

E R R A T A

February 27, 1987

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FEDERAL INJUNCTION - FOOD STAMP STRIKER PROVISION

REFERENCE: All-County Letter No. 87-10, dated January 15, 1987

Attached is a copy of the mailgram which was referenced in the above ACL, but was inadvertently omitted when the ACL was mailed. We apologize for any inconvenience this may have caused. If you have any questions, please call the Food Stamp Policy Bureau at (916) 445-6907.

Attachment

cc: CWDA

AM SERVICE CENTER
PLETOWN, VA. 22645
AM

Western Union Mailgram

1-006879I365 12/31/86 TWX ASCS WASH DC SACA
24026 USDA WASHINGTON DC 18:37 GMT 12-31

HON. LINDA S. MCMAHON DIR
DEPT OF SOCIAL SVCS
744 P ST
SACRAMENTO CA 95814

MSG SP667

THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, IN THE CASE OF UNITED AUTO WORKERS (UAW) AND UNITED MINE WORKERS OF AMERICA (UMWA), ET AL., V. LYG, HAS ENJOINED THE U.S. DEPARTMENT OF AGRICULTURE (USDA) FROM ENFORCING THE STRIKER PROVISIONS IN SECTION (6XDX3) OF THE FOOD STAMP ACT OF 1977, AS AMENDED (7 U.S.C. S.2015(D)(3)), AND SECTION 273.1(G) OF THE FOOD STAMP REGULATIONS (7 C.F.R. S.273.1(G)) FOR ALL UAW AND UMWA-REPRESENTED STRIKERS AND THEIR HOUSEHOLDS WHO ARE OTHERWISE ELIGIBLE FOR PARTICIPATION IN THE FOOD STAMP PROGRAM. THIS INJUNCTION IS EFFECTIVE JANUARY 2, 1987. IN ORDER TO BE ELIGIBLE FOR BENEFITS HOUSEHOLDS MUST APPLY FOR BENEFITS ON OR AFTER JANUARY 2, 1987. FOR APPLICABLE HOUSEHOLDS WHICH APPLY AFTER JANUARY 2, 1987, BENEFITS MUST BEGIN WITH THE DATE OF APPLICATION. BENEFITS MUST BE BASED ON THE HOUSEHOLDS CURRENT, NOT PRE-STRIKE INCOME. THIS COURT ORDER APPLIES ONLY TO STRIKERS REPRESENTED BY UAW AND UMWA. THE STATUTORY AND REGULATORY STRIKER PROVISIONS CITED ABOVE CONTINUE TO APPLY TO ALL STRIKERS REPRESENTED BY OTHER UNIONS AND THEIR HOUSEHOLDS. HOWEVER, WE REMIND YOU THAT YOU UNDER EXISTING POLICY THE STRIKER PROVISIONS AT SECTION 273.1(G) DO NOT APPLY TO ANY HOUSEHOLD WHICH CONTAINS A PERSON WHO HAS BEEN FIRED OR PERMANENTLY REPLACED WHILE ON STRIKE.

USDA HAS RECOMMENDED THAT THE COURTS DECISION BE APPEALED. THE UAW AND UMWA HAVE POSTED A BOND TO COVER BENEFITS ISSUED TO THEIR MEMBERS PURSUANT TO THIS COURT ORDER PENDING A DECISION ON APPEAL. IF THE GOVERNMENT PREVAILS ON APPEAL, THE BOND WILL BE USED TO REIMBURSE THE VALUE OF BENEFITS ISSUED AS A RESULT OF THE COURTS ORDER. IN ORDER TO TRACK THE AMOUNT OF BENEFITS ISSUED PURSUANT TO THE COURT ORDER, YOU ARE REQUIRED TO MAINTAIN RECORDS ON THE AMOUNT OF BENEFITS ISSUED TO THE AFFECTED STRIKER HOUSEHOLDS AND THE AMOUNT OF BENEFITS WHICH WOULD HAVE BEEN ISSUED IF THE PROVISIONS OF SEC. 273.1(G) OF THE FOOD STAMP REGULATIONS HAD BEEN APPLIED. CERTIFICATION OFFICES WILL HAVE TO DO TWO BENEFIT CALCULATIONS FOR EACH AFFECTED HOUSEHOLD IN ORDER TO DETERMINE

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

THE AMOUNT OF BENEFITS OR INCREASED BENEFITS BEING GIVEN TO EACH STRIKER HOUSEHOLD TO WHICH IT WOULD NOT BE ENTITLED ABSENT THE COURT ORDER. REPORTS OF AMOUNTS OF BENEFITS ISSUED UNDER THE COURTS ORDER MUST BE PROVIDED TO FNS ON A MONTHLY BASIS. WE WILL BE ISSUING INSTRUCTIONS UNDER SEPARATE COVER ON HOW THESE REPORTS SHOULD BE SUBMITTED.

THE DEPARTMENT WILL PUBLISH NOTICE OF THE TERMS OF ITS COMPLIANCE WITH THE COURTS ORDER IN THE FEDERAL REGISTER IN THE NEAR FUTURE, INCLUDING A COPY OF THE COURT ORDER. IF YOU HAVE ANY QUESTIONS CONCERNING THIS COURT ORDER, CONTACT YOUR FNS REGIONAL OFFICE.

/S/ROBERT E LEARD
ADMINISTRATOR
FOOD AND NUTRITION SERVICE

14:57 EST

MGMCOMP

REC'D SUSS
DIRECTOR'S
OFFICE
1987 JAN -5 PM 2:44