

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



January 2, 1986

ALL-COUNTY LETTER NO. 86-01

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FOUR COURT CASES (NORTH COAST COALITION v. WOODS, WOOD v. WOODS, WRIGHT v. WOODS AND ANGUS v. WOODS): RETROACTIVE PROVISION CLARIFICATIONS AND CORRECTED NOTICES OF CLAIM ACTION

REFERENCE: MPP SECTION 50-014
ALL-COUNTY LETTERS 85-105, DATED OCTOBER 11, 1985 AND 85-115,
DATED NOVEMBER 13, 1985

This letter contains requested clarification regarding the Four Court Cases retroactive provisions. This letter also transmits revised Notices of Claim Action and instructions. The following clarifications are in response to questions received and are intended to provide uniform application of specific provisions.

QUESTION 1:

MPP SECTION 50-014.225 requires that each county welfare department (CWD) give or mail the claimant notification materials to anyone upon request. Preprinted materials were provided by the State Department of Social Services (SDSS) to assist the CWDs in meeting this requirement. These materials are contained in an envelope. Are there any guidelines regarding the use of SDSS supplied envelopes which CWDs should be aware of?

RESPONSE:

Yes. For CWDs that will be using the envelope to mail the supplied claimant notification materials, it is preferred that the CWD cross out SDSS' return address and replace it with their address as contained in the notification materials. For those individuals who will be given the materials in person, hand out only the notification materials. By not giving the individual the envelope, problems associated with the return of the entire booklet or the claims being sent to SDSS will be minimized.

QUESTION 2:

MPP Sections 50-014.325(a)(3) and (4) specify that the CWD shall report the number of claims granted in full using case record information and those granted in full using the average monthly benefit table. Neither the regulations nor the statistical report forms (TEMP 1635, TEMP 1635A, TEMP 1635B or TEMP 1635C) provide for reporting the number of claims granted in full using a combination of case record information and the average benefit table. How should these claims be reported?

RESPONSE:

In this situation, report the claim under the method used to compute the amount of retroactive benefits in the majority of the claim months. In the circumstance where there is an equal number of months computed by each method, report those claims under MPP 50-014.325(a)(3) (using case record information).

QUESTION 3:

MPP Section 50-014.828 requires that CWDs refund to the designated Angus v. Woods claimants any overpayment recouped by grant adjustment between January 1, 1981 and April 1981 using the current underpayment correction regulations (MPP Section 44-340.) as modified by the Edwards v. McMahon court order.

For those situations where the initial overpayment, in which a portion is being refunded in accordance with MPP Section 50-014.828, is still considered collectible under MPP Section 44-350.11, can the amount of the refund be offset against any outstanding balance owed? This appears to be allowable under MPP Section 44-340.42. If not, should the amount being refunded be added back into the outstanding balance owed?

RESPONSE:

MPP Section 50-014.933 establishes the principle that the retroactive payments issued under these regulations can only be used to offset an outstanding overpayment which was discovered on or after January 1, 1981. In keeping with this principle, there should be no attempt to balance or otherwise retrieve the recoupments refunded in accordance with MPP Section 50-014.828 when the initial overpayment was discovered prior to January 1, 1981. In addition, under this circumstance, the amount being refunded must not be added back into the outstanding balance remaining on the books. However, refunds being made in accordance with MPP Section 50-014.828 may be balanced against the outstanding balance owed of an overpayment which was discovered on or after January 1, 1981.

QUESTION 4:

MPP Section 50-014.431(e) requires that an Angus v. Woods claim is not considered complete unless the claimant provides a response to the question regarding the presence of a spouse in the home during the months being claimed. However, the language of the question on the claim form is conditional. It asks "If you lived with a spouse...." Those Angus claimants who were not married during the period being claimed are not responding to the question because it does not apply to them. When the claimant does not provide a response to this question, should the CWDs consider the claim incomplete in all cases?

RESPONSE:

The Angus v. Woods retroactive payments must be split between former eligible spouses claiming the same month as specified in MPP Section 50-014.823. Therefore, it is necessary to determine if there was a spouse in the home at that time. We prefer that this information be obtained through the review of the case record. This approach would avoid sending a request for more information. However, if the case record is not available or does not contain this information for the month(s) being claimed, then a request should be sent.

When a request is used to obtain this information, include on the request a statement instructing the claimant to indicate "not married" on the claim form if he/she was not married during the months claimed. This will provide the CWDs with the information needed to establish that the claim does not require flagging.

Attached are revised "Wright v. Woods - Denial - Received Maximum Aid (21)" and "Wright v. Woods - Computation Page (Actual Underpayment - Monthly) (11)" Notice of Claim Action forms. These forms have been revised to reflect the amount of the \$30 and 1/3 earned income disregard available in the claim month for use in computing the amount of aid to which the claimant was entitled (MPP Section 50-014.725(a)(2)). The Spanish version of these forms will also reflect this revision.

Also attached are revised instructions for completing the approval notices of claim action which were transmitted in All-County Letter No. 85-104, dated October 11, 1985. These instructions have been revised to reflect the correct regulation citations needed in order to complete the Angus v. Woods approval notices. Please replace the instructions received in All-County Letter No. 85-104 with the instructions attached.

If there are any questions regarding this matter, please contact Mr. Joe Carleton at (916) 324-2016 or ATSS 454-2016.



ROBERT A. HOREL
Deputy Director

Attachments

cc: CWDA