

## DEPARTMENT OF SOCIAL SERVICES



May 10, 1982

ALL-COUNTY LETTER NO. 82-43

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: TAYLOR v. WOODS

REFERENCE: EAS 41-440.47 (Repealed 2/22/82 per DSS Manual Letter No. 82-16)

On May 3, 1982, a Writ of Mandate was issued by the Contra Costa County Superior Court in Taylor v. Woods, a case challenging the validity of EAS Section 41-440.47. A copy of the court order is attached. Although EAS Section 41-440.47 has been repealed effective February 22, 1982 (see DSS Manual Letter No. 82-16), the Court ruled that the Department had no authority under state law to enact this regulation. Therefore the Court declared the regulation to be totally invalid from the time it was filed on November 10, 1981.

EAS Section 41-440.47 provided that those persons who are unemployed by reason of conduct or circumstances which result in disqualification for unemployment insurance benefits are ineligible for the federal AFDC-U program. However, since eligibility for many of these households could subsequently be established under the state AFDC-U program, it is believed that few cases were actually affected. Only those cases where eligibility could not be established under the criteria set forth in EAS Section 41-440.12 should have been impacted.

The writ requires that a special notice be sent to every applicant and recipient whose AFDC benefits under the Unemployed Parent Program has been denied or discontinued on the basis of former EAS Section 41-440.47 and that corrective payments be made to those who seek restoration of benefits.

In order to comply with this court order, you are directed as follows:

1. No later than June 1, 1982, you are required to notify those persons whose benefits under the AFDC-U program were denied or terminated on the basis of EAS Section 41-440.47 that they may now be eligible for AFDC, and may reapply. The special

ALL COUNTY WELFARE DIRECTOR

Page Two

May 7, 1982

notice required under the court order is attached as Exhibit A.

2. You must issue corrective payments pursuant to EAS Section 44-340 to all those who reapply or who seek restoration of benefits if they are determined to be currently eligible for aid. This would apply only to the extent that they would have been otherwise eligible for such benefits during the time period when EAS 41-440.47 was being implemented.

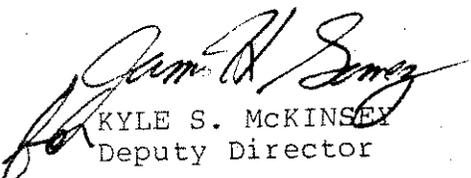
Under the Court order you are not required to do any of the following:

1. To send the special notice to anyone who was not adversely affected by the regulation e.g. those cases switched from the federal to the nonfederal AFDC-U program.
2. To pay retroactive benefits to any person who is not eligible for aid as of the date he or she seeks to reapply or seeks restoration of benefits.

Pursuant to the above court decision, counties should change the claiming status from nonfederal to federal for those cases that qualify for federal financial participation as a result of the invalidation of EAS Section 41-440.47. This time period extends from November 10, 1981 to February 22, 1982.

Finally, in a related matter, the Department has been informed that some counties may have mistakenly interpreted the language of EAS Section 41-440.26 to require denial or termination of AFDC-U benefits to all persons who have been disqualified for unemployment insurance benefits. Counties are reminded that this regulation applies only to those individuals who have been disqualified because they have failed to meet a concurrent condition of UIB eligibility under the criteria imposed by the Employment Development Department (e.g. failure to conduct a job search, failure to appear for an interview, refusal of an offer of employment, etc.)

Thank you for your cooperation in this matter. If you have any questions or concerns, please contact your AFDC Program Management consultant at (916) 445-4458.

  
KYLE S. MCKINSEY  
Deputy Director

cc: CWDA

COPY

1 GEORGE DEUKMEJIAN, Attorney General  
of the State of California  
2 STEPHANIE WALD  
Deputy Attorney General  
3 6000 State Building  
San Francisco, CA 94102  
4 Telephone: (415) 557-0739  
5 Attorneys for Defendants and Respondents

6  
7  
8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF CONTRA COSTA

10  
11 WILLIAM TAYLOR, SANDRA TURNER ) NO. 233061  
and WELFARE RECIPIENTS LEAGUE, )  
12 INC., )  
13 Plaintiffs and Petitioners, ) PEREMPTORY WRIT  
OF MANDATE  
14 vs. ) (C.C.P 1085)  
15 MARION J. WOODS, Director of the )  
State Department of Social Services, )  
16 DEPARTMENT OF SOCIAL SERVICES, an )  
agency of the State of California, )  
17 Defendants and Respondents. )  
18

19 TO: MARION J. WOODS and DEPARTMENT OF SOCIAL SERVICES,  
20 respondents:

21 WHEREAS petitioners served and filed herein their duly  
22 verified petition for writ of mandate, an alternative writ of  
23 mandate issued herein on March 18, 1982, and a hearing was held  
24 herein on April 19, 1982;

25 WHEREAS it appears to this court that petitioners have  
26 no other plain, speedy and adequate remedy in the ordinary course  
27 of law;

1           WHEREAS it appears to this court that you have failed to  
2 perform your legal duty by failing to notify those applicants for  
3 and recipients of Aid to Families with Dependent Children ("AFDC")  
4 whose benefits were denied or terminated on the basis of EAS  
5 § 41-440.47 that said regulation has now been repealed, and that  
6 they may be eligible to receive AFDC benefits; and

7           WHEREAS it further appears to this court that you have  
8 failed to perform your legal duty by failing to pay benefits  
9           to those applicants for and recipients of AFDC,  
10 described in the preceding paragraph, who are currently eligible  
11 to receive benefits under that program;

12           THEREFORE, you, MARION J. WOODS and DEPARTMENT OF SOCIAL  
13 SERVICES are hereby commanded, on or before the close of  
14 business on June 1, 1982, to send, or cause to be sent, to each  
15 and every applicant for and recipient of AFDC whose benefits  
16 were denied or terminated on the basis of EAS § 41-440.47 the  
17 notice attached hereto as Exhibit A;

18           You are further commanded to pay, or cause to be paid,  
19 AFDC benefits retroactively to those persons, described in the  
20 preceding paragraph, who are currently receiving AFDC benefits,  
21 or who are eligible as of the date that they reapply for or  
22 seek restoration of AFDC benefits;

23           You are further commanded to notify each and every county  
24 welfare department of the terms of this writ of mandate no  
25 later than May 7, 1982.

26           You are further commanded to make and file a return to  
27 this writ on or before June 1, 1982, showing what you have done  
28 to comply with this writ.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Witness the Honorable Martin E. Rothenberg, Judge of the Superior Court.

Attest my hand and the seal of this court this \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
Clerk of the Superior Court

By \_\_\_\_\_, Deputy

ORDER

Let the foregoing writ issue.

DATED:

\_\_\_\_\_  
Judge, Superior Court  
Contra Costa County

IMPORTANT NOTICE

Your AFDC benefits were recently terminated, or your application for benefits was denied, because you had been disqualified for unemployment insurance benefits. THE LAW HAS NOW BEEN CHANGED, AND YOU MAY NOW BE ELIGIBLE TO RECEIVE AFDC.

If you wish to do so, you may immediately reapply for AFDC. If you received AFDC within the last year, your benefits may be reinstated without filing a new application.

If you have any questions about this matter, you may contact (eligibility worker).

You may also contact JANE GRANT KERR, attorney for plaintiffs in Taylor v. Woods, No. 233061 (Contra Costa County Superior Court); She may be reached as follows:

JANE GRANT KERR  
Contra Costa Legal  
Services Foundation  
1017 MacDonalD Avenue  
Richmond, CA 94802  
Telephone: (415) 233-9954