

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

September 5, 1989



ALL-COUNTY INFORMATION NOTICE NO. I-62-89

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SALDIVAR v. McMAHON UPDATE

REFERENCE: ALL-COUNTY LETTER 84-47, DATED APRIL 19, 1984  
ALL-COUNTY LETTER 84-74, DATED JULY 11, 1984  
ALL-COUNTY LETTER 88-145, DATED NOVEMBER 16, 1988

The purpose of this letter is to provide an update of information for Food Stamp Program (FSP) purposes pertaining to the Saldivar v. McMahon Interim Order issued on December 9, 1983, by the U.S. District Court in San Francisco. As a result of this court order, California has been permanently enjoined from implementing the provisions of MPP 22-022(j), M.S. 63-504.264(a)(b) and .265(b).

In order for SDSS to go back to the court to have the permanent injunction lifted against the use of adequate but not timely notices of action, proof must be presented that the State is in compliance with the five day rule for providing Aid Paid Pending (APP) a State hearing (M.S. 63-804.631). SDSS is currently in the process of compiling statistics regarding CWD processing time frames for compliance with M.S. 63-804.631. Although some counties have not submitted the statistical report requested in All-County Letter (ACL) 88-145, preliminary figures indicate approximately 85% of those recipients requesting APP are receiving benefits within five days or the effective date of action, whichever is later. Once statistics show that at least 90% of such recipients receive their benefits within these time frames, SDSS will be in a position to return to the court to request that the injunction be lifted. In the meantime, County Welfare Departments (CWDs) must continue to provide timely and adequate notice in all instances where a proposed action would result in a discontinuance or reduction of benefits due to a late or incomplete CA 7.


Instructions for implementation of the Saldivar v. McMahon decision were initially provided in ACLs 84-08 dated January 10, 1984, and 84-19 dated February 3, 1984. However, ACL 84-47 dated April 19, 1984 (Attachment #1), was developed to minimize CWD administrative

problems associated with the processing of a CA 7. ACL 84-47 rescinded all previously issued implementation instructions and continues to provide current operating instructions under this decision for CWDs. In addition, ACL 84-74 dated July 11, 1984 (Attachment #2), provided modifications to ACL 84-47 in the area of processing a complete CA 7 as defined in M.S. 63-504.32.

The modifications included in ACL 84-74 provided two options to be utilized as appropriate to each individual county's capabilities when a CA 7 is complete but missing information/verification of deduction(s). Option #1 does not disallow any unverified deduction(s). Instead, previously verified deduction amount(s) are used in the computation of the allotment amount if verification/information is received too late to effect any resultant decreases. Option #2 disallows any unverified deduction(s) if the requested verification/information is not received before the extended filing date. Additional specific information regarding these options and applicable actions pertaining to the DFA 377.4 notice of action form are included in Attachment #2. However, it should be noted that a potential Quality Control variance may result if option #1 is chosen. In addition, the CWD must not establish a claim against the household as long as a complete CA 7 is submitted by the extended filing date.

Until such time as there is a change in the status of Saldivar v. McMahon, CWDs must continue to operate under the instructions provided in ACLs 84-47 and 84-74. If you have any questions regarding this matter, please contact Carole Geller of the AFDC and Food Stamp Policy Implementation Bureau at (916) 322-5330.

Sincerely,



ROBERT A. HOREL  
Deputy Director

Attachments

cc: CWDA