

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 324-2255



February 9, 1987

ALL-COUNTY LETTER NO. 87-28

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: BALL v. SWOAP

REFERENCE:

This is to inform you that the state has begun to implement the Alameda Superior Court's order in the Ball v. Swoap lawsuit.

This lawsuit was brought to enforce compliance with a prior order which requires the state to provide final decisions for state hearings in public social services programs within the time limits required by state and federal law. This order covers the decisions of hearings regarding the Medi-Cal program, the Food Stamp only program and all non-AFDC programs in aggregate: In-Home Supportive Services (IHSS), Social Services Programs and Refugee Programs.

The order provides that payments will be paid to each claimant whose decisions are granted in full or in part and are released beyond the legal time frame at the rate of \$100 per month or portion thereof for which the decision is late.

This order also includes the concept of making payment associated with benchmark months. For those designated months, the first of which was September 1986, the order states that the decisions released for each category of program be at a particular level of compliance. For those decisions released with program issues that did not meet the compliance level, the state has been making payments since October 1. The next benchmark month is January 1987. To the extent that the state reaches the compliance level as stipulated in the order for that month, the state will not make payments for this order for the succeeding 3 months. We will advise you about the state's compliance with the January agreements as soon as possible after February 1, 1987.

The court order also states that the receipt of these payments "shall not be considered income or resources in any public social service program, nor shall they reduce or affect the amount of any benefits otherwise received or to be received".

The Department will provide a listing of the payments, and those persons entitled to the payments, to each county involved to insure that the payments are not counted as property or resources.

If you have any questions about this order or these payments, please call Jane Foley at (916) 324-2255.



LONNIE M. CARLSON
Acting Chief Administrative Law Judge