

## 17. Notices of Action

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### 17.1 The Requirements of Timely and Adequate Notice

#### 17.1.1 Adequate Notice

Adequate notice must be sent in the following instances:

- When aid is granted or increased.
- When aid is denied, decreased, or discontinued.
- When the county demands repayment of an overpayment.
- When the county takes action after the claimant has conditionally withdrawn a request for a state hearing.

#### 17.1.2 Timely Notice

Except as provided in the next subsection, for any discontinuance, termination or decrease in aid, timely as well as adequate notice must be sent.

- “Timely Notice” is defined as ten (10) days prior to the effective date of the intended action.
- The ten-day period does not include the date the notice is mailed nor the first date of ineligibility or grant reduction (e.g., case discontinued 6/30, ineligibility begins 7/1).



**Note:**

Discontinuances must be given a full 10 days, including the last day of the month.

#### 17.1.3 Exceptions to Timely Notice Requirements

In certain situations, while adequate notice is necessary, it need not be timely. These situations are as follows:

- The worker has factual information confirming the death of a person affected.
- The worker has a clear written statement signed by the person affected that:
  - The person no longer wishes aid; or

- Gives information which requires discontinuance or reduction of aid and the person has indicated, in writing, that he/she understands that this must be the consequence of supplying such information, and
- The person has knowingly and voluntarily waived the right to a 10-day notice.
- The whereabouts of the person(s) affected are unknown and the county mail directed to him/her has been returned to the Post Office indicating no known forwarding address. The person's aid payment must, however, be made available when his/her whereabouts become known before the end of the month in which a warrant or other mail was returned.
- A CalWORKs child is removed from the home as a result of a judicial determination, or voluntarily placed in Foster Care by his/her parent or legal guardian.
- The person affected has been accepted for aid in a new jurisdiction (state or county), and that fact has been verified by an EW.
- A Special Need Allowance granted for a specific period is terminated, and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specific period.
- When sending the "CalFresh Informing Notice of Sending Intercounty Transfer" (NA 1268).

#### **17.1.4 Reinstatement**

In the above instances where timely notice is not required, if the claimant requests a state hearing within 10 days of the required adequate notice, aid shall be reinstated retroactively.

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## **17.2 Providing Information on a Notice of Action**

### **17.2.1 Message Content**

Since the Notice of Action (NOA) is intended to communicate to the person receiving it, the message must be clear, understandable and focus on the person and family. It provides important information related to the family's aid and must address the recipient's own unique situation and circumstances.

### **17.2.2 Meet the Client's Needs**

The NOA must answer the question "What does the recipient need to know and be able to do as a result of the communication?"

- The recipient needs to know and understand what is happening to the family's aid.

- The recipient needs enough information to be able to judge whether or not the action is correct—including the detail of computations affecting the amount of aid.
- The recipient must be informed of what facts were used and how they were used so that he or she can make an informed decision whether or not to request corrective action or to appeal the action.

### 17.2.3 Complete Information

Notices must be complete, if they are to be adequate. Keep in mind that even though the action may have been explained in person to the recipient, the notice itself must still state all of the required information. The verbal explanation is not a substitute for adequate written notice.



**Note:**

When CalWIN generated NOA's with manual variables are sent to the print queue, the EW must enter the manual variables for the notice to be considered complete. If the EW manually alters a CalWIN generated notice (e.g., adds information or strikes out information), a copy of the altered NOA MUST be scanned into the IDM system.

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## 17.3 Writing the Notice of Action

### 17.3.1 Clear and Simple Statements

The focus in writing a NOA is not only on what information the recipient needs, but how the information is provided. The primary emphasis must be on providing the information in a way that can be understood. Every effort must be made to express the information on the notice clearly and simply. The following guidelines may be helpful:

- Use relatively short, direct sentences.
- Use simple English.
- Avoid Welfare Program jargon.
- Avoid abbreviations.
- Provide sufficient explanation of complicated issues.
- Be clear.
- Use computations, where appropriate.

### 17.3.2 Multiple Issues

Multiple issues may be described on the Notice of Action in certain instances.

- The actions must be related and of the same nature. For example, a grant decrease and grant discontinuance would not be provided on the same NOA, nor would a discontinuance for no QR 7 be included with a property discontinuance. However, two property issues could be written on the same notice.
- All actions on the same notice must have the same effective date.
- The wording must be clear and not squeezed on the page.

**Note:**

Whenever the EW knows there is more than one reason for denial or discontinuance, all appropriate NOAs must be sent.

### 17.3.3 Required Items

EAS regulations require that certain items be present in each NOA written.

- The recipient must be informed of what action is intended and when it is to be effective. For example, “Your cash grant will be changed from \$400 to \$330, effective 7/1/06” or “Your application dated July 26, 2006, has been denied.”
- The reason for the action must be given. When the reason for the action is complicated or difficult to explain, the following approach should be used:
  - Rule: Tell the recipient the rule that you are applying. In other words, clearly state the essence of the regulation that applies.
  - Circumstances: Apply the circumstances of the recipient to the rule.

**Example:**

**(Rule)** A family is not eligible for a cash grant if its nonexempt property is worth more than \$2,000.

**(Circumstances)** Our records show that your family has more than \$2,000 in nonexempt property as follows: (Specify)

**Example:**

**(Rule)** Children who are 18 are eligible only if they are:

- A full-time student, regularly attending, high school or the equivalent level of a vocational or technical program which cannot result in a college degree, and

- Expected to complete the program (graduate) before reaching age 19, or are considered disabled under the *Fry v. Saenz* Lawsuit.

**(Circumstances)** Suzie is no longer eligible because according to our records she is 18 and is not a full-time student in a high school or vocational training program.

### 17.3.4 Change Notice

Another type of “reason for the action” occurs when a change in the aid payment results from a change in a computation—as when the amount of income changes. In this case, rather than using the above technique for explaining the reason, the emphasis is placed on stating clearly what has changed (source of income, for example) and then showing in detail how the new aid amount was computed.

### 17.3.5 Computation

The computation, shown clearly and completely, provides the adequate explanation. On computer printed NOA's, general headings (such as “Unearned income”) are used in the budget to minimize the number of printed lines. When this occurs, the type of income included must be explained.

### 17.3.6 Manual Section Cited

The State Manual sections that apply to the action must be cited. The general section number may be given. However, whenever possible the specific regulation should be cited.



#### Example:

General—“EAS 41-440 Unemployed Parent Deprivation”

Specific—“EAS 41-440.23 Principal Earner UIB Requirements”

### 17.3.7 Reestablish Eligibility

The NOA must explain what information or action, if any, is needed to reestablish eligibility or determine the correct amount of aid.

### 17.3.8 Back of the Notice

The back of the NOA form explains:

- The client's right to request a state hearing on the action.
- Aid paid pending, and other related information

### 17.3.9 Checklist

The following checklist can be used to test the adequacy of a hand-issued Notice of Action. Though individual elements of the notice can be tested with the questions below, the ultimate test is whether the notice as a whole clearly provides the recipient with the information he/she needs as described above.

- Effective date shown?
- Description of the action complete?
- Amount of the aid payment shown?
- Rule/reason for the action given?
- Basis in State regulations described? Cited?
- Family's circumstances that caused action shown?
- All pertinent computations provided in adequate detail and specifically identified with the persons to whom they pertain?
- Statement of what information is needed to reestablish eligibility or determine the correct amount of aid (when pertinent)?
- Denials and discontinuances: Standard child support, family planning statements, etc. provided?
- Entire notice complete with adequate detail?
- Language clear, understandable, and free from jargon?

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## 17.4 CalWIN and Notices of Action

### 17.4.1 Batch Generated Notices of Action

CalWIN generates Notices of Action (NOAs) during the batch process which are mailed or sent to the Print Queue. NOAs are sent to the Print Queue if the notice:

- Contains a manual variable which needs to be entered by the worker, or
- Was programmed to be sent there (e.g., all overpayment notices).



#### Reminder:

NOAs remain in the Print Queue until the worker either does an immediate print and mails the NOA, changes the print mode to Batch, or deletes it.

All NOAs generated through CalWIN are retained in the system and can be viewed/reprinted as necessary for audits, reviews, hearings. When a NOA is reprinted it is an exact replica of the original NOA which was issued to the client.

**Note:**

If any changes are made or information added to a CalWIN generated NOA before it is mailed to the client, a copy of the revised NOA **MUST** be scanned into the IDM system. Also, document on the [Maintain Case Comments] window that the NOA was altered and scanned into the IDM system.

## 17.4.2 Online Generated Notices of Action

CalWIN generates Notices of Action (NOAs) when EDBC is run online which are sent to the Print Queue. The NOA can be printed immediately and mailed or the worker can change the print mode to Batch for the NOA to be printed and mailed automatically.

All NOAs generated through CalWIN are retained in the system and can be viewed/reprinted as necessary for audits, reviews, hearings. When a NOA is reprinted it is an exact replica of the original NOA which was issued to the client.

**Note:**

If any changes are made or information added to a CalWIN generated NOA before it is mailed to the client, a copy of the revised NOA **MUST** be scanned into the IDM system. Also, document on the [Maintain Case Comments] window that the NOA was altered and scanned into the IDM system.

## 17.4.3 Manual Generated Notices of Action

A notice may have to be issued manually (shelf stock) in certain circumstances. These include, but are not limited, to the following:

- As part of a Business Environment Design Strategies (BEnDS),
- When the system fails to generate a required notice,
- When the CalWIN system incorrectly issues a notice in English, rather than in the applicants/recipients primary language through a system error, or
- When the notice is NOT available in CalWIN in the applicants/recipients primary language.

**Reminder:**

Manual Notices **MUST** be scanned into the IDM system.

NOAs generated through CalWIN are **NOT** scanned into the IDM system unless the NOA was altered (e.g., manual variable entered manually after it was printed).