

SSA Intranet

State Hearing

241

Approved: *Signature On File*

2/1/98 (R5-05)

2005-31

POLICY

When a participant believes that any program requirement or assignment is in violation of his/her Welfare-to-Work Plan or is inconsistent with state law governing the CalWORKs Welfare-to-Work program, the Welfare-to-Work Caseworker (Caseworker) will make every reasonable effort to resolve the disagreement at the line level. If this is not possible, the participant can seek redress through a State Hearing (hearing) as described in law and summarized in this procedure. All requests for a hearing will be reviewed by CalWORKs program staff and supervisory level staff. If the Caseworker involved is a non-SSA staff person, requests must be reviewed by a SSA County Technical Representative as well.

**PROCEDURE
STATE HEARING**

1. A participant can request a hearing if he/she disagrees with any county decision or action regarding:
A CalWORKs penalty for non-compliance (e.g., a 6 month exclusion for a volunteer or financial sanction for a mandatory participant); or
His/her status in the program; or
The activity to which he /she is assigned; or
The handling of CalWORKs supportive services.

NOTE: A State Hearing to appeal the results of an assessment can be held only after an independent Third Party Assessment has been completed (see CalWORKs Policy 210B).

1. Participants are informed both verbally, and in writing, of their right to request a hearing at the initial group CalWORKs Rights and Responsibilities meeting, and at the Redetermination appointment, by issuance of Publication 13 (**PUB 13**) "Your Rights Under California Welfare Programs." In addition, NOA Back 9 "Your Hearing Rights", which is printed on the reverse side of every Notice of Action (NOA), provides information about, and instructions for, filing a hearing request.
2. CalWORKs staff will assist the participant in filing a request for a hearing as necessary and will be prepared to attend the hearing if requested by the SSA Program Integrity Unit.

1. Upon receipt of notification that a participant has requested a hearing, Program Integrity staff will FAX a copy of the Fair Hearing request to the CalWORKs Welfare-to-Work (WTW) Program Manager. CalWORKs program staff will review the case to ensure that actions taken are consistent with local and state policies and laws. Program staff will advise the Program Integrity Representative and Supervisor via e-mail if the issue can be satisfactorily resolved without a hearing. Program Integrity staff may suggest complete or conditional withdrawal in this type of situation. The Program Integrity Representative may also discuss the issue with the caseworker and/or CalWORKs supervisor as appropriate, regarding clarification of all documentation, attendance at the hearing, or the Caseworker's assistance in obtaining an unconditional withdrawal from the participant. CalWORKs staff will prepare a temporary folder, route the original case folder and relevant documentation to the Program Integrity, and will take or suspend action as instructed.

1. After the hearing is completed and the decision of the presiding State Administrative Law Judge (ALJ) has been received, the Program Integrity Representative will provide copies of the hearing decision to the WTW Program Manager. The Caseworker will comply with the directions of the Program Integrity Representative issued pursuant to the decision.

**CALWORKS
SUPPORTIVE
SERVICE
PAYMENTS**

Payments for CalWORKs supportive services (Stage 1 child care, transportation costs and ancillary expenses) are considered as a "reimbursement." As such, transportation and ancillary payments are exceptions to the general rule that participants are entitled to have aid payments continue unchanged pending the results of a hearing (Aid Paid Pending). Participants will continue to receive childcare payments as outlined in modified actions below.
Actions taken to modify supportive service payments may continue in effect pending the hearing as follows:

If the participant's childcare payments are to be lowered, suspended, reduced or terminated, the individual's childcare will continue at the same rate and method of payment, unless the action is based on the health and safety of the child;

If the method of transportation payment is to be changed (e.g., from cash for mileage to a bus pass), the new method will be used pending the hearing;

If transportation payments are to be terminated, the termination will take effect as scheduled, pending the hearing.

If an individual's request for supportive service payments was denied, the individual remains ineligible pending the hearing, unless there is a change in the condition that led to the denial. Information about these provisions is included on the **NOA Back 9** form.

**INDEPENDENT
(THIRD PARTY)
ASSESSMENT**

If a participant disagrees with the results of an Assessment or provisions of a Welfare-to-Work Plan, she/he can request a review of the Assessment by a State-identified person not affiliated with the County CalWORKs program. Third Party Assessment instructions are found in CalWORKs Policy 210B.

FORMS

**Publication 13 "Your Rights Under California Welfare Programs"
NOA Back 9 "Your Hearing Rights"**

REFERENCES

AB1542, 11325.4
ACL-97-72
MPP Division 22
MPP Division 47
W.I.C. 10950
CalWORKs Policy 210B -- Third Party Assessments
