

CCWRO Welfare News

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COUNTY HUMAN SERVICES DEPARTMENT IMPEDE CALWORKS PARTICIPANTS EFFORTS TO ACHIEVE SELF-SUFFICIENCY

Sacramento County exempted Ms. B. from the WtW program due to a chronic disability. She then volunteered to participate in a WtW activity. This irritated the county WtW officials. Why is she volunteering?

Sacramento County decided that it has a right to determine if the activity that Ms. B wants to engage in is "appropriate" and does not exacerbate her chronic disability. The County WtW worker denied payment of supportive services because there is no WtW contract. The reason that there is no WtW contract is that the County believes that the activity is injurious to her disability. The County also recommended that she start taking prescription medications. The County is unable to cite any authority to support this position.

State law is very clear. Any exempt individual can volunteer to participate. Below are the statutes that cover volunteer participation in a WtW activity. The only restriction imposed by state law is if a volunteer fails to participate in a certain activity, then that volunteer shall not be given priority over another person who wants to participate in the same activity. There is nothing in the law that allows a county to determine whether a particular activity is appropriate for a voluntary participant.

WHAT SHOULD FOLKS DO? Any exempt person who wants to volunteer should complete a WtW 2 plan. The fillable WtW 2 form can be found at: <http://www.cdss.ca.gov/cdssweb/entres/forms/English/WTW2.pdf>.

Make a copy and take the original to the county welfare department. Make sure that the volunteer requests a receipt from the county human services department as mandated by Welfare and Institutions Code § 11256.

The WtW 2 form should be accompanied with a letter asking the county to respond within 30 days. If the county fails to respond within 30 days, then the CalWORKs recipient should assume that the request is denied and should request a state hearing as provided in Welfare & Institutions Code § 11328.2.

Welfare & Institutions Code § 11320.3 (c) provides that "Any individual not required to participate may choose to participate voluntarily under this article, and end that participation at any time without loss of eligibility for aid under this chapter, if his or her status has not changed in a way that would require participation."

Welfare & Institutions Code § 11322.4 provides: "It is the intent of the Legislature to fund welfare-to-work activities under this article so that all recipients of aid under this chapter for whom participation under this article is required can be served and, in addition, so that recipients voluntarily participating under this article can be served."

Welfare & Institutions Code § 11324.8(c) allows persons who are not required to participate to volunteer to participate in the WtW program.

Welfare & Institutions Code § 11327.5 provides: "(a) Sanctions shall be imposed in accordance with subdivision (b) or (c), as appropriate, if an individual has failed or refused to comply with program requirements without good cause and conciliation efforts, as described in Section 11327.4, have failed. (b) The sanctions provided for in subdivisions (c) and (d) shall not apply to an individual who is exempt from the requirements of this article but is voluntarily participating in the program. If that individual engages in conduct that would bring about the actions provided for in subdivisions (c) and (d), except for his or her status as a voluntary program participant, the individual shall not be given priority so long as other individuals are actively seeking to participate."

CDSS regulation M.P.P. §42-712.5 states that "Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.

.51 For purposes of Section 42-715.5, a volunteer participant is as follows:

.511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or

.512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .49, but who volunteers to participate."

Telephone Redetermination Interviews In Los Angeles a Nightmare

Los Angeles County DPSS mailed Ms. BOQ2265 a notice dated 3-7-12 that she will have a telephone redetermination for her CalWORKs and Food stamp benefits on 4-12-12 at 1:30 p.m. Nobody from DPSS called at the designated time.

At 2 p.m. she called her worker's number and a different worker picked up the phone. Donna Fitzlaff conducted the telephone interview and Ms. BOQ2265 that she must provide DPSS with the following verification:

1. Back Statement;
2. School attendance verification of her children;
3. Immunization verification already in the possession of the county for her five (5) year old child;
4. Car registration already in the possession of the county; and
5. Rent receipt that was the same and had not changed.

On 4-17-12 Ms. BOQ2265 personally hand-delivered all of these items to DPSS.

On 4-21-12, Ms. BOQ2265 received another notice of action stating that she had a redetermination interview on 4-30-12 at 10:30 a.m. Again, nobody called at 4-30-12 10:30 a.m.

She called her worker who acknowledged that Ms. BOQ2265 had completed the redetermination and the county had received all requested verification.

On 5-1-12 Ms. BOQ2265 received a notice of action stating that her CalWORKs, Medi-Cal and Food Stamp benefits will be stopped because she had not completed her redetermination. Ms. BOQ2265 is not alone. This is happening to many others in Los Angeles County.

County Client Abuse Report

Mr. K.B. of Sacramento County received a letter from Revenue and Recovery demanding that he repay food stamps benefits that he has never received. He has always received SSI. He asked if there is a law that says SSI recipients must pay back food stamps that were never received? The answer is no. What a mess.

Los Angeles County's Termination of Food Stamp Benefits Reversed - Mr. 201133269 of Los Angeles County received a notice of action stopping his food stamps for alleged failure to submit a complete quarterly report (QR-7). In fact, he had submitted the QR-7 to the County three times. The administrative law judge (ALJ) found in favor of Mr. 201133269.

Fresno County Stops Food Stamps Wrongfully - Mr. 2012003614 of Fresno County received a notice of action on May 12, 2011, stating that he was allegedly a fleeing felon. Mr. 2012003614, is not a fleeing felon but Fresno County stopped his benefits. Mr. 2012003614 presented himself at an administrative hearing and nobody was interested in locking him up for being a fleeing felon. The ALJ found that Mr. 2012003614 was not a "non-fleeing felon".

Fresno County Wrongfully Denies Child Care to a Working Mom - Fresno County Ms. 2012019220 of Fresno County works and needs childcare because she cannot take her child to work. Fresno County refused to pay childcare for the unsubsidized job because she could not take time off to meet with the Welfare-to-Work worker to sign a WtW contract. She filed for a state hearing hoping that she could get her child care paid, but that did not happen. In addition to the injustice meted out by Fresno County, she also failed to get justice from the ALJ. ALJ **Vincent Misenti** blatantly violated Welfare and Institutions Code § 11323.2 and the state regulations and policies and denied the claim for childcare. Ms. 2012003614 does not have to have a signed WtW agreement to be entitled to childcare. She is working.

Inadequate Notice Found Adequate and Justice is Denied by DSS - Mr. 2011292396 of Riverside County was sanctioned for allegedly not participating in the WtW program. He has been in witness protection program. On March 18, 2010, Riverside County issued a notice of action imposing a sanction effective April 1, 2010. He did not ask for a state hearing within the 90-day period. The ALJ found no jurisdiction for the hearing because the notice of action met the requirements of the state regulations. The ALJ Joann Sawyer-Knoll ignored MPP§ 42-721.23 that requires that notices imposing sanctions for the failure or refusal to comply with program requirements must be sent at least 30 calendar days from the effective date of the notice of action. In this case the county issued a 12-day notice of action and not a 30-day notice of action.

MPP42-72123 - Upon determination that an individual has failed to comply with program requirements, the CWD shall send a notice of action effective no earlier than 30 calendar days from the date of issuance.