

## **SUMMARY**

Los Angeles County (the county) shall comply with its stipulation to (1) rescind the notice of action dated March 27, 2016 notifying Claimant's household that it had been overissued \$1,200.00 in CalFresh benefits for October through December 2015; (2) cancel the CalFresh overissuance of \$1,200.00 for October through December 2015 (claim no. 20707033; TTC account no. 30843003); (3) reimburse Claimant all amounts collected from Claimant to repay the CalFresh overissuance for October through December 2015; (4) notify the Treasurer and Tax Collector (TTC) to stop all collection activity for TTC account no. 30843003 and return the account back to the county Department of Public Social Services; (5) and notify Claimant of its actions in writing.

[290-4]

## **FACTS**

By notice of action dated March 27, 2016, Los Angeles County (the county) notified Claimant's household that it had received a CalFresh overissuance of \$1,200.00 for the period of October 2015 through December 2015 (claim no. 20707033) because of a failure to provide essential information due to a county mistake.

On February 20, 2020, Claimant filed a request for hearing to dispute the county's actions.

On May 26, 2020 the state hearing was held. The county representative and Claimant appeared at the hearing by telephone. The county submitted a statement of position, along with supporting attachments, setting forth the county's factual allegations and legal arguments.

Although the county did not raise jurisdiction regarding the notice of action dated March 27, 2016, the administrative law judge reviewed the notice of action and determined the notice to be inadequate because it did not cite to the regulations regarding the types of income used in the county's computations and how the county computed the overissuance. Because the notice of action at issue was inadequate, the 90-day time limit to request the hearing did not begin even if Claimant knew of the overissuance. Claimant's February 20, 2020 request for hearing therefore was timely.

The county representative testified that on December 15, 2015, the county established a CalFresh overissuance of \$1,200.00 for October through December 2015 against a household of which Claimant was an adult member. The county representative stated that the current balance of the overissuance was \$1,109.00 because \$91.00 had been collected through benefit recoupment. Further, the county representative stated that a Treasurer and Tax Collector (TTC) account no. 30843003 was established under Claimant's name to collect on the overissuance.

The county representative stated that she researched the matter and found that Claimant's household member P had received a state disability benefit payment of \$1,034.00 from the Employment Development Department (EDD) on September 23,

2015. The county representative stated that her review of the evidence showed that this was only a one-time payment, but that the county had erroneously factored it to a monthly amount and counted it as unearned household income. The county representative testified that the county added this unearned income to recalculate Claimant's household's CalFresh benefits and it resulted in the CalFresh overissuance of \$1,200.00 for October through December 2015. The county representative testified that the county's action of counting the aforementioned unearned income was not appropriate and could not be defended.

The county representative therefore stipulated that the county would (1) rescind the notice of action dated March 27, 2016 notifying Claimant's household that it had been overissued \$1,200.00 in CalFresh benefits for October through December 2015; (2) cancel the CalFresh overissuance of \$1,200.00 for October through December 2015 (claim no. 20707033; TTC account no. 30843003); (3) reimburse Claimant's household all amounts collected from Claimant's household to repay the CalFresh overissuance for October through December 2015; (4) notify the Treasurer and Tax Collector (TTC) to stop all collection activity for TTC account no. 30843003 and return the account back to the county Department of Public Social Services; (5) and notify Claimant of its actions in writing.

Claimant agreed to the county's stipulation.

### **LAW**

All the regulations cited below refer to the California Department of Social Services' (CDSS) Manual of Policies and Procedures (Man. Pol. Proc.), unless otherwise noted.

A state hearing shall be available to a claimant who is dissatisfied with a county action and requests a state hearing.

(§22-003.1; Welf. & Inst. Code, § 10950 (a), effective January 1, 2018.)

In the CalFresh program, the household's net monthly income is determined by adding net earned income to unearned income and subtracting applicable deductions.

(§63-503.311.)

The household's monthly CalFresh allotment shall be determined from the Coupon Allotment Tables (Handbook §63-1101) based on the household's size and net income.

(§63-503.324.)

An overissuance is the amount by which coupons issued to a household exceed the amount the household was eligible to receive.

(§ 63-102(o)(1).)

The county is required to establish a claim against any household that has received

more benefits than it was entitled to receive. All adult household members are jointly and individually liable for any overissuance to the household.

(§ 63-801.1.)

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**

The above-cited regulations provide that the county representative has the authority to make binding stipulations on behalf of the county at the hearing.

At the hearing, the county representative stipulated that the county would (1) rescind the notice of action dated March 27, 2016 notifying Claimant's household that it had been overissued \$1,200.00 in CalFresh benefits for October through December 2015; (2) cancel the CalFresh overissuance of \$1,200.00 for October through December 2015 (claim no. 20707033; TTC account no. 30843003); (3) reimburse Claimant all amounts collected from Claimant to repay the CalFresh overissuance for October through December 2015; (4) notify the Treasurer and Tax Collector (TTC) to stop all collection activity for TTC account no. 30843003 and return the account back to the county Department of Public Social Services; (5) and notify Claimant of its actions in writing.

Claimant agreed to the county's stipulation. Therefore, the county is bound by the stipulation.

### **ORDER**

The claim is granted.

Los Angeles County shall (1) rescind the notice of action dated March 27, 2016 notifying Claimant's household that it had been overissued \$1,200.00 in CalFresh benefits for October through December 2015; (2) cancel the CalFresh overissuance of \$1,200.00 for October through December 2015 (claim no. 20707033; TTC account no. 30843003); (3) reimburse Claimant all amounts collected from Claimant to repay the CalFresh overissuance for October through December 2015; (4) notify the Treasurer and Tax Collector (TTC) to stop all collection activity for TTC account no. 30843003 and return the account back to the county Department of Public Social Services; (5) and notify Claimant of its actions in writing.