

NOTICE OF YOUR RIGHT TO CLAIM GENERAL RELIEF BENEFITS

(Notice of Reopened Appeal Rights)

This Notice describes your potential right to make a claim for General Relief benefits from Orange County, and how to make that claim.

You are not being sued. You don't need to do anything if you don't want to make a claim.

If you need help understanding this document or how to file a claim, you may receive free legal assistance by calling the Legal Aid Society of Orange County at 866-921-3890 or 714-571-5259.

1. SUMMARY OF YOUR RIGHTS

If you applied for or received General Relief (GR) from Orange County at any time from August 24, 2010 to December 4, 2012 this notice tells you about your rights.

On October 10, 2012 the Orange County Superior Court approved a settlement and entered a Consent Decree in a lawsuit against Orange County. The case is *Mankinen v. County of Orange*, Case Number 30-2012-00572524-CU-MC-CXC. This notice describes your claim rights under the Consent Decree.

You may make a claim for back benefits (cash) if you were improperly denied, delayed, sanctioned, or terminated from GR, or your application was discouraged, between August 24, 2010 and December 4, 2012.

If you *received* GR between August 24, 2010 and June 30, 2012, you may have been underpaid and may make a claim to receive any underpayment.

You may also appeal *any* County action or inaction about your GR between August 24, 2010 and December 4, 2012.

If you want to claim benefits, you must file a claim by May 8, 2013.

Note: If you made a request to opt out of the *Mankinen* Settlement on or before September 26, 2012, this notice does not apply to you.

2. TYPES OF CLAIMS THAT MAY RESULT IN AN AWARD OF GR BENEFITS

Orange County GR policies and practices and grant amounts have changed. If you were improperly denied, delayed, sanctioned, or terminated from GR or you were underpaid GR, you may make a claim by filing an appeal. You may appeal *any* action or inaction by SSA between August 24, 2010 and December 4, 2012. Your appeal will be decided based on the GR rules that were in place and on certain rules that have changed.

A. Changes to the GR Program that may result in an award if you make a claim

The following GR program changes apply to past GR applicants and recipients from August 24, 2010 to December 4, 2012, and are reasons you may claim additional GR:

- You may have been underpaid. The GR maximum monthly benefit amount is increased. For a single person it is increased from \$279 (\$239 cash) to \$317 (\$277 cash). The increase applies to GR benefits that you received, or were eligible to receive but did not receive, from August 24, 2010 to June 30, 2012. Depending on your personal circumstances, you may not be eligible for the maximum benefit.
- You may have been sanctioned improperly. Lifetime sanctions are eliminated. Grounds for sanctions are limited to either intentional program violations or situations where there is no good cause for the violation.
- Sanctions will not be imposed if there is good cause for the violation. If you were improperly sanctioned, you may have been underpaid GR.
- Sanctions will not be imposed for less than three instances of negligent or inadvertent failure to follow program rules. If you were sanctioned for something accidental or beyond your control, you may have been underpaid.
- Sanctions will not be imposed where disability was a significant factor causing the failure to comply. If you were sanctioned for something that happened because of your disability, you may have been underpaid.

- If you were fired from or voluntarily left a past job, you should *not* have been denied benefits or sanctioned for this when you applied.
- You may have been asked for information that was not needed. Allowable eligibility inquiries are limited to *only* those that verify:
 - Your name/identity, citizenship or immigration status, residence address, residence in the County for 15 days, income for the month of application, assets.
 - Your income during the month of application, in-kind aid, and shared housing.
 - Your aid in another county in the year before you applied, whether you were under a sanction in another county, whether you were part of a CalWORKs assistance unit, and whether you were violating parole or avoiding imprisonment or prosecution for a felony.
- You might not have had enough time to report changes. GR recipients may notify SSA of changes in status within 10 days instead of 3 days.
- You might not have received a Notice of Action. SSA must issue a written Notices of Action for any decision affecting eligibility, time of aid, or amount of aid.
- You might have needed a notice in an alternative format. SSA must issue notices in alternative formats (such as large print, audio, Braille) to applicants or recipients who need them.
- You might have needed emergency aid. Immediate Needs GR assistance should have been offered to you if you lacked shelter (and you also met other application requirements).

B. Other issues that may result in an award if you make a claim

You may appeal *any* action or inaction by the County, regarding GR between August 24, 2010 and December 4, 2012. This includes any improper denial, delay, sanction, or termination of GR benefits, and any underpayment of aid. Your claim will be decided based on the rules in place at the time, except for the above changes listed.

C. Note about repaying GR

GR is a loan, so if you get a Supplemental Security Income (SSI) retroactive award, the County will ask you to repay GR that you get. The County may ask you to repay GR from other money you have, but only after you meet your basic support needs. If you have worked in the General Relief Work Program, that work counts to reduce the amount you may be asked to repay.

3. HOW TO FILE YOUR CLAIM

1. You may fill out the enclosed claim form, *or* you may make your request by writing it down with your name, contact information, date and signature.
2. You *must* make your claim in writing and mail or bring it to the SSA General Relief Office at:

2020 W. Walnut St., Santa Ana, CA 92703

3. Your claim must be postmarked or delivered to SSA *by May 8, 2013*.

You may include any evidence or information that you want SSA to consider.

4. WHAT HAPPENS NEXT

Preliminary Review: After you make your claim, SSA will review your request, any information you supply, and any information SSA has. SSA will inform you of their decision and any additional benefits will be issued within 14 days of the decision.

Hearing: If SSA did not agree with your claim or some part of your claim, you will automatically have a hearing scheduled on those issues. You will get at least 21 days' notice of the hearing. A hearing officer will consider the testimony, case records, and other evidence presented at the hearing. A hearing will be held within 90 days of the day you filed your claim. You will get a notice of the hearing officer's decision.

Right to further review: If you still disagree, you will have 30 days to ask the SSA director (or designee) to review the decision.

Court action: If you are still not satisfied, you may appeal to a court on an individual basis only. You must exhaust the appeal right and procedure above before pursuing any unresolved claim in a court.

5. HOW TO GET FREE LEGAL ASSISTANCE

You may request free legal assistance with your claim by contacting:

Legal Aid Society of Orange County
2101 N. Tustin Ave.
Santa Ana, CA 92705
866-921-3890 or 714-571-5259

6. OTHER INFORMATION

No Cost to You. You do not have to pay money out of pocket to make a claim or to get legal help.

Tax Advice Caveat. Any perceived tax advice in this Notice was not intended or written to be used, and it cannot be used, by any recipient for the purpose of avoiding any tax penalties that may be imposed on any person. This Notice imposes no limitation on the disclosure of the tax treatment or tax structure of any transaction. Class Counsel cannot give you tax advice.

What happens if you do not make a claim: If you do not make a claim between January 8, 2013 and May 8, 2013, SSA does not have to change any action it took in your case if the matters that would have been the basis of your claim are resolved by the *Mankinen* Settlement.

This Notice Provides Only a Summary. This Notice provides only a summary of the basic terms of the Consent Decree. For the precise terms and conditions, you are referred to the Consent Decree and Settlement approved October 10, 2012, which can be reviewed online at the following website addresses:

Public Interest Law Project: www.pilpca.org
Western Center on Law & Poverty: www.wclp.org

You also may contact Counsel by using the contact information below. **Please do not telephone the Court for information regarding this claim process.**

Questions.

For *free* legal assistance with your claim, contact:

Legal Aid Society of Orange County
2101 N. Tustin Ave.
Santa Ana, CA 92705
866-921-3890 or 714-571-5259

If you have questions about the Consent Decree, please contact the attorneys who represent the Class at:

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