DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

December 17, 1993

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law Change
[X] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

ALL COUNTY LETTER 93-92

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: BLANCO v. ANDERSON

On December 16, 1993, Judge William B. Shubb of the United States District Court in Sacramento issued a decision and order in the case of Blanco v. Anderson concerning closure of county welfare department offices on regular working days. As further explained below, Judge Shubb's decision requires that county welfare department food stamp offices must remain open during regular business hours on all days except Saturdays, Sundays and legal holidays until such time as a county has completed the review of the hours of operation of food stamp offices required by 7 C.F.R.272.4(g) and M.P.P. 63-205. The order does not apply to any other programs.

This action was brought on behalf of applicants for and recipients of AFDC, Food Stamps and Medi-Cal benefits after several counties closed their offices for extended periods of time during the holiday period in 1992. Plaintiffs argued that federal law requires county welfare departments to remain open on all weekdays except legal holidays. The Department suggested statutory changes in an attempt to resolve this litigation but could not obtain the support needed to enact it.

Judge Shubb rejected plaintiffs' arguments that county welfare departments are required to be open every weekday. However, he did find that under the federal Food Stamp regulations the discretion given to state and county agencies to determine other hours of operation is predicated on the requirement that "(a)t least once annually, State agencies shall review the hours of operation of food stamp offices to ensure that the needs of recipients who work, including issuance services operated at these offices, are adequately met." 7 C.F.R.272.4(g). The evidence presented to the court showed that no county has submitted any such review to the Department in recent years.

The court then stated:

> "As a consequence, the court concludes that defendants must be enjoined from further weekday closures of the food stamp offices until the required review has been done and the results retained for review by the Food and Nutrition Service. This means that until the review process has been

completed, the offices shall remain open during regular business hours on all days excluding Saturdays, Sundays and legal holidays." (Memorandum and Order, p. 16).

While this may be particularly disruptive at this time of year, counties must comply promptly with this order of the court. **You are directed to immediately take all steps necessary to assure that food stamp offices are open on all weekdays as required by the order with sufficient staff to implement the Food Stamp program.** This includes accepting and processing applications and issuing coupons. The court's order does not apply to AFDC or any other programs. However, since the county welfare department will be open, applications cannot be refused from persons who wish to apply for other programs. Legal holidays means those holidays specified in Government Code Sections 6700 and 6701.

Once a county has completed the review of hours of operation and submitted it to the Department, the days and hours of operation may be modified consistent with the review. I urge you to begin the review as soon as possible.

We will keep you informed of further developments in the case. Any questions you may have should be directed to the Food Stamp Program Bureau at (916) 654-1896.

ELOISE ANDERSON
Director

c:

County Administrative Officers
Chair, Board of Supervisors