

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 16, 1988

ALL COUNTY LETTER NO. 88-158

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SHAW V. McMAHON MEMORANDUM OF DECISION TO COMPEL COMPLIANCE WITH WRIT OF MANDATE

REFERENCE: ALL COUNTY LETTER 88-87

The purpose of this letter is to inform you that on December 2, 1988, Judge Dolgin of the Contra Costa Superior Court signed the attached decision finding that the State must cease applying the federal unemployed parent test to Shaw applicants whose federal eligibility is AFDC-FG. The order is expected to be issued shortly.

This means that federal AFDC-FG cases that receive a lump-sum payment resulting in a period of ineligibility (POI) will be eligible for Shaw providing that the assistance unit's total resources are less than \$1,000 and providing that the assistance unit would be otherwise eligible for federal AFDC except for the receipt of the lump-sum. All other Shaw requirements, including Shaw application requirements, will remain unchanged. Counties will continue applying the federal unemployed parent test to all cases whose AFDC eligibility is based on federal AFDC-U.

Although the State is planning to appeal this latest ruling, Counties are advised to immediately cease applying the unemployed parent test to AFDC-FG cases. The Counties are also advised to begin, as soon as possible, identifying all AFDC-FG cases denied Shaw benefits and to rescind the denials of FG cases denied solely because they met the federal standards for unemployed parent.

Should you have any questions, please contact Ms. Susan Wyckoff at (916) 324-2003.


ROBERT A. HOREL
Deputy Director

Attachment

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

TAMIE SHAW,)
)
Plaintiff,)
)
vs.)
)
LINDA McMAHON, et al.,)
)
Defendants.)

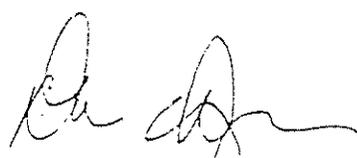
NO. 262,299

MEMORANDUM OF DECISION

I agree with plaintiff that since there are several unique requirements of Federal AFDC-U, there are families which meet one or more of, but do not meet all of the Federal AFDC-U standards. These persons are eligible for State only AFDC-U.

Motion to Compel Compliance with Writ of Mandate is granted.

DATED: DEC - 2 1988



DAVID A. DOLGIN
JUDGE OF THE SUPERIOR COURT