



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

January 7, 2015

ALL COUNTY LETTER (ACL) NO. 14-109

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CalWORKs PROGRAM SPECIALISTS
 ALL COUNTY DISTRICT ATTORNEYS
 ALL COUNTY CHILD CARE COORDINATORS
 ALL COUNTY REFUGEE COORDINATORS
 ALL COUNTY WELFARE TO WORK COORDINATORS
 ALL COUNTY WELFARE FRAUD CHIEF INVESTIGATORS
 ALL CONSORTIA MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM: CHANGES TO SOCIAL SECURITY AND SUPPLEMENTAL SECURITY INCOME APPEALS PROCESS

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 11207; MANUAL OF POLICIES AND PROCEDURES SECTIONS 40-107, 82-610; SOCIAL SECURITY RULING 11-1p

The purpose of this letter is to notify County Welfare Departments (CWDs) of a 2011 ruling by the Social Security Administration (SSA) related to appeals of denied applications for Supplemental Security Income (SSI) and/or Social Security benefits and the impact to CalWORKs clients. This letter instructs CWDs on how to handle cases in which an individual has already applied for SSA benefits and the disability claim is in the appeals process to ensure CWDs do not require SSA applicants to submit subsequent applications for SSA benefits.

Background

Prior to July 28, 2011, claimants for Social Security or SSI who had their applications denied could file an appeal and/or file a new application. Effective July 28, 2011, with the issuance of Social Security Ruling (SSR) 11-1p, claimants are generally limited in their ability to file a subsequent application for the same type of benefits while the application is pending at any level of the administrative review. Although claimants may choose to file a subsequent application, in doing so, the claimant will generally be asked to drop their pending appeal, which results in the potential for loss of retroactive eligibility for Social Security, SSI, and Medi-Cal or Medicare.

Potentially Available Income

In order to be eligible for CalWORKs, an applicant or recipient is required to seek or accept potentially available income pursuant to Manual of Policies and Procedures (MPP) section 82-610.1. The CWD shall assist the applicant or recipient as needed in establishing their eligibility, as stated in MPP section 40-107.

As a result of the SSR 11-1p, effective immediately, CWDs shall not require CalWORKs applicants or recipients to file a new claim for Social Security or SSI benefits when the CalWORKs applicant or recipient has an application for Social Security or SSI benefits pending due to an appeal at any level of the administrative appeal process through the Appeals Council.

The CWD may require other evidence in order to demonstrate that the CalWORKs applicant or recipient has taken all actions necessary to obtain potentially available income, pursuant to MPP section 82-610. For example, providing proof of a pending Social Security hearing would be sufficient to show that a CalWORKs applicant or recipient is attempting to obtain social security benefits to which he or she may be entitled. CWDs are reminded that the SSA administers several types of income, and not all income administered by the SSA is considered potentially available. Sources of potentially available income are provided in MPP section 82-610.4.

For questions regarding the CalWORKs requirements within this letter, please contact your county consultant or the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division