
*Note that any aid paid pending that the claimant receives after requesting a hearing will count as a month on aid if no time limit exemption applies in that month. In the above example, if the claimant receives aid paid pending in January and February 2003, the county should count those months as month 57 and 58 unless a time limit exemption applied.

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

Item 03-01-02C -- HEARING RIGHTS

7. The county issues a time limit notice of action in the 54th month and the claimant fails to file a hearing request within 90 days of that notice. May the claimant have months 1 through 54 reviewed if the claimant then requests a hearing after the county issues a notice of action discontinuing aid in the 60th month?

Answer: If the county issued an adequate notice of action in the 54th month, the claimant's request for hearing on the 60th month notice of action would be untimely and the claimant would not be entitled to a review of months 1 through 54.

In order to be adequate, the notice of action must meet the requirements of MPP Section 22-001 (a) 1. In addition, the notice of action must include warning language similar to the following:

"If you do not request a hearing, you may never get another chance to change the number of months shown on this notice for your 60-month time limit on aid."

Note that the above language tells the claimant that he or she "may" never get another chance to change the number of months shown on the notice. "May" is appropriate in view of the fact that some of these months may, in the future, be "unticked" because of changed circumstances, such as subsequent collections of overpayments or child support.

Also, per All County Information Notice (ACIN) I-90-02 dated December 11, 2002, the above warning language appears on the NA 530 dated 11/02. The NA 530 is a required notice.

8. May the claimant request a hearing and have a Judge review the number of months that count towards the 60-month time limit, if the claimant received an informing notice, rather than a notice of action, or received no notice of action at all?

Answer: YES, unless the claimant received an earlier adequate notice of action and failed to file a timely hearing request on that notice of action. The claimant's hearing rights would be cut off only as to those months set forth in an adequate notice of action.

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.