

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address):
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ATTORNEY FOR (Name): Petitioner, Wendy Camacho

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: 111 North Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90010

BRANCH NAME: CENTRAL DISTRICT

CASE NAME: Wendy Camacho v. Cliff Allenby, Director of
 CA DSS and CA DSS

FOR COURT USE ONLY

CONFIDENTIAL COPY

JUL 17 2006

John A. ... Clerk

By ... Deputy

CASE NUMBER: BS104207

JUDGE:

DEPT:

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ **Counter** ☐ **Joinder**
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 1811)

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☒ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015).

Date: July 14, 2006

Vanessa Lee, SBN 216219

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 2 ☒ HOURS/ ☐ DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides. | 6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Injury/Property	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.

SHORT TITLE: CAMACHO V. ALLENBY, DIRECTOR CA DSS		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: CAMACHO V. ALLENBY, DIRECTOR CA DSS

CASE NUMBER:

Judicial Review (Cont'd.)

Provisionary Complex Litigation

Enforcement of Judgment

Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

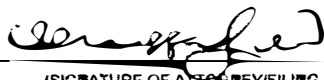
SHORT TITLE: CAMACHO V. ALLENBY, DIRECTOR CA DSS	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE			ADDRESS:
<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			111 North Hill Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90010	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Superior courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: July 14, 2006


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Vanessa Lee, Esq. State Bar # 216219

<p align="center">PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:</p>

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

D-85

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FEES WAIVED
Welfare & Institutions Code §10962

CONFORME COPY
JUL 17 2006
JUL 17 2006
JUL 17 2006

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JUL 17 2006
JUL 17 2006
JUL 17 2006

ATTORNEYS FOR PETITIONER,
WENDY CAMACHO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WENDY CAMACHO,

Petitioner,

v.

CLIFF ALLENBY, in his official capacity as
Director, California Department of Social
Services and the CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES,

Respondents.

) Case No. BS104207
)
) Unlimited Civil Case
)
) PETITION FOR WRIT OF MANDATE
) [Code of Civ. Proc. §§ 1094.5, 1085;
) Welf. & Inst. Code § 10962]

I.

INTRODUCTION

1. Petitioner WENDY CAMACHO is a single mother of an autistic child. She received cash assistance as she pursues a nursing degree for the purpose of becoming self-sufficient. The nursing program is Ms. Camacho's Self-Initiated Program ("SIP"), a welfare-to-

work activity under CalWORKs. The CalWORKs program provides that individuals participating in welfare-to-work must be given necessary supportive services, such as money for books and supplies. Los Angeles County, however, failed to assist Ms. Camacho with the supportive services necessary to allow her to participate in her SIP, forcing her to use rent and food money to purchase the books and supplies. When Ms. Camacho appealed the County's determination at a state administrative hearing, the Administrative Law Judge made an error of law by deciding that Ms. Camacho was not entitled to reimbursement because the "school expenses...were incurred prior to her signing a SIP contract." Hearing Decision No. 05109402, attached as Exhibit 1.

2. Ms. Camacho hereby respectfully petitions this Court for a writ of administrative mandate, pursuant to California Civil Procedure (“Civ. Proc.”) Code § 1094.5,¹ to overturn Respondent’s decision. Ms. Camacho is entitled to a payment of \$377.20 for books and supplies necessary for her SIP.

3. Ms. Camacho also petitions this Court for a writ of administrative mandate, pursuant to Civ. Proc. Code § 1085, ordering Respondent to instruct his agents to approve payment of supportive services necessary for a CalWORKs recipient to participate in a SIP, even when the expenses were incurred before the SIP was approved.

II.

PARTIES

4. Petitioner WENDY CAMACHO is a resident of Los Angeles County. She is the single mother of an autistic child and is a student at Cerritos College. She seeks a reversal of Respondent's final decision denying reimbursement of supportive services necessary for her participation in her SIP, a welfare-to-work activity.

5. Respondent CLIFF ALLENBY is the Director of the California Department of Social Services. Pursuant to Welfare and Institutions (“Welf. & Inst.”) Code § 10962, he is the sole Respondent in this proceeding. As Director, he is charged under Welf. & Inst. Code § 10553 with administering the CalWORKs program. His duties are partially set out in Welf. & Inst. Code

¹ All references herein to Codes are to those of the State of California, unless otherwise stated.

1 § 11200 *et seq.* Respondent must comply with both state and federal law. Respondent Allenby is
2 sued in his official capacity.

3 6. Respondent CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ("CDSS") is
4 the single state agency responsible for supervising the administration of public social services in
5 California, including the CalWORKs program in order to secure full compliance with the
6 applicable provisions of state and federal laws. Welf. & Inst. Code § 10600. Respondent has
7 delegated responsibility for administering CalWORKs in Los Angeles County to the County
8 Department of Public Social Services ("DPSS"). At all times, DPSS was and is the agent of
9 Respondent.

10 III.

11 FACTS

12 7. Petitioner Wendy Camacho is a student at Cerritos College in Norwalk, California.
13 She was admitted into the College's Associate Degree for Nursing ("ADN") program in spring
14 2005, and expects to complete the program by spring 2007. The spring 2005 semester of the ADN
15 program began on February 14, 2005, and ended on May 19, 2005.

16 8. Ms. Camacho applied for CalWORKs in February 2005, since the father of Ms.
17 Camacho's child abandoned both mother and son. She sought cash assistance as a last resort due to
18 the financial hardship she was experiencing in supporting herself and her son, who is autistic.

19 9. Ms. Camacho received a letter from DPSS to attend an Orientation and Appraisal
20 appointment on February 28, 2005. Due to a conflict with her school schedule, Ms. Camacho
21 contacted DPSS on February 28, 2005, and rescheduled the appointment for March 10, 2005. She
22 told DPSS that she already made some purchases of books and supplies, and DPSS told her to
23 bring the receipts to her appointment. In the meantime, DPSS sent Ms. Camacho paperwork to
24 verify her enrollment and program of study at Cerritos College.

25 10. As the semester had just begun, Ms. Camacho needed books and school supplies.
26 She made purchases on two separate occasions, in the amounts of \$199.07 on February 22, 2005,
27 and \$212.71 on March 9, 2005. She bought the items by paying with her CalWORKs cash aid
28 grant and charging the remainder of the purchase on a credit card.

1 11. On March 9, 2005, Ms. Camacho contacted DPSS to confirm the appointment for
2 the next day. She also inquired about the process for books and supplies reimbursements. During
3 the phone conversation, DPSS informed her that she could not be reimbursed for books and
4 supplies prior to her signing a so-called "contract" with DPSS.

5 12. On March 10, 2005, Ms. Camacho met with DPSS. She presented DPSS with the
6 completed forms that she received from DPSS to verify her enrollment and program. DPSS
7 approved Ms. Camacho for a Self-Initiated Program ("SIP").

8 13. Ms. Camacho again inquired about the process to receive reimbursements for the
9 books and supplies she needed for the SIP. DPSS orally refused to reimburse her on the basis that
10 she had not signed the agreement for the SIP until that day.

11 14. On March 15, 2005, Ms. Camacho's counselor at Cerritos College submitted an
12 educational materials worksheet to DPSS on Ms. Camacho's behalf. The document included a
13 request for reimbursement of the February 22 and March 9 purchases, along with a request for
14 advance payment for additional books and supplies for the semester. The document identified
15 books and supplies totaling \$377.20 as already purchased by Ms. Camacho. An additional \$169.09
16 was listed for the payment advance request.

17 15. In response to the reimbursement and advance payment request, DPSS agreed to
18 pay for the March 9, 2005, purchases since they were made only one day prior to Ms. Camacho's
19 appointment on March 10, 2005. DPSS issued one payment to Ms. Camacho in the amount of
20 \$169.09. However, the \$169.09 amount reflects the advance payment request submitted to DPSS
21 rather than a reimbursement payment for the purchases made on March 9, 2005.

22 16. DPSS failed to reimburse her for the purchases made prior to March 10, 2005, in the
23 amount of \$377.20.²

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27 ² One of the items that Ms. Camacho purchased on March 9, 2005, was paid for by the advance payment amount of
28 \$169.09 as the college counselor mistakenly included it as an advance payment request rather than as an item already
purchased.

17. Ms. Camacho used the books and supplies throughout the course of the spring 2005 semester that qualified her for the SIP, and will continue to use them until the completion of the ADN program that essentially is the term of the SIP. In addition to using her CalWORKs cash aid to pay for the much needed books and supplies, Ms. Camacho was forced to borrow money in order to pay off the amount she charged to her credit card.

18. As DPSS informed Ms. Camacho verbally that she would not be reimbursed for books purchased prior to signing a “contract” with DPSS, attempts to resolve the issue with DPSS failed. Ms. Camacho requested a state hearing on April 19, 2005, with the assistance of the Legal Aid Foundation of Los Angeles (“LAFLA”).

19. The state hearing on the matter was on June 8, 2005. Ms. Camacho attended the hearing and was represented by LAFLA. The decision, released on July 18, 2005, denied Ms. Camacho's request for reimbursements on the basis that the "school expenses...were incurred prior to her signing a SIP contract." *See* Exhibit 1. Respondent's decision cited no authority in support of the denial of ancillary expenses to Ms. Camacho, contrary to requirements in Manual of Policy and Procedures ("MPP") § 22-061.5. Instead, the decision is based, in error, on the application of contract theory to Ms. Camacho's situation.

20. LAFLA requested a rehearing on Ms. Camacho's behalf. By a letter dated September 22, 2005, the request was denied by operation of law. MPP § 22-065.31.

IV.

APPLICABLE LAW

A. The CalWORKs Welfare-to-Work Program

21. The CalWORKs program provides subsistence cash benefits to low-income families with children. Welf. & Inst. Code §§ 11200 *et seq.* Families must meet a host of financial eligibility requirements designed to ensure that only the most needy are aided. *See, e.g.* Welf. & Inst. Code §§ 11450.12, 11155 (income and asset limits). Adult recipients in these families may receive cash aid only for a cumulative total of 60 months. Welf. & Inst. Code § 11454 (b). During their 60 months on aid, most adult recipients must participate 32 hours per week in the CalWORKs welfare-to-work program. Welf. & Inst. Code § 11322.8(a). Recipients who, without good

1 cause, fail to comply with these participation requirements face financial sanctions. Welf. & Inst.
2 Code §11327.5(a); MPP § 42-721.4.

3 **B. Self-Initiated Programs (SIPs)**

4 22. A participant must be enrolled in an education or training program prior to his or her
5 Appraisal appointment with the county welfare department in order for the program to qualify as a
6 Self-Initiated Program (“SIP”) as the person’s welfare-to-work activity. See Welf. & Inst. Code §
7 11325.23; MPP § 42-711.54. In addition, a SIP participant must also make satisfactory progress in
8 the program, the county must determine that continuing in the program is likely to lead to self-
9 supporting employment, and the welfare-to-work plan must reflect the program. Welf. & Inst.
10 Code § 11325.23.

11 **C. Supportive Services**

12 23. Welfare and Institutions Code § 11323.2(a) provides that “[n]ecessary supportive
13 services shall be available to every participant in order to participate in the program activity to
14 which he or she is assigned.” Supportive services include childcare, transportation, and ancillary
15 expenses, “which shall include the cost of books, tools, clothing specifically required for the job,
16 fees, and other necessary costs.” Welf. & Inst. Code § 11323.2(a)(3); MPP 42-750.11. A
17 participant must not be required to use her CalWORKs funds to pay for supportive services. MPP
18 § 42-750.21.

19 24. According to Welf. & Inst. Code § 11325.23(d), “[s]upportive services
20 *reimbursement* shall be provided for any participant in a self-initiated training or education
21 program approved under this subdivision [defining SIPs] (emphasis added). This reimbursement
22 shall be provided if no other source of funding for those costs is available.” Once the SIP is
23 approved, the welfare-to-work plan signed between the participant and the County must reflect the
24 supportive services that the participant can receive. Welf. & Inst. Code § 11323.2(a).

25 25. Statutory authority governs CalWORKs supportive services and County
26 responsibility to pay for them, and not contract law. In addition, the laws and regulations do not
27 restrict the advance payment or reimbursement of necessary supportive services based on the date a
28 welfare-to-work plan is signed.

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V.

FIRST CAUSE OF ACTION

(Administrative Mandamus Pursuant to Code of Civil Procedure § 1094.5)

26. This cause of action includes paragraph 1 to 25.

27. This verified petition is brought under Code of Civ. Proc. § 1094.5 and is authorized by Welf. & Inst. Code § 10962, which permits filing a petition to review the entire proceeding conducted by the Department of Social Services (CDSS). Under Code of Civ. Proc. § 1094.5, no filing fee or bond is required for such filing.

28. California has declared that public social services are to be administered in full compliance with applicable federal and state laws. Welf. & Inst. Code § 10600.

29. Respondent prejudicially abused his discretion in rendering his decision as he failed to proceed in the manner required by law. Respondent applied the wrong substantive standard in his decision. Respondent applied contract theory rather than the state law standards for supportive services for a CalWORKs recipient under state law.

30. Respondent's decision does not comply with applicable state laws governing the administration of public social services and eligibility for supportive services in the CalWORKs program. Respondent failed to follow the applicable law regarding the reimbursement of supportive services payments for SIPs set forth in Welf. & Inst. Code §§ 11323.2(a) and 11325.23(d).

31. The issue in this action concerns a vested fundamental right to welfare benefits, and the appropriate standard or review is this Court's independent judgment.

32. Ms. Camacho has exhausted all of her administrative remedies.

33. Ms. Camacho is beneficially interested in the outcome of the proceeding and has no other plain, speedy or adequate remedy at law.

VI.

SECOND CAUSE OF ACTION

(Administrative Mandamus, Pursuant to Code of Civil Procedure § 1085)

34. This cause of action includes paragraphs 1 to 33.

35. Respondent Allenby has a clear, present and ministerial duty under state law to administer the CalWORKs program pursuant to state law. At all times relevant here, Respondent had, and continues to have, the ability to perform his legal duties in accordance with state law and failed to do so.

36. Respondent failed to perform his duty in the delivery of CalWORKs services to Ms. Camacho by denying her supportive services necessary for participation in a SIP.

37. Ms. Camacho has no other plain, speedy or adequate remedy at law except by way of a preemptory writ of mandate pursuant to Civ. Proc. Code § 1085.

VII.

THIRD CAUSE OF ACTION

(Declaratory Relief, Pursuant to Code of Civil Procedures § 1085)

38. This cause of action includes paragraphs 1 to 37.

39. An actual controversy has arisen and now exists between Ms. Camacho and Respondent as to Ms. Camacho's eligibility for ancillary expenses as supportive services under Welf. & Inst. Code § 11323.2(a)(3). Ms. Camacho contend that the denial of the supportive services is due to the erroneous actions of Respondent's agent.

40. Ms. Camacho is beneficially interested in having Respondent rectify his error in upholding and reaffirming his agent's failure to deliver CalWORKs services according to Welf. & Inst. Code § 11323.2(a)(3) and Welf. & Inst. Code § 11325.23(d).

41. Ms. Camacho seeks a determination of the respective rights and duties of the parties. Declaratory relief is appropriate because, in the absence of such relief, Respondent will continue to deny ancillary expenses to SIP participants similar to Ms. Camacho's circumstance.

42. Declaratory relief is also appropriate because of Respondent's agent's inconsistent and contrary decision in addressing Ms. Camacho's case as well as others in the same circumstances. In the absence of this relief, Respondent may continue to arbitrarily approve or deny benefits in such cases.

VIII.


PRAYER FOR RELIEF

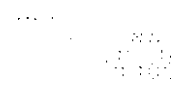
Wherefore, Ms. Camacho requests the following relief:

1. A peremptory writ of mandate reversing and rescinding Administrative Hearing No. 05109402 and directing Respondent Allenby to:
 - a. issue a new decision approving supportive services payments in the amount of \$377.20;
 - b. order his agents to provide payment of supportive services for a CalWORKs recipient participating in a Self-Initiated Program, even when the expenses were incurred before the SIP was approved;
 - c. pay interest to Ms. Camacho on all benefits due to her here until paid in full;
2. Award Ms. Camacho her reasonable costs of her suit;
3. Award reasonable attorney fees to the Western Center on Law and Poverty;
4. Such other relief as this Court may deem just and proper.

DATED: July 14, 2006

Respectfully submitted by,


Vanessa Lee
Attorney for Petitioner



CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Hearing No. 2005109402

In the Matter of Claimant(s):

Wendy Camacho
14802 Danbrook Dr.
Whittier, CA 90640

DECISION

Pursuant to the authority of the Director,

~~I adopt the attached final decision.~~



Claudia Garcia

Administrative Law Judge

Adopt Date: JUL 18 2005

State Hearing Record

Hearing Date: 6/8/2005

Release Date: JUL 18 2005

Aid Pending: Not applicable

Issue Codes: [116-2]

Agency: Los Angeles County

Agency Representative: P. Hadley

Agency:

Filing Date: 4/19/05

Auth. Rep. Org.:

Authorized Rep: Vanessa Lee

SSN:

SSN:

AKA:

AKA:

Case Name:

Language:

LA District/Case: 40/B0D1115

Companion Case:

Appeal Rights

You may ask for a rehearing of this decision by mailing a written request to the Rehearing Unit, 744 P Street, MS 19-37, Sacramento, CA 95814 within 30 days after you receive this decision. In your rehearing request, state the date you received this decision and why a rehearing should be granted. If you want to present additional evidence, describe the additional evidence and explain why it was not introduced before and how it would change the decision. You may contact Legal Services for assistance.

You may ask for judicial review of this decision by filing a petition in Superior Court under Code of Civil Procedure §1094.5 within one year after you receive this decision. You may file this petition without asking for a rehearing. No filing fees are required. You may be entitled to reasonable attorney's fees and costs if the Court renders a final decision in your favor. You may contact Legal Services for assistance.

This decision is protected by the confidentiality provisions of Welfare and Institutions Code §10850.

SUMMARY

Los Angeles County correctly denied claimant's request for reimbursement of school expenses incurred prior to her signing a GAIN self-initiated program (SIP) contract. [116-2][2005109402]

FACTS

It is undisputed that the claimant, a mandatory GAIN participant, signed a SIP contract on March 10, 2005. The claimant and the county agreed that the claimant could attend Cerritos College to fulfill her work requirement.

At the hearing, the claimant testified she enrolled at Cerritos College prior to her signing a SIP contract. The claimant purchased books and materials for her classes on February 28, 2005 and she would now like to be reimbursed for expenses incurred prior to her signing a GAIN contract. The claimant admitted that she did not know if the county would approve her attending college when she enrolled for classes in February 2005. The county has paid for ancillary expenses since the SIP contract was signed.

LAW

All the regulations cited refer to the Manual of Policies and Procedures (MPP), unless otherwise noted.

Supportive services which are necessary for participation in the assigned program activity, or in order to accept employment, must be available to every participant, including those in SIPs. When necessary services are not provided, the individual will have established good cause for nonparticipation, under §42-713.21.

Supportive services must include childcare, transportation costs, ancillary expenses, and personal counseling. Payments for all such services, except for childcare, shall be advanced to the participant whenever necessary, and when desired by the participant. Requiring CalWORKs participants to use their income, income disregard or cash assistance payment to pay for supportive services violates state statutes and regulations.

(All-County Letter (ACL) No. 97-72, Attachment 1, pp. 29-30, October 29, 1997; W&IC §§11323.2, 11325.23(d), and 11323.4(a); §42-750.1, effective July 1, 1998; ACL No. 00-54, August 11, 2000)

Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees and other necessary costs. (W&IC §11323.2(a)(3)) Tuition and school fees in the nature of tuition are not ancillary expenses and the county need not pay such costs when a non-county entity has contracted for the training. (§42-750.113, effective July 1, 1998 and modified effective September 13, 1999)

CONCLUSION

Los Angeles County correctly denied claimant's request for ancillary expenses prior to her signing a SIP contract. Claimant's own testimony reveals that she did not know if the county would approve her attending Cerritos College when she enrolled for classes in February 2005 and enrolled anyway. There is no authority to support claimant's allegation that the county is liable for ancillary expenses prior to signing a GAIN contract.

ORDER

The claim is denied.

Hearing date: _____ Time: _____ Dept./Div.: _____

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

PETITION FOR WRIT OF MANDATE; CIVIL CASE COVER SHEET

2. a. Party served: CLIFF ALLENBY, IN HIS OFFICIAL CAPACITY AS
DIRECTOR CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
b. Person served: MARILYN MCCLOSKEY, ATTORNEY, AUTHORIZED TO ACCEPT
SERVICE OF PROCESS
c. Address: 744 P STREET
SACRAMENTO, CA 95814

3. I served the party named in item 2
a. by personally delivering the copies (1) on 07/24/06 at (2) 10:59 AM

4. Witness fees were not demanded or paid.

5. Person serving:
MIKE SINGH
JANNEY & JANNEY ATTORNEY SVCS.
1545 WILSHIRE BLVD. SUITE 311
LOS ANGELES, CA 90017
(213) 628-6338

a. Fee for service: 75.00
d. Registered California
process server (subcontractor)
(2) Registration No.: #200002
(3) County: SACRAMENTO

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature:

**1545 WILSHIRE BLVD. SUITE 311
LOS ANGELES, CA 90017
(213) 628-6338**

