

I N N E R

C I T Y

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C E N T E R

PUBLIC BENEFITS TRAINING

AUGUST 30, 2023

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INNER CITY LAW CENTER

- For more than 40 years, Inner City Law Center (ICLC) has provided free legal services and tenant outreach and education services to the most vulnerable residents of Los Angeles.
- Our mission is to ensure decent, safe and fully habitable housing for the enormous number of homeless and working poor families and individuals residing in Los Angeles County.
- The only legal-services provider located in Skid Row, ICLC's 100+ member staff and 500+ volunteers provide free, quality legal representation for people who have nowhere else to turn.

GOAL FOR THIS PRESENTATION

- Share Tips and Tools for Spotting Legal Issues related to Public Benefits



PUBLIC BENEFITS 101

BASIC SCREENING QUESTIONS

When you meet with clients, remind them that they can get free legal assistance for public benefits issues.

Here are questions to ask:

- ❑ Have you tried to apply for any benefits and been denied?
- ❑ Were you receiving benefits that were cut off?
- ❑ Have your benefits been reduced?
- ❑ Have you received any letters from the Social Security Administration (SSA), the Department of Public Social Services (DPSS), or the Employment Development Department (EDD)?
- ❑ Are there any pending deadlines relating to your benefits?

CASH AID

Cash Aid: Administered by the Los Angeles County Department of Public Social Services (DPSS).

General Relief: for adults without minor children.

- ❑ Very strict income and resource rules.
- ❑ Amount has been \$221.00 per month for decades.
- ❑ Terminations started up again as of July 1st, 2023.

Issue Spotting

- ❑ If client is receiving less than \$221.00, there is probably an overpayment, which should be investigated.
- ❑ If client has been terminated in the last few months, it may be possible to reinstate rather than reapply.
- ❑ If client is disabled but required to participate in GROW (soon to be START).

CASH AID, continued...

CalWORKs: cash aid for adults with minor children AND minor children. Pregnant women are also eligible, regardless of pregnancy length.

- ❑ Calculations for the amount received are complicated.
- ❑ CalWORKs recipients can be children only, *EVEN IF THE PARENTS ARE UNDOCUMENTED*, as long as the children meet immigration requirements.
 - ❑ Note: DPSS does not report to ICE.
- ❑ CalWORKs includes non-cash benefits, including Homeless Assistance Programs to assist with move-in costs, back rent due, and temporary housing payments.
- ❑ CalWORKs can provide assistance with *diapers and childcare, transportation for welfare-to-work activities, and additional support for recipients who are pregnant or parenting a child aged two or younger.*

Issue Spotting

- ❑ Terminations/Sanctions
- ❑ CalWORKs benefits vary depending on the family.

FOOD ASSISTANCE

CalFresh: assists individuals and families with non-cash funds to help pay for groceries.

- ❑ Emergency SAME-DAY CalFresh is available to eligible applicants who are unhoused.
- ❑ Hot meals are available from participating vendors if the recipient is qualified for the California Restaurant Meals Program.
- ❑ The pandemic emergency CalFresh supplement program has ended.

Issue Spotting

- ❑ Terminations, overissuances
- ❑ Not set up for hot meals if unhoused or disabled
- ❑ Applicant is unhoused and it takes longer than a day to receive benefits after applying

DPSS NOTICE OF ACTION

LOS ANGELES
038 Metro North Office
2801 WILSHIRE BLVD
LOS ANGELES, CA 90057-3401

NOTICE OF ACTION TERMINATION

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

Date: 09/13/2021
Case Name: [REDACTED]
Case Number: B21ZF65
Worker Name: Customer Service
Worker ID: 190P38AE00
Worker Phone Number: (866) 613-3777
Customer ID: [REDACTED]

[REDACTED]

If you have any questions, ask your worker.

STATE HEARING: If you think this action is wrong, you can ask for a hearing. The back of this page tells you how. Your benefits may not be changed if you ask for a hearing before this action takes place.

As of 09/30/2021, the County is stopping your:

- ☐ Cash Aid ☐ Diaper Assistance Payments
☒ CalFresh

Here's why:

As of the 11th of this month, the County has not received your semi-annual report (SAR 7) due this month.

To continue to get cash and/or CalFresh benefits you must return a complete SAR 7.

A SAR 7 is complete when you have answered all of the questions and have attached required proof.

The County must get your complete report no later than the first working day of next month.

If your benefits are discontinued you fail to turn in a complete SAR 7, you will not receive Transitional CalFresh benefits. If you have any questions about Transitional CalFresh, please contact your county office.

The information you give us may change or stop your cash aid and/or CalFresh benefits.

If you turn in a complete SAR 7 anytime next month that shows you are eligible to cash aid and/or CalFresh, your benefits will start from the date you turn in the form.

Medi-Cal: This notice DOES NOT change or stop Medi-Cal Benefits. If there is a change in your Medi-Cal benefits, you will get another notice.

Rules: These rules apply:

CW: MPP Sections 40-105.1, 40-181.22
CalFresh: MPP Sections 63-103(c)(1), 63-508.6
RCA, TCAP and ECA: MPP Sections 70-105.1, 69-206 and 69-301
WYV: MPP Section 42-711.5, 42-712.1, 42-713.2, 42-717.4 and ACL 18-38
NA 960X SAR (9/13) STOP AID, REPORT NOT RECEIVED



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What to Look For

- Dates
- Words such as:
 - ▣ "Appeal"
 - ▣ "You have until,"
 - ▣ "Termination"
 - ▣ "Overissuance"
 - ▣ "Sanction"
 - ▣ "If you don't"

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DISABILITY BENEFITS

Supplemental Security Income (SSI): a needs-based program for people who are aged (65+), blind, or disabled, and have little or no income.

- ❑ Resource and income limits are very strict.
- ❑ Difficult to meet disability criteria.
 - ▣ Only 36% of initial SSI applications approved, less than half that for people experiencing homelessness.

Issue Spotting

- ❑ Terminations, appeals.
- ❑ A single adult receiving less than the standard \$1133.73 monthly.
- ❑ A single adult without access to cooking facilities receiving less than \$1251.74 monthly.
- ❑ Anyone receiving SSI who is not receiving CalFresh (prior to 2019 couldn't receive both).

DISABILITY BENEFITS, continued...

Social Security Disability Insurance (SSDI): disability benefits paid to a disabled person or their family members. Amount is based on work credits and other criteria.

- Disability rules are the same for SSI and SSDI.
- Income and resource limits are more lenient.
- Immigrants with the following statuses AND enough recent work credits could qualify:
 - **Pending** or granted LPR (green card), VAWA (Violence Against Women Act), U (Victim of Crime), T (Victim of Trafficking), Refugee, Asylum, Withholding of Removal, Cuban or Haitian Entrant. Granted (not pending) Deferred Action including DACA or TPS could qualify.
 - As a reminder, this is for SSDI, not SSI.

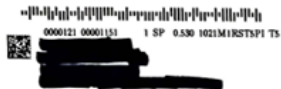
Issue Spotting

- Since SSDI amounts are calculated on an individual basis, it is difficult to easily determine if there are underpayments or overpayments.
- If the client is paying Medicare premiums out of their SSDI benefits, there are Medicare Savings Programs through Medi-Cal to offset costs.
- If someone's SSDI amount is less than the standard SSI amount of \$1133.73.

SSA NOTICE

Social Security Administration
Retirement, Survivors and Disability Insurance
Important Information

Western Program Service Center
P.O. Box 2000
Richmond, California 94802-1791
Date: October 28, 2021
[REDACTED]



We are writing to you about a change in your payment amount. The chart below shows how we will withhold overpaid Social Security benefits paid to you.

Month(s)	Amount you will receive	Amount withheld	Balance you owe
10/21	\$690.00	\$13.00	\$483.96

If you pay Medicare premiums or health plan premiums, they have been deducted from the amount shown under the heading "Amount you will receive."

What We Will Pay And When

You will receive \$690.00 for October 2021 in November 2021.

After that, you will receive \$690.00 on or about the third of each month.

You will receive your full regular monthly payment beginning February 2025.

Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

What to Look For

- Dates
- Words such as:
 - ▣ "Decision"
 - ▣ "Cessation"
 - ▣ "Payment stub"
 - ▣ "Appeal"
 - ▣ "You have 60 days,"
 - ▣ "Termination"
 - ▣ "If we don't hear from you"
 - ▣ "Withhold"
 - ▣ "Overpayment"

DISABILITY BENEFITS, continued...

State Disability Insurance (SDI): a program administered by the EDD for workers who are *temporarily* disabled by a non-work-related illness/injury.

- ❑ Must have had SDI deductions withheld from paycheck (must meet amount and date criteria).
- ❑ Claim must be filed within 49 days of onset of disability.
- ❑ A better benefit than Unemployment Insurance benefits.

Issue Spotting

- ❑ Client who recently worked and is ill/injured
- ❑ Overpayments/Denials/Terminations

HEALTHCARE

Medi-Cal: California's Medicaid program, administered by DPSS.

- Many programs available, based on income, medical condition, etc.
- Includes Denti-Cal.

Medicare: a federal program for individuals over age 65, and SSDI recipients who have been disabled for more than 24 months.

Issue Spotting

- As a reminder from the SSDI section, Medi-Cal has programs to assist with Medicare premiums.
- Undocumented individuals under age 18 or age 50+ not receiving full-scope MC
- Terminations (increasing dramatically due to end of public health emergency)
- Denial of services
- Medical debt

IN-HOME SUPPORTIVE SERVICES

IHSS (a Medi-Cal Program): IHSS workers can assist low-income elderly and/or disabled people with tasks needed to help them stay in their homes. Tasks can include cooking, cleaning, transportation to doctor appointments, paramedical care, feeding, bathing, etc.

- ❑ SSI recipients automatically eligible (but must still apply).
- ❑ SSDI recipients may have a Share of Cost, depending on amount of SSDI.

Issue Spotting

- ❑ Anyone who is receiving SSI and/or SSDI and living in a dwelling and is not getting IHSS.
- ❑ Anyone who is receiving IHSS but believes they should be getting more hours.

UNEMPLOYMENT BENEFITS

Unemployment Insurance (UI): a state program administered by the EDD for people who have lost their jobs or had their *hours reduced*, through no fault of their own.

- ❑ Must have paid enough into UI during the base period.
- ❑ Must be able and ready to work.
- ❑ Pandemic unemployment benefits have ended.

Issue Spotting

- ❑ Terminations/appeals/overpayments

IMMIGRANTS AND BENEFITS

Cash Assistance Program for Immigrants (CAPI): state program administered by DPSS that provides cash assistance for aged, blind, disabled non-citizens.

- Must meet financial, disability, and immigration criteria as below, and not be eligible for SSI.

Other county benefits: if someone has a *PENDING* or granted U, T, VAWA, asylum, withholding of removal, or LPR application, they are not undocumented and could be eligible for various county benefits, including cash aid such as Refugee Cash Assistance, General Relief, CalWORKs, or the Trafficking and Crime Victim Assistance Program.

- Granted Cuban or Haitian entrant, refugee, DACA or other deferred action, or order of supervision statuses could qualify for CAPI (must still meet disability and financial criteria).

CalFresh and CalWORKs: *U.S. citizen children of undocumented people are eligible for CalWORKs and CalFresh.*

SSI: some immigrants could qualify, including LPRs who were legally present on August 22, 1996.

Healthcare: MyHealthLA, administered by the Los Angeles County Department of Health Services for undocumented individuals ages 19-49.

RETIREMENT BENEFITS

Social Security Retirement: a federal retirement program based on work credits.

- Amount paid is based on age and work credits.
- Benefits could also be available for family members of retirement recipients.

Pension Plans: available from some private and government employers.

Issue Spotting

- Some clients may have paid into plans and are wondering about collecting.

SURVIVOR AND SPOUSAL BENEFITS

- SSA has various programs to assist spouses and ex-spouses (ten-year legal marriage) and dependents of disabled, deceased, or retired workers.



APPEALS

APPEALS: DPSS

NOTE: This information applies to the following programs administered by DPSS: General Relief, CalFresh, In-Home Supportive Services, Medi-Cal, CalWORKs, RCA, TCVAP, and foster care.

There is a 90-day deadline to appeal any decision made by the county. HOWEVER, you can argue good cause for late appeal after that if you can show there was a good reason, such as illness, moving, etc.

- Medi-Cal appeals have longer deadlines due to the pandemic, but this will likely be rescinded and revert to the 90-day deadline.
- Appeal requests go to the state, California Department of Social Services (CDSS), not Los Angeles County (DPSS).
- A hearing will be scheduled with an administrative law judge, most likely over the phone.
- Appeals can be made using the form included with the denial notice, over the phone, or online at <https://acms.dss.ca.gov/acms/page.request.do?page=public.intakeForm>.

However, CAPI appeals must be made within 60 days, plus five days for mailing.

- This is because CAPI uses Social Security Administration (SSA) rules.

DPSS: AID PAID PENDING APPEAL

While a decision is pending appeal, the benefit in question should continue being paid *as long as the person is still eligible for the benefit.*

If the appeal is based on welfare-to-work requirements, then the person is exempt from work requirements while the appeal is pending.

NOTE: if an appeal was filed late, then a decision on good cause will be made separately from the appeal decision.

HEARING RIGHTS NOTICE

- This notice should be included with all Notices of Action from DPSS.

YOUR HEARING RIGHTS
You have the right to ask for a hearing if you disagree with any county action. You have only 90 days to ask for a hearing. The 90 days started the day after the county gave or mailed you this notice. If you have good cause as to why you were not able to file for a hearing within the 90 days, you may still file for a hearing. If you provide good cause, a hearing may still be scheduled.

If you ask for a hearing before an action on Cash Aid, Medi-Cal, CalFresh, or Child Care takes place:

- Your Cash Aid or Medi-Cal will stay the same while you wait for a hearing.
- Your Child Care Services may stay the same while you wait for a hearing.
- Your CalFresh will stay the same until the hearing or the end of your certification period, whichever is earlier.

If the hearing decision says we are right, you will owe us for any extra Cash Aid, CalFresh or Child Care Services you got. To let us lower or stop your benefits before the hearing check below:

Yes, lower or stop: ☐ Cash Aid ☐ CalFresh ☐ Child Care

While You Wait for a Hearing Decision for:
Welfare to Work:
You do not have to take part in the activities. You may receive child care payments for employment and for activities approved by the county before this notice. If we told you your other supportive services payments will stop, you will not get any more payments, even if you go to your activity.
If we told you we will pay your other supportive services, they will be paid in the amount and in the way we told you in this notice.

- To get those supportive services, you must go to the activity the county told you to attend.
- If the amount of supportive services the county pays while you wait for a hearing decision is not enough to allow you to participate, you can stop going to the activity.

Cal-Learn:

- You cannot participate in the Cal-Learn Program if we told you we cannot serve you.
- We will only pay for Cal-Learn supportive services for an approved activity.

OTHER INFORMATION
Medi-Cal Managed Care Plan Members: This action on this notice may stop you from getting services from your managed care health plan. You may wish to contact your health plan membership services if you have questions.
Child and/or Medical Support: The local child support agency will help collect support at no cost even if you are not on cash aid. If they now collect support for you, they will keep doing so unless you tell them in writing to stop. They will send you current support money collected but will keep past due money collected that is owed to the county.
Family Planning: Your welfare office will give you information when you ask for it.
Hearing File: If you ask for a hearing, the State Hearing Division will set up a file. You have the right to see this file before your hearing and to get a copy of the county's written position on your case at least two days before the hearing. The state may give you hearing file to the Welfare Department and the U.S. Departments of Health and Human Services and Agriculture (W&A Code Sections 10850 and 10950.)

NA BACK 9 (REPLACES NA BACK 8 AND EP 6) (REVISED 4/2013) - REQUIRED FORM - NO SUBSTITUTE PERMITTED

TO ASK FOR A HEARING:

- Fill out this page.
- Make a copy of the front and back of this page for your records. If you ask, your worker will get you a copy of this page.
- Send or take this page to:

Appeals & Hearing Section
P.O. Box 18890
Los Angeles, CA 90018

OR

- Call toll free: 1-800-952-5253 or for hearing or speech impaired who use TDD, 1-800-952-8349.

To Get Help: You can ask about your hearing rights or for a legal aid referral at the toll-free state phone numbers listed above. You may get free legal help at your local legal aid or welfare rights office.

Legal Aid Foundation of Los Angeles (LAFLA)
(800) 399-4529
Neighborhood Legal Services of Los Angeles County (NLSLA)
(800) 433-6251

If you do not want to go to the hearing alone, you can bring a friend or someone with you.

HEARING REQUEST
I want a hearing due to an action by the Welfare Department of Los Angeles County about my:

☐ Cash Aid ☐ CalFresh ☐ Medi-Cal
☐ Other (List) _____

Here's Why:

☐ If you need more space, check here and add a page.
☐ I need the state to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)

My language or dialect is:

NAME OF PERSON WHOSE BENEFITS WERE DENIED, CHANGED OR STOPPED _____
BIRTH DATE _____ PHONE NUMBER _____
STREET ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
SIGNATURE _____ DATE _____
NAME OF PERSON COMPLETING THIS FORM _____ PHONE NUMBER _____

☐ I want the person named below to represent me at this hearing. I give my permission for this person to see my records or go to the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME _____ PHONE NUMBER _____
STREET ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____

000000076951117

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APPEALS: SSA

SSA's standard appeal deadline is 60 days FROM THE DATE ON THE LETTER, plus five days for mailing.

Appeals can be filed using SSA forms mailed or faxed to the assigned SSA office, in person at the local SSA office, or online in some circumstances.

If an appeal is filed late, then good cause must be argued, and that decision is made before the appeal is considered.

SSA: LEVELS OF APPEALS

Request for Reconsideration (case review)

Request for Hearing By Administrative Law Judge
(in person or videoconference)

Appeals Council Request for Review (case review)

Federal District Court

STATUTORY BENEFIT CONTINUATION

If someone has been receiving SSI/SSDI/Medicare and is terminated due to being found no longer disabled, then they can appeal within **TEN** days to continue their benefits if in the Reconsideration or ALJ hearing stages.

This process requires different forms, including one stating that if the person loses the appeal, they may have to pay back those benefits to SSA.

Due to a recent legal settlement, SSA is required to expand this deadline to 60 days, but it hasn't been implemented yet.

APPEALS: EDD

Two Levels of Appeals

- ALJ hearing (usually via telephone)
- Appeals Board review

The SDI and UIB appeal period is 30 days.

Appeals must be filed in writing.

FINAL COMMENTS

- These are complicated proceedings and the best chance of success is to have an advocate/attorney assist with appeal language and the hearing itself.
- Wait times for hearings could be several months (CDSS) or years (SSA).
- **NOTE:** Local legal service organizations have a system set up with DPSS, making it possible for issues to be resolved without a hearing.

Thank you!

For more information and questions, please email us at p3@innercitylaw.org, at contact us at (213) 891-3262 or visit www.innercitylaw.org.