

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



September 10, 1993

ALL-COUNTY LETTER NO. 93-68

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: PETRIN V. CARLSON

REFERENCES MPP 44-207.4

BACKGROUND

The purpose of this letter is to provide County Welfare Departments (CWDs) with instructions and materials for implementing the requirements of the Petrin v. Carlson Court Order (Superior Court for the County of San Diego, Case #638381, Attachment 7).

On May 12, 1993, the court approved a Stipulation for Judgement which specified that the intent of MPP 44-207.4 is to allow the reduction of a lump sum period of ineligibility (POI) for these additional expenses:

(1) Expenses incurred as a result of reasonable and necessary funeral expenses for any person with a degree of relatedness as specified in MPP 82-808.11 who resided with the assistance unit within 90 days of such person's death.

(2) Situations where the lump sum becomes unavailable due to sudden and unusual circumstances beyond the control of the assistance unit which are not necessarily of a life threatening nature.

Materials included as attachments to this letter are:

- (1) An Informing Notice (Temp 2050)

- (2) A Claim form (Temp 2049)
- (3) An Approval Notice of Action (NOA) message (Petrin at)
- (4) A Denial NOA message (Petrin bt)
- (5) A Denial/Request for Information NOA (Petrin ct)
- (6) A Statistical Reporting form (Gen 1172 [Petrin])
- (7) A copy of the Petrin v. Carlson Court Order

Posters and translations of the forms and notices will follow under a separate cover letter.

RETROACTIVE RELIEF

CWDs will attempt to notice potential class members who were terminated from the AFDC program due to the establishment of a POI based on the receipt of a lump sum from May 31, 1989 through the date of the implementation of these instructions. To accomplish this the CWDs will do the following:

(1) If the CWD has the ability to identify persons, who were terminated from the AFDC program due to the receipt of a lump sum or were assessed an overpayment due to a lump sum, using existing computer systems, it will mail an Informing Notice (IN) (Temp 2050) by the start of the claim period no later than November 1, 1993, to these persons. If the CWD does not have the ability to locate these potential class members through an existing computer record, the CWD is not required to do a case-by-case search.

(2) All CWDs will be required to display posters (Temp 2051) for the 90-day claim period starting no later than November 1, 1993. Posters will also be provided for display in Food Stamp outlets. CWDs will transmit the appropriate number of posters to the outlets. CWDs will be sent the posters under a separate cover letter.

Upon the receipt of a claim, the CWD shall determine if the claimant had inquired about or requested a shortening of the POI. If the claimant made a request or had asked about a reduction of the POI, the CWD is to evaluate the claim under the policy in the Petrin Court Order.

The CWD is to deny the claim using the NOA (Petrin bt) where there is no evidence that the claimant either asked about

or requested a shortening of the POI. The absence of documentation in the claimant's AFDC file will create a rebuttable presumption that the claimant is not eligible for retroactive benefits.

The CWD is also to deny any claim using the NOA (Petrin bt) where it determines that the reduction of the POI was granted in its entirety. The CWD shall deny all claims filed after the end of the claim period unless it determines that good cause exists for the late filing as specified in MPP 40-181.233.

CWDs are to make a determination of eligibility for a retroactive payment within 60 days of receiving a completed claim. Upon completion of the determination, CWDs are to issue a NOA without delay. If the CWD receives an incomplete claim, the CWD shall send the claimant a NOA (Petrin ct) requesting the missing information within 30 days. The claimant has 30 days to provide the requested information. If the claimant does not provide the information within 30 days, the claim will be denied using the NOA (Petrin bt).

When the CWD grants the claim, the CWD is to mail the claimant the underpayment with the NOA (Petrin at) no later than the last day of the month following the month in which the claim was determined to be eligible.

When a CWD receives a claim for which it is not responsible and another CWD is identified by the claimant, the receiving CWD is to deny the claim and forward it to the responsible CWD within 30 days of discovery.

FOOD STAMPS

For the purposes of the Food Stamp Program, any retroactive payments made to Food Stamp households pursuant to this Court Order will be considered nonrecurring lump sum payments and, as such, will be excluded from income [MPP 63-502.2(j)]. These payments will be excluded from resources for categorically eligible Food Stamp households as long as they remain eligible for AFDC (MPP 63-501.3 (o)).

STATISTICAL REPORTING

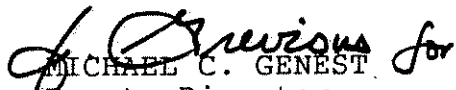
The CWDs are to make one report (see attached) to CDSS on the retroactive portion of the Petrin Court Order. This report is due May 15, 1994, and it will contain the following information:

- (1) the number of claims submitted,
- (2) the number of claims granted in whole or in part,

- (3) the number of claims denied,
- (4) the total amount of dollars by which lump sum POI were reduced.

If you have any questions about the statistical reporting, please call Mr. Levy St Mary at (916) 653-2135. If you have any questions about the Petrin lawsuit or need additional posters, please call Mr. Vincent Toolan at (916) 654-1808 or ATSS 464-1808.

Sincerely,


MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

Attachments

cc: CWDA