

## DEPARTMENT OF BENEFIT PAYMENTS

744 P Street  
Sacramento, California 95814



January 7, 1975

ALL-COUNTY LETTER NO. 75-11

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DISABLED AND BLIND ACTION COMMITTEE v. JENKINS

## REFERENCE:

In All-County Letter No. 74-162 dated August 15, 1974, you were advised of an Order to Show Cause and Temporary Stay Order which had been issued by the Third District Court of Appeal in the case of Disabled and Blind Action Committee v. Jenkins. Pursuant to that Order it was necessary to stay all pending fair hearings which involved a termination or reduction of homemaker/chore services as a result of ineligible spouse income deemed to be available to a recipient. It was also necessary to pay aid pending fair hearing decisions to all recipients who had requested fair hearings on this issue.

On December 26, 1974, the Third District Court of Appeal issued a decision in the Disabled and Blind Action Committee case. In this decision the Court held that the Department properly allocated ineligible spouse income to former attendant care and homemaker/chore services recipients in determining homemaker/chore services eligibility and benefit levels. Accordingly, the Court dissolved the Stay Order issued on August 6, 1974. As a result of this ruling, the instructions contained in All-County Letter No. 74-162 can now be rescinded.

In order to reverse the effect of the Stay Order, it is necessary to identify all pending fair hearings in which the claimant is receiving aid paid pending solely as a result of All-County Letter No. 74-162. Aid paid pending to the claimants in these fair hearings should be terminated as soon as administratively possible. No formal Notice of Action is necessary to effect these terminations. However, you should exercise caution to insure that no payments to fair hearing claimants who are otherwise entitled to aid paid pending

# OBSOLETE

Superseded by ACL #77-15

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ALL COUNTY WELFARE DIRECTORS  
Page Two

are now terminated. Aid paid pending should only be terminated if the claimant is not entitled to such aid under departmental regulations. No aid paid pending which resulted solely from the Stay Order should be recovered from any recipient.

We are now processing all fair hearings which involve a reduction or termination of homemaker/chore services due to ineligible spouse income. Fair hearings which were postponed as a result of the Stay Order will be rescheduled within the next few weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerold A. Prod". The signature is written in a cursive, flowing style with a large initial "J".

JEROLD A. PROD  
Acting Director

cc: CWDA