

DEPARTMENT OF SOCIAL SERVICES

January 19, 2004

TO: ALL COUNTY APPEALS LETTER

Subject: Expedited State Hearings

The purpose of this is to notify you that effective February 1, 2004, State hearing requests involving a county's denial of Expedited Food Stamps, Immediate Need, Homeless Assistance, and any other issue of urgency that the California Department of Social Services (CDSS) State Hearings Division deems necessary will be scheduled on an expedited basis. It is our intention that by implementing this process and scheduling cases for expedited hearings, we will be able to provide a more timely and expeditious due process in those cases where emergency relief is at issue.

Before announcing this decision, we developed a process that gave us the ability to evaluate the impact of an expedited process on State and County systems. The Pilot Project was initiated with the cooperation of Butte, Kern, Orange, Riverside and Solano counties. The Pilot Project was to determine what problems would occur and whether there were solutions to those problems if a faster scheduling process was used to calendar cases involving claimants whose application for emergency related benefits had been denied by the county. During the Pilot, hearing requests were received in the subject areas. All were scheduled for hearing but only two cases were actually heard. One case involving Emergency Food Stamps resulted in a granted decision and the other case, also involving Expedited Food Stamps, was denied.

During the Pilot, we also conducted a survey of counties to get their views about any problems they expected if the project were to be implemented statewide and notice to claimants of the availability of the expedited process is done. Responding counties identified the following potential problem areas:

- Difficulty in contacting claimants;
- Hearing room and equipment availability at county hearing locations due to scheduling conflicts;
- Access to county files because of the shortened up-front time period for counties to prepare for these hearings;
- Identification of the subject cases at intake so expedited scheduling can occur; and,
- County staff problems due to the impact of the expedited hearing process.

After considerable discussion with counties, Legal Services, and CCWRO, we have decided that the problems that were identified could be resolved and that the number of cases involved in the subject areas was relatively low. For example, county staff recommended that once a determination had been made to deny an application involving an issue subject to the expedited process, the case record can be kept in a central location within the county for 30 days anticipating a hearing request. This would guarantee access to the case file if the claimant files a request for hearing. In addition, counties could designate specific staffs that are specially trained to handle these cases on an expedited basis using model formats for statements of position and representing the counties' cases at hearings. We will work with counties to avoid scheduling conflicts and the shortened up-front scheduling time for hearing should enhance the ability of the counties and the State to contact the claimants about their hearings and provide a much quicker response to the claimant's exigent circumstance.

The procedures for expedited hearings are as follows:

- The issues that will be subject to this process are cases involving Expedited Food Stamps, Immediate Need, Homeless Assistance, and any other issue of urgency that the CDSS-SHD deems necessary.
- The hearings will be scheduled to be heard ten working days from the date the claimant's request for expedited hearing is received and Presiding Judge has deemed it necessary to conduct an expedited hearing.
- Whenever possible, the hearings will be incorporated into the existing calendar for regularly scheduled cases.
- If incorporation of the expedited hearing case is not possible, the hearing will be scheduled by telephone. The claimant and the county appeals representative will be in the county office and the Administrative Law Judge (ALJ) will be in the state regional office.
- All parties will be notified in writing of the date of the expedited hearing ten working days in advance of the scheduled hearing date. Notices to counties and authorized representative agencies will be transmitted by fax or e-mail.
- The parties will be encouraged to negotiate a settlement in the case so that immediate action by the county can take place without the necessity of the case going to hearing, causing further delay.

- The county will be required to have a Statement of Position ready on the day of the hearing for cases not settled.
- The ALJ will issue a decision in the case within five working days from the date of the record closure.

Again, it is our intention that by implementing this process and scheduling cases for expedited hearings, we will be able to provide more effective due process in those cases where emergency relief is at issue.

If you have any questions or concerns regarding the expedited hearing process, contact Rosalei Morefield at (916) 229-4155 or Lonnie M. Carlson, Presiding Judge of the Sacramento Regional Office, at (916) 229-4187.

Sincerely,

Original Document Signed by

JOHN R. CASTELLO
Chief Administrative Law Judge