

# CCWRO Welfare News

Coalition of California Welfare Rights Organizations, Inc. [CCWRO.ORG](http://CCWRO.ORG)  
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## USDA, FNS Policy States Students in Community College May Get Food Stamps

In an August 19, 2010 memo from FNS a new policy has been revealed regarding student eligibility for Food Stamps.

This FNS memo is in response to "questions raised through Quality Control (QC) reviews related to student eligibility for SNAP benefits. Section 6(e) of the Food and Nutrition Act (the Act) of 2008 and Federal regulations at 7 CFR § 273.5(a) prohibit students enrolled at least half-time in an institution of higher education from receiving SNAP benefits unless specific exemptions are met. These exemptions include students who are assigned to, or placed in, an institution of higher education through the SNAP Employment and Training (E&T) Program or an employment and training program for low-income persons operated by a State or local government. Under Federal regulations, an acceptable local or State employment and training program must be at least equivalent to an acceptable SNAP E&T program component." <http://www.fns.usda.gov/snap/rules/Memo/2010/081910.pdf>

Thus, counties can certify community college attendance as an FSET activity and allow student to receive food stamps.

## DSS Denies Due Process of Law to a Welfare-to-Work Participant

Ms. 2010147089 requested a timely hearing because she disagreed with the proposed sanction and the compliance plan that she signed for Humboldt County.

The county proposed to sanction Ms. 2010147089 and scheduled her for a good cause determination appointment. At the appointment she was told that the only way she could avoid the sanction would be to agree to a county drafted compliance plan. Living on a fixed income equal to what CalWORKs recipients received in 1989, and facing more than a 25% cut in that meager fixed income, she signed the compliance plan not because she agreed with it, but because the economic consequences were life threatening.

She then requested a state hearing stating that she disagreed with the proposed sanction and the compliance plan.

MPP §42-721.51 states: "Except as specified in Section 42-721.512(b), .512(c), or .512(d), when a participant believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the Welfare-to-Work Program, the CWD shall inform him/her of the right either to request a state hearing or to file a formal grievance based on the procedures established by the county board of supervisors.

.511 State Hearing

(b) Procedures for a state hearing are specified in MPP Division 22. "

Ms. 2010147089 followed the law and asked for a hearing because she disagreed with the county actions proposing the sanction and the terms of the compliance plan. The ALJ dismissed the hearing holding that there was no issue because the county had rescinded the proposed sanction.

The ALJ was wrong. The regulation clearly states that a welfare recipient is entitled to a state hearing anytime he or she "...believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the Welfare-to-Work Program." MPP 42-721.51. This regulation does not exclude cases where the sanction has been rescinded by the county. Moreover, the only reason the sanction was rescinded is because the victim was economically coerced into agreeing to a compliance plan that she clearly told the ALJ she did not agree with. MPP 42-721.51 does not exclude contesting "compliance plans" in a hearing once the claimant has agreed to the compliance plan.

Moreover, W&IC § 11327.8 also provides a W&IC§10950 hearing to any participant contesting any WtW action or inaction.

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## County Fails to Meet Its Burden of Proof and Still Prevails

Ms. 2010075330's CalWORKs was terminated due the alleged failure to submit a QR-7 to Kern County.

The claimant testified under oath she went Kern County Welfare Dept. and personally turned in the QR-7. The county stated that they never received the QR-7.

The county also stated that on 12-12-09 they mailed a Notice of Action terminating benefits for failure to submit the QR-7. The county also testified that they mailed the claimant the Balderas Notice. The county also mailed another notice dated 12/24/09.

The county presented no evi-

dence that they met the requirements of MPP §40-181.221 which provides:

*(QR). MPP § 40 – 181.221 provides “When a QR 7 has not been received at the county after the notice of discontinuance has been sent, the county shall attempt to make a personal contact with the recipient either by telephone or in a face-to-face meeting. During the personal contact the county shall remind the recipient that a complete QR 7 must be received by the county no later than the first working day of the next QR Payment Quarter.”*

The county failed to provide any evidence that a phone call was made. Thus, the county failed to meet their “burden of proof”. See

MPP §22-073.36

Moreover, there was no evidence in the hearing decision that Kern County had the proper signage informing clients that they can obtain a receipt for verification submitted. The ALJ held that the “...claimant presented insufficient evidence she turned in her November QR-7.” What is sufficient evidence? She is under oath. She testified under oath that she turned in the November QR-7 in December. There were no findings that her testimony was not credible. Yet she lost.

Could it be welfare recipients are guilty until proven innocent?

## Earl Johnson Appointed as Director, Office of Family Assistance, HHS

Earl Johnson has been appointed as Director of the Office of Family Assistance, which oversees the TANF program.

Prior to joining ACF, Earl was senior Policy Advisor to Oakland, California Mayor Ron Dellums, where he was responsible for helping set policy and program goals for the city in the areas of workforce, health and urban affairs. He also worked with the White House Office of Faith-Based and Neighborhood Partnerships on fatherhood initiatives.

Before serving in Oakland he had significant state and non-profit sector experience, having served as Associate Secretary for Planning and Evaluation in the California Health and Human Services Agency, as Associate Director, Working Communities for the Rockefeller Foundation, and as Senior Program Officer for The California Endowment, a private statewide health foundation.

Dr. Johnson graduated from the American University in Washington and earned a Master of Arts in Public Policy from the University of Chicago and a Ph.D in Social Welfare from the University of California. He is widely known for his work in developing programs and policy on matters related to TANF and has authored articles on needy family issues. His areas of expertise include poverty and fatherhood, both high priority issues for the Administration and HHS.