
§81-215.32; child care or other required activities for children not in the AU under §§47-201.12 and 47-401.45; and continuing case management and/or supportive services for former recipients, under §42-717.1. (Handbook §11-501.3) Approximately 15 other examples of mandated written standards have been set forth by the CDSS. One of those examples is determining when an ancillary expense is necessary for the individual to participate in WTW activities. (ACL No. 00-08)

Analysis

The claimant is a Cal-Learn participant. She is entitled to the same supportive services as any other Welfare to Work participant as long as the services are needed to attend school. The procedures for payment of supportive services are the same as those for other Welfare to Work participants.

In Welfare to Work, per MPP §11-501.3 and ACL 00-08, the county must have written standards in applying Welfare to Work activities, including WTW supportive services. In this case, the county had no written policy against paying for car repairs, or limiting car repairs to the owner of a car. In the absence of such a written policy, the county is not permitted to limit car repairs to the owner of a car, if the non-owner claimant needs the car to attend classes to complete her Cal-Learn requirement.

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

Item 03-04-01E -- Calculating the CalWORKs Grant In Cases Involving an MFG Child

Facts

The claimant receives CalWORKs for herself and her aided children. Also living in the home are two children who have been excluded from the assistance unit because of the MFG rule. The claimant has earned income. The county calculated the CalWORKs grant by considering only the needs of the claimant and the aided children. The county did not consider the needs of the MFG children as part of the "Family Maximum Aid Payment (MAP)".

Law

State law provides that for purposes of determining the Maximum Aid Payment (MAP), and for no other purpose, the number of needy persons in the same family shall not be increased for any child born into a family that has received aid continuously for the 10 months prior to the birth of the child. Aid shall be considered continuous unless the family did not receive aid for two consecutive months. (W&IC §11450.04(a), see also §§44-314.2, .32, and .6)

Analysis

Department policy states that in calculating the CalWORKs grant where there is an MFG child, do not consider the needs of the MFG child in the "family MAP".

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

Item 03-04-01D -- How Far Back County May Recoup Food Stamp Overissuance

Facts

The county issued the claimant a notice of action in May 2002 demanding repayment of a food stamp overissuance that it alleges occurred due to unreported income for several months between August 1997 and April 2001. The county presented evidence that it determined by computation in May 2002 that the overissuance occurred. The overissuance for purposes of this hearing is treated as being caused by inadvertent household error.

Law

The county shall take action on inadvertent and administrative error claims for which less than three years have elapsed between the month the overissuance occurred and the month the county determined by computation that an overissuance occurred, irrespective of the date the claim determination was completed. (§63-801.111)

The county shall calculate the amount of the FS overissuance which occurred during the six years preceding the date the overissuance was discovered. The county shall not include in its calculation any amount of the overissuance which occurred in a month more than six years prior to the date the overissuance was discovered. (§63-801.311(b), as revised effective August 10, 2001)

The CDSS interpretation of the three-year time period discussed in §63-801.111 is as follows:

"The three-year time frame does not begin with the date of discovery, the date the case is referred to investigations, or the date the investigative staff uses the information on IEVS and other verifications to calculate the OI. The three-year time frame begins with the date of the occurrence of the OI." [Manual of Policies and Procedures (MPP) 63-801.11; ACIN I-03-02].

MPP §63-801.311(b) instructs the county to calculate the claim for this six-year period. The county would be operating within the three-year time frame as required by MPP §63-801.11 as long as one month of the overissuance occurs within three years of establishing the claim. Therefore it does not matter that part of an overissuance occurred more than three years prior to the establishment of the claim as long as a portion of the overissuance occurred within the three-year time frame. (All-County Information Notice (ACIN) No. I-52-02, July 22, 2002, Question 1)