

SUMMARY

Los Angeles County stipulated to rescind the June 28, 2019 notices of action and actions that discontinue the claimant's CalFresh benefits effective July 31, 2019 and issue TNB benefits in the amount of \$123.00 per month; reevaluate the claimant's CalFresh eligibility effective August 1, 2019, allowing the claimant a reasonable opportunity to provide information or verification if necessary to determine eligibility; aid the claimant as otherwise eligible; and notify the claimant in writing of its actions.

[265-4]

FACTS

By a notice of action dated June 28, 2019, Los Angeles County (county) notified the claimant that it discontinued her CalFresh benefits because her household net income was too high.

By a notice of action dated June 28, 2019, the county notified the claimant that she was eligible for the Transitional Nutrition Benefit (TNB) program effective August 1, 2019 to July 31, 2020. The notice states that the claimant received these benefits because on June 1, 2019, her CalFresh household included at least one SSI/SSP recipient and her CalFresh household became ineligible for CalFresh benefits when the SSI/SSP recipient was added to her household.

On December 20, 2019, the claimant requested a hearing to challenge the county action. On May 26, 2020, the claimant and the county representative appeared by telephone for the hearing. The county representative submitted a statement of position setting forth the county's factual allegations and legal arguments.

The county representative requested a dismissal based on the claimant having filed a request for hearing over 90 days from when the county action was effective.

The June 28, 2019 notice of action cites to the regulations regarding income and resource maximums; maximum net income eligibility standards; income, exclusions and deductions; tables of coupon issuance; and maximum net monthly income standards (MPP §§ 63-409, 63-409.112, 63-502, 63-1101, 63-1101.32). The notice of action did not cite to the regulations that explain mandatory CalFresh household members or that SSI/SSP recipients are now eligible for CalFresh benefits.

The county representative testified that if jurisdiction were found in this case, the county stipulated to rescind the June 28, 2019 notices of action and actions that discontinue the claimant's CalFresh benefits effective July 31, 2019 and issue TNB benefits in the amount of \$123.00 per month; reevaluate the claimant's CalFresh eligibility effective August 1, 2019, allowing the claimant a reasonable opportunity to provide information or

verification if necessary to determine eligibility; aid the claimant as otherwise eligible; and notify the claimant in writing of its actions.

The claimant agreed to these stipulations.

The claimant testified that her only sources of her income was her SSI/SSP income of \$942 per month and her son's income from Social Security of \$609 per month.

LAW

All the regulations cited refer to the Manual of Policies and Procedures (MPP), unless otherwise noted.

Jurisdiction

A claimant, who is dissatisfied with the county's action or inaction regarding the application or receipt of aid, shall have a right to request a hearing. (Cal. Welf. & Inst. Code § 10950.)

A claimant must request a state hearing within 90 days of the action or inaction with which the claimant is dissatisfied. If the claimant has received an adequate and language-compliant notice of the action, the date of the action is the date the notice is mailed or given to the claimant. If adequate notice is required but not provided, or if the notice is not adequate or language-compliant, any hearing request (including an otherwise untimely hearing request) shall be deemed a timely hearing request. (§22-009.1.)

A notice of action must be adequate before the 90-day time limit for filing a state hearing request begins to run. The fact that the recipient knows, or should have known, of the action does not start the running of the time period. (Morales v. McMahon (1990), 223 Cal. App. 3d 184, 272 Cal. Rptr. 688.)

A CalFresh notice shall be considered adequate if it explains in easily understandable language the proposed action, the reason for the proposed action, the household's right to request a state hearing, the availability of continued benefits, and the potential liability of the household for any overissuance received while awaiting a state hearing, if the hearing decision is adverse to the household. The notice must also contain the telephone number that an individual may contact for additional information. For households living outside the local calling area, the notice shall contain a toll-free number or a number where collect calls will be accepted. An adequate notice must also advise the household of the availability of free legal representation, if any. (§63-504.211)

Mandatory Household Members

Parents living with their children who are under age 22 must be in the same CalFresh household.

(§63-402.14)

SSI/SSP Recipients Are Eligible for CalFresh

Effective June 1, 2019, SSI/SSP recipients are eligible for CalFresh benefits provided all the other eligibility criteria are met.

(ACL 18-90, July 31, 2018)

CalFresh

The county shall provide each household with a notice of the impending expiration of their certification period. Notice shall be given during the next to last month of the certification period, (§63-504.251)

Stipulation

The county representative shall have authority at the state hearing to make binding agreements and stipulations on behalf of the County Welfare Department.

(§ 22-073.37)

CONCLUSION

Los Angeles County

Jurisdiction

A claimant has 90 days from the date of a notice of action to request a hearing to challenge the county's adverse action. This 90-day time limit does not begin if the notice is not adequate or not language complaint.

In this case, the June 28, 2019 notice of action cites to the regulations regarding income and resource maximums; maximum net income eligibility standards; income, exclusions and deductions; tables of coupon issuance; and maximum net monthly income standards.

Although the notice of action cited to regulations governing CalFresh eligibility generally, the notice of action does not cite to the regulations that explains mandatory CalFresh household members or that SSI/SSP recipients are now eligible for CalFresh benefits. Based on the June 28, 2019 TNB notice of action, the claimant's CalFresh benefits were discontinued because when SSI/SSP recipients were allowed to be aided in the CalFresh program, the claimant was added to the household. Therefore, because the

notice did not cite to the applicable regulations, it is determined that the notice is inadequate.

Because the notice of action at issue was inadequate, the 90-day time limit to request the hearing did not begin. Therefore, it is determined that the claimant's December 20, 2019 request for hearing is timely.

Stipulation

The county representative has the authority to make binding stipulations on behalf of the county at the hearing.

At the hearing, the county representative stated that if jurisdiction were found, the county stipulated to rescind the June 28, 2019 notices of action and actions that discontinue the claimant's CalFresh benefits effective July 31, 2019 and issue TNB benefits in the amount of \$123.00 per month; reevaluate the claimant's CalFresh eligibility effective August 1, 2019, allowing the claimant a reasonable opportunity to provide information or verification if necessary to determine eligibility; aid the claimant as otherwise eligible; and notify the claimant in writing of its actions.

The claimant agreed to the stipulations.

Therefore, it is determined that the county shall abide by these stipulations.

ORDER

The claim is granted.

Los Angeles County shall (1) rescind the June 28, 2019 notices of action and actions that discontinue the claimant's CalFresh benefits effective July 31, 2019 and issue TNB benefits in the amount of \$123.00 per month; (2) reevaluate the claimant's CalFresh eligibility effective August 1, 2019, allowing the claimant a reasonable opportunity to provide information or verification if necessary to determine eligibility; (3) aid the claimant as otherwise eligible; and (4) notify the claimant in writing of its actions.