
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