

Item 03-01-02A -- ISSUES INVOLVING CLAIMANT'S RECEIPT OF TANF IN ANOTHER STATE

1. May an Administrative Law Judge review another state's determination of the number of months a claimant received TANF in that state?

Answer: NO. The Judge may inquire whether the aid the claimant received was TANF benefits (as opposed to state benefits) but the Judge will be bound by the other state's assertion regarding the type of aid and the number of months that aid was received.

The claimant must file for a state hearing in the other state to contest that state's determination if there is a dispute.

2. What type of evidence should counties present from another state?

Answer: The best evidence that a county can provide is a written document on the other state's letterhead submitted under penalty of perjury that lists the specific month(s) the claimant received TANF in that state. This is more reliable evidence and less subject to attack than an Appeal Specialist's testimony that another state's employee had orally advised him/her of the months the claimant received TANF in that state.

**Item 03-10-02A
Paraphrased Regulations**

This is the August 2003 update of the Paraphrased Regulations (ParaRegs). This new hardcopy of the ParaRegs appends and does not replace the previous update. It is being distributed to all ALJs and to two counties (Kern and San Mateo) and two authorized representative groups (Legal Services of Northern California [the Sacramento office] and Western Center on Law and Poverty [the Los Angeles office]). Interested parties may request a hardcopy from the appropriate contact.

Please insert the pages where the page numbers indicate. This will not replace any pages, only supplement them with the correct or added version.

Refer to your Notes 03-8-1 for which ParaRegs have been changed and added.

Item 03-10-01G

ACIN I-58-03 September 9, 2003 (Synopsis): Transitional Food Stamps

Assembly Bill 1752 provides that when a household loses CalWORKs assistance the household may receive food stamps for up to five months. Benefits would be in the same amount received by the household prior to the termination from CalWORKs, adjusted for loss of the CalWORKs grant. A household that loses CalWORKs due to a sanction or was otherwise disqualified from the food stamp program is not eligible for this extension.

This transitional benefit must be implemented by January 1, 2004. W&IC §18901.6 establishes this new benefit and a copy of this statute is attached to this ACIN.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - October 17, 2003*

Item 03-10-01F

ACIN I-56-03 September 3, 2003 (Synopsis): Suspension of CalWORKs and Refugee Cash Assistance (RCA) Cost of Living Adjustments (COLAs)

Welfare and Institutions Code (W&IC) §11453(c) provides for the 2003-4 fiscal year that CalWORKs Maximum Aid Payment (MAP) and Minimum Basic Standard of Adequate Care (MBSAC) COLAs shall be suspended if there is an increase in the Vehicle License Fee (VLF). The VLF was increased effective October 1, 2003. Therefore the COLAs for MAP and MBSAC that were scheduled to be effective October 1, 2003 as well as RCA are suspended.

The CalWORKs MAP and MBSAC levels in All County Letters 03-26 and 03-38 are effective for the 2003-4 fiscal year.

*California Department of Social Services - State Hearings Division
Notes from the Training Bureau - October 17, 2003*

Item 03-10-01E

ACIN I-48-03 September 15, 2003 (Synopsis): Food Stamp Application Voluntary Withdrawal

Reference: Title 7 CFR §273.2(c)(6); MPP §63-300.36; ACIN I-08-03

The Food and Nutrition Service (FNS) has advised CDSS that it has received complaints from food stamp applicants that they are being advised to withdraw applications. FNS advised CDSS that a food stamp application may be withdrawn only if the applicant voluntarily withdraws the application without outside input. Any suggestion that the applicant withdraw his/her application is contrary to 7 CFR 273.2(c)(6).

Counties must record in the case file the reason the applicant has withdrawn the application and that contact was made with the household to confirm the withdrawal. Counties may use the CW89 Application Withdrawal Request form.