
Note that MPP Section 40-107.144 establishes that, upon request, a current recipient or former recipient is entitled to a written notice of his/her time on aid within 30 calendar days of the date the county receives such request.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - January 8, 2003*

Item 03-01-02B -- ISSUES INVOLVING TWO OR MORE COUNTIES
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3. If a hearing involves a claimant who has received aid in two or more counties during the 60-month time period, is the county which now proposes to delete the claimant from the CalWORKs Assistance Unit (AU), (i.e., the "moving" county) the only county that is a "party" to the hearing? Or must the other "non-moving" county(ies) be parties to the hearing?

Answer: It depends.

If the State Hearings Division (SHD) is aware or advised that the claimant received CalWORKs in two or more counties, the SHD will notify each county that it is a party.

If, prior to, or at the hearing, the claimant indicates that he or she is only disputing months involving the moving county, then the non-moving county should participate in the hearing as a witness, as necessary, and not as a party.

If the claimant disputes months included in the non-moving county's calculation of months on aid, then that county will continue to be treated as a party.

If the moving county has not notified SHD that a non-moving county is involved and the Administrative Law Judge learns at the hearing that a second county is involved, it will be up to the Administrative Law Judge to determine whether the non-moving county should be joined as a party to the hearing. The Administrative Law Judge will add the non-moving county as a party if the claimant has a dispute with that county's determination of months on CalWORKs.

Example:

The claimant received CalWORKs from January 1998 through December 2000 in Los Angeles County. The claimant received CalWORKs from January 2001 through December 2002 in San Diego County.

San Diego County issues a notice of action proposing to delete the claimant from the CalWORKs' AU effective January 2003 because the 60-month time limit has expired. The claimant requests a hearing.

Initially, if the SHD has been notified that the claimant received CalWORKs in each county, both San Diego and Los Angeles will be parties. If the claimant does not dispute any action taken by Los Angeles County, San Diego County is the only party to the hearing. Los Angeles County should be available to participate in the hearing as a witness, if issues arise pertaining to that county.

If the claimant disputed any month from January 1998 through December 2000, then Los Angeles County will continue to be a party.

If SHD had only identified San Diego County as a party, the Administrative Law Judge would join Los Angeles County as a party, if necessary.

4. How should a non-moving county be prepared to participate during the hearing?

Answer: The non-moving county should be prepared to participate in the hearing by telephone and should forward all necessary documents to support its position to the moving county prior to the hearing date. The non-moving county must also make such evidence available to the claimant two working days in advance of the hearing.

5. How should the Administrative Law Judge proceed if there is more than one county involved in the hearing?

Answer: The Administrative Law Judge will contact the non-moving county by telephone to participate in the hearing.

If the identity of a non-moving county becomes known for the first time at the hearing and there is a dispute involving the claimant's month(s) of aid while in that county, the Administrative Law Judge may need to schedule a continued hearing, or, if necessary, postpone the hearing.

6. Why is it necessary, under the above circumstances to make the non-moving county a party to the hearing?

Answer: The county that puts information into WDTIP (the statewide computer program that tracks time on CalWORKs) is the only county that can correct such information. The moving county cannot correct a non-moving county's WDTIP records.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - January 23, 2002*

Item 02-01-01A

Food Stamp Overissuances--Questions and Answers

May the County Recoup an Overissuance from Children?