

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 2, 2001

Regulation Package #0101-01

CDSS MANUAL LETTER NO. EAS-01-04

TO: HOLDERS OF THE EAS MANUAL, DIVISION 49

Regulation Package #0101-01**Effective 4/26/01****Sections 49-101, 49-105, 49-110, 49-115, 49-120, and 49-125**

Assembly Bill (AB) 1978 (Chapter 143, Statutes of 2000) enacted the California Veterans Cash Benefit (CVCB) program. The intent of the CVCB program is to provide the benefits equivalent to the State Supplementary Payment (SSP) benefits paid to aged, blind and disabled individuals to those Filipino veterans of World War II who were receiving Supplemental Security Income/State Supplementary Payment (SSI/SSP) on December 14, 1999, and return to live out their remaining years in the Republic of the Philippines. All of the eligible veterans are older and many are frail.

These regulations will establish the processes, procedures, and standards needed to administer the CVCB program as mandated by AB 1978. The regulations will be the basis for the new program by establishing the requirements for eligibility, suspensions, benefit determinations, applications and other activities related to the administration of the program. The Social Security Administration has already begun making related federal payments under Title VIII of the Social Security Act to veterans living in foreign countries. Many of these Title VIII recipients are also currently eligible for the CVCB, but there are no regulations or procedures for paying them the California benefit. Needy potential recipients, therefore, are going without the California benefit until regulations and procedures can be put in place.

These regulations were adopted on an emergency basis effective April 26, 2001 and will be considered at the Department's public hearing held on May 16, 2001.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-01-03.

Page(s)2 and 3
660.41 through 660.46Replace(s)Pages 2 and 3
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Attachment

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**ELIGIBILITY AND ASSISTANCE STANDARDS
CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)**

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CHAPTER 49-100 THE CALIFORNIA VETERANS CASH BENEFIT (CVCB) PROGRAM

49-101 **PROGRAM DEFINITIONS** **49-101**

.1 The California Veterans Cash Benefit (CVCB) program provides a cash benefit to specified eligible veterans, to be paid as a supplement to the Special Veterans Benefit as defined in Section 49-105(s)(3). The specific CVCB eligibility requirements are set forth at Section 49-115.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code.

49-105 **SPECIAL DEFINITIONS** **49-105**

- (a) (Reserved)
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)
- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
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- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)

49-105 SPECIAL DEFINITIONS (Continued) 49-105

(q) (Reserved)

(r) (Reserved)

(s) (1) "SSI" means Supplemental Security Income, a federally-funded, cash benefit paid under Title XVI of the Social Security Act to needy aged, blind, and disabled persons living in the United States. The SSI program is administered by the Social Security Administration (SSA).

(2) "SSP" means California's State Supplementary Payment program authorized under Welfare and Institutions Code Section 12000, et seq. The SSA administers the SSP program in conjunction with the federal SSI program.

(3) "SVB" means the Special Veterans Benefit, a federally-funded, cash benefit paid under Title VIII of the Social Security Act, which is paid to certain veterans of World War II. The SVB program is administered by the SSA.

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 12050, 12200, and 12400, Welfare and Institutions Code; 20 CFR 416.105, 416.110, and 416.2001; and Program Operations Manual System Section VB 00101.001.

49-110 **ADMINISTRATION** **49-110**

- .1 The CVCB program is administered by SSA under an agreement between the Commissioner of SSA and the California Department of Social Services in conjunction with the federal Title VIII SVB program. Applications for SVB payments also serve as applications for CVCB payments and are taken at SSA field offices. The SSA determines the person's eligibility and grant amount according to the provisions of Title VIII of the Social Security Act, Welfare and Institutions Code Section 12400, and these regulations. The SVB and CVCB grant amounts are delivered in a combined monthly payment.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code, and Section 810A of the Social Security Act (42 U.S.C. Section 1010A).

49-115 **ELIGIBILITY FOR THE CALIFORNIA VETERANS CASH BENEFIT (CVCB) PROGRAM** **49-115**

- .1 To be eligible for the CVCB program a person must meet ALL of the following conditions:
- .11 The person was eligible for California's SSP for the month of December 1999.
- .111 A person is considered to have been eligible for California's SSP in December 1999 if SSA has determined that the person, based on a properly filed application, was eligible for SSP for December 1999.
- .12 The person was a member of the Government of the Commonwealth of the Philippines military forces who was in the service of the United States during World War II, on July 31, 1941 or thereafter.
- .121 In accordance with Section 812 of the Social Security Act (42 U.S.C. Section 1012), the term "member of the Government of the Commonwealth of the Philippines military forces who was in the service of the United States during World War II" means a person who served:

"in the organized military forces of the government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946; and was discharged or released therefrom under conditions other than dishonorable--after service of 90 days or more; or because of a disability or injury incurred or aggravated in the line of active duty."

49-115 **ELIGIBILITY FOR THE CALIFORNIA VETERANS CASH BENEFIT (CVCB) PROGRAM** (Continued) **49-115**

- .122 A person who meets the definition in Section 49-115.121 is presumed to have been in the service of the United States during World War II on July 31, 1941 or thereafter.
- .13 The person is eligible for the same period to receive an SVB payment, under Title VIII of the Social Security Act, as a result of the application of federal Public Law 106-169.
- .131 Eligibility for SVB payments must be determined by the SSA.
- .14 The person is residing in the Republic of the Philippines.
 - .141 Residency in the Republic of the Philippines for the CVCB program must be determined in the same manner as residency in a foreign country is determined for the federal SVB program.
 - .142 A person is considered to be residing in the Republic of the Philippines if he/she has established an actual dwelling place in the Republic of the Philippines with the intention of continuing to live there. A person is considered to be residing in the Republic of the Philippines if, on the first day of the month, he or she is residing, as determined under SVB rules, in the Republic of the Philippines.
 - .143 For CVCB purposes, a person can be a resident of only one country at a time. A person cannot maintain a residence in the Republic of the Philippines and a residence in the United States or any other country at the same time.
- .2 Eligibility begins with the first of the month in which all eligibility requirements are met, except that no CVCB payments can be made for a month prior to May 1, 2000.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code; Sections 803 and 812 of the Social Security Act (42 U.S.C. Sections 1003 and 1012, respectively), and Program Operations Manual System VB 00205.020 and VB 00205.150.

49-120 **PAYMENT STANDARDS** **49-120**

- .1 The CVCB payment standard for a person who is not blind is equivalent to the SSP standard for an aged or disabled individual living independently as determined under Welfare and Institutions Code Section 12200(c). The CVCB payment standard must be adjusted at the same time that the SSP payment standard is adjusted in accordance with Welfare and Institutions Code Section 12200 et seq.

- .2 The CVCB payment standard for a person who is blind is equivalent to the SSP payment standard for a blind individual living independently as determined under Welfare and Institutions Code Section 12200(a). The CVCB payment standard must be adjusted at the same time that the SSP payment standard is adjusted in accordance with Welfare and Institutions Code Section 12200 et seq.
 - .21 In order to qualify for the blind rate, SSA must have determined, prior to the date the person becomes eligible for the SVB program, that the person is blind for the purpose of qualifying for an SSP rate based on blindness.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code.

49-125 **INELIGIBILITY** **49-125**

- .1 A recipient becomes ineligible for CVCB payments effective for the first full calendar month he or she is no longer a resident, as determined by SSA under SVB rules, of the Republic of the Philippines.

- .2 A recipient becomes ineligible for CVCB payments effective with any month he or she is ineligible for the federally-funded SVB program.

- .3 A recipient becomes ineligible for CVCB payments effective for the month immediately following his or her date of death.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 12400, Welfare and Institutions Code.

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