



# CCWRO Welfare News-2022-07

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## IN BRIEF

**Tennessee Issues Back to School \$450 Benefits to TANF Families-** Tennessee TANF families with active cases since May 31, 2022, were eligible to receive a one-time payment of \$450 to help with back-to-school expenses for the 2022-2023 academic school year. Over 13,000 cases of Families First, Tennessee's TANF's program, were expected to receive the payment on July 1. California needs to do the same for the CalWORKs-TANF families here.

**Defective Notices Still Being Issued by California's Computer Systems (CalSAWS) -** Mr. 1BB431 received a Notice of Action, dated June 27, 2022, stating that his family's CalFresh benefits will stop effective May 13, 2022. After spending billions of taxpayer dollars, CalSAWS cannot produce a basic due process Notice of Action, which requires ten-day advance notice for reduced benefits. That is a fatal flaw in California's "county operated" deficient computer system.

**Counties Force Ineligible Immigrants to Apply for Medicare Benefits -** California counties, knowing full well that immigrants are not eligible for Medicare, still force them to provide verification of application for Medicare as part of the Medi-Cal application process. Immigrants just arriving in the US are not eligible for Medicare, but the counties still require California immigrants to apply.

After applying, some counties then deny Medi-Cal applications to immigrants who have been in the USA for less than five (5) years. This is a violation of ACWDL 19-13 that states:

*"In accordance with Title 22, CCR, Sections 50763(a)(1) and 50777, Medi-Cal applicants and beneficiaries must, as a condition of eligibility, apply for any other available health coverage, including Medicare, **if they qualify for it** and when no cost is involved. **Coun-***

*ties shall inform applicants and beneficiaries of their requirement to apply for Medicare if they are either citizens of the United States or are aliens legally present in the United States for at least five years..."(Our emphasis added)*

Counties, unlawfully force immigrants to apply for benefits to which they are clearly ineligible for.

## CalSAWS Update

BenefitsCal fails to provide verification of CalWORKs, CalFresh and Medi-Cal eligibility that providers, such as community college services, immigration, and housing services need so they can provide services.

It populates old information and for Medi-Cal-only cases don't get any verification at all. This could have been avoided if counties and CalSAWS didn't operate in secrecy intentionally excluding representatives of beneficiaries from the process.

**The BenefitsCal Quick Guides Not Accessible to Beneficiaries -** The BenefitsCal Quick Guides (written instructions) are not available on the BenefitsCal website, making it difficult for new users to figure out how to navigate the system. The Quick Guides on the CalSAWS website are placed in the "news" section rather than Resources or some other intuitive location. "Learning Tools" connects to Program information (which basically reiterates "Program Descriptions"), but not the Quick Guides or videos. The Quick Guides are available in English only. This is a violation of civil rights of CalWORKs/CalFresh/Medi-Cal beneficiaries whose primary language is not English. This could have been avoided if counties and CalSAWS didn't operate in secrecy intentionally excluding representatives of beneficiaries from the process

**Make an Error in BenefitsCal, Start All Over Again** - When beneficiaries applying for aid or trying to complete a SAR 7 or an annual redetermination get an error message code, BenefitsCal doesn't allow the beneficiary to choose an alternative. They get stuck and have to start over (or leave the website entirely).

**BenefitsCal Users Are Prevented from Reporting Problems Fully** - BenefitsCal users can't upload a photo/screen shot when reporting technical issues at the AskCalSAWS website. This makes it onerous to communicate and describe error messages. The difficulty of reporting technical issues directly through BenefitsCal and the failure of the system to invite feedback means that CalSAWS does not have access to important information about where and how problems are occurring.

**BenefitsCal Violates Civil Rights of BenefitsCal Users Who Do Not Read English or Spanish** - The email messages sent to LADPSS customers regarding the end of YBN and the need to create a BenefitsCal account were only in English and Spanish, and the link to translations was written only in English. Will LADPSS mail translate notices regarding the transition to BenefitsCal so that beneficiaries can understand? How will non-English speakers be able access messages in their language?

## COUNTY WELFARE DEPARTMENT VICTIM OF THE MONTH

Ms. SH#104819612 applied for CalWORKs in March and May. Both times, she met the requirements for Immediate Need and both times the county unlawfully refused to issue the benefits to which she was entitled. The small county requested multiple types of verification, including documents unnecessary, and prohibited from being requested, to determine eligibility.

Here are the CalWORKs verification rules:

*40-126.3 says the county can only ask for what is necessary to determine eligibility.*

*40-126.3 Require Only Evidence of Eligibility. The county shall require only evidence necessary to determine past or present eligibility for the amount or delivery of aid.*

*40-101.12 Prohibits the county from asking for unnecessary information.*

*40-101.12 It is the responsibility on all who are concerned with the administration of aid to do so with courtesy, consideration, and respect toward applicants and recipients and without attempting to elicit any unnecessary information.*

*40-115.22 limits verification requests to items needed to verify linking or nonlinking factors of eligibility.*

*40-115.22 Acceptable evidence must be obtained concerning the linking and nonlinking factors of eligibility. (See each Eligibility Chapter for what is acceptable evidence.) When such evidence does not exist, the applicant's sworn statement under penalty of perjury.*

*40-107 (c) (1) Linking Eligibility Factors -- Definition*

*Linking eligibility factors are those single conditions that link an applicant to a categorical aid program. These factors are: blindness and deprivation of parental care or support.*

*40-107 (c) (2) Nonlinking Eligibility Factors -- Definition*

*Nonlinking eligibility factors are those factors that establish whether an applicant is entitled to assistance under the program to which he is linked. Although the categorical aid programs have these nonlinking eligibility factors in common, the standards differ. The nonlinking eligibility factors are: age, property, residence, financial status and insti-*

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*tutional status.*

CDSS and County Welfare Agencies have presented data showing the CalWORKs caseload going down in recent months. Why would CalWORKs caseloads be dropping in a time when more Californians than ever need these benefits? It is simple. Counties often try all kinds of legal and illegal methods to deter needy residents from applying and receiving CalWORKs.

Ms. SH#104819612 is a classic case of the county complicating the application process. Ms. SH#104819612's home includes her husband and two children who applied for case aid on 3-7-22. A telephone interview was conducted on 3-8-22. Ms. SH#104819612 reported zero income and zero assets. They have a mortgage payment under \$2,000.

The county determined that they needed more verification. On 3/9/22 the county mailed a CW 2200 demanding copies of the following documents:

Marriage/Divorce certificate – This is a 2-parent family. Verification of marriage or divorce is not a condition of eligibility. The county testified at a state hearing under oath that they need the marriage certificate to make sure that paternity was established for all children. The county, having the burden of proof, refused to show any evidence that paternity was an issue for the children.

Proof of residence - Rent receipt - Mortgage payment - Verification of residence for 2-22 – The beneficiary was getting CalFresh in March and the CalFresh calculation included housing costs. The county admitted that proof of residency had been previously submitted, thus it is illegal for the county to ask for verification that has been previously submitted.

The County also impermissibly requested all bank statements (include all pages) showing balances, complete account numbers, and transaction history for the month of 02/2022 + 3/1/-3/7. The county cannot ask for verification of an item that does not impact eligibility.

Under current law, if the liquid resources ex-

ceed \$10,211, then the applicant is ineligible. The County had no evidence that there was more than \$10,211. In fact, the County did have a statement under penalty of perjury that the victim herein had less than \$100 on the SAWS 1 and/or SAWS 2.

Moreover, the SAWS 2 showed no assets.

School verification for the 17 year old daughter -0 failure to provide verification of school attendance should not result in denial of CalWORKs – A child between the age of 17-18 should be referred to WtW if the child is not attending school.

Proof of closed bank accounts – The county has no evidence that the bank accounts are open and has assets in excess of \$10,211. In fact, the victim has submitted a statement under penalty of perjury that she has no assets on the SAWS 1 and/or SAWS2. This is a violation 40-101.12 that states:

“It is the responsibility on all who are concerned with the administration of aid to do so with courtesy, consideration, and respect toward applicants and recipients and without attempting to elicit any unnecessary information.”

The county also requested proof for nonexistent assets, including any life insurance policies, proof of vehicle sales, absent parent, shared custody/visitation agreement (intact family) and income tax information.

This is not an aberration. This is typical county behavior - how to make families ineligible for CalWORKs seems to be the purpose of the program in many counties.

## For CalFresh Annual Redeterminations Lack of Statewide Rules and Inconsistent County Procedures Results in Food Insecurity

The California CalFresh annual re-determination process remains tedious and time-consuming which results in many individuals and families enduring hunger insecurity.

Today, we have telephone signatures and telephone interviews. Yet counties continue to mail packets of paper to be completed and returned. If the household completes the telephone interview, but the county does not get the paper back, the redetermination is denied in many cases.

The lack of consistent statewide rules for annual redeterminations results in small and medium counties not granting CalFresh benefits to those who qualify, forcing food insecure families to reapply for benefits.

**Table # 1** reveals while statewide 94% of the CalFresh cases are able to complete their annual redeterminations, in a number of small and medium counties very few are able to navigate the California “maximum county option” redetermination system. It should be noted that while CalSAWS wants to automate every piece of legislation even when it is not necessary, CalFresh annual redetermination process is not currently automated, thus, the degree of variance from large counties to small and medium counties.

**TABLE # 1 – Percentage of CalFresh Successful Redeterminations – Source: CF 296 CDSS reports based on county provided data**

Statewide	CalFresh Redeterminations Completed	CalFresh Cases Determined Eligible after Redetermination	% of CalFresh Cases Determined Eligible after Redetermination
Statewide	85327	80346	94%
Butte	708	1	0%
Merced	1096	11	1%
Monterey	947	11	1%
Madera	652	11	2%
Humboldt	627	11	2%
Imperial	580	11	2%
Shasta	454	11	2%
Yuba	351	11	3%
Marin	337	11	3%
Mendocino	291	11	4%
Placer	285	11	4%
Sutter	256	11	4%
Siskiyou	164	11	7%
Del Norte	139	11	8%
San Benito	126	11	9%
Tehama	120	11	9%
Calaveras	119	11	9%
Tuolumne	110	11	10%
Glenn	75	11	15%
Amador	59	11	19%