STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
P. O. BOX 942732
SACRAMENTO, CA 94234-7320

October 15, 1991

TO: ALL County Welfare Directors
All County Administrators
All County Medi-Cal Program Specialists/Liaisons

Letter No. 91-90

SUBJECT: MORE QUESTIONS AND ANSWERS ON THE UNEMPLOYED PARENT

REFERENCE: ACWDL 82-12, 82-27, 82-67, 83-13

This letter provides answers to questions asked by the counties on families applying for Medi-Cal benefits based on deprivation of a child due to an unemployed parent (Section 50215, Title 22, California Code of Regulations).

Question #1: Although, a social security number (SSN) is not required for an undocumented alien requesting restricted benefits, an SSN is required to apply for unemployment insurance benefits (UIB). Must counties require undocumented aliens with a work history but no SSN to apply for UIB?

Answer #1: Yes. Unless the individual meets the exceptions to the requirements as specified in the Medi-Cal Eligibility Procedures Manual Number 4M-1, he/she must apply for UIB and meet all other requirements of Section 50215.

Question #2: May the nonparent spouse of an unemployed parent (i.e., a stepparent to the parent's separate children) be linked to the Medi-Cal program if they have no mutual children?

Answer #2: No. Title 22, California Code of Regulations which was previously published by the State Department of General Services specified in Section 50215 (d) (2) and (3) that only the child(ren), unemployed parent, and the second parent of the children are eligible. There have been no intentional changes to this section. However, when Title 22 was reprinted by Barclays, Section 50215 (d) (2) and (3) contained typographical errors. Enclosed is the appropriate page from Barclays with the corrections we are requesting they make

Question #3: Must the principal wage earner verify that he/she is actively seeking work?

Answer #3: No, the only requirement is that the principal wage earner answers "yes" to this question on the MC 210.

Question #4: The family was receiving Medi-Cal for three years due to the incapacity of the mother. The father worked during this time. The mother returned to work but the father became unemployed. Who is the principal wage earner?

Answer #4: The father. Per Section 50215 (c), "the principal wage earner is the parent who has earned the greater amount of income in the 24 month period immediately preceding either of the following:
(1) The month of application, reapplication or restoration.
(2) The date of a redetermination that a family's circumstances have changed in such a way as to meet the requirements for deprivation due to the unemployment of a parent.

Question #5: The family received an Aid to Families With Dependent Children (AFDC) cash grant based on unemployed parent. The father was determined to be the principal wage earner. The family was discontinued from AFDC due to the mother's earnings. For Medi-Cal-only purposes, is the father still the principal wage earner or is it now the mother?

Answer #5: The father continues to be the principal wage earner unless there is a break in Medi-Cal benefits.

Question #6: May a parent be determined as the principal wage earner if his/her only employment was in a country outside the United States?

Answer #6: Yes.

If you have any further questions, please contact Marge Buzdas at (916) 324-4972 or ATSS 454-4972. (On September 13th, her number will be changed to (916) 657-0726.)

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

(B) Interruption of or marked reduction in marital and family responsibilities.

(3) Other evidence that substantiates continued absence.

(f) Absence of a parent on active duty in the Armed Forces may or may not constitute deprivation, dependent upon whether or not the facts in the individual case indicate an interruption of, or marked reduction in, marital and family responsibilities. The county department shall determine if deprivation exists by examining each case individually in light of all relevant factors, including:

(1) Length of absence.

(2) Assignment to a duty station to which the family may not move.

(3) The financial impact on the family, if the parent may be accompanied to that station.

(4) The extent of family disruption that would be caused if family members would have to give up employment to accompany the parent to the assigned duty station.

(g) Children of an absent parent, and the parent in the home, shall be linked to AFDC on the basis of this deprivation factor. If the parent in the home is married, and the spouse also has children from a prior union, the following persons shall be linked to AFDC:

(1) The children of each parent, other than mutual children.

(2) Both parents.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14005.7 and 14051, Welfare and Institutions Code.

HISTORY

1. Amendment of subsection (f)(2) filed 10–24–86; effective thirtieth day thereafter (Register 86, No. 43).
2. Amendment of subsection (b), repealer of subsection (e) and relettering of subsection (f) to subsection (e) filed 7–9–87; operative 8–8–87 (Register 87, No. 30).
3. Amendment of subsections (c)–(f) filed 4–17–89; operative 5–17–89 (Register 89, No. 48).

§ 50215. Deprivation–Unemployed Parent.

(a) Deprivation of parental support or care exists if a parent with whom the the child lives is any of the following as limited by (b), (c) and (d):

(1) Not working.

(2) Working less than 100 hours a month.

(3) Employed on an intermittent basis more than 100 hours per month and the hours in excess of 100 hours are of a temporary nature. Temporary nature is shown if the parent was under the 100 hour standard for the two prior calendar months and is expected to be under the standard during the next month.

(4) Unemployed and has been accepted for or is participating in an education or training program essential to future self–support which is all of the following:

(A) Directed toward a specific occupation and will qualify the unemployed person for an occupation in demand in the local area.

(B) A program which will be completed by the unemployed person within a maximum of two years.

(C) Not a program which involves post baccalaureate work.

(b) For deprivation due to unemployment to exist, the unemployed parent must meet all of the following conditions:

(1) Is the principal wage earner as determined in accordance with (c).

(2) Has not been employed, or has worked less than 100 hours, in the last 30 days.

(3) Is available for and actively seeking employment.

(4) Has not, without good cause, within the last 30 days either:

(A) Quit a job or employment related training.

(B) Refused a bona fide offer of employment or employment related training.

(5) Possesses, or has applied for, a Social Security number.

(6) Has not refused to apply for and accept any unemployment insurance benefits (UIB) to which he is entitled.

(7) Has established a connection with the labor force in either of the following ways:

(A) By meeting one of the following requirements in 6 calendar quarters within any 13 calendar quarter period ending within the year prior to the month of application for Medi–Cal:

1. Earns a gross income of at least $50 during the quarter.

2. Participated for at least five days during the quarter in any activity administered under any of the following:

a. The Work Incentive (WIN) program.

b. The Work Incentive Demonstration Program (WIN Demo).

c. The Community Work Experience Program (CWEP).

d. The Greater Avenues for Independence (GAIN) Program.

3. A combination of 1. and 2.

(B) By having received, or having been eligible to receive, UIB within the year prior to the month of application. A person is eligible to receive UIB if either of the following conditions is met:

1. The person would have been eligible to receive unemployment compensation upon filing an application.

2. The person performed work not covered by Unemployment Compensation Law, and the coverage of such work, if combined with any covered work, would create eligibility to receive unemployment compensation upon filing an application.

(8) Is not unemployed throughout the month as a result of participation in a labor dispute.

(c) The principal wage earner is the parent who has earned the greater amount of income in the 24 month period immediately preceding either of the following:

(1) The month of application, reapplication or restoration.

(2) The date of a redetermination that a family's circumstances have changed in such a way as to meet the requirements for deprivation due to the unemployment of a parent.

(d) The following persons shall be linked to AFDC on the basis of this deprivation factor:

(1) The children of the unemployed parent.

(2) The ~~employed~~ parent. unemployed

(3) The parent of the children whose basis of deprivation is unemployed parent. second

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14005.7 and 14051, Welfare and Institutions Code.

HISTORY

1. Amendment of subsections (a)(4) and (f) filed 12–15–77; effective thirtieth day thereafter (Register 77, No. 51).
2. Amendment filed 1–8–81; effective thirtieth day thereafter (Register 81, No. 2).
3. Amendment filed 4–2–82 as an emergency; effective upon filing (Register 82, No. 14). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–31–82.
4. Certificate of Compliance transmitted to OAL within 120 days and filed 8–10–82 (Register 82, No. 33).
5. Repealer of subsection (b)(8) and relettering of subsection (b)(9) to subsection (b)(8) filed 12–8–83; effective thirtieth day thereafter (Register 83, No. 50).
6. Amendment of subsection (b)(7)(A) filed 10–24–86; effective thirtieth day thereafter (Register 86, No. 43).
7. Amendment of subsection (c) filed 4–17–89; operative 5–17–89 (Register 89, No. 48).

§ 50216. Good Cause—Refusal of Employment.

(a) Good cause for refusal of employment or training or for quitting a job or training as required in Section 50215 (b), shall be found if the applicant or beneficiary refuses or quits for any of the following reasons:

(1) The offer of employment was from an employer who did not:

(A) Possess an appropriate license to engage in business.

(B) Withhold or hold in trust the employee contributions required by Part 2 of Division 1 of the Unemployment Insurance Code, Section 2601 et seq., for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Social Services as required by Section 986 of the Unemployment Insurance Code.

(C) Carry either workers' compensation insurance or possess a certificate of self–insurance as required by Division 4 of the Labor Code, Section 3201 et seq.