

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



November 2, 1994

ALL-COUNTY LETTER NO. 94-92

TO: ALL COUNTY WELFARE DIRECTORS

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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  
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SUBJECT: CEJA V. CARLSON Retroactive Implementation

REFERENCES: ACL 91-62, 91-68

Background:

The purpose of this letter is to provide the counties with instructions for the implementation of the Ceja v. Carlson Court order. On July 13, 1994, the Superior Court of San Mateo County approved an Order for the settlement of the retroactive portion of the Ceja Court case. The Ceja Court order required that the California Department of Social Services (CDSS) and its agents, the counties, cease using the Maximum Aid Payment differential formula in deeming income to children and family members of immigrants legalized under the Immigration Reform and Control Act of 1986.

As of August 1, 1991, counties were instructed in ACL 91-62 to only use the stepparent deeming income formula (Section 44-133.63) to deem income to these class members.

Identification:

Each of the following counties is to identify plaintiff class members who applied for or received AFDC in their county during the retroactive benefit period, using lists, other tracking mechanisms, case searches or other automated data searches: Santa Clara, San Mateo, San Diego, Sonoma, Tulare, Santa Cruz, Fresno, Solano, San Francisco, San Luis Obispo, Contra Costa, Placer, Alameda, Nevada, Marin, Yolo, Orange, Santa Barbara, Sacramento, and Los Angeles. If the information in the case file is sufficient to process a claim in these counties, benefits are to be paid without requiring potential class members to initiate a claim.

For those counties not named above, class members will be identified through a method of the county's choice but this choice must maximize the ability to notify class members. These other methods include but are not limited to (1) by case search

or (2) identification during the redetermination process. When administratively feasible, counties are to use a method which does not require the potential class member to come into the office in person to file a claim.

It is the county's responsibility to timely request necessary additional information from potential class members. Class members will have 30 days from the date of a request to provide the information.

#### Retroactive Period and Claim Period:

The retroactive period for the Ceja Court case is June 1988 through June 1991. The claim period for those counties who do not identify class members at redetermination will be 90 days commencing January 2, 1995. Counties choosing to identify class members at redetermination are to have a one year claim period commencing January 2, 1995. Potential class members identified during redetermination in the last quarter of the claim period will have 90 days from receiving the claim form to submit a completed claim.

Claim forms must be available in every county welfare office during the claim period. A reproducible copy of the Temp 2077 has been provided for this purpose. If the claim form is provided during a face to face interview, counties will assist the potential class member in filling out the form. Counties will provide a claim form to any potential claimant upon request.

All claims are to be approved or denied within 90 days of receipt of a completed claim. Counties which have a 90 day claim period will continue to accept claims and process requests if the claim has been referred from another county which is identifying class members during redetermination. In no case will a claim be paid if the claim was submitted to a county later than March 31, 1996.

#### Posters:

Posters informing the potential claimants about the possibility of retroactive benefits will follow under a separate cover letter on or about December 1, 1994. These Posters will be displayed in all County Welfare Offices and Food Stamp issuance outlets throughout the claim period appropriate for your county.

#### Media Campaign:

CDSS will launch a statewide media campaign to publicize the availability of retroactive benefits through Spanish language radio stations, press releases and newspapers during the claim period.

Notices of Action (NOA)s:

NOAs are attached to this letter. Counties will use these NOAs to approve, deny a claim, or request additional information.

Any member of the assistance unit (AU) during the retroactive period may make a claim for retroactive benefits. If the members of an AU make more than one claim for retroactive benefits for the same instance of eligibility, the county will pay the first legitimate claim made and deny any subsequent claims.

Underpayments/Overpayments:

Before issuing any retroactive payment, counties must review the case to confirm that class members do not have any existing overpayment(s). Retroactive benefits due and owing must be offset against any outstanding overpayments as required by MPP 44-340.42.

If any AU is found to have an overpayment due to the loss of the dependent disregard, the counties will use the normal procedure to recoup the overpayment.

Fiscal Claiming:

Ceja corrective underpayments are benefits eligible for Federal Financial Participation. Normal claiming procedures apply for these payments and standard sharing ratios will be used.

AFDC Treatment of Claims:

Retroactive benefits paid under the Ceja order are corrective underpayments and will not include interest. Corrective underpayments received as a result of the Ceja settlement will not be counted as income or property in the month received or the following month for the AFDC Program.

Food Stamp Impact:

For Food Stamp purposes, any retroactive corrective AFDC payments made to Food Stamp households pursuant to this court case, will be excluded from income MPP 63-502.2(j) and as a resource for categorically eligible Food Stamp households as long as they remain eligible for AFDC MPP 63-501.3(o). However, these AFDC payments will be counted as a resource in the month received in accordance with MPP 63-501.111. If you have any questions about the impact of these AFDC payments on the Food Stamp program, please call Julie Andrews at (916) 654-1887.

Medi-Cal Impact:

For Medi-Cal purposes these retroactive payments are exempt from income in the month received for the purposes of determining

a beneficiary's Medi-Cal countable income, per section 50525, Title 22 California Code of Regulations, but are countable property in the month following the month of receipt for the purposes of determining Medi-Cal property eligibility. For questions regarding the impact of these payments on Medi-Cal income eligibility, contact Dave Rappolee at (916) 657-0163. For questions regarding the impact of these payments on Medi-Cal property eligibility, contact Ms. Sharyl Shanen-Raya at (916) 657-2942.

Statistical Reporting:

Counties are required to complete the attached statistical reports in order to comply with the Ceja Court Order.

CEJA A

1. Counties which use a method of identification other than a search at redetermination will submit a report to CDSS by August 31 1995, which details the following statistics:
  - a. the total number of claim forms given out;
  - b. the total number of completed claim forms received;
  - c. the total number of claims approved;
  - d. the total dollar amount of retroactive benefits paid out;
  - e. the total number of claims denied.


CEJA B

2. Counties which use a search during redetermination to identify potential class members will submit a report detailing the same information on the attached report no later than May 1, 1996.

If you have any questions about statistical reporting, please call Mr. Levy St Mary at (916) 653-5170 or CALNET (8) 453-5170.

If you have any questions about the Ceja Order or its implementation, please call Mr. Vincent Toolan at (916) 654-1808 or CALNET (8) 464-1808.

Sincerely,

  
MICHAEL C. GENEST  
Deputy Director  
Welfare Programs Division

Attachments