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ALAMEDA COUNTY

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CLERK OF THE SUPERIOR COURT
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15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF ALAMEDA

17 JAMIE HARTLEY, CLARENCE AYERS, on
18 his own behalf and as Guardian *ad Litem* for
19 IRENE L., and PATRICIA WALL,

Petitioners

20 v.

21 WILL LIGHTBOURNE, in his official capacity
22 as Director of the California Department of
23 Social Services, and the CALIFORNIA
24 DEPARTMENT OF SOCIAL SERVICES,

Respondents

Case No.: RG 11605702

VERIFIED PETITION FOR WRIT OF
MANDATE AND ADMINISTRATIVE
MANDATE (Code of Civil Procedure §§
1085 and 1094.5)

1 the home, but was living with another relative or in foster care, when the parent negligently or
2 intentionally failed to report this fact.

3 4. Nevertheless, just when these former CalWORKs children are becoming young adults,
4 and are struggling to overcome their economically disadvantaged childhoods and achieve
5 independence, DSS is unlawfully authorizing counties to issue demands for payment, intercept
6 their tax returns, reduce current CalWORKs assistance they may be receiving (intended to
7 benefit the former CalWORKs child's *own* children), and otherwise seize funds from these
8 former CalWORKs children to repay the debts of their parents or other responsible caretakers.
9 Petitioners and similarly situated former CalWORKs children are being unlawfully saddled with
10 the debts of their parents or other responsible relatives, making it even more difficult for them to
11 achieve economic self-sufficiency, contrary to the purposes of the CalWORKs program.

12 5. Further, the accounting and billing statements issued to these former CalWORKs children
13 provide no information about the date of the original overpayment, the reason for the
14 overpayment, or what rights the former CalWORKs children have to appeal the demands for
15 payment, or to claim it would be inequitable to pursue collection against them.

16 6. Petitioners therefore seek a writ of mandate pursuant to Code of Civil Procedure Section
17 1085, commanding Respondents to comply with their legal duty, and prohibiting DSS or its
18 agents from pursuing recovery of CalWORKs overpayments from any person who was a minor
19 at the time the debt was incurred.

20 PARTIES

21 7. Petitioner JAMIE HARTLEY is a 19-year old resident of Riverside County. Riverside
22 County has attempted to collect an overpayment that occurred in 2008 as a result of Riverside
23 County's administrative error, when she was a minor, and a member of a CalWORKs assistance
24 unit ("AU") that was headed by her mother.

25 8. Petitioner CLARENCE AYERS is an adult resident of Fresno County. He brings this
26 action on his own behalf, and as guardian *ad litem* of his minor great-granddaughter, Irene L.
27 Mr. Ayers has applied for and receives CalWORKs aid on Irene's behalf.
28

1 9. Petitioner PATRICIA WALL is an adult resident of Alameda County. Ms. Wall is and
2 was at all times relevant to this action a concerned citizen who has an interest in ensuring that
3 Respondents comply with their legal duty to not pursue overpayment recovery against persons
4 who were children when the overpayment occurred, and to reimburse all payments that were
5 unlawfully collected. Ms. Wall also has a special interest in the outcome of this action, as the
6 Executive Director of the Homeless Action Center, dedicated to helping homeless individuals
7 obtain subsistence income and health care. HAC represents many current and former
8 CalWORKs recipients whose efforts at self-sufficiency are made more difficult by Respondents'
9 collection efforts, which burden these impoverished young adults with responsibility to repay
10 CalWORKs overpayments which occurred when they were minors.

11 10. Respondent WILL LIGHTBOURNE is the Director of the California Department of
12 Social Services (DSS). As Director, he is responsible for the management of DSS and
13 administering the laws and regulations pertaining to the administration of the CalWORKs
14 Program. Welf. & Inst. Code § 10553. Respondent LIGHTBOURNE is being sued in his
15 official capacity, as the official responsible for ensuring DSS and its agents act in conformity
16 with federal and state law. Respondent LIGHTBOURNE is the proper Respondent in these
17 proceedings by virtue of Welfare and Institutions Code § 10553.

18 11. Respondent CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (DSS) is the
19 single state agency that administers the CalWORKs program, and is responsible for the issuance
20 of regulations governing the program. Welf. & Inst. Code § 10554. Pursuant to Welfare and
21 Institutions Code Section 11487.5, DSS approves all participating county plans for operation of a
22 CalWORKs overpayment recovery program.

23 **LEGAL AND PROGRAMMATIC FRAMEWORK**

24 12. CalWORKs is the state program that provides temporary cash assistance to very low-
25 income families with minor children. Welf. & Inst. Code § 11200 *et seq.*. A parent or other
26 adult relative applies for CalWORKs aid on behalf of the minor child(ren) in his or her care, and
27 often for his or her own needs as well.

1 13. Because of CalWORKs' complicated financial and non-financial criteria, it is possible for
2 a family receiving benefits to incur an overpayment, either through its own error or as a result of
3 county agency error. When an overpayment in excess of \$35 occurs, state law requires that
4 counties make reasonable cost-effective efforts to recover it, even if the individual responsible
5 for the overpayment is no longer receiving aid. Welf. & Inst. Code § 11004 (g).

6 14. Welfare and Institutions Code § 11004 establishes guiding principles for the fair
7 administration of the CalWORKs program, including provisions regarding the recovery of
8 overpayments. Section 11004 balances the goals of ensuring that aid "shall be administered
9 fairly to the end that all persons who are eligible and apply...shall receive the assistance to which
10 they are entitled promptly" with the safeguarding of public funds.

11 15. In authorizing the recovery of overpayments, Welfare & Institutions Code § 11004 (h)
12 specifies that recovery efforts should first be directed to "the individual responsible for the
13 overpayment." When the Assistance Unit ("AU") is no longer receiving aid, recovery of a
14 CalWORKs overpayment "shall be made by *appropriate action under state law* against the
15 income or resources of the individual responsible for the overpayment or against *the family*." *Id.*,
16 § 1104 (i) (emphasis added).

17 16. Moreover, when repayment of a CalWORKs overpayment is sought by civil or criminal
18 action, such action must be commenced within four years, the retention period for recipient case
19 files. Welf. & Inst. Code § 11004 (j).

20 17. Parents have a fundamental legal obligation to support their children. Fam. Code § 3900.
21 That legal obligation continues until the child reaches at least age 18, even where the child is not
22 living with the parent, the child was born out of wedlock, or where custody of the child has been
23 removed pursuant to court order. Fam. Code § 3901(a); M.P.P. § 43-105.1. If a parent neglects
24 to "provide articles necessary for the parent's child who is under the charge of the parent," a
25 third person can supply a child's necessities and recoup the reasonable value *from the parent*.
26 Fam. Code § 3950 (emphasis added). A parent's obligation to support his/her child continues
27 during any period when a governmental entity supports a child. Fam. Code § 3951. Even after a
28 parent dies, if a county has to care for the child and there is an estate, the county can recoup the

1 aid it provided from the parent's estate. Fam. Code § 3952. There is no provision of state law
2 that permits a child to be held responsible for the debts of their parents, or for their own child
3 support.

4 18. If eligible, a parent may meet the legal obligation to support his or her child by obtaining
5 CalWORKs aid. *See* Welf. & Inst. Code § 11205, declaring as part of the legislative intent of the
6 CalWORKs program that "[e]ach family has the right and responsibility to provide sufficient
7 support and protection of its children. . . ."

8 19. DSS is charged with adopting regulations governing the CalWORKs program in
9 conformity with state law, and those regulations are binding on the county welfare departments.
10 Welf. & Inst Code §§ 10554, 11209. DSS delegates to counties the responsibility for
11 implementing CalWORKs in accordance with state law and regulations. *Id.*, § 10531. Although
12 counties have discretion in some areas, they must follow California statutes and DSS regulations
13 governing the recovery of overpayments.

14 20. Welfare and Institutions Code § 10000 requires that public assistance programs,
15 including CalWORKs, "shall be administered and services provided promptly and humanely
16 [and so as to] encourage self-respect, self-reliance, and the desire to be a good citizen, useful to
17 society." Section 11000 further requires that the CalWORKs statutes and other welfare laws
18 "shall be fairly and equitably construed to effect the stated objects and purposes of the program."

19 THE CHALLENGED REGULATIONS

20
21 21. DSS regulations, appearing in the Manual of Policies and Procedures, define CalWORKs
22 overpayments as "any amount of any aid payment to an Assistance Unit to which it was not
23 eligible." M.P.P. § 44-350.15. An "Assistance Unit" (AU) is a group of related persons living in
24 the same home who receive, or are eligible to receive, CalWORKs cash aid. M.P.P. § 83-
25 301(e)(9). An AU may contain no adults, or one or more adult household members, such as
26 parent(s), spouse, grandparent or adult child, as well as one or more minor children.

27 22. DSS overpayment regulations require that counties "take all reasonable steps necessary to
28 promptly correct and collect any overpayments that are known to the county," whether due to

1 recipient or county error. M.P.P. § 44-350.16. Counties must attempt to recover overpayments
2 in a priority order, starting with the caretaker relative if s/he was a member of the overpaid AU,
3 and only proceeding to the other members of the overpaid AU after *all* efforts to collect from the
4 caretaker relative recipient have been exhausted. M.P.P. § 44-352.3.311; M.P.P. § 44-352.3,
5 (emphasis added). Where the caretaker relative was not a recipient of aid, DSS regulations
6 require that the county proceed directly to attempt recovery from the other AU members,
7 including current and former CalWORKs children. M.P.P. § 44-352.32.

8 23. Even where the caretaker relative was part of the AU, DSS regulations direct a county
9 that has exhausted attempts to recoup from the caretaker relative to attempt to collect from any
10 other member of the overpaid AU, even a person who was a child when the overpayment
11 occurred. M.P.P. §§ 44-352.33; 44-352.312(b)).

12 13 **STATEMENT OF FACTS**

14 **Petitioner Jamie Hartley**

15 24. Jamie Hartley turned nineteen years old a few months ago. She is simultaneously
16 working and going to community college full-time in Riverside County to improve her ability to
17 support herself. She is responsible for all of her own personal and education expenses.

18 25. Riverside County has attempted to collect from Ms. Hartley an alleged CalWORKs
19 overpayment that occurred in 2008, when she was 16 years old, and a minor member of a
20 CalWORKs household. Her mother was not in the AU because she receives Supplemental
21 Security Income (SSI). The county has proceeded to collect the overpayment from Ms. Hartley.

22 26. The CalWORKs overpayment occurred due to a county administrative error, when
23 Jamie's older brother was no longer eligible for CalWORKs because of his age and graduation
24 from high school, and the county incorrectly continued to provide CalWORKs benefits for him.
25 This CalWORKs overpayment issued on behalf of Jamie's older brother was made to Jamie's
26 mother.

27 27. An administrative hearing was held before the state hearings division of DSS on
28 February 22, 2011, where Jamie's authorized representative argued that she should not have to

1 repay the CalWORKs overpayment because she was a minor at the time of the overpayment, and
2 because the CalWORKs benefits paid on her behalf were, in fact, correctly paid. Nonetheless,
3 the hearing officer upheld the county's ability to seek repayment of her mother's CalWORKs
4 overpayment from Jamie. A decision holding Jamie personally responsible for repayment of her
5 mother's CalWORKs debt was issued on April 29, 2011. A true and correct copy of the April
6 29, 2011 decision is attached hereto as Exhibit "A".

7 28. Jamie anticipates that she will be entitled to a small tax refund for 2011. She relies on
8 this tax refund to pay her basic living expenses. She has been informed that her tax refund will
9 be subject to a tax intercept to pay back her mother's CalWORKs overpayment that occurred
10 when Jamie was a minor.

11 29. If Jamie is forced to repay this overpayment from her low wages or from a tax intercept,
12 it will make it more difficult for her to be able to afford to continue her studies, and she will be
13 unable to pay for her basic expenses.

14 **Petitioner Clarence Ayers**

15 30. Clarence Ayers is the legal guardian of his fourteen year old great-granddaughter, Irene,
16 whom he has raised in his home since she was six years old. He receives \$344 per month in a
17 CalWORKs grant for Irene, which he uses to provide for some of her basic needs. Until she was
18 six years old, Irene lived with her mother, and was a member of a CalWORKs household headed
19 either by her mother or her grandparents. It is impossible to determine the cause of the
20 overpayment, or even who headed the CalWORKs AU during the period when the overpayment
21 allegedly occurred, because the file is no longer available.

22 31. By a Notice of Action dated July 19, 2011, the Fresno County Department of Social
23 Services notified Mr. Ayers that it was planning to reduce Irene's current CalWORKs grant by
24 10% (\$33 per month) in order to recover an alleged overpayment of \$2,846 of CalWORKs
25 benefits erroneously paid either to her mother or grandparents. The overpayment allegedly
26 occurred during the period from March 1996 until March 1998. During the first fourteen months
27 of this overpayment period, Irene was not even born. Additionally, Irene's mother, who was born
28 in 1983, was herself a minor during the time this overpayment was incurred. A true and correct

1 copy of the Notice of Action dated July 19, 2011 is attached hereto as Exhibit "B".

2 32. Even though Irene is still a minor, and no longer living with the person who allegedly
3 caused the overpayment, the notice claimed that the obligation to repay the overpayment traveled
4 with Irene to her new household and must be satisfied through reduction of Irene's current grant,
5 intended to meet her current needs.

6 33. Mr. Ayers filed a timely appeal on behalf of Irene, claiming that she should not be held
7 responsible for any overpayment incurred by Irene's mother or grandparents more than thirteen
8 years ago.

9 34. By agreement dated August 30, 2011, Fresno County DSS agreed to *temporarily* suspend
10 collection efforts against Irene, until it is determined that Irene's mother, as the primary debtor,
11 can not be located. However, the county deems that Irene remains liable, adding the following
12 language to the agreement to suspend collection, "Keep in mind that [Irene] will be sent a
13 demand letter if/when the primary debtor stops making restitution to the county." A true and
14 accurate copy of the Statement of Conditional Withdrawal of Request for a County Hearing
15 dated 8/30/11 is attached hereto as Exhibit "C".

16 35. Mr. Ayers remains concerned that his great-granddaughter will ultimately be required to
17 repay the CalWORKs overpayment debt incurred by her mother or grandparents. If this happens
18 while he still receives CalWORKs payments on her behalf, it will make it more difficult for him
19 to pay for her basic needs. If it occurs after she turns 18 and graduates from high school, it will
20 be a financial liability for Irene as she struggles to achieve her dream of earning a college degree
21 and entering the field of dentistry. Knowing she has this debt hanging over her has caused Irene
22 to worry about her future and has interfered with her studies. Mr. Ayers does not understand
23 how an infant can be held responsible for paying her grandparents' debt to the county.

24 36. Despite the fact that Welfare & Institutions Code § 11004 (j) bars the county from
25 pursuing this thirteen year old alleged overpayment by commencement of a civil or criminal
26 action, it maintains it may do so now using non-judicial remedies.

27 37. Both Petitioners IRENE L. and JAMIE HARTLEY were minors at the time of the alleged
28 overpayments and reasonably relied upon the adult head of household to manage all aspects of

1 the public aid received for the benefit of the AU. Neither Petitioner IRENE L. nor Petitioner
2 JAMIE HARTLEY had any basis upon which to know that any CalWORKs payments made to
3 her parent or responsible caretaker might later be determined to be made in error. Neither of
4 them signed the CalWORKs application, agreed to be responsible for reporting any matters that
5 could affect eligibility, nor in any other way assumed any responsibility regarding the management
6 of the CalWORKs aid that was being received by the AU of which she was once a member.

7 **Petitioner Patricia Wall**

8 38. Petitioner PATRICIA WALL has been the Executive Director of the Homeless Action
9 Center (HAC) since 1995. She is concerned about the effects that Respondents' policy will have
10 on the clients served by HAC, particularly former foster youth and former CalWORKs children.
11 These former CalWORKs children will be forced to repay debts that were incurred while they
12 were minors, making it even more difficult for them to overcome their significant barriers to
13 economic self-sufficiency.

14 39. Ms. Wall is also interested as a citizen in the enforcement of Respondents' legal duties.
15 She therefore seeks a writ of mandate pursuant to Code of Civil Procedure § 1085 commanding
16 Respondent to comply with his legal duty to only pursue collection of CalWORKs overpayments
17 from persons who were adults at the time the overpayment occurred, and to reimburse any
18 former CalWORKs children for payments which were unlawfully collected from them.

19
20 **THE CHALLENGED REGULATIONS ARE AFFECTING COUNTLESS OTHER**
21 **CURRENT AND FORMER CALWORKS CHILDREN**

22 40. On information and belief, and based upon a sampled review of DSS state hearing
23 decisions, DSS, through its county agents:

- 24 • pursues collection against former CalWORKs children even when the overpayment
25 allegedly occurred due to errors made by the former CalWORKs child's parent or adult
26 caretaker, and occurred when the former CalWORKs child was too young to be
27 involved in any way in fulfilling the reporting requirements for maintaining the AU's
28 CalWORKs eligibility;

- pursues collection against former CalWORKs children when the child was not even living in the home when the alleged overpayment occurred, did not benefit from it, and clearly had no responsibility for the overpayment;
- pursues recovery from current minors who are two or more generations removed from the responsible adult who incurred the overpayment, and who may not even have been born at the time the overpayment occurred;
- pursues collection against *current* minors when the child is no longer living in the AU that was overpaid; and
- first initiates collection efforts against former CalWORKs children many years after the original overpayment occurred. The delay in collections against former CalWORKs children means that they are unlikely to have clear memories of key information, or access to witnesses or records. In many instances, the CalWORKs case file which might have contained the information regarding the cause and amount of the overpayment has been destroyed.

41. Despite the fact that Welf. & Inst. Code § 11004 (j) bars commencing a civil or criminal action to collect an overpayment that is more than four years old, DSS authorizes counties to seek recoupment of extremely old overpayments where the case file has been destroyed through administrative procedures.

42. Neither Petitioners IRENE L. nor JAMIE HARTLEY, nor any similarly situated former CalWORKs children, were at fault in creating these CalWORKs overpayments. Despite this lack of fault, and the fact that it would cause financial hardship for the current or former CalWORKs child to pay the money back, there is no regulatory provision for consideration of whether it would be inequitable to require former CalWORKs children to pay back the overpayment.

43. Petitioners are informed and believe, based upon a review of recent hearing decisions, that Respondent's Administrative Law Judges have upheld the Counties' ability to collect these overpayments against former CalWORKs children. See, *e.g.*, Exhibit A.

1 44. Counties' notices and demands also do not contain clear information about the
2 overpayment or about the Former CalWORKs Child's administrative appeal rights, or provide
3 information that the individual must ask for a hearing in order to assert equitable or other
4 arguments, such as laches, that might defeat the claim.

5 45. Petitioners are informed and believe that only very few former CalWORKs children have
6 been able to understand their administrative appeal rights, and/or to obtain legal representation,
7 and file timely administrative appeals. Countless others have simply submitted to these unlawful
8 claims, to their detriment.

9 46. The theoretical availability of an administrative appeal is not an adequate remedy. The
10 challenged regulation, purportedly authorizing counties to mount collection efforts against
11 former CalWORKs children who have no legal responsibility for these alleged debts, is itself
12 unlawful.

13 47. Petitioners have a beneficial interest in Respondents' performance of their legal duties.

14 48. Petitioners have no plain, speedy and adequate remedy in the ordinary course of the law.
15

16 FIRST CAUSE OF ACTION

17 **For a Writ of Mandate Prohibiting Respondents from Failing to Comply with State Law** 18 **Limiting Recovery of Overpayments to Individuals who Were Adults when the** 19 **Overpayment Occurred (Welfare and Institutions Code §§ 10000, 11000, 11004;** 20 **Family Code §§ 3901(a), 3950, 3951)**

21 49. Petitioners reallege and incorporate by reference each and every allegation made in all
22 previous paragraphs as though fully set forth herein.

23 50. At all times, Respondent had and continues to have the legal ability to perform its duties
24 but despite demand has failed and refused to do so.

25 51. Unless a writ of mandate issues, Respondent will continue to fail and refuse to perform
26 such duties.

27 52. There is no authority under Welf. & Inst. Code § 11004 or any other state law to seek to
28 collect overpayments from individuals who were children when the debt was incurred, and who
are no longer living in the overpaid AU. It is never appropriate action under State law to require

1 that a child pay for his/her own support. In purporting to authorize counties to take action to
2 collect alleged overpayments from former CalWORKs children, and current CalWORKs
3 children who are no longer living in the overpaid AU, the challenged regulation is contrary to
4 state law, and to Welf. & Inst. Code § 11004.

5 53. Any construction of Welfare and Institutions Code § 11004 to permit DSS to collect
6 overpayments from former CalWORKs children, and current CalWORKs children who are no
7 longer living in the overpaid AU, would also violate the Welfare and Institutions Code § 11000
8 mandate that the welfare statutes be fairly and equitably construed, so as to fulfill the overall
9 purposes of the program, which are to aid and support CalWORKs children, not to burden them
10 with the debts of others just as they are attempting to achieve independence and self-sufficiency.

11 54. By saddling former CalWORKs children with substantial debt the day they reach their
12 majority, and by collecting overpayments from current minors who are no longer living in the
13 overpaid AU, or who were not even in the AU at the time of the overpayment, the challenged
14 regulation also violates the Welfare & Institutions Code § 10000 mandate that aid must be
15 administered promptly, humanely, and so as to encourage self-respect and self-reliance.

16 55. Respondents have a clear and present duty under Welfare & Institutions Code §§ 11004,
17 10000, 11000; and Family Code §§ 3901(a), 3950, 3951 to recoup overpayments only in
18 accordance with state law, and state law prohibits holding minors liable for their own support.

19 56. At all times mentioned herein, Respondents have had, and continue to have, the ability to
20 perform their legal duties to ensure that county agents do not take actions to collect
21 overpayments from Petitioners and other similarly situated former CalWORKs children, but have
22 failed to do so.

23 SECOND CAUSE OF ACTION

24 **For a Writ of Mandate Compelling Respondents to Comply with Due Process** 25 **Requirements in Providing Adequate and Timely Notice Regarding Overpayments** **(California Constitution, Article 1, § 7; M.P.P. §§ 22-071.14, 22-001(a)(1), 44-350.2 (e)).**

26 57. Petitioners reallege and incorporate by reference each and every allegation made in all
27 previous paragraphs as though fully set forth herein.
28

1 58. In addition to Respondents lacking authority to recover CalWORKs overpayments from
2 former CalWORKs children and minors who are no longer living in the overpaid AU,
3 Respondents do not provide adequate notice to Petitioners and others similarly situated about the
4 alleged overpayments as required by M.P.P. § 22-071.14 and M.P.P. § 22-001(a)(1) and due
5 process. A written notice is required for overpayments and must inform the recipient about the
6 reasons for the county action, the regulations governing that action and an explanation about the
7 right to request a state hearing.

8 59. Petitioners often have no knowledge of overpayments that were incurred when they were
9 children until they receive a bill from the counties many years later, demanding repayment
10 within thirty days of the bill's date. Only a phone number is provided to contact the County for
11 information. These notices do not provide information about the reason for the overpayment,
12 when it occurred, the individual's right to a state fair hearing or how to request one. This lack of
13 notice violates Petitioners' rights not to be deprived of property without notice and a hearing, as
14 guaranteed by the due process clause of the California Constitution. Cal. Const. Art. I, § 7.

15 60. Further, the notices fail to inform individuals of their right to claim that they should not
16 be required to repay the overpayment because it is barred by equitable estoppel, laches, or there
17 is no right to judicial restitution because it was not commenced within the timeframe permitted
18 under Welfare & Institutions Code § 11004(j). This also violates Respondents' duty under
19 M.P.P. 44-350.2 (e) to only send a demand for repayment to a recipient or former recipient for
20 which there is a right to judicial restitution.

21 61. Respondents have a clear and present duty to comply with due process, Welfare &
22 Institutions Code § 11004(j) and DSS' own regulations in providing notice and seeking to collect
23 overpayments of CalWORKs aid.

24 62. At all times mentioned herein, Respondents have had, and continue to have, the ability to
25 perform their legal duties to ensure that county agents do not violate due process or state law by
26 sending out deficient collection notices when attempting to collect overpayments from Petitioners
27 and other similarly situated current and former CalWORKs children, but have failed to do so.
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THIRD CAUSE OF ACTION

(Writ of Administrative Mandate Under Code of Civil Procedure § 1094.5 and Welfare & Institutions Code § 10962)

63. Petitioner Jamie Hartley realleges and incorporates by reference each and every allegation contained in the above paragraphs as though fully set forth herein.

64. Respondent Lightbourne abused his discretion by holding Jamie personally responsible for the overpayment that occurred when she was a minor member of a CalWORKs AU.

65. Respondent Lightbourne lacked legal authority to hold that Petitioner Jamie Hartley was legally responsible for the overpayment that occurred when she was a minor member of a CalWORKs AU. In so holding, Respondent Lightbourne abused his discretion by failing to proceed in a manner authorized by law.

66. Respondent Lightbourne abused his discretion by failing to hold that DSS is equitably estopped from pursuing collection of the overpayment from Ms. Hartley, when that overpayment occurred when she was a minor and was not at fault.

67. The abuse of discretion is prejudicial to Ms. Hartley in that she was a minor who had no responsibility for complying with reporting requirements or for the inaction of Riverside County.

68. Petitioner Jamie Hartley has exhausted all of her administrative remedies. The writ of administrative mandate requested herein is her sole and exclusive remedy for review of Respondent Lightbourne's decision, and there are no alternative remedies at law.

REQUEST FOR RELIEF

WHEREFORE, Petitioners request that this Court:

1. Issue a peremptory writ of mandate pursuant to Code of Civil Procedure §1085, mandating that Respondents:

A. Refrain from seeking any recovery of CalWORKs overpayments from former CalWORKs children, and current CalWORKs children who are no longer living in the overpaid AU, who were minors at the time the overpayment occurred;

B. Rescind those portions of M.P.P. §§ 44-350 and 44-352 that purport to permit overpayment recovery against former CalWORKs children, and current CalWORKs children

1 who are no longer living in the overpaid AU, and revise M.P.P. §§44-350 and 44-352, to make
2 clear that CalWORKs overpayments cannot be collected against such individuals;

3 C. Refrain from taking any steps to request payment, involuntarily recoup through
4 tax interception, aid reduction, or other collection actions intended to recover CalWORKs
5 overpayments from former CalWORKs children, or from current CalWORKs children who are
6 no longer living in the overpaid AU, where such individuals were minors at the time the
7 overpayment occurred;

8 D. Promptly reimburse those former CalWORKs children, or current CalWORKs
9 children who are no longer living in the overpaid AU, where such individuals were minors at the
10 time the overpayment occurred, any amounts that DSS or any of its county agents have already
11 recouped by aid reductions, or otherwise recovered;

12 E. Immediately issue corrective notices to all individuals to whom DSS or its county
13 agents have previously sent notices, demands, accountings, billing statements and/or tax
14 intercept notices to recoup overpayments that occurred when the individual was a minor,
15 informing them that such notices, demands and statements are rescinded, and that DSS may not
16 in fact recoup or otherwise collect from former CalWORKs children, or current CalWORKs
17 children who are no longer living in the overpaid AU;

18 F. Immediately issue written notification to all county welfare departments or
19 agencies, informing them that they must forthwith: (a) identify any overpayment recovery they
20 are attempting to obtain or obtaining from former CalWORKs children, or current CalWORKs
21 children who are no longer living in the overpaid AU, who were minors at the time the
22 overpayment occurred; (b) rescind any notices, demands, billing or accounting statements and/or
23 tax intercept notices sent to such individuals; (c) notify such individuals that all collection
24 actions will cease, that the recipients should stop making any payments, and that they are entitled
25 to reimbursement of previous payments, with statutory interest; and (d) halt all recoupment
26 actions and otherwise refrain from actions to collect overpayments from such individuals; and

27 G. Immediately take any steps that may be necessary to halt any other collection
28 actions that may have been initiated by Respondent DSS or its agents against any such affected

1 individuals, and inform affected individuals that they have done so;

2 2. Issue a peremptory writ of mandate pursuant to Code of Civil Procedure §1085,
3 mandating that Respondent DSS, in accordance with Welf. & Inst. Code § 11209, refrain from
4 paying aid to any county welfare department or agency that fails to promptly comply with the
5 provisions listed in "A" and "C" through "G" above, until it has so complied;

6 3. Issue a writ of administrative mandate overturning Respondent Lightbourne's decision
7 that Petitioner Hartley is personally responsible for the overpayment incurred when she was a
8 minor member of the CalWORKs assistance unit.

9 4. Award Petitioners their reasonable attorneys' fees and costs of suit; and

10 5. Order such other and further relief as the Court deems just and proper.

11
12 PUBLIC INTEREST LAW PROJECT
13 WESTERN CENTER ON LAW AND POVERTY

14
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16 Date:

Nov. 18, 2011

17 By:

Patti Prunhuber
Patti Prunhuber

18 Attorneys for Petitioners
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3 **VERIFICATION OF PATRICIA E. WALL**

4 I, Patricia E. Wall, am one of the Petitioners in the above-entitled action. I have read the
5 Petition and verify as true those facts for which I have personal knowledge. As to those facts and
6 other matters in the Petition which are not based upon my personal knowledge, I am informed
7 and believe and on that ground allege that those matters in the Petition are, to the best of my
8 knowledge, true.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.
11

12 Executed on 14 NOVEMBER, 2011 in Berkeley, California
13

14 Patricia E. Wall
15 PATRICIA E. WALL
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/15, 2011 in Lake Elsinore, California

Jamie Hartley

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Hearing No. 2010259057

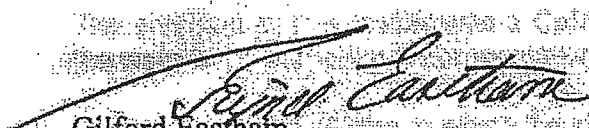
In the Matter of Claimant(s):

Jamie Hartley
33015 Deeble Entrance Street
Lake Elsinore, CA 92530

DECISION

Pursuant to the authority of the Director,
I adopt the attached final decision.

Adopt Date: APR 29 2011


Gilford Eastham
Administrative Law Judge

State Hearing Record

APR 29 2011

Hearing Date:	2/22/2011	Release Date:	
Aid Pending:	Not Applicable	Issue Codes:	[005-2] [150-2] [154-2]
Agency:	Riverside County	Agency Representative:	Jim Walmer
Agency:		Agency Representative:	
Auth. Rep. Org.:		Authorized Rep:	Sheri Bookout
SSN:		SSN:	
AKA:		AKA:	
Case Name:		Language:	English
LA District/Case:		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. This time limit may be extended up to 180 days only upon a showing of good cause. 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

The claimant's request for hearing is dismissed in part where the identical issue has been the subject of two previous state hearings involving the claimant's assistance unit. Following these previous hearing decisions and orders, it is confirmed that Riverside County has taken correct collection action with respect to a CalWORKs overpayment with an outstanding balance due of \$766.00 which occurred from July 2008 to September 2008.

Riverside County correctly demanded payment from the claimant who is no longer a minor and was a beneficiary in the CalWORKs assistance unit at the time the overpayment occurred. [005-2] [150-2] [154-2]

FACTS

The claimant in this matter was a CalWORKs beneficiary in her mother's case in 2008. The mother is the claimant's authorized representative in this matter.

During the period of time in which the claimant was aided, the county determined that the assistance unit received certain cash aid overpayments which were the subject of two previous state hearings (# 2008289210 adopted December 18, 2008 and # 2009105018 adopted July 29, 2009).

In the first decision (# 2008289210), the Administrative Law Judge confirmed that the parties stipulated to rescind the CalWORKs overpayments for July 2008 and August 2008 and indicated that the parties recognized that the county intended to recalculate the CalWORKs overpayment and attempt a new collection action.

In addition, in that decision (# 2008289210), the Administrative Law Judge determined that for the month of September 2008, an administrative error overpayment of \$623 was otherwise correct, less a potential "food stamp equity" reduction. However, the decision went on to note that since the mother (the claimant in that action) was an SSI/SSP recipient at the time, it was determined that the overpayment could not be collected from her. The Administrative Law Judge concluded that "the overpayment can be collected from the assistance unit and its members."

In the second decision (# 2009105018), the Administrative Law Judge confirmed that the assistance unit was overpaid CalWORKs cash aid benefits in July, August and September 2008. The judge also confirmed that the county could collect the overpayment "from the assistance unit and its members", including the son, who was the claimant in that matter.

The Administrative Law Judge in the second hearing confirmed that the county correctly calculated the overpayment for the month of September 2008.

The Administrative Law Judge also determined that for the months of July 2008 and August 2008, an administrative error overpayment of \$245 for each of the months was otherwise correct, but was also subject to a "food stamp equity" reduction. The county was ordered to consider food stamp equity and recalculate the overpayment for July 2008 and August 2008 only and re-notice the parties.

Both of the previous hearings (#2008289210 adopted December 18, 2008 and #2009105018 adopted July 29, 2009) are part of the administrative record in this matter.

On August 17, 2010, the county notified the claimant in this matter (the daughter) that an overpayment of \$766 had been set up on her case. The claimant requested a state hearing to dispute the overpayment determination and collection action. The county represented that the current balances due are as follows:

<u>Month</u>	<u>Current Balance</u>
July 2008:	\$112.00 (includes food stamp equity)
August 2008	\$31.00 (includes food stamp equity)
September 2008	\$623.00 (equity considered - not applicable)
TOTAL	\$766.00

The county determined that the CalWORKs overpayment for the months of July 2008 and August 2008 were \$184 (\$245 less \$61 in food stamp equity) per month. The county documented that it has previously collected through grant reduction \$72 for the month of July 2008 (balance \$112) and \$153 for August 2008 (balance \$31). The county also determined that the September 2008 overpayment was \$623 based on a new calculation which shows that the assistance unit previously received "more food stamps than a correct budget allows in September 2008."

Following the hearing, the county confirmed in a separate submission that the claimant's food stamp household had received two separate food stamp allotments for the month of September 2008 in the amounts of \$237 and \$270 respectively (total \$507). The county supplied a food stamp equity budget and confirmed that the correct food stamp issuance (should the county have issued the correct CalWORKs allotment) should have been \$298. This calculation was made part of the administrative record in this matter. Since the actual food stamp issuance for September 2008 (\$507) was in excess of the corrected issuance (\$298), the claimant was not injured in her food stamp allotment by the reduction in CalWORKs grant, so no further food stamp equity should be applied for the month of September 2008, according to the county's post hearing presentation.

One of the previous hearing decisions (# 2009105018) did not consider the second food stamp allotment to the household in September 2008 in its determination. As a result of the second food stamp issuance, the CalWORKs overpayment was determined to be the full amount of \$623 for the month of September 2008 only and not subject to any further reduction due to "food stamp equity."

The other state hearing decision (# 2008289210) confirms the CalWORKs cash aid overpayment for the month of September 2008 only in the amount of \$623, less any applicable food stamp equity. As stated above, the county has determined that there is no food stamp equity since the household received more food stamps for September 2008 (\$507) than would have been issued under a corrected issuance (\$298). As a result, the overpayment amount for September 2008 was confirmed.

In that decision, the Administrative Law Judge expressly concluded that while the county could not collect the \$623 administrative error CalWORKs overpayment from the mother, due to her exclusion from the assistance unit as an SSI/SSP recipient. However, it determined that "the overpayment can be collected from the assistance unit and its members". The claimant in this matter was a minor in this assistance unit in September 2008 but is no longer a minor, according to the hearing record.

The county contends that this matter has been heard and decided in that the cash aid overpayment amounts for the months of July, August and September 2008 have been expressly confirmed in previous hearings and since the claimant in this matter was a member of the assistance unit during that time period, the claimant is responsible for repayment.

In hearing, the claimant's mother and authorized representative testified that the county cannot collect from minor children and argues that since her daughter was a minor at the time of the overpayment, she is not liable for repayment now. The authorized representative did confirm that the claimant in this matter is now legally an adult ("she just turned 18"). The authorized representative argued that this is a matter

of county error and that it is not fair to seek recollection from the family at all. The authorized representative argued that the claimant was a child at the time and was "not a party" to the overpayment since the original matter concerned the son's incorrect inclusion in the assistance unit, and did not concern the daughter's eligibility. She testified that the county did not send a demand for repayment letter until well after the date of the overpayment.

LAW

All regulations referred to herein are set forth in the Manual of Policies and Procedures issued by the Department of Social Services unless otherwise specified.

A hearing request shall be dismissed when the identical issue which the claimant is protesting has already been the subject of a previous state hearing involving the claimant. (§22-054.34)

The following are not members of the assistance unit:

- SSI/SSP or KinGAP recipient.
(§ 82-832.1(d)).

When the caretaker relative was not a member of the overpaid AU, the county shall seek recovery from the members of the overpaid AU, as set forth in §44-352.33. (§44-352.32) The caretaker relative, in this case, did not benefit from the overpayment, and is not responsible for the overpayment. (All-County Letter No. 95-55, September 20, 1995)

The county shall take all reasonable steps necessary to promptly correct and collect any overpayments that are known to the county. This includes recovery of overpayments due to either applicant or recipient and/or county administrative error. (§44-350.16)

The county shall take all reasonable steps necessary to promptly correct and collect any overpayments that are known to the county. This includes recovery of overpayments due to either applicant or recipient and/or county administrative error. (§44-350.16)

CONCLUSION

The Administrative Law Judge has carefully considered the facts surrounding this matter and concludes that the overpayment at issue has been previously heard and decided in state hearings # 2008289210 and # 2009105018, both of which have been made part of the administrative record in this matter. Taken together, both decisions confirm the CalWORKs overpayment (current balance due of \$766) for the months of July, August and September 2008. This Administrative Law Judge has confirmed that the county has correctly determined the food stamp equity reduction in each of the cash aid overpayment amounts as required by the previous two decisions. Both decisions also confirm that "the overpayment can be collected from the assistance unit and its members".

It has been established that the claimant in this matter who was a minor member in the assistance unit in September 2008 is no longer a minor. The program rules provide that a cash aid overpayment collection action may be taken against a person who was previously a member of the assistance unit.

The authorized representative's arguments about fairness (equity) have been fully addressed by the previous decisions (food stamp equity considered and ordered). The overpayment has been fully adjudicated so any argument at this point that a demand letter concerning the overpayment may have been untimely is no longer at issue.

As a result, the Administrative Law Judge concludes that all matters raised by the claimant in this case, other than her status as responsible party for repayment, have been previously heard and decided in a previous state hearing. As a result, this claim must be dismissed with regard to the matters previously adjudicated. The claimant's current hearing request raises issues that have been the subject of two previous state hearings. Pursuant to Section 22-054.34, this hearing request must be dismissed where the identical issue has been the subject of a previous state hearing.

ORDER

The claim is denied in part and dismissed in part.

With regard to the issue of the claimant's personal responsibility for repayment of the balance of the cash aid overpayment for the months of July through September 2008 (currently \$766) while she was a member of the assistance unit, the claim is denied.

In all other respects, the claim is dismissed.

GE:lh

ADMINISTRATIVE HEARINGS UNIT
3950 REYNOLDS ROAD
RIVERSIDE, CA 92503

County of Riverside

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

NOTICE OF ACTION

JAMIE HARTLEY
33015 DEEBLE ENTRANCE STREET
LAKE ELSINORE, CA 92530-5809

Worker Name: CONNIE MURPHY
Worker ID: 33AS20AC05
Worker Phone Number: (951) 358-3247
Notice Date: 08/17/2010
Case Name: SHERI LEON BOOKOUT
Case Number: 2336683
Office Hours: MONDAY THRU THURSDAY 7:30 - 6:00 PM
TDD - For Hearing Impaired: (800) 952-8349

#102590057

Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how.

As of 08/17/2010 an overpayment in the amount of \$766.00 has been set up on your case. This overpayment was caused by ADMINISTRATIVE ERROR error.

HERE'S WHY:

The county issued aid payments for an 18 year old that graduated high school in 6-2008. The county issued benefits twice in 9-2008.

The amount you owe is now due. You must pay back the money, or show the County your plan for paying it back before 09/31/2010. If you do not, the County can take action to collect.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

If you pay by check or money order, send or bring it to:

RIVERSIDE COUNTY DPSS
3021 FRANKLIN AVENUE
RIVERSIDE, CA 92507

If you pay with cash, pay in person and be sure to ask for a numbered receipt with the County's name on it.

Warning: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells you how. If you stay on aid, the County can collect a CalWORKs overpayment by lowering your monthly cash grant. If you go off aid before the overpayment is paid back, the County may take what you owe out of your state income tax refund.

Rules: These rules apply. You may review them at your welfare office: 44-352.13, 44-352.411, 44-352.412

The overpayments established for benefit months 7-2008 and 8-2008 are administrative error due to the county issuing aid for James Donald Hartley when the county knew he was 18 years old and had graduated high school in 6-2008. Per State Hearing decision 09105018 the county was ordered to apply the principle of equitable estoppel to the overpayments established in payment months 7-2008 and 8-2008. The equitable estoppel amount was calculated and the amount the county can collect had been adjusted by reducing the overpayment by \$61.00 in each month. The 7-2008 overpayment of \$245.00 was reduced by \$61.00 and \$72.00 has been recouped thru grant reduction. The current balance effective 8-16-2010 is \$112.00. The 8-2008 overpayment of \$245.00 was reduced by \$61.00 and \$153.00 has been recouped thru grant reduction. The current balance effective 8-16-2010 is \$31.00. The overpayment established for benefit month 9-2008 is an administrative error due to the county incorrectly issuing benefits twice. Per State Hearing decision 08289210 the principle of equitable estoppel is to be applied to the overpayment calculated for benefit month 9-2008. Upon completing the calculation the equitable estoppel amount is \$0.00. The county shall limit its collection of the 9-2008 overpayment to \$623.00. The balance effective 8-16-2010 is \$623.00.

Rules: These rules apply: You may review them at your welfare office.

MPP Section 44-352.312, 32, 33, 331, 4

(05/2003)

Page 1 of 6

NA 301 CIV

First and only
notice from county
I only received this
notice because my
mother had been
staying there because
been notice sent in
my name to pay it

FW-001 Request to Waive Court Fees**CONFIDENTIAL**

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):Name: Jamie HartleyStreet or mailing address: 33015 Deeble Entrance StCity: Lake Elsinore State: CA Zip: 92530Phone number: 951-285-7457**2 Your Job, if you have one (job title):** Courtesy ClerkName of employer: Stater BrosEmployer's address: 16750 Lakeshore Drive, Lake Elsinore CA 92530**3 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):**Antione He Dozier Western Center on Law & Poverty, 3701 Wilshire Blvd. Ste 208, Los Angeles, CA 90010, 213-487-7511, CA No. 244437a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☒

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☒ Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees and Costs (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. ☒ I receive (check all that apply): ☒ Medi-Cal ☐ Food Stamps ☐ SSI ☐ SSP ☐ County Relief/General Assistance ☐ IHSS (In-Home Supportive Services) ☐ CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) ☐ CAPI (Cash Assistance Program for Aged, Blind and Disabled)

- b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below.
(If you check 5b you must fill out 7, 8 and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$397.92 for each extra person.
1	\$1,134.38	3	\$1,930.21	5	\$2,726.05	
2	\$1,532.30	4	\$2,328.13	6	\$3,123.96	

- c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): ☐ waive all court fees ☐ waive some of the court fees ☐ let me make payments over time
(Explain): _____ (If you check 5c, you must fill out page 2.)

6 ☐ Check here if you asked the court to waive your court fees for this case in the last six months.(If your previous request is reasonably available, please attach it to this form and check here: ☐)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 10/12/2011Jamie Hartley

Print your name here

Jamie Hartley
Sign here

Case Number:

Your name: Jamie Hartley

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$ _____
List each payroll deduction and amount below:
- | | |
|-----|----------|
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |
| (4) | \$ _____ |
- b. Total deductions (add 8a (1)-(4) above): \$ _____
- c. Total monthly take-home pay (8a minus 8b): \$ _____
- d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
- | | |
|-----|----------|
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |
| (4) | \$ _____ |
- e. Your total monthly income is (8c plus 8d): \$ _____

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1)			\$ _____
(2)			\$ _____
(3)			\$ _____
(4)			\$ _____

- b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8e plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ _____
- b. All financial accounts (List bank name and amount):
- | | |
|-----|----------|
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |
| (4) | \$ _____ |
- c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How Much You Still Owe |
|-------------|-------------------|------------------------|
| (1) | \$ _____ | \$ _____ |
| (2) | \$ _____ | \$ _____ |
| (3) | \$ _____ | \$ _____ |
- d. Real estate
- | Address | Fair Market Value | How Much You Still Owe |
|---------|-------------------|------------------------|
| (1) | \$ _____ | \$ _____ |
| (2) | \$ _____ | \$ _____ |
| (3) | \$ _____ | \$ _____ |
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- | Describe | Fair Market Value | How Much You Still Owe |
|----------|-------------------|------------------------|
| (1) | \$ _____ | \$ _____ |
| (2) | \$ _____ | \$ _____ |
| (3) | \$ _____ | \$ _____ |

11 Your Monthly Expenses

(Do not include payroll deductions you already listed in 8b.)

- a. Rent or house payment & maintenance \$ _____
- b. Food and household supplies \$ _____
- c. Utilities and telephone \$ _____
- d. Clothing \$ _____
- e. Laundry and cleaning \$ _____
- f. Medical and dental expenses \$ _____
- g. Insurance (life, health, accident, etc.) \$ _____
- h. School, child care \$ _____
- i. Child, spousal support (another marriage) \$ _____
- j. Transportation, gas, auto repair and insurance \$ _____
- k. Installment payments (list each below):
- | | |
|----------|----------|
| Paid to: | |
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |
- l. Wages/earnings withheld by court order \$ _____
- m. Any other monthly expenses (list each below):
- | | |
|----------|----------|
| Paid to: | |
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |

Total monthly expenses (add 11a-11m above): \$ _____

NOTICE OF ACTION

CalWORKs Change

COUNTY OF FRESNO

HEALTH AND HUMAN SERVICES
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Notice Date : 07/19/2011
Case Name : Clarence Ayers
Case Number : C894742
Worker Name : Timoteo Gomez
Worker Number : IRHA
Telephone : (877) 600-1377
Worker Hours : 8:00 AM - 12:00PM, 1:00 PM - 05:00 PM
Address : 1680 E Manning AVE
Reedley CA 93654-2385

Clarence Ayers
36755 CARDINAL LN
SQUAW VALLEY CA 93675-9004



As of 08/01/2011, the County is changing your cash aid from \$334.00 to \$301.00.

Here's why:

Irene A Lara was overpaid in another case. That overpayment amount was \$2846.00. Because the person is now a member of your family, the amount owed must be taken out of your cash aid amount.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

The next page(s) show the amount owed and how much will be taken out of each month's cash aid amount.

WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the County can collect a CalWORKs overpayment by lowering your monthly grant. It can lower your food stamps to collect an overissuance unless it was the County's fault. If you go off aid before the overpayment or overissuance is paid back, the County may take what you owe out of your state income tax refund.

Your new cash aid amount is figured on this notice.

You reported the following income for the quarter:

Month	Amount
AUGUST	\$0.00
SEPTEMBER	\$0.00
OCTOBER	\$0.00

Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells you how. Your benefits may not be changed if you ask for a hearing before this action takes place.

Monthly Cash Aid Amount for the Period

AUGUST, 2011 - OCTOBER, 2011		
Section A. Countable Income	\$	0.00
Total Self-Employment Income		
Self-Employment Expenses:		
a. 40% Standard		0.00
OR		
b. Actual	=	0.00
Net Earnings from Self-Employment		
Total Disability-Based Unearned Income of (Assistance Unit + Non-Assistance Unit Members)	\$	0.00
\$225 DBI Disregard (if Line 4 is greater than \$225)		225.00
Nonexempt Unearned Disability-Based Income	=	0.00
OR		
Unused DBI Disregard (up to \$112)	\$	0.00
Total Earned Income		112.00
Net Earnings from Self-Employment (from above)	+	0.00
Subtotal	=	0.00
Unused Amount of \$225 (from line 7) or \$112 (whichever is less)		112.00
Subtotal	=	0.00
Earned Income Disregard 50%	=	0.00
Subtotal		
Nonexempt Unearned Disability-Based Income (from above)	+	0.00
Other Nonexempt Income (Assistance Unit + Non-Assistance Unit Members)	+	0.00
Net Countable Income	=	0.00
Section B. Your Cash Aid		
1. Maximum Aid for 1 Persons (Assistance Unit + Non-Assistance Unit Members)	\$	301.00
2. Special Needs (Assistance Unit + Non Assistant Unit Members)	+	0.00
3. Net Countable Income from Section A	-	0.00
4. Subtotal	=	301.00

Rules: These rules apply. You may review them at your welfare office: MPP: 44-350.33, 44-350.34

NOTICE OF ACTION

CalWORKs Change

COUNTY OF FRESNO

HEALTH AND HUMAN SERVICES
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

(Continued)

Notice Date : 07/19/2011
Case Name : Clarence Ayers
Case Number : C894742
Worker Name : Timoteo Gomez
Worker Number : IRHA
Telephone : (877) 600-1377

Overpayment Adjustment:

Amount to be Taken From Monthly Payment
Claim Caused by Intentional Program Violation

1. Maximum Aid Payment (MAP) = \$334.00
 2. Adjustment Factor x 0.10
 3. Total = \$33.40
 4. Recoupment Amount = \$33.00
- (This is the highest adjustment allowed, or the total
overpayment owed, or the cash aid Subtotal (page1),
whichever is less)

M44-352C CW Grant Change - Overpayment Adjustment
- Overpaid in Different Case

5. Maximum Aid 1 Persons (Assistance Unit Only (Excluding MFG, or Penalized Persons)	...	\$	334.00
6. Special Needs (Assistance Unit only)	...	+	0.00
7. Maximum Aid Subtotal	...	=	334.00
8. Full Month Aid Subtotal (Lowest Amount on Line 4 or 7)	...	=	334.00
9. Line 8 Prorated for Part of Month	...	=	0.00
10. Adjustments: 25% Child Support Penalty(ies)	...	-	0.00
Overpayment	...	-	33.00
Other Penalties	...	-	0.00
Cal-Learn Bonus	...	+	0.00
11. Monthly Cash Aid Amount for the Period (Line 8 or 9 Adjusted)	...	=	301.00

Case Name: AYERS, CLARENCE
State Hearing No: 112150145
County: Fresno

County Case No: C894742
Filing Date: 8/2/11
Hearing Date: 9/6/11
Hearing Time: 1PM

☒ WITHDRAWAL

☐ CONDITIONAL WITHDRAWAL

I, Ar: Kristine Allison (Ccls), the undersigned, do hereby:

☒ Withdraw my request for a state hearing before the State Department of Social Services. I understand that by withdrawing my request, I lose my right to a hearing on that request. I also understand that by withdrawing my request for hearing, aid which has been paid because of the request will stop without further notice. I may, however, file a new hearing request raising the identical issue provided that the new request is timely per Manual of Policies and Procedures Section 22-009.

☐ Conditionally withdraw my request for a state hearing before the State Department of Social Services. I understand that by conditionally withdrawing my request for hearing, aid which has been paid because of the hearing request will stop without further notice. I understand that the county will issue a re-determination notice within 30 days and that I must request a hearing within 90 DAYS of the county's notice if I am not satisfied with the county's reconsideration of my case. Upon such renewal, I shall have the same rights I would have had if I had not signed this conditional withdrawal.

The reasons for or conditions of this withdrawal are:

Per my prehearing contact made with AR Ms. Allison of CCLS on 8/5/11 to clarify the hearing issue to be case discontinuance as of 7/31/11 and the CalWORKs overpayment of \$2846, claim #713568 originated from case #XXX742 which Irene A Lara was a part of the overpaid assistance unit.

It was discovered the discontinuance has been rescinded and mutually agreed that it is no longer a hearing issue. However, the overpayment needs to be reviewed.

Another phone call was made on 8/30/11 with Ms. Allison and she was explained that Irene A Lara is temporarily closed as a liable person until the primary debtor is unlocateable.

Please sign, date, and return this withdrawal if you received the attached screen print and the case comments of Irene A Lara being temporarily closed down as a liable person. Keep in mind that she will be sent a demand letter if/when the primary debtor stops making restitution to the county.

Signed: *John Leun*
County Representative

Fresno County
PO Box 1912
Fresno CA 93750

Phone No.: (559) 600-2809

Date: 8/30/11

Signed: *K. Allison*
Claimant

2115 Kern #1

Address

FRESNO, CA 93721

City

Zip Code

Date: 2 09/1/2011

Note: A Conditional Withdrawal must provide that the actions of both parties will be completed within 30 days.

A Conditional Withdrawal must also be signed by a County Representative or it is invalid.

CSF44 (Replaces DPA315)