

## DEPARTMENT OF SOCIAL SERVICES



May 10, 1982

ALL-COUNTY LETTER NO. 82-43

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: TAYLOR v. WOODS

REFERENCE: EAS 41-440.47 (Repealed 2/22/82 per DSS Manual Letter No. 82-16)

On May 3, 1982, a Writ of Mandate was issued by the Contra Costa County Superior Court in Taylor v. Woods, a case challenging the validity of EAS Section 41-440.47. A copy of the court order is attached. Although EAS Section 41-440.47 has been repealed effective February 22, 1982 (see DSS Manual Letter No. 82-16), the Court ruled that the Department had no authority under state law to enact this regulation. Therefore the Court declared the regulation to be totally invalid from the time it was filed on November 10, 1981.

EAS Section 41-440.47 provided that those persons who are unemployed by reason of conduct or circumstances which result in disqualification for unemployment insurance benefits are ineligible for the federal AFDC-U program. However, since eligibility for many of these households could subsequently be established under the state AFDC-U program, it is believed that few cases were actually affected. Only those cases where eligibility could not be established under the criteria set forth in EAS Section 41-440.12 should have been impacted.

The writ requires that a special notice be sent to every applicant and recipient whose AFDC benefits under the Unemployed Parent Program has been denied or discontinued on the basis of former EAS Section 41-440.47 and that corrective payments be made to those who seek restoration of benefits.

In order to comply with this court order, you are directed as follows:

1. No later than June 1, 1982, you are required to notify those persons whose benefits under the AFDC-U program were denied or terminated on the basis of EAS Section 41-440.47 that they may now be eligible for AFDC, and may reapply. The special

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notice required under the court order is attached as Exhibit A.

2. You must issue corrective payments pursuant to EAS Section 44-340 to all those who reapply or who seek restoration of benefits if they are determined to be currently eligible for aid. This would apply only to the extent that they would have been otherwise eligible for such benefits during the time period when EAS 41-440.47 was being implemented.

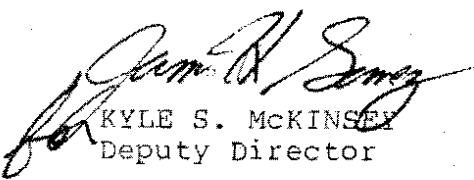
Under the Court order you are not required to do any of the following:

1. To send the special notice to anyone who was not adversely affected by the regulation e.g. those cases switched from the federal to the nonfederal AFDC-U program.
2. To pay retroactive benefits to any person who is not eligible for aid as of the date he or she seeks to reapply or seeks restoration of benefits.

Pursuant to the above court decision, counties should change the claiming status from nonfederal to federal for those cases that qualify for federal financial participation as a result of the invalidation of EAS Section 41-440.47. This time period extends from November 10, 1981 to February 22, 1982.

Finally, in a related matter, the Department has been informed that some counties may have mistakenly interpreted the language of EAS Section 41-440.26 to require denial or termination of AFDC-U benefits to all persons who have been disqualified for unemployment insurance benefits. Counties are reminded that this regulation applies only to those individuals who have been disqualified because they have failed to meet a concurrent condition of UIB eligibility under the criteria imposed by the Employment Development Department (e.g. failure to conduct a job search, failure to appear for an interview, refusal of an offer of employment, etc.)

Thank you for your cooperation in this matter. If you have any questions or concerns, please contact your AFDC Program Management consultant at (916) 445-4458.

  
KYLE S. MCKINSEY  
Deputy Director

cc: CWDA