
Item 03-01-02E -- OVERPAYMENT RECOUPMENT

11. In All County Letter 02-74, on page 3, the first paragraph says:

"For purposes of the 60-month time limit, an overpayment month (i.e. an entire month of aid in which the recipient was not entitled to the cash aid) that is fully repaid by grant reduction or any other means, does not count toward the CalWORKs /TANF 60-month time limit."

Does any other means include child support recoupment?

Answer: YES

12. May the county apply overpayment recoupments made after January 1998 to overpayments that occurred prior to 1998?

Answer: YES, if the overpayment recoupment is made by grant adjustment, voluntary partial or lump sum payment or tax intercept. The county may not, however, apply child support recoupments made in or after January 1998 toward collection of overpayments made prior to January 1998.

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

Item 03-01-02D -- JUDGE'S ROLE

9. Should Administrative Law Judges make specific findings regarding months in dispute and months not in dispute?

Answer: Judges should make specific findings as to what months CalWORKs was received rather than merely concluding that the county has established or has failed to establish that the claimant received CalWORKs for 60 months. This will avoid the relitigation of the same months in the future. If specific findings are made and a rehearing is not requested, MPP Section 22-054.34 will preclude relitigation of the case by either party, regarding these specific months.

Example:

An Administrative Law Judge finds that a claimant has received CalWORKs for 56 months between January 1998 and December 2002, based on a specific finding of fact or because those months were not in dispute. The Administrative Law Judge finds that the claimant did not receive aid in the months of March 2000 through June 2000 based on the testimony of the claimant and the county's failure to present sufficient evidence that the claimant received aid in those months.