STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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

September 2, 1994

ALL-COUNTY LETTER NO. 94-72

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL
[ ] State Law Change
[ ] Federal Law or Regulation Change
[x] Court Order
[ ] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

SUBJECT: WELCH v. ANDERSON COURT ORDER

REFERENCES: ALL COUNTY LETTERS 94-58, 94-60, 94-71

The purpose of this letter is to provide additional materials and clarification for the implementation of the Superior Court decision in the court case of Welch v. Anderson.

Notices

Attached to this letter is a general informing notice Temp 2082 to inform the recipients of the reason for the September increase in the AFDC grant. This informing notice can be sent instead of a Notice of Action (NOA) for the September supplemental payments. Also attached is a NA 299 to explain to recipients the increase in the October 1994 AFDC grants. It is not necessary to send a NOA to a recipient who will not have an increase in grant for October. Counties may modify the NOA or the general informing notice upon receiving prior permission from the California Department of Social Services (CDSS). Counties are to use NA BACK 7 with the NOA. Translations of these notices will follow under a separate cover letter.

Balancing

Counties may balance the court ordered supplemental payments against existing overpayments if the supplemental payments are paid on October 1, 1994 (MPP 44-351.3). Counties that issue supplemental payments prior to October 1, 1994, are not to balance these payments because they are treated as supplemental payments within the current month, rather than as underpayments.

Amounts collected through balancing should be reported on line 3b of the AFDC quarterly Report of Overpayments and Collections (CA 812). If you have any questions about balancing these payments, please call Mr. John Moist of the CDSS Fraud Bureau at (916) 323-0445.

Food Stamps

For Food Stamp purposes, the AFDC supplemental payment is to be treated as follows:

Supplemental payments issued in and for the month of September are to be retrospectively budgeted in the month of November. [MPP 63-503.232 (c)(5)(A)]

September supplemental payments issued in the month of October are considered lump sum payments and therefore excluded as income. [MPP 63-502.2 (j)]

If any other change is to be effective with the October allotment, the Food Stamp Notice of Change (DPA 377.4) is to be used to provide individual notice to the household.

If you have any questions about the impact of this court order on Food Stamps, please call Mr. David Badal of the Food Stamp Program Bureau at (916) 654-1405.

Counties will be informed of future developments as early as possible. If you have any other questions on this, please contact Mr. Vince Toolan at (916) 654-1808.

Sincerely,

MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

Attachments

STATE OF CALIFORNIA - HEALTH AND WELFARE AGENCY DEPARTMENT OF SOCIAL SERVICES

WELFARE MAY OWE YOU MONEY

On September 1, 1994, a change in state law lowered your cash aid. A court said that the county cannot lower your cash aid now. The county will send you any back cash aid it owes you.

In the future, the court may say the county was right to lower your cash aid. If the court does, you may have to pay the county back.The maximum aid payments we used and should have used to figure your cash aid are below:

Number of eligible persons in the same home	Maximum Aid Payment we used for September 1994	Maximum Aid Payment we should have used for September 1994
1	293	299
2	479	490
3	594	607
4	707	723
5	806	824
6	905	926
7	994	1,017
8	1,083	1,108
9	1,170	1,197
10 or more	1,257	1,286

As your cash aid goes up, your Food Stamps go down.

TEMP 2082 (9/94) - WELCH VS. ANDERSON

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NOTICE OF ACTION

COUNTY OF

STATE OF CALIFORNIA
HEALTH AND WELFARE AGENCY
DEPARTMENT OF SOCIAL SERVICES

Notice Date : _____
Case
Name : _____
Number : _____
Worker
Name : _____
Number : _____
Telephone: _____
Address : _____

(ADDRESSEE)

Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how.

As of _____, the county is changing your cash aid from _____ to _____.

HERE'S WHY:

On September 1, 1994, a change in state law lowered your cash aid. A court said that the county cannot lower your cash aid now. The county will send you any back cash aid it owes you.

In the future, the court may say the county was right to lower your cash aid. If the court does, you may have to pay the county back.

Your new cash aid is figured on this page.

☐ A check will be sent soon.

☐ A check is enclosed.

As your cash aid goes up your Food Stamps go down.

Underpayment Month and Year: _____

A. Total Net Countable Income

Total Earned Income	$ _____
Work Expense Disregard	- _____
$30 Disregard	- _____
$30 and 1/3 Disregard	- _____
Dependent Care Disregard	- _____
Other Countable Income (List Sources)	
Total Deemed Income	
+ _____	
+ _____	
+ _____	
+ _____	
Court Ordered Support Paid	- _____
Net Countable Income (Subtotal A)	= _____

B. Correct Cash Aid Payment

Basic Aid for _____ Persons	
Special Needs	+ _____
Net Countable Income (Subtotal A)	= _____
Overpayment Cash Aid Amount	- _____
Correct Cash Aid Amount	$ _____

C. Correct Aid Actually Received: $ _____

D. Amount of Underpayment = _____
(Subtotal B minus Subtotal C)

Rules: These rules apply. You may review them at your welfare office: Welch vs Anderson