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CDSS IHSS CMIPS Victim of the Month

IHSS beneficiary case number 2262300 received a notice of action dated 12/29/2023 stating that effective 01/01/2024 the IHSS service hours are reduced by 47.51. That is a 48-hour notice that violates state regulation MPP §22-001 (t)(1) that states:

(1) Timely Notice - A written notice that is mailed to the person affected at least 10 days before the effective date of the action. See Section 22-072.4 for computation of the 10-day period.

Why would the CMIPS system allow a notice of action be effective within less than 10-days? That is a major defect.

CMIPS is also violating MPP §22-072.5 that states:

“Except as provided in Sections 22-054.1 and 22-072.6, when the claimant files a request for a state hearing prior to the effective date of the Notice of Action, which is subject to Section 22-072.1, aid shall be continued in the amount that the claimant would have been paid if the proposed action were not to be taken, provided the claimant does not voluntarily and knowingly waive aid. This section shall not apply to CalWORKs (Welfare-to-Work) supportive services payments when a timely notice of the change or termination of supportive services has been sent (see Sections 42-750.213, 42-750.4). However, child care services may be continued as aid pending under Section 47-420.32, when appropriate. In the CalFresh Program, benefits shall be continued on the basis authorized immediately prior to the notice of adverse action.”

Often, NOAs issued by CMIPS is effective before the end of the month – in blatant violation of MPP 22-072.5.

CMIPS needs to be become complaint with duly promulgated state regulations governing California due process hearings for IHSS.

CalSAWS Malfunctions

• **CalSAWS Contact Center Hangs Up on Beneficiaries who Need Help** - Sacramento County migrated to CalSAWS in late October and now uses the CalSAWS call-center defective software. Ms. 104 968 065 did not receive her food assistance for January, 2024. She called the Sacramento CalSAWS call center on 1-4-24 and after waiting on hold for 45-55 minutes someone finally answered the call. The person answering the phone informed Ms. 104 968 065 that she had to have her case restored, then transferred the call to the CalSAWS call center person whose task is to do renewals. After transferring the call, the line went dead and the call terminated. She repeated the process several times on different days with the same result, a terminated call - no restoration of CalFresh.

• **CalSAWS Issued Bad Notices** - CalSAWS issued application denial notices of action to applicants whose benefits had been issued. This caused beneficiary hesitancy about using the money in fear that it would be labeled as “fraud” because they received a letter saying their application was denied while the benefits were on the card. The denial notices were sent out by CalSAWS in error creating anxieties among CalWORKs beneficiaries.

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- **CalSAWS costs worker time.** Workers must continually log on to their computers throughout the day since the machines automatically time out after five minutes. Then the worker must log on again and complete the double authentication process that takes time away from the worker doing their real job- helping people.

- **CalSAWS BenefitsCal is often down when folks are available to access BenefitsCal.** Many parents, working parents, cannot access BenefitsCal during the day and must wait until they have some quiet time to access BenefitsCal. Since CalSAWS and BenefitsCal are frequently down during the evening hours, working parents are not able to access BenefitsCal. Before CalSAWS and BenefitsCal, CalWIN would avoid going down until after 12 midnight. But CalSAWS never consulted the beneficiary community about this issue – since it's not “public facing” to CalSAWS.

- **CalSAWS Endangering Data Reporting** - At the November 17, 2023, CalSAWS meeting, staff presented evidence that flawed migration resulted in counties encountering “distinct challenges tied to data verification, data conversation”. These challenges prevent timely county submission of data reports which are needed by the public to gage county compliance with the laws and regulations governing public social services programs. While reports are late, CalSAWS is planning to have secret meetings with county staff to find out why is this happening. Meanwhile, data is not being reported timely as required by state guidance.

BenefitsCal under performs for CalWORKs (CW), CalFresh (CF) and Medi-Cal (MC) renewals.

During the November 17, 2023, CalSAWS board meeting it was revealed that applications submitted for CW/CF/MC from “all other channels” was 73% for CF, 74% for CW and 36% for Medi-Cal were submitted through BenefitsCal. The reason that the BenefitsCal utilization rate for Medi-Cal applications is low is because many

Medi-Cal applications accompany General Assistance/General Relief (GA/GR) applications that are unavailable in BenefitsCal and must be submitted in person.

What is notable is that for BenefitsCal beneficiary usage for renewals is more than 50% less for CalWORKs (31%) and CalFresh (30%).

The CalSAWS county welfare officials-controlled board did not take any action to investigate the reasons for such a low utilization of BenefitsCal renewals for CW/CF. Churning has always been an issue with CalWORKs and CalFresh beneficiaries. Many CalWORKs families end up homeless when their cash aid benefits are terminated for failure to meet the “county-centered” renewal business practices of California counties.

CalSAWS violates ADA by requiring an email address to access BenefitsCal

The current CalSAWS BenefitsCal (BC) portal, with shameless support of representatives, CDSS and DHCS, violates the American Disabilities Act (ADA) by requiring applicants and beneficiaries with disabilities to have an email address to have full BC access.

CalSAWS initially was going to allow any person with or without an email address to access BenefitsCal which is funded with more than 96% federal and state dollars. The rationale was simple. Covered California's portal implementing the Affordable Care Act, CalHEERS, did not require an email address, why should CalSAWS? There was also the fact that federal guidance required the portal to provide access to benefits in the same way that applicants have access in the local or state welfare offices.

But then, CWDA, the ones running CalSAWS, stepped in. The CalSAWS Board are all members of CWDA. It appears that some applicants on

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CalHEERS are creating multiple accounts given the lack of the mandate that one must have an email address to create a CalHEERS account. This was an annoyance for counties. And of course, CalSAWS is a system for the counties operated by the counties as stated by the president of CalSAWS at its inaugural meeting. Solution – require an email address.

There was no thought of involving the California public benefit community in equity implications. This was an underground rule-decision. The public was never involved in this autocratic CalSAWS decision making process.

CalSAWS alleges that this is a security issue. CDSS and DHCS jump in with two feet parroting the contrived excuse of CalSAWS. When the DHCS representative was asked if CalHEERS is not secure because they do not require an email address the question went unanswered – the answer is CalHEERS is secure. CalHEERS is not a system operated by the county for the counties. It is a system operated by the State for the public, not just the counties. They also have a meaningful process of including the public in their process.

CDSS and DHCS have become allies in this anti-client feature of CalSAWS embedded in BenefitsCal. CDSS and DHCS support the violation of American Disabilities Act by the CalSAWS BenefitsCal portal that requires an email as a condition of eligibility to apply for benefits on BenefitsCal for people with disabilities.

CalSAWS BenefitsCal Enhancement Priorities Stage

CalSAWS has said that no updates or enhancements could be completed until CalSAWS migration was completed. Now, with migration completed in 2023, there is a group of advocates, county and state representatives called the Enhancement Collaborative. This group accepts BenefitsCal enhancement suggestions from members of the collaborative and then votes on them.

Some advocates are interested in making BenefitsCal more user friendly and dynamic. Like automating the scheduling of CalFresh emergency assistance called “expedited service” processing,

automating the CalWORKs Immediate Need processing, simplifying the inter-county transfer process, and issues that impact beneficiaries.

The Quarter 4, 2023 enhancements that are up for voting are:

Duplicate applications – “This enhancement is in response to county concerns that they are receiving duplicated applications. It appears the enhancement is to delete duplicate applications. The solution is: *“add the ability to identify if an individual has already submitted an application. Duplicate applications create unnecessary work for the counties and could cause delays for the applicant.”*

Eliminating “duplicate” applications is illegal. State regulations provide that a person can apply “any-time”. Once an application has been filed, the law requires that the application is granted or denied with a due process notice of action.

“MPP §40-109.1 Right to Apply for Aid Subject to the limitations set forth in Section 40-117, any person has the right to apply for aid, either on his/her own behalf or on behalf of another. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application.”

Medical Bill Submission - The current design only allows one person of the family to submit a medical bill. This enhancement would fix the erroneous building of the BenefitsCal in the dark that limited the submission of a medical bill to one person of a multiple person family.

Vaccine questions for Medi-Cal applicants – The current design of BC asks Medi-Cal applicants for verification of vaccination. Medi-Cal does not require proof of vaccines. This is one of the features of the CalWORKs program that BenefitsCal erroneously applied to Medi-Cal – doing this work in the dark – not in public.

Orange banner – “The allegation is that the “Current design and functionality allows the public to apply for multiple cash aid program (CalWORKs & GA/GR) on the same application. This is leading to a misinterpreting that an applicant may be eligible to receive aid from multiple cash programs simultaneously and under delay in evaluating and issuing of correct benefits.”