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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 93 LCM-4

Date: January 21, 1993

Division: Economic Security

TO: Local District Commissioners

SUBJECT: Lashieka Jackson v Perales: The Effect on the Filing Unit of
the Lifting of the Jackson Injunction (83 ADM-7)

ATTACHMENTS: Attachment 1 - Notice 1 - available on-line
Attachment 2 - Notice 2 - available on-line
Attachment 3 - WMS Listing of Potentially Affected Cases
in Your District (two copies)
not available on-line

In GIS Message 92 IM/DC035, sent to you on August 13, 1992, we informed you that the injunction in the Jackson v Perales case was lifted. This means that children and their parents who would otherwise be required to be members of the filing unit, but were not included because they are recipients of Social Security RSDI (Retirement, Survivors, Disability) benefits, now must be included in the filing unit and their RSDI income must be counted against the needs of the filing unit.

Federal filing unit regulations and Department Regulations state the exceptions to the filing unit requirements. Those include persons in receipt of SSI, sponsored legal aliens, illegal aliens, and persons ineligible due to lump sum provisions. RSDI recipients were NOT included as an exempt group under these regulations. RSDI recipients (who do not also receive SSI) were excluded because the Jackson litigation was pending.

The notices attached to this transmittal are to be provided to the affected class before any action can be taken on these cases. Notice 1 is to be given to affected households, including new applicants, who are in the agency when the determination is made that their household contains a person(s) who should be included in the filing unit and who receives RSDI benefits. The latest revised versions of the Client Information Books, DSS-4148A, B and C are expected to be delivered to districts by early spring. The information on Notice 1 will be contained in the DSS-4148B and it will not be necessary to give Notice 1 to applicants once they are being given the revised 4148B. However, Notice 1 should be available to the clients upon request. Notice 2 is to be sent to any other potentially affected households along with a letter which says the head of household must come into the agency at a stated time and date so that a determination can be made.

Please note that food stamps cannot be closed for failure to come into the agency. If the PA case is closed for this reason, either food stamps must be separately determined or the household should be sent the DSS: 3153 - "Continuing Your Food Stamps" notice calling them in for an early recertification.

Your staff may use the attached list as an additional tool to identify potential cases affected. The list will not necessarily identify all affected cases and not all cases on the list will be affected. In requesting the list, we asked that the following cases be identified:

1. Cases with an active member under the age of 18 identified as a dependent child, where at least one other individual under age 18 has been deleted or denied.
2. Cases with an associated food stamps case where there are more individuals under the age of 18 on the food stamps case than on the PA case and income source 42 or 46 is present on the food stamps budget.

In order to maximize the projected savings in public assistance monies that should occur as the result of this change, all work on these lists and identification and rebudgeting of the cases should take place at the next contact or recertification.

An Administrative Directive will follow.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security

Dear Public Assistance Recipient:

This notice is on behalf of this agency and the Social Security Administration. Please read this notice carefully.

Changes in the law, and a court decision, may change the amount of public assistance benefits that you get. We are notifying you because someone in your household is getting Social Security benefits and is not on public assistance. Your public assistance amount will change if the person getting Social Security is:

- o Under the age of 18 and is the brother or sister of a child under 18 getting public assistance; or
- o The parent of a child receiving public assistance.

This person must now be part of your public assistance case. We will count the Social Security benefits as income for public assistance. In the past, these Social Security benefits were not counted as income.

We are doing this because the United States District Court lifted the injunction in Lashieka Jackson v. Perales. The court took this action after Congress and the Social Security Administration said that in addition to your spending the child's Social Security benefit for that child's needs, it is also permissible for you to spend the Social Security benefit on that child's parents, brothers or sisters if they are receiving AFDC benefits within that filing unit.

What this means is that Social Security benefits will be considered as income to the filing unit and can be used for basic household expense items such as food and shelter, in addition to providing for the child's immediate needs.

If you have any questions, please ask your worker.

IMPORTANT! YOU MUST RESPOND TO THIS NOTICE OR YOUR CASE MAY BE CLOSED

Dear Public Assistance Recipient:

This notice is being sent to you by us and on behalf of the Social Security Administration. Please read this notice carefully.

Changes in the law, and a court decision, may change the amount of public assistance benefits that you get.

We are writing to you because someone in your household is getting Social Security benefits and is not on public assistance. Your public assistance amount will change if the person getting Social Security is:

- o Under the age of 18 and is the brother or sister of a child under 18 getting public assistance; or
- o The parent of a child receiving public assistance.

This person must now be part of your public assistance case. We will count the Social Security benefits as income for public assistance. In the past, these Social Security benefits were not counted as income.

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What this means is that Social Security benefits will be considered as income to the filing unit and can be used for basic household expense items such as food and shelter, in addition to providing for the child's immediate needs.

To find out what change will be made in your family's grant, you must meet with your worker.

The time and the date are on the attached letter. If you do not come in, your case may be closed.

If you have any questions, please call your worker.