

SHD Paraphrased Regulations - Adult Programs
830 SSP Benefit and Payment Levels

830-1

For SSI/SSP purposes, unearned income includes Social Security benefits and pensions. (20 Code of Federal Regulations §416.1121(a))

830-2

In the SSI/SSP, unearned income includes garnished income, and the amount of Medicare premiums which are deducted from the Social Security payment. (20 Code of Federal Regulations §416.1123(b)(2))

830-3

There is a general \$20 exclusion from the amount of unearned income in computing net nonexempt income for SSI purposes. (20 Code of Federal Regulations §416.1124(c)(12))

830-4

There is a formula in state law for the determination of the Supplemental Security Income/State Supplemental Program payment level. Effective _____, the payment level for _____ person(s) is \$____. (Welfare and Institutions Code §§12200 and 12201)

830-5

In SSI, the proceeds from the sale of a home which is excluded from the individual's resources will also be excluded from resources to the extent they are to be used and are, in fact, used to purchase another home, which is similarly excluded, within three months of the date of receipt of the proceeds. (20 Code of Federal Regulations §416.1212(d))

832-1

The Court of Appeal determined that Administrative Law Judges (ALJs) had the authority to award interest in conjunction with the issuance of retroactive benefits. (*Knight v. McMahon* (1994) 26 Cal.App. 4th 747)

On August 29, 1996 the California Supreme Court held that Unemployment Insurance ALJs did not have the authority to award interest. The Court held that those ALJs had no such authority. The Court specifically disapproved the *Knight* case, to the extent that it allowed CDSS ALJs to award interest. Thus, CDSS ALJs may no longer authorize interest payments when retroactive aid is ordered, effective September 29, 1996. (*AFL and CIO v. Unemployment Insurance App. Bd.* (1996) 13 Cal. 4th 1017, 56 Cal. Rptr. 2d 109; All-County Information Notice No. I-52-96, September 25, 1996)