



CCWRO Welfare News-2022-11

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County Procedural Issues Cause Application Denials

County reporting demonstrates that more than half of public benefits applications are denied because otherwise eligible applicants cannot to navigate complex, unclear county application processes.

CCWRO has recently worked on multiple cases in which BenefitsCal has created insurmountable barriers in the CalWORKs and CalFresh application process. As the public-facing portal of CalSAWS, BenefitsCal is supposedly designed to accept and transmit verification from applicants to the case-worker. However, for whatever reason, it seems that applications sent through BenefitsCal never reach the case workers.

Recently, an applicant uploaded requested documentation for the CalWORKs and CalFresh application into BenefitsCal. The worker never received verification of the document upload and, within 8 days, issued a notice of action denying the application for failing to provide the requested verification.

Table #1 on page 2 compares the total number of CalWORKs applications denied for 2021-2022 with the total number of procedural denials.

Table #2 on page 2 compares the total number of CalFresh applications denied for 2021-2022 with the total number of procedural denials.

(Cont'd on page 2)

CalSAWS Update

CalSAWS' programming allows California's eligibility workers to sanction CalWORKs children for failing to attend school when the child is under the age of 16. Although school attendance is compulsory for California children ages 6 to 18, CDSS regulations state that CalWORKs sanctions apply only to teens aged 16 and 17.

See ACL 15-22E that stated: "The purpose of this errata is to provide clarification on the appropriate steps County Welfare Departments (CWDs) must take when a child age of 16 years of age and above is not attending school regularly and has been deemed a chronic truant. As a reminder, Pursuant to AB 2382, there is no action to be taken for children under 16 years of age." But the way the CalSAWS Eligibility Benefit Determination Calculation (EBDC) automation is programmed, families with children under 16 are still being sanctioned for attendance issues.

ACL 21-133 – REPLACEMENT OF STOLEN CALWORKS AND CALFRESH BENEFITS.

On October 29, 2021, CDSS released ACL 21-133. This ACL governed the replacement of CalWORKs and CalFresh benefits for beneficiaries who are victims of skimming, in which criminals steal the resources families depend on for their basic needs.

This ACL requires that beneficiaries complete Form EBT 2259 and report the crime to EBT and the county. It also requires that the victims file a police report for CalWORKs.

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TABLE # 1 - CalWORKs Applications Denied due to Applicants' Failure to Meet Procedural Requirements

Month/Year	Total CW Appl. Denials	Total CW Appl. Procedural Denials	%
21-Jul	13181	7215	55%
21-Aug	13950	7492	54%
21-Sep	13516	7411	55%
21-Oct	12506	6914	55%
21-Nov	13459	7609	57%
21-Dec	13616	8059	59%
22-Jan	11831	6907	58%
22-Feb	12091	6775	56%
22-Mar	12911	7183	56%
22-Apr	12131	6356	52%
22-May	12911	7183	56%
22-Jun	12847	6695	52%
22-Jul	12119	6343	52%
22-Aug	14118	7298	52%

TABLE # 2 - CalFresh Applications Denied due to Applicants' Failure to Meet Procedural Requirements

Month Year	Applications Approved	Applications Denied	Procedural Denials	%
20-Jul	82738	91396	53282	58%
20-Aug	101949	69454	42209	61%
20-Sep	98378	56940	37005	65%
20-Oct	98649	51660	35491	69%
20-Nov	96056	47723	32874	69%
20-Dec	126761	60719	41488	68%
21-Jan	131533	72615	52546	72%
21-Feb	118616	60888	43355	71%
21-Mar	122669	63512	45512	72%
21-Apr	101706	52979	37427	71%
21-May	90008	53486	38517	72%
21-Jun	115573	66206	46018	70%
21-Jul	125757	89455	66152	74%
21-Aug	135724	98677	68798	70%
21-Sep	126673	93541	68239	73%
21-Oct	145914	82514	68347	83%
21-Nov	131244	107161	80728	75%
21-Dec	126307	97482	72450	74%
22-Jan	122929	80218	57622	72%
22-Feb	124266	86068	62347	72%
22-Mar	144853	93146	64157	69%
22-Apr	129778	86766	58930	68%
22-May	125026	82730	54067	65%
22-Jun	134242	89243	58889	66%
22-Jul	132037	91722	60641	66%
22-Aug	147429	107909	70751	66%

**Lack of Language Access
Victimizes Ukrainian War Refugees**

A Ukrainian family in the Sacramento Region who fled from Russian attacks on their home country applied for RCA on July 7, 21,2022. The county sent English language Form RS 3 and Form RS 36 containing the instructions for completing the RS 3 to this Ukrainian-speaking, non-English speaking RCA applicant family. The referral notice telling them where to register RS 3 was also in English.

The referral had addresses and numbers. They called Folsom Cordova Adult school which had a recording that asked them to go to a computer link that would give them the schools where they could sign up. They fired up the link and the first school that showed up was Highlands. On 8-8-22 they went to the Highlands school. They were told they cannot sign the RS 3, but signed them up for ESL. The applicant mailed the school note to DHA. On 8-12-22 they received the NOA denying their application for RCA for failure to submit a RS 3. The family reapplied for RCA 10-4-22.

They were given an appointment for 10-18-22 at 9:30. At the interview appointment, the worker spoke English and did not schedule a Ukrainian interpreter so that the applicant could complete the interview.

On October 19, 2022, the applicants received a NOA denying the case because the applicants refused to have a "face-to-face" appointment with the DHA worker. Based on the SAC 2003, the interview was not a face-to-face-interview, it was a telephone interview.

Two months later, the refugee family is still without RCA benefits. Sacramento county continues to violate their civil rights to language access, produce incorrect and inaccurate NOA's and deny them the benefits to which they are entitled.

There are thousands of victims of these crimes in California who suffer hunger and homelessness due to the lack of automation of this process. We believe that CalSAWS leadership should re-assess this ACL for prioritization.

We understand there are many competing needs, and we hope that the severe impact to the consumers that are intended to be the central beneficiaries of this technology will be elevated and centered in decision-making. The ability to request reimbursement is an urgent need in an evolving landscape. We would strongly recommend that automation for ACL 21-133 be prioritized immediately and will continue to pursue advocacy on this issue.

CalSAWS PROGRAMS AID PAID PENDING DUE PROCESS FOR STATE HEARINGS IN VIOLATION OF STATE LAW

According to CALIFORNIA-DSS-MANUAL Aid Paid Pending (APP) Regulations quoted below, when a beneficiary files a timely hearing request before the effective date of the negative action, benefits such as CalWORKs, CalFresh (except for annual redetermination), Medi-Cal, CAPI, RCA, and IHSS must continue at the same level until a hearing decision is issued or the ALJ stops aid paid pending (APP).

In CalSAWS Medi-Cal benefits have been programmed to be correctly applied until the hearing is issued or the judge stops APP. However, it has been programmed to issue CalWORKs and CalFresh APP for *only one month* rather than until the hearing decision has been issued or the judge stops APP. After the first APP issuance, beneficiaries often have to contact the county to request issuance of APP for the next month. This creates a burden on beneficiaries who may not realize they even have the right to their due process benefits.

CalSAWS programming therefore violates Welf. and Inst. Code 10000 by denying beneficiaries their legally required benefit amounts.

CalSAWS automation also violates the due process rights of public social services beneficiaries by reducing their benefits without adequate notice.

This has caused great harm to beneficiaries. Many families have ended up homeless when they did not receive their APP on time. Many have endured food insecurity due to the unlawful CalSAWS programming of the APP process.

We strongly urge the CalSAWS leadership to prioritize a correction as soon as possible to avoid further violations of state law and regulations.

Aid Paid Pending State Regulations

22-072. 1 Upon receipt of a request for hearing or notice from the Department that a recipient has filed a request for a state hearing, the county shall provide aid pending the state hearing in accordance with Section 22-072, when entitlement exists.

11. Such payment shall be released for electronic benefit transfer, or either placed in the U.S. Mail or available for hand-delivery to the recipient (if agreed to by the county and recipient) within five working days of the receipt of the hearing request by the appropriate agency as specified in Section 22-004, or by the date the regular scheduled aid payment would otherwise have been paid to the recipient, whichever is later.

22-072.6 Aid pending shall cease when the decision is adopted and released, or:

61. The claimant withdraws or abandons the request for a state hearing (see Section 22-054.2).

62. The Administrative Law Judge determines, based on the record of the state hearing, that the issue involved in such hearing is one of law or change in law and not one of incorrect application of law.