

DEPARTMENT OF BENEFIT PAYMENTS



June 7, 1974

ALL-COUNTY LETTER NO. 74-104

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: LOPEZ v. CARLESON

REFERENCE:

Since November 1, 1971, EAS § 42-215.33 has provided that the only way to evaluate the market value of a motor vehicle for the purpose of determining whether an applicant or recipient meets the allowable property limitations for welfare eligibility is to multiply the annual license fee by 50.

A Judgment has been entered in the case of Lopez v. Carleson which enjoins use of this regulation as the exclusive means of evaluating a motor vehicle on and after October 9, 1973.

In response to this Judgment, EAS § 42-215.33 was amended on April 23, 1974. A copy of this revised regulation was transmitted to manual holders last month. The revised regulation provides that if either the county or the applicant or recipient does not believe that the method of evaluating motor vehicles described in the first paragraph of this letter represents the true value of the motor vehicle, an appraisal from a California state licensed independent insurance adjuster shall be considered as additional evidence of the value.

In accordance with the requirements of the Lopez Judgment, I am directing you to redetermine the eligibility of any and all persons whose aid was denied or terminated on or after October 9, 1973 solely because of the application of EAS § 42-215.33, either by virtue of action taken by the county welfare department or pursuant to a fair hearing decision, provided such persons make themselves known to you prior to April 1, 1975. Such redeterminations shall be made in accordance with the amended regulation and shall be effective as of the original date of county action.

OBSOLETE

Superseded by

ACL 2-77-15

Issued

3-17-77

ALL COUNTY WELFARE DIRECTORS

June 7, 1974

Page Two

It should be emphasized that the Lopez Judgment does not place a burden upon the state or county welfare departments to conduct a caseload review or seek out applicants or recipients who may have been adversely affected by the application of this regulation since October 9, 1973. Your only obligation is to respond to requests for eligibility redeterminations by applicants or recipients who have been adversely affected since that date.

Sincerely,

A handwritten signature in cursive script that reads "David B. Swoap". The signature is written in dark ink and is positioned above the typed name and title.

DAVID B. SWOAP
Director

cc: CWDA