



CDSS

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DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

May 20, 2013

ALL COUNTY LETTER No. 13-40

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY HEARING REPRESENTATIVES
ALL ADMINISTRATIVE LAW JUDGES

SUBJECT: STATE HEARINGS DIVISION PROCEDURES IN
PROCESSING EXPEDITED STATE HEARING REQUESTS

REFERENCE: Welfare and Institutions Code (W&IC) sections 10950 through
10967; CDSS Manual of Policies and Procedures (MPP)
sections 22-001 through 22-085.

This All County Letter (ACL) is to provide information regarding the procedures for processing expedited state hearings requests.

To improve access and communication about the availability of expedited state hearings, this letter is located on the California Department of Social Services (CDSS), State Hearings Division (SHD) website, under the “Expedited Hearings” tab.

ELIGIBILITY FOR EXPEDITED STATE HEARINGS:

Only issues that require an expedited decision will be set for an expedited hearing. The issues that will be subject to this process are cases involving:

1. Expedited CalFresh (formerly Food Stamps);
2. California Work Opportunity and Responsibility to Kids (CalWORKs) Immediate Need, including a failure to process applications within 15 days after payment and denial/failure to issue Expedited Grant funds;
3. CalWORKs Homeless Assistance;

4. Denial of supportive services for welfare-to-work which would result in the loss of employment or inability to participate or make satisfactory progress in a Self-Initiated Program (SIP) or approved educational/training activity; and
5. Any other issue of urgency that the CDSS/SHD deems necessary.

PROCESSING THE EXPEDITED HEARING REQUEST:

Requests for these hearings shall be made to the regional office Presiding Judge or to the SHD at 1-800-743-8525 or fax (916) 651-2789, or for hearings for speech impaired (TDD) 1-800-952-8349.

1. The SHD will field requests for expedited state hearings from claimants/authorized representatives (ARs) and counties. The Presiding Judge (PJ) of the county's regional office will determine if an expedited state hearing is necessary. The PJ may contact the county appeals representative and the claimant to get, as necessary, further information about the necessity for an expedited state hearing, and may be done through a three-way call. Unless made through a three way call, if such a contact is made, the contact and the information provided must be revealed to the other party no later than the beginning of the hearing. The contact and the information provided may be revealed in writing or via telephone or other electronic means.
2. If the request for an expedited state hearing is granted, the PJ shall ensure the case is calendared on an expedited basis, giving both claimants/ARs and the county at least ten (10) calendar days advance notice of the time, date and the type of hearing that will be convened and conducted by the Administrative Law Judge (ALJ). Notices to county and claimant/AR will be transmitted in writing or by other electronic means specifying the expedited state hearing has been set.
3. If the request for an expedited state hearing is denied, the PJ or his or her designee shall notify the claimant/AR and the county of the determination, and the case will be set for a regular state hearing. Notices to county and claimant/AR will be transmitted in writing or by other electronic means specifying the expedited state hearing has been denied.

CONDUCTING THE EXPEDITED HEARING:

1. Generally, the most expeditious way the SHD can conduct an expedited state hearing within its resource limits is by telephone. However, if the expedited state hearing can be incorporated into an existing in-person calendar, the SHD will set the case accordingly. If the expedited hearing cannot be set within the existing in-person calendar, the claimant shall be informed via telephone that the matter will be set by telephone. If the claimant wants the hearing conducted in-person, the matter will set for the next regular in-person calendar offered by the county.

2. The county is required to have its Statement of Position (SOP) available for the claimant to pick up at its county offices two working days before the scheduled hearing, including for expedited hearings. If the county does not have it ready, the claimant can request and receive a postponement or can opt to proceed without the SOP. The SHD will reset the hearing immediately if the claimant opts for a postponement, in order to attempt to resolve the urgent issue as soon as possible. Counties are reminded that offering to “reconsider” a matter, when no new information is needed is not appropriate, as the claimant has the right to receive a decision on the matter.
3. The ALJ will issue a decision in the case within five (5) business days of record closure.
4. The SHD has found that a high percentage of cases involving emergency circumstances are subject to settlement. Therefore, parties are encouraged to engage in settlement negotiations as soon as possible, so that the county can take immediate action if settlement is reached, thereby obviating the need for the administrative hearing. If the matter has been resolved, the county must contact the SHD and issue a Notice of Action to the claimant/AR specifying the action taken. If the claimant disagrees with the action, the claimant can file a new request for hearing based on the new Notice of Action.

It is SHD’s intention that the expedited state hearings process will continue to provide more effective due process in those cases where emergency relief is at issue.

If you have questions or concerns regarding the expedited state hearing process, contact your nearest Presiding Judge as follows:

Los Angeles Regional Office – (213) 833-2200
San Diego Regional Office – (760) 510-4999
Northern Valley/Coastal Regional Office – (916) 651-0927
Disability Hearings Bureau – (916) 653-1878

Sincerely,

Original Document Signed By:

MANUEL A. ROMERO
Deputy Director
State Hearings Division