
Analysis

A portion of the overissuance occurred in 2001, which is within three years of May 2002 when the overissuance was determined by calculation. Since at least one month of the overissuance occurred within three years of the date the overissuance was determined by calculation, the county is permitted to recoup any overissuance that occurred within six years prior to the date the overissuance was discovered.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01C -- Determination of Maximum Family Grant Rule is Made On a One-Time Basis

Facts

The claimant received a notice of action in February 2001 advising her that her newborn child would not be added to the CalWORKs assistance unit because of the Maximum Family Grant (MFG) rule. The claimant did not request a hearing until July 2002 to dispute that action.

The claimant contends that she is entitled to have her CalWORKs grant reviewed for the prior 90 days because her current grant amount is at issue and because her child born in 2001 is not currently in the assistance unit.

Law

When a request for a state hearing concerns the current amount of aid the request shall be filed within 90 days, but the period of review shall extend back to the first of the month in which the first day of the 90-day period occurred. (§22-009.12)

Analysis

The issue is whether the claimant's child is subject to the MFG rule. That determination is made on a one-time basis. The fact of the child's birth and that the county issued a notice of action denying CalWORKs for that child is not subject to review on a month-by-month basis. The claimant's request for hearing in July 2002 is untimely after the claimant received adequate notice in February 2001. The request for hearing thus must be dismissed and the county determination that the child is not eligible for CalWORKs because of the MFG rule is not subject to review.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - April 16, 2003*

Item 03-04-01B -- When an English Language Notice of Action is Proper Notice to Non-English Speaking Person
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Facts

The county issued the claimant a notice of action in English on February 21, 2001 denying the claimant application to add her newborn child to the CalWORKs assistance unit. The claimant did not request a hearing until July 24, 2001. The county requested a dismissal of the claimant's hearing request because it was filed untimely.

The notice of action was adequate and the claimant acknowledged that she received the notice. She contended that she speaks Vietnamese and did not understand the notice.

The claimant had a friend complete a language preference form and the claimant signed the form. The language preference form indicated that the claimant wanted to receive forms in English.

Law

A request for state hearing must be filed within 90 days of the action or inaction with which the claimant is dissatisfied. In the Food Stamp Program, the appropriate time limits are set forth in §§63-802.4 and 63-804.5. If the claimant received adequate notice of the action, the date of the action is the date the notice was mailed to the claimant. (§22-009.1)

A request for hearing shall be dismissed if the request for hearing is filed beyond the time limit set forth in §22-009. (§22-054.32)

Forms or other written material required for the provision of aid or services shall be available and offered to the applicant/recipient in the individual's primary language when such forms and other written material are provided by the CDSS. When such forms and other written material contain spaces in which the agency is to insert information, this inserted information shall be in the individual's primary language. (§21-115.2)

In order to ensure that every non-English/limited English speaking client receives equal access to all programs and services, county welfare departments are reminded that they must comply with §21-115.2 (All-County Letter (ACL) No. 00-03, January 5, 2000)

A list of forms which have been translated into languages other than English is sent to counties by CDSS on a regular basis. Counties are required to stock all forms that have been translated by CDSS even if there have been no requests. (ACL No. 92-90, October 15, 1992)

Analysis

Where the claimant had signed a form indicating that her language preference was English, the county properly relied on the form in issuing notices of action to the claimant in English. Therefore the claimant's hearing request was untimely and properly dismissed.