

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



March 3, 1987

ALL COUNTY LETTER NO. 87-31

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: GRIMESY v. McMAHON RETROACTIVE COURT ORDER

REFERENCES: ACIN NO. I-58-86  
ACL NO. 86-71  
ACL NO. 87-17  
EAS SECTION 44-133.7

The purpose of this letter is to provide you with specific instructions and materials necessary to plan for implementation of the Grimesy Retroactive Court Order. In addition to the regulations which will be issued through normal distribution procedures, copies of the informing poster (TEMP 1694C and TEMP 1694C Spanish), will be sent under a separate cover. Attached are the following materials:

1. A copy of the proposed Emergency Regulations.
2. A reproducible copy of the Supplemental Claim Form (TEMP 1694B and TEMP 1694B Spanish).
3. Address List for County Welfare Departments.

#### Proposed Emergency Regulations

Attached for your information is a copy of the proposed emergency regulations filed with the Office of Administrative Law (OAL). You will receive an approved version of the emergency regulations through normal distribution procedures upon approval by OAL and filing with the Secretary of State. In the meantime you may use the proposed emergency regulations to plan for your county's April 1, 1987 implementation of the Grimesy v. McMahon retroactive court order.

#### Payments Stayed Pending Appeal

The Grimesy v. McMahon retroactive court order was appealed by the Department of Health and Human Services (DHHS) on February 20, 1987, and as a consequence retroactive payments were stayed pending appeal. Therefore, counties are instructed to implement the proposed emergency regulations and the instructions listed below only after the proposed emergency regulations have been approved.

Upon notification from the Department of Social Services (DSS) that the emergency regulations have been filed with the Secretary of State:

- a. Implement the emergency regulations except for Sections 50-015.7 and 50-015.8. That is, counties will neither compute interest on retroactive benefits, nor will they issue payments until such time as the stay is lifted.
- b. Issue Provisional Notices, including methods for reporting changes of address, in those cases where class members are eligible for retroactive payments.
- c. Issue Notices of Action in those cases where claimants are not eligible for retroactive payments.
- d. Complete the processing of payments in accordance with 50-015.7 and issue appropriate NOAs within 30 days of notification from DSS that the stay has been lifted.
- e. Maintain appropriate statistical records so that when the stay is lifted the statistical reporting requirements set forth in Section 50-015.8 of the emergency regulations can be completed.

On or about March 15, 1987, you will receive reproducible copies (English and Spanish) of the Grimesy Notices of Action and Provisional Notices with Instructions for completion. Additionally, you will receive a copy of the Statistical Reporting Form and Instructions for its completion.

#### Fiscal Claiming Instructions

Retroactive payments issued in compliance with the Grimesy v. McMahon court case shall be issued and claimed in accordance with MPP Section 25-740.5. These payments must also be reported on the separate listing as required in All-County Letter (ACL) 84-121, dated November 27, 1984. In addition to the requirements of ACL No. 84-121, the amount of interest included in the payment to each case must also be reported separately on the separate listing; e.g.:


Case Number	Case Name	Total Amount of Payment, Including Interest	Total Amount of Interest
_____	_____	_____	_____

If there should be any questions regarding claiming instructions, please call Ms. Willa Wallen at (916) 322-9288 or ATSS 8-492-9288.

CWD Address List

The attached list of CWD addresses is to be used when forwarding claims which have been initially submitted to the wrong county (see MPP 50-015.52).

If you have any questions regarding the attached materials or the implementation of the Grimesy Order, please contact Michael O'Brien of the AFDC Policy Bureau at (916) 324-2013 or ATSS 8-454-2013.



ROBERT A. HOREL  
Deputy Director

Attachments

cc: CWDA