DEPARTMENT OF SOCIAL SERVICES

August 28, 1984

ALL-COUNTY LETTER NO. 84-95

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: GREEN V. OBLEDO RETROACTIVE PROVISIONS

REFERENCE: MPP SECTION 50-010

This letter contains requested clarification regarding the implementation of the Green v. Obledo retroactive provisions. The following clarifications are in response to questions received and are intended to provide uniform application of the specific provision:

Question 1:

MPP Section 50-010.314 specifies the final filing date for submission of a claim for retroactive benefits. It states that current recipients have until January 1, 1985 to submit a claim. What is the definition of a "current recipient"?

Response:

For the purposes of MPP Section 50-010.314, a current recipient is a claimant who is receiving AFDC cash aid on September 1, 1984.

Question 2:

MPP Section 50.010.523 establishes a reasonable amount for the cost of gasoline which does not require verification. It further requires that any cost exceeding the amount considered reasonable must be verified. If a claimant indicates an amount higher than that considered reasonable and fails to provide verification, should the entire claim be denied?

Response:

No. If a claimant makes such a claim and is unable to verify the cost exceeding the amount considered reasonable, the amount claimed for gasoline would be reduced to that specified in MPP Section 50-010.523(a) rather than the entire claim being denied. The difference between the amount claimed and the amount allowed would be shown on the appropriate computation page of the Notice of Action as a work-related expense not allowed.

Question 3:

MPP Section 50-010.535(d) specifies the action to be taken regarding the claims for cases in which an overpayment which occurred during the retroactive period is being newly computed. It states that where the use of actual work-related costs results in an overpayment, no retroactive payment shall be made and no interest shall be computed. Are these newly computed overpayments collectible?

Response:

These newly computed overpayments are collectible only to the extent allowable under the general provisions on overpayment recovery contained in MPP Section 44-350. Overpayments no longer subject to recovery cannot be revived as a result of filing a claim for Green retroactive benefits. If, however, there is an outstanding overpayment that is currently collectible, the appropriate adjustment must be made.

Question 4:

MPP Section 50-010.22 specifies that CWDs shall forward a supply of posters to county general hospitals and request that they be posted until February 1, 1985. Are the county general hospitals referred to in this section those which are administered by the county or those with which the county has contractual agreements?

Response:

The intent of the court order which specified the posting of posters in county general hospitals is to provide notification to potential claimants for Green retroactive benefits. Therefore, the county must request the posting of these posters at the hospitals where medically indigent persons would obtain medical attention. Depending on the individual county arrangements, these hospitals could include both county owned and administered as well as county contracted hospitals. In the event that the initial supply of posters issued is not sufficient to achieve this intent, additional posters can be ordered through the State Department of Social Services Warehouse.

If you have any questions regarding this letter, please contact Joe Carleton of the AFDC Program Development Bureau at (916) 322-5387.

Kyle S. McKinsey

KYLE S. McKINSEY
Deputy Director

cc: CWDA