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**Mono County Grand Jury 2013-2014**  
**Mono County Department of Social Services**  
**Case #1314.01**

**Summary:**

The 2013-2014 Mono County Grand Jury received a complaint, dated May 21, 2013, regarding actions of the Mono County Department of Social Services (Complaint). The Grand Jury accepted the matter for investigation.

The Grand Jury finds that the issues raised in the Complaint did not have merit, because some were unsubstantiated and because others were based on the complainant's erroneous interpretation of applicable laws and regulations. A recommendation was made to improve the Department of Social Services procedure for internal investigations.

**The Complaint:**

On May 21, 2013, the 2013-2014 Mono County Grand Jury received a Complaint from a Mono County resident (Complainant) concerning the Mono County Department of Social Services (DSS). According to the Complaint, Complainant was a client of DSS from 2010 to 2013, in connection with multiple applications, under the CalFresh and Medi-Cal programs, seeking benefits for Complainant and her minor children. The Complaint included copies of many documents from the DSS.

Allegations made in the Complaint included:

Complainant was "subjected to discrimination and harassment" by her DSS eligibility worker.

Complainant was wrongly denied Medi-Cal benefits.

Complainant's Medi-Cal benefits were improperly discontinued.

Complainant received communications from DSS in Spanish, after telling DSS that she spoke only English.

Complainant was refused information and documentation needed to use the Medi-Cal program.

Food stamps were improperly withheld from Complainant.

Complainant's "civil rights" were violated.

After the Complaint was reviewed and discussed by the Grand Jury, a unanimous recommendation was made to conduct an investigation, and a committee of three grand jury members (Committee) was formed for that purpose.

## **The Method:**

The Committee developed a three step process to investigate the allegations in the Complaint:

1. Review the extensive documentation provided in the Complaint. Establish a time line of relevant events cited in the Complaint and identify possible discrepancies and inconsistencies.
2. Locate additional relevant documentation to a) develop a general understanding of the mission, planning, and procedures of the MCDSS and b) confirm or refute the allegations in the complaint.
3. Identify and interview individuals who might be able to provide additional information relevant to the validity of the allegations in the complaint.

## **The Investigation:**

Mono County Department of Social Services (DSS)

The mission of the Mono County Department of Social Services is to serve, aid, and protect needy and vulnerable children and adults residing in Mono County in ways that strengthen and preserve families, encourage personal responsibility, and foster independence.

DSS includes several divisions that determine eligibility and human services in accordance with state and federal regulations:

Child Welfare Services: Child Protective Services, including Prevention, Intervention, Placement, and Foster Care.

Adult Protective Services (APS): In-Home Support Services and Conservator case work.

Economic Assistance (Eligibility): Medi-Cal, County Medical Services Program, CalFresh, CalWORKs, and General Assistance.

Employment and Training: Welfare to Work, Workforce Investment Act, and Career Services Centers in Mammoth and Walker.

In addition, DSS manages the Mono County Senior Services Program, serves as the Public Conservator, and operates county wide emergency shelters.

### CalFresh

The CalFresh program (formerly known as Food Stamps and federally as SNAP -- Supplemental Nutrition Assistance Program), is designed to add to a family's food budget to put healthy and nutritious food on the table. The program issues monthly benefits that can be used to buy food at markets and grocery stores. Most CalFresh households are subject to a gross income determination test.

### Medi-Cal

Medi-Cal provides health coverage for children, parents with deprived children, pregnant women, aged individuals and those who are blind or disabled according to Social Security rules. Each of these programs has different eligibility requirements. Eligibility for Medi-Cal is based on a number of factors, and may include a requirement for the recipient to pay a share of the cost for medical expenses.

### Economic Conditions

During the time period addressed by the Complaint, a protracted downturn in the economy of Mono County was significantly impacting DSS. An article in the Mammoth Times in 2011, for example, noted that a “historic spike” in poverty occurred in Mammoth Lakes at the Mono County Department of Social Services in the spring of 2011 (Willoughby, Poverty rises in Mono County, Mammoth Times, September 23, 2011). While the norm had been approximately 15 people seeking relief daily, those numbers had risen as high as 90 per day.

### Interview with the DSS Director

The Committee interviewed the Director of DSS on November 20, 2013. The Director provided the Committee with an overview of the services provided by DSS and some of the procedural details involved in processing applications for CalFresh and Medi-Cal benefits. The Director corroborated the negative effect of economic conditions during the time period at issue, noting that the workloads of DSS employees had generally increased significantly.

The Director provided the Committee with copies of useful information concerning the operation of DSS, including extensive budgeting information that also detailed the functions of the department.

The Committee learned from the Director that Complainant had filed additional complaints, involving essentially the same subject matter as the Grand Jury complaint, with two California state agencies (California Department of Social Services and Health and Human Services Agency). At the Committee’s request, after the interview the Director promptly provided the Committee with copies of the documents with which each of the state agencies resolved these complaints.

### Complaint Filed with California Department of Social Services

Complainant requested a hearing with the California Department of Social Services on the grounds that Mono County and the assigned eligibility worker unfairly determined Complainant’s Medi-Cal share of cost. Responding to the request, an administrative law judge conducted a hearing on July 10, 2013. In a decision dated September 2, 2013, the judge examined the law and the facts in extensive detail, concluding that Mono County correctly determined the Medi-Cal share of cost. The judge dismissed the claim of unfair treatment, noting that the agency had no jurisdiction to address this claim.

Complaint filed with State of California—Health and Human Services Agency, Department of Health Care Services.

Complainant filed a complaint with the Department of Health Care Services, alleging race, sex and ethnicity discrimination by the DSS staff.

In response, Mono County DSS conducted an internal investigation, then submitted a "Civil Rights Complaint Investigation Report" to the Department of Health Care Services on July 25, 2013. The DSS report concluded that the complaint was "unsustained" with respect to the Complainant being discriminated against on the basis of race, sex or ethnic group orientation. On August 9, 2013, an EEO Specialist at the Department of Health Care Services responded, approving closure of the complaint on the basis that there was no information to support Complainant's allegations of disparate treatment.

The decision of the California Department of Health Care Services, however, did not provide details regarding the findings. For this reason, the Committee asked the Director for, and was provided, a copy of the July 25, 2013 report.

#### July 25, 2013 Mono County DSS Civil Rights Complaint Investigation Report

The report showed that Complainant missed deadlines for required responses, which delayed actions by DSS. Although the primary cause of the delay was Complainant's failure to timely respond, additional delay was also introduced at one point when the eligibility worker overlooked a response from Complainant. In mitigation, this was apparently primarily due to an overwhelming caseload, leading to a large number of items awaiting action by the eligibility worker.

The report found that Complainant failed to provide substantive evidence to back up the claims of discrimination.

#### Conclusion of Investigation

After review of the Committee's investigation by the full Grand Jury, a letter was mailed to Complainant on March 24, 2014, in which Complainant was informed that the Grand Jury had investigated the complaint. The letter identified the information that the Grand Jury had considered and noted that the Grand Jury had found no substantial evidence to corroborate the allegations in the complaint of discrimination, harassment, or irregularities in determining applicant eligibility for state or county benefits.

The letter concluded by inviting Complainant to contact the Grand Jury if Complainant wished to provide any additional evidence to substantiate the allegations.

The Grand Jury received no response from Complainant as of May 28, 2014.

#### **Findings and Recommendations:**

1. **Finding:** Complainant did not provide any credible evidence to substantiate claims of discrimination and harassment by her DSS eligibility worker.

**Recommendation:** None.

2. **Finding:** Complainant did not provide any credible evidence to substantiate claims that Complainant's civil rights were violated.

**Recommendation:** None.

3. **Finding:** Complainant's Medi-Cal benefits were correctly calculated according to applicable laws and regulations.

**Recommendation:** None.

4. **Finding:** No evidence was found to substantiate Complainant's claim that communications by DSS were in Spanish rather than English.

**Recommendation:** None

5. **Finding:** Complainant's assertion that information about and documentation for the Medi-Cal program was withheld may have resulted from Complainant's misunderstanding of DSS procedures intended to reduce duplication of materials (multiple languages used in form documents to mention availability of materials in other languages).

**Recommendation:** None

6. **Finding:** Food stamps were not improperly withheld from Complainant.

**Recommendation:** None

7. **Finding:** The current Director of DSS began serving in this position recently and was not the director during the time period on which the complaint was based.

**Recommendation:** After the Director has one or two years' tenure in the position, the Grand Jury should consider an overall review of DSS operations to generally determine how effective DSS is operating and to specifically examine whether the DSS workload continues to be heavily impacted by adverse economic conditions.

8. **Finding:** Complainant's failure to comply with reasonable DSS procedural requirements substantially contributed to the denial and termination of benefits that Complainant would have otherwise received in a timely manner.

**Recommendation:** None.

9. **Finding:** DSS procedures failed to correlate documents received from applicants with the deadlines to which those incoming documents were responding. As a result, one of Complainant's responses, because it was overdue, was overlooked by DSS for a period of time since it was not prioritized for handling before other submittals, which were responding to more recent deadlines.

In mitigation, this deficiency in DDS procedures did not cause a problem until a major increase in DSS cases (due to economic conditions) caused eligibility workers at DSS to experience large increases in their workloads. Furthermore, the problem would not have occurred but for Complainant's failure to submit the response at issue in a timely manner.

**Recommendation:** As soon as DSS became aware of this problem, it revised its procedures to ensure that this problem did not occur in the future. For this reason, the Grand Jury finds no need to make any further recommendation.

10. **Finding:** The July 25, 2013 Mono County DSS internal investigation contained a number of factual errors and lacked adequate detail in some findings.

**Recommendation:** DSS should consider establishing a procedure to ensure that internal investigations are reviewed for accuracy and completeness.