STATE OF CALIFORNIA – HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
(916) 445-4458

May 16, 1980

ALL-COUNTY LETTER NO. 80-31

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ROJAS v. WOODS

REFERENCE:

In All County Letter No. 79-85, we informed you that the Los Angeles Superior Court, in the case of Rojas v. Woods had issued a classwide Preliminary Injunction enjoining the Department of Social Services and all county welfare departments (CWD) from:

> "Continuing to penalize the named plaintiff and all other AFDC applicants similarly situated under the provisions of EAS Section 41-440.21 so that they are denied benefits because of the circumstances of job separations occurring prior to application provided the applicants are otherwise eligible for benefits, and subject to future offset in the event it is ultimately determined the named plaintiff and all others similarly situated are not to have been entitled to such benefits."

On April 21, 1980, after a trial on the merits, the Los Angeles Superior Court vacated the Preliminary Injunction and denied plaintiffs' application for a Permanent Injunction. The Court upheld MPP Section 41-440.21 as a valid and enforceable regulation. Thus, effective April 21, 1980 the provisions of Section 41-440.21 should again be applied.

In addition, pursuant to the provisions of the Preliminary Injunction, you were advised that persons receiving benefits as a result of the injunction must be informed that they are subject to future offset should the regulation ultimately be upheld. In those cases where members of the class were given such notice as to future offset, CWDs may be able to recover benefits received as a result of the Preliminary Injunction. These overpayments shall be considered as nonwillful overpayments and are subject to recovery under the conditions and limitations of EAS Section 44-354.32.

If you have any questions, please contact your AFDC Management Consultant at (916) 445-4458.

Kyle S. McKinsey

KYLE S. McKINSEY
Deputy Director

cc: CWDA