

DEPARTMENT OF BENEFIT PAYMENTS

May 22, 1974



ALL-COUNTY LETTER NO. 74-93

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WIN DETERMINATION APPEALS

REFERENCE:

OBSOLETE
Superseded by ACL
Issued 4-77-15
3-17-77

Pursuant to MPP 30-154.22, where a WIN-certified recipient refuses to accept employment or to participate in WIN, the Employment Development Department (formerly Department of Human Resources Development) is responsible for determining whether there was good cause for such refusal. Any appeal of this good cause determination is the responsibility of EDD and the Unemployment Insurance Appeals Board (UIAB) and not the Department of Benefit Payments (DBP). The procedure discussed herein has been developed in conjunction with EDD for imposing the sanctions found under MPP 30-155.4 and 41-408.4. This procedure, if properly followed by county welfare departments, will assure that EDD's good cause determinations are binding on the county and on the DBP fair hearing process.

The county welfare department will initially be notified of EDD's action by means of Form DE 8200, Notice of Determination/Proposed Termination (copy attached). If box number 1 or a combination of 1 and 3 is checked on this form, the county welfare department should (absent further contact from EDD) initiate the appropriate sanction on one of the following dates:

- 1) In counties where EDD and the county welfare department are co-located, on the eleventh calendar day following the date the notice was mailed to the recipient and the eighth calendar day following personal service of said notice.
- 2) In nonco-located counties, on the thirteenth calendar day following the date the notice was mailed and the tenth calendar day following personal service.

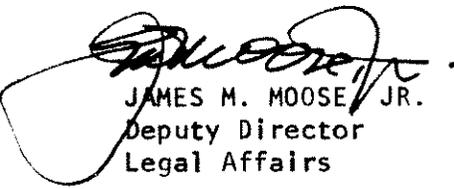
In each of the foregoing cases, where the last day falls on a Sunday or holiday, the sanction action should be initiated on the next working day.

If, subsequent to receipt of the DE 8200, the county welfare department receives a Form DE 8204, Notice of WIN Determination/Termination Appeal (copy attached), on which item number one is checked, any sanction action should be suspended until further notification from EDD. The further notification will be by means of another copy of Form DE 8204 on which the appropriate spot under item number two is checked. At that time, the appropriate sanction action should be initiated within seven calendar days of the receipt of the Form DE 8204 indicating the adverse appeal action by EDD. This procedure allows the completion of the appeal rights under the WIN Determination/Termination before the imposition of the sanction, so that the sanction will ultimately be imposed only after the issue of good cause has been determined with finality.

Further note must be made that any recipient attempting to initiate an appeal on a WIN determination at the county welfare department should be referred to EDD and not DBP. A fair hearing request to DBP is appropriate only to contest a county action, i.e., sanction. It will not involve the "good cause" issue.

The foregoing applies only to the WIN program and does not apply to Employables.

Contact reference, Chief Referee, Department of Benefit Payments, (916) 322-2797.



JAMES M. MOOSE, JR.
Deputy Director
Legal Affairs

Attachments

cc: CWDA