

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



March 24, 1981

ALL-COUNTY LETTER NO. 81-28

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ORTIZ V. WOODS AND HARLEY V. WOODS

REFERENCE: MANUAL OF POLICIES AND PROCEDURES SECTION 22-022.51

On January 26, 1981, a Preliminary Injunction was issued by the Los Angeles Superior Court in the two consolidated cases of Ortiz v. Woods (No. C 327889) and Harley v. Woods (No. 000616), a copy of which is attached.

The Department and county welfare departments have been ordered not to apply Manual of Policies and Procedures (MPP) Section 22-022.51 in a fashion that denies "aid paid pending" to those recipients who file a request for a state hearing after the 10 day notice period, but before the effective date of the proposed action. This injunction extends the time period during which a recipient may request a state hearing and receive "aid paid pending" when a notice of action is sent more than 10 days prior to the effective date of the action. It does not require that counties send notices more than 10 days prior to the effective date of the action.

The State and counties were ordered to comply with this court order beginning January 26, 1981.

Therefore, all counties shall take appropriate action to issue "aid paid pending" in all cases where benefits are reduced or terminated, beginning with February 1, 1981, and the claimant's request for a state hearing is filed anytime before the effective date of the action. This also requires counties to review all cases which are already in the state hearing system, but which have not yet been heard before a state hearing officer and issue aid paid pending as appropriate. The Office of the Chief Referee will review those cases which have been heard before a state hearing officer and take the steps necessary to ensure that the "aid paid pending" determinations are consistent with this court order.

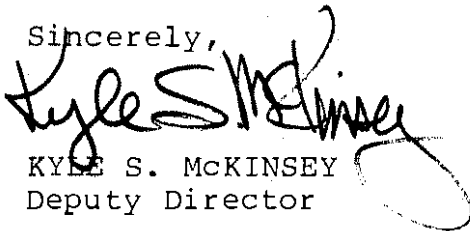
In addition, counties are required to immediately include the language in Attachment A, on or with all Notices of Action that propose to reduce or terminate benefits. Counties which have the capability of modifying their Notices of Action are encouraged to insert this language on the notice itself.

This court order is not applicable to Medi-Cal and other programs administered by the Department of Health Services. As a result, these instructions do not apply to "aid paid pending" determinations involving those programs and you should continue to apply MPP § 22-022.51 in the usual manner. We are informed, however, that the Department of Health Services will issue instructions consistent with this court order regarding Medi-Cal "aid paid pending" determinations.

The Department has filed an appeal from the issuance of the Preliminary Injunction. In the interim, the Department is in the process of complying with the Preliminary Injunction and will inform you of any developments which may require further county action.

If you have any questions regarding the implementation of this court order, please contact your AFDC management consultant at (916) 445-4458.

Sincerely,

A handwritten signature in black ink that reads "Kyle S. McKinsey". The signature is written in a cursive style with a large, looping flourish at the end.

KYLE S. MCKINSEY  
Deputy Director

Enclosure