

## DEPARTMENT OF BENEFIT PAYMENTS



April 23, 1974

ALL-COUNTY LETTER NO. 74-68

TO: ALL COUNTY WELFARE DIRECTORS

**OBsolete**

SUBJECT: SMOCK v. CARLESON Superseded by

ACL # 77-15

REFERENCE:

Issued 3-17-77

A Judgment was issued in the case of Smock v. Carleson by the Superior Court of Alameda County on February 26, 1974, and was amended on March 25, 1974.

The Judgment (page 2, lines 18-24) orders that the Director of Benefit Payments and his:

"...officers, agents, employees, representatives, and each of them, their successors in office, and those acting in their behalf, and all persons acting in concert or participating with them, shall be and are hereby permanently enjoined from enforcing EAS § 44-213.4 to the extent that it results in the exclusion of a needy [unmarried] natural parent, residing with his or her eligible child(ren), from the AFDC budget unit for purposes of AFDC grant computations."

The word "unmarried" was inadvertently omitted from this portion of the Judgment.

You are directed to comply with the portion of the Judgment quoted above. Effective immediately, EAS § 44-213.4 must be applied so that a needy unmarried natural parent residing with his eligible child(ren) is included in the FBU for purposes of computing the AFDC grant as well as for the purpose of determining financial eligibility.

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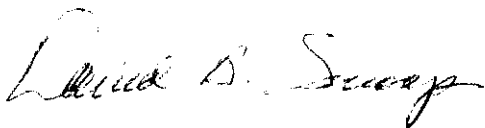
Page Two

The Judgment is effective as of February 27, 1974, the date of Entry of Judgment. You are directed to identify and locate all individuals who since February 27, 1974 have had their grants terminated or applications denied, or whose grants were computed contrary to the Judgment. Eligibility and grant redeterminations and payment of retroactive aid in such cases shall be accomplished as soon as administratively possible.

A Notice of Appeal has been filed in the Smock case. Retroactive aid prior to February 27, 1974 is not required while the case is under appellate review. I have been advised by the Attorney General that the portions of the Judgment not quoted above are stayed pending the appeal.

A copy of the Judgment and the Correction to the Judgment is attached.

Sincerely,

A handwritten signature in cursive script that reads "David B. Swoap".

DAVID B. SWOAP  
Director

Attachments