

Item 03-04-01G -- Restoration of Lost Food Stamp Benefits
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Facts

The claimant requested a hearing in November 2001 requesting restoration of lost food stamps. The county stipulated to recompute food stamps retroactive to November 2000 which is one year prior to the claimant's hearing request. The claimant did not accept that stipulation because she alleged that she has requested restoration of lost benefits on many occasions including as far back as 1996. She alleges that she provided the county with utility and childcare receipts, but the county failed to consider these receipts in computing food stamp allotments.

There was no evidence that the county had ever issued a notice of action or otherwise acted upon any of the claimant's alleged requests for restoration of benefits.

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)

Unless a longer period of time is specified elsewhere in regulations, lost benefits shall be restored for not more than 12 months prior to the earlier of the date the county receives a request for restoration of benefits from the household or the date the county is notified or otherwise discovers that a loss to the household has occurred. (§63-802.12)

If a household believes that it is entitled to restoration of lost benefits but the county does not agree, the household has 90 days from the date of the county determination to request a state hearing. The county shall restore lost benefits to the household only if the state hearing decision is favorable to the household. Benefits lost more than 12 months prior to the date the county was initially informed of the household's possible entitlement to lost benefits shall not be restored. (§63-802.42)

Analysis

In a rehearing, the Administrative Law Judge needs to make a finding of fact whether the claimant made any request for restoration of benefits, and if so, when such request was made. If the Administrative Law Judge determines that the household made a request for restoration of lost benefits, the judge should order the county to recompute the food stamp allotment for 12 months prior to that date. The claimant's entitlement to restoration of lost benefits is not limited to 12 months prior to the hearing request if the judge finds

that the claimant made a request for restoration of benefits at a date earlier than the hearing request, and if the county failed to act on such request.

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

Item 03-04-01F -- Car Repairs as a WTW Supportive Service
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Facts

The claimant was participating in Cal-Learn. The claimant needed the use of a car to go to classes to comply with Cal-Learn requirements. She did not own the car. There is no specific written county policy limiting payment for car repairs to persons who own a vehicle.

Law

Supportive services which are necessary for participation in the assigned program activity, or in order to accept employment, must be available to every participant, including those in SIPs. When necessary services are not provided, the individual will have established good cause for nonparticipation, under §42-713.21.

Supportive services must include childcare, transportation costs, ancillary expenses, and personal counseling. Payments for all such services, except for childcare, shall be advanced to the participant whenever necessary, and when desired by the participant. Requiring CalWORKs participants to use their income, income disregard or cash assistance payment to pay for supportive services violates state statutes and regulations. (§42-750.1, effective July 1, 1998; ACL No. 00-54, August 11, 2000)

Teen parents shall receive childcare, transportation and ancillary expenses under §42-750. The procedures under §42-750 shall be used for the payment of supportive services. Supportive services shall be limited to those services teen parents need to attend their school programs regularly. (§42-765.1)

When there are laws or CDSS regulations which authorize counties to adopt specific standards which affect an applicant's or recipient's eligibility, grant amount, or welfare-to-work (WTW) activities, including supportive services, these standards shall be in writing and made available to the public on request. (§11-501.3, effective February 10, 1999; All-County Letter (ACL) No. 02-03, January 18, 2002) These county standards must be in compliance with translation requirements. (§21-115; ACL No. 00-08, January 3, 2000)

Examples of such mandated written standards include but are not limited to: (1) Definitions of what constitutes regular school attendance and good cause criteria under §40-105.5; extending the 18-month time limit and work exemption based on caring for a young child under §§42-710.12 and 42-712.47; diversion program requirements under