

CCWRO Welfare News

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Congressional Supercommittee Food Stamps Update

On Tuesday, November 1, the Senate passed H.R. 2112, a bill that proposes to protect funding for hunger-relief programs.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.2112>

That does not mean the fight is over – in fact it is only beginning.

All congressional committees are to make recommendations to the recently appointed Super Committee created by President Obama to balance the budget. We have to make sure our leaders know that budget cuts should not fall on our most vulnerable citizens.

There are many places in the process where cuts to these programs could happen. Here are some key dates/steps to this process (and are subject to change). November 1 – Passage of Agriculture Appropriations bill by the Senate which protects hunger-relief programs.

First week of November – House and Senate Agriculture Committees work to find a balance between the two different Appropriations bills.

Recommendations Made – These recommendations are sent to the Super Committee. NOTE: There is no way to predict what these recommendations could include. The recommendations may propose cutting SNAP (food stamp) by up to 4 to 5 billion dollars.

November 23 – Super Committee deadline to vote on its recommendations. December 2 – The Super Committee releases its recommendations for Congress to review prior to their vote.

December 23 – Deadline for Congress to vote on the Super Committee proposals.

Should the Legislature Restore the \$276 million Single Allocation?

Counties and their allies are trying to restore the \$276 million reduction in the CalWORKs single county allocation that occurred in 2009-2010.

This reduction was achieved by making participation in the inefficient WtW program, voluntary for parents with a child between the ages of 12 months through 24 months, and families with two or more children under the age of 6 years.

The proponents want to make participation in the WtW program mandatory for parents with a child between the ages of 12 through 24 months, and families with two or more children under age 6.

Many parents are still breastfeeding their babies at the age of one year. Moreover, the WtW program has a record – for every one participant that finds a job yielding income that make the family ineligible for CalWORKs, 10 participants are sanctioned and their meager benefits reduced by 30-40%. CalWORKs benefits are at the same level as they were 25 years ago.

Who will benefit from the \$276 million restoration to the county Single Allocation? County Welfare Directors would have more money under their control.

In a recent teleconference call participating welfare advocates concluded that this proposal restoring the \$276 million that would also restore the exemptions to parents with babies and minor kids would hurt their clients.

Who will be hurt? Thousands of families will see their benefits reduced by 30%-40%. Thousands of families will be forced to participate in a WtW activity and will not receive transportation services (about 50% do not get transportation in California). Many newborn babies will not have the benefit of being breastfed.

In a recent call welfare advocates participating in a conversation about this proposal concluded that the restoration of the \$276 million by restoring the exemptions would hurt their clients.

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Noteworthy Considerations

- To date, welfare advocates have not had any complaints from CalWORKs clients regarding this budget reduction. That is because, for the most part, current exempt families can volunteer and get services.
- The volunteering process can be improved immensely.
- If there is extra money to give to the county, the first place it should go is towards grants for CalWORKs impoverished families who are experiencing increased homelessness due to the slashed CalWORKs grant levels.

County Welfare Department
CLIENT ABUSE
REPORT

IMPERIAL COUNTY UNLAWFULLY DENIES APPLICATION - Ms. 201145360 applied for CalWORKs, food stamps and Medi-Cal on April 21, 2011. On May 20, 2011, her application was denied. She filed for a state hearing and DSS upheld Imperial County's discriminatory action in Imperial County.

Although she was most likely eligible for Immediate Need and Expedited Services, those benefits were denied without a notice of action, which is common practice in California during these hard times.

Ms. 201145360 was born in Brawley, California and is a U.S. citizen, but she is also Latino. It appears that she was told that she needed to have an address in order to receive CalWORKs, Food Stamps and Medi-Cal.

She had an appointment on April 28, 2011. When she applied for CalWORKs she indicated that she was living on Villa Avenue in El Centro, California. She had a lease, but had not paid the \$300 rent which is why she was applying for public assistance. She was getting all of her prenatal care in Mexicali, Mexico because she was not able to get medical care in the United States until she qualified for Medi-Cal. Her mom had Mexican medical insurance that covered her. Rather than foregoing care for her newborn, she chose the responsible way and made sure that she received care.

Imperial County decided to have a welfare fraud investigator verify that she lived at the Villa Avenue address. While Ms. 201147360 was still in immediate need, a welfare fraud investigator went to the Villa Avenue address.

DSS found in a hearing decision that, "On May 20, 2011, at approximately 2:30 PM the investigator conducted a home visit. The claimant was not there. The investigator met the homeowner who stated the claimant moved in late March and pays \$300 per month rent. The homeowner stated that a lady picks the claimant up (might be her mother). The ho-

meowner stated the claimant does not stay there all week, maybe three days a week. She answered questions about food preparation and indicated the claimant did not have any food in the home. The investigator was shown a bedroom and found many items on the walls and pictures that belong to the homeowner's 17-year-old granddaughter. She found only one drawer with baby clothes (which appeared to be used). There was no baby crib; no formula, no bottles and no clothing of the claimant were found. The investigator spoke to the homeowner's granddaughter, who pointed out most items in the dresser drawers were hers and the dresses hanging in the closet were also hers."

The claimant testified that she stays with her mother even though she rents an apartment at Villa Avenue. While staying with her mother, she is able to eat meals, whereas, at the Villa Avenue apartment there was no food available to her.

It appears in the record that Administrative Law Judge (ALJ), Alan Lenefsky, found it strange that the claimant, who was destitute, did not have new baby clothes or a crib. In fact, the hearing record makes a point that the claimant did not have new baby clothing or a crib.

The decision contains no evidence that this victim lives in Mexico. The evidence shows only that she was getting medical care for her baby in Mexicali (because she could not get health care in the United States).

The law is very clear: As a condition of eligibility one does not need an address. An applicant can use a mailing address. Moreover, the applicant or recipient does not have to be a resident of a particular county, but simply, a resident of the State of California. But welfare recipients are "guilty until proven innocent" and in this case, the applicant failed to meet the standard of proof – even after signing a statement under penalty of perjury stating that she was a resident Imperial County. The county, having no evidence that she lived in Mexico, denied her application for CalWORKs, Food Stamps and Medi-Cal. The decision was upheld by ALJ Alan Lenefsky.

RIVERSIDE COUNTY UNLAWFULLY TERMINATES FOOD STAMPS FOR AN ALLEGED FLEEING FELON WHO WAS NEVER CONVICTED OF A FELONY - Ms. 2011151021 applied for food stamps on December 6, 2010. The county granted the application and issued the claimant \$167 in CalFresh benefits for December 2010, and \$200 in benefits for January 2011. The county subsequently learned that a bench warrant had been issued for the claimant's arrest on November 18, 2010 and had been recalled on January 7, 2011.

The county determined the existence of the warrant made the claimant a "fleeing felon" and ineligible to receive CalFresh benefits in December 2010 and January 2011. On March 10, 2011, the county sent the claimant a notice of action stating that she had been over-issued \$367 in CalFresh benefits for December 2010 and January 2011 because she failed to disclose that she was a fleeing felon when she applied for benefits on December 6, 2010.

The claimant requested a state hearing. At the state hearing,

the county presented superior court records showing that the claimant was arrested on September 18, 1996 and charged with felony possession of a controlled substance (Health and Safety Code, §11377(a)) and misdemeanor marijuana possession (Health and Safety Code, §11357(b).)

At the state hearing in this matter, the claimant stated she could not be considered a fleeing felon because she was not convicted of a felony. The claimant noted she ultimately prevailed in court as the case against her was dismissed in January 2011. The claimant also indicated she wanted to discuss various actions that the county has taken over the past 14 years. When asked why she did not request state hearings in the past to dispute these past actions, the claimant stated she wanted to contest the actions at the time they were taken but that she did not know how to adequately defend against the county's actions. The claimant stated she now has that knowledge.

In this case, she was never convicted of a felony, yet the county imposed an overpayment against her without any evidence that she was a fleeing felon. This victim has been denied food stamps for years by this county, which cannot be remedied because the victim only has 90 days to ask for a hearing when food stamps are unlawfully stopped. Such is justice, but at least Administrative Law Judge Mark Hammond stopped this long line of injustices that victim #2011151021 has endured for almost a decade.

LOS ANGELES COUNTY CAUSES THE EXPENDITURE OF \$3,000 TO COLLECT AN ALLEGED \$188 OVERPAYMENT - COUNTY WAS WRONG-- On June 1, 2011, Los Angeles County mailed a notice of action to Ms. #2011168089 alleging that she had a WtW overpayment of \$188. She filed for a state hearing contesting the frivolous overpayment by Los Angeles County.

ALJ Peter Hemenway presided over the hearing. Los Angeles County insisted that they should collect the \$188 overpayment, even when the cost of collecting the alleged overpayment would be over \$3,000. This is a violation of federal law which provides that states should compromise overpayments when the cost of collecting exceeds the overpayment amount.

The claimant was referred to and attended Job Club. She missed several days of the job, but had good cause for missing those days. She did not complete the job club because of her missed days. The county provided her with a bus pass and clothing allowance. The ALJ ruled:

“The regulations require that a notice shall be sent to the WtW participant that if he or she receives an advance supportive services payment the unused portion shall be considered an overpayment, subject to recovery.

There is no evidence that the county ever sent such a notice to the claimant. The only notice sent in regard to the alleged transportation overpayments alleged that the reason for the overpayments was because the claimant did not have a good reason for failing to participate in job club.

But the evidence does not establish that the claimant did not have good cause for her failure to participate in her WtW activity. The county would not have indicated that the failure to attend job club had been “resolved”. And the county would have sanctioned the claimant if her failure had been without good cause.

Since the reason given for the alleged transportation overpayment on the notice and at the hearing has been shown to be without merit (and the county did not send the required notice informing the claimant that the unused portion of a supportive services advance payment would be considered an overpayment, nor did the county establish that there was an unused portion of the travel advance) the transportation overpayment is set aside.

It has been found that the claimant did provide receipts for her clothing advance, and that there was only one clothing advance for which she could have provided receipts.

(In addition, as stated in the above paragraph, the county never notified the claimant that an advance supportive services payment that went unused would constitute an overpayment.) Therefore, it is concluded that there was no clothing overpayment.”

ORANGE COUNTY DENIES MEDICAL EXEMPTION BY SUBSTITUTING THEIR NONMEDICAL JUDGMENT FOR THAT OF THE MEDICAL EVIDENCE NOT UPHOLD IN A STATE HEARING-- Ms. 2011159342 of Orange County has a child with medical problems. Her child constantly has problems breathing and also frequently urinates. The child suffers from bladder infections caused by the urinations. The claimant administers medications (albuterol) to the child four times daily, approximately every 3-4 hours to prevent wheezing and other medications to address wax buildup in her ears. She also must monitor all urinations by documenting each instance and by using a “urine hat” to save the urine for testing. The child's recent caregiver has quit because the child “requires too much attention.” The claimant believes that she is the person best suited to care for her daughter at this time.

She requested an exemption from the WtW program, which was denied by Orange County. Orange County refused to accept the medical statement of her doctor that she could not work because of her child's medical condition. Orange County decided that they are better suited to make medical decisions than her doctor. In this case ALJ Jack Alanis concurred with the doctor.