA 95816

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In Brief

○ On 5-13-11 Mary Harrison of San Diego County asked DSS if a social worker can sign the SOC 426A form in certain circumstances. On 7-1-11 DSS responded that only authorized representatives are allowed to sign the SOC 462A forms. However, if the authorized representative is the provider, then the authorized representative cannot sign the SOC 426A. DSS cited no regulation to support this “underground DSS statewide rule” that authorized representatives who are also the providers are not allowed to sign the SOC 426A.

○ On 4-20-11 Nancy Lopez of Los Angeles DPSS asked DSS if the county is supposed to recover the gross or the net overpayments for hospital stays from an IHSS provider who claimed IHSS hours while the IHSS was in the hospital? On 5-4-11 DSS responded that the hospital stay overpayments would be the net amount of money received by the provider and not the gross.

○ The recent federal debt limit deal created a special committee to enact deficit reduction measures by January 2012. If the committee does not come up with a plan, then there are automatic reductions that would take place to discretionary programs and the defense programs. The legislation exempted TANF, Food Stamps, Medi-Cal along with Social Security and Medicare from the automatic cuts. On the other hand Legal Services is a part of the discretionary programs that are vulnerable to these cuts. This does not mean that the exempt programs are not targets for cuts.

NEW PROPOSED FLEEING FELON FEDERAL RULES PUBLISHED

On August 19, 2011 FNS published in the federal register a proposed rule to implement Section 4112 of P.L. 110-246 relative to the Food Stamp fleeing felon rule. The proposed rule admits that current federal regulations fail to define what constitutes a “fleeing felon” or “probation or parole violation.”

Current law assumes that a person is a fleeing felon if there is a warrant out for their arrest. FNS has decided not to follow the Martinez v. Astrue settlement about the Social Security fleeing felon rule that limits application of the fleeing felon disqualification to persons who have an outstanding warrant for felony for escape, flight to avoid prosecution or confinement and flight-escape.

FNS believes that P.L. 110-246, which was passed after the Martinez settlement was approved by the court, forces FNS to include any felony as a basis for disqualification as a fleeing felon.

Under the proposed rules in order for the fleeing felon rule to apply, the state food stamp office would have to prove t (1) a felony warrant was issued; (2) the food stamp recipient was aware of the warrant or knew that the warrant was issued; (3) that the recipient or applicant has not taken some

action to avoid the warrant; and (4) a law enforcement agency must be actively seeking the individuals.

The food stamp worker has to have verification that the law enforcement agency is actively seeking the person against whom a warrant has been issued.

The regulation also requires that the food stamp agency verify that these four elements are present even if the applicant or recipient states that they have a warrant out for their arrest. FNS states that often applicants or recipients may not understand what type of warrant they have out there or whether or not law enforcement is really interested in catching them.

Comments on these regulations are due October 18, 2011. You can view this proposed rule at:

<http://www.gpo.gov/fdsys/pkg/FR-2011-08-19/pdf/2011-21194.pdf>

CCWRO NUMBER OF THE WEEK

DSS DPA 266 Fraud Activity report reveals during June of 2011 of the cases investigated welfare fraud investigators the percentage of the cases that did not contain sufficient evidence to even support a simple allegation of welfare fraud? The number is:

72% of Waste

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