

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-5387



May 2, 1985

ALL-COUNTY LETTER NO. 85-49

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF AFDC COURT CASE, EDWARDS V. McMAHON

REFERENCE: EAS 44-340.13

On March 6, 1985, the Alameda County Superior Court issued a final order in the case of Edwards v. McMahon (No. 579067-0). A copy of the order is attached (Attachment A).

This lawsuit requires that former AFDC recipients be reimbursed for underpayments. The Department will be revising current regulations (EAS 44-340.13) which prohibit issuing an underpayment correction to former recipients. These regulations will be issued at a later date through the emergency regulation process.

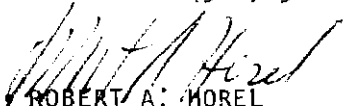
The order is effective March 6, 1985. This means that requests by former recipients for underpayment corrections from that date forward or underpayments to former recipients discovered from that date forward shall be corrected regardless of when the underpayment actually occurred. It is expected that former recipients identify the reason they think they were underpaid and the period of time during which the underpayment occurred. Underpayments shall be offset against any collectable overpayment. (EAS 44-340.42)

The Department will not require former recipients who request an underpayment correction (for an underpayment that occurred before March 6, 1984) to file for a fair hearing despite Section 6(b) of the order. The normal claiming process shall apply. Federal funding will be claimed for these underpayment corrections.

We do not anticipate that there will be a requirement to do a case search for persons who do not apply.

Counties must also return the attached certification form to provide verification to the Department that you are applying the Edwards order. (Attachment B)

If you have any questions, please contact Kathy Layne, AFDC Program Development Bureau at (916) 324-0097 or (916) 322-5387.


ROBERT A. MOREL
Deputy Director

Attachments

GEN 654 (9/79)