

April 27, 2025

Supervising Administrative Law Judge
Sacramento Regional Office
California Department of Social Services
(VIA: ACMS)

Re: Request for Summary Decision and Specific Compliance Order

Claimant: Yang Xiong
Beneficiary: Kaleb Xiong
State Hearing No.: 105121263
Hearing Date: May 15, 2025

Dear Supervising Administrative Law Judge:

I respectfully submit this request for a summary decision based on the uncontested record, pursuant to **MPP Section 22-045.1**, and supported by the overwhelming evidence provided in my Rebuttal and Exhibits.

I. Nature of this Hearing – Compliance Enforcement, Not Provider Payment Dispute

This case involves enforcement of compliance with two prior State Hearing Decisions concerning the beneficiary's IHSS service entitlement — not adjudication of a private provider wage dispute.

Specifically:

- **State Hearing No. 105019726** (adopted September 3, 2024) ordered Sacramento County to authorize Protective Supervision retroactive to August 1, 2023; and
- **State Hearing No. 105072660** (adopted January 2, 2025) reaffirmed and expanded the County's obligations to fully correct the beneficiary's service hours and aid status.

The County's compliance failures — leaving \$3,872.79 unpaid — relate directly to the recipient's authorized IHSS services, not to private provider employment rights.

Thus, this case falls squarely within the State Hearings Division's jurisdiction under **MPP Sections 22-054 and 22-078**, as overwhelmingly documented in the record.

II. Factual Summary – Undisputed Noncompliance

Following the first hearing (State Hearing No. 105019726, adopted September 3, 2024), Sacramento County attempted compliance by authorizing **supplemental timesheets**, correctly including some overtime.

Subsequently, the County issued a **CMIPS-generated special transaction** on September 24, 2024, but failed to include required additional overtime compensation, leaving a balance of **\$3,872.79** unpaid.

After the second hearing (State Hearing No. 105072660, adopted January 2, 2025), Sacramento County made no additional corrective payments, merely referencing the incomplete September 24, 2024 transaction.

The outstanding balance has been independently confirmed:

- In writing by **Al-Ameen Ishola**, Acting IHSS Supervisor for Sacramento County (email dated October 1, 2024, see Exhibit K); and
- Orally by **Yolanda Lewis**, Sacramento County Hearing Representative, during the December 19, 2024 hearing (at 34:15–34:45 on the official ACMS/CDSS hearing recording).

Thus, there is no genuine factual dispute about the unpaid amount.

III. Compliance Obligations, Legal Requirements, and Systemic Oversight Failures

Sacramento County's noncompliance in this matter is clear based on the overwhelming documentary record already submitted.

Compliance with State Hearing Decisions under **MPP Sections 22-054 and 22-078** requires full correction of the recipient's aid, including both authorization of awarded IHSS service hours and the payment of all legally required compensation associated with those services.

Partial compliance — such as issuing payments that exclude mandatory overtime — does not satisfy the County's obligations under **MPP Section 22-072.5**.

Moreover, overtime compensation is not optional nor dependent on specific language in the ALJ's prior orders.

Once the ALJ awarded additional service hours, and those hours resulted in workweeks exceeding 40 hours, overtime pay became automatically required under:

- **Welfare and Institutions Code Section 12300.4,**
- **California Labor Code Section 510,** and
- **29 CFR Section 778.106.**

These statutory mandates are triggered by the services authorized and performed, regardless of administrative payment methods or internal agency guidance.

Retroactive authorization validates the necessity of services already provided and requires full, timely payment, including overtime.

While Sacramento County has asserted that it followed CDSS' guidance in handling the payments, CDSS' interpretations — in this case — are not consistent with binding federal and state wage protection laws.

Administrative guidance, even from the oversight body, cannot override statutory obligations under the Welfare and Institutions Code, Labor Code, and federal law.

Further, the documentary record reflects that both Sacramento County and CDSS neglected their responsibilities by failing to ensure full and lawful compliance with the ALJ's prior orders.

Sacramento County improperly withheld legally required overtime, and CDSS prematurely certified compliance without verifying whether all required compensation — including overtime — had actually been paid.

The record overwhelmingly establishes that Sacramento County has not yet fully implemented the prior ALJ decisions, and that CDSS' oversight was also insufficient to safeguard the beneficiary's legal rights.

Full compliance remains legally required.

IV. No Genuine Factual Dispute – Summary Decision Warranted

Because the facts are uncontested — and any County objections relate only to legal theories that have already been addressed by applicable statutes and regulations — this case meets the standard for a **summary decision** under **MPP Section 22-045.1**.

- The underlying facts are clear and confirmed.
- The unpaid amount is precisely verified.
- The overwhelming evidence already submitted leaves no factual uncertainty.

Thus, a full evidentiary hearing is unnecessary and would only further delay compliance with the prior ALJ orders.

V. Need for Specific Language in the Written Decision

I respectfully request that the ALJ's written decision specifically direct Sacramento County to:

- Issue payment of the remaining unpaid overtime balance of **\$3,872.79**; and
- Acknowledge that full compliance includes both the authorization of service hours and full payment of legally mandated overtime.

Prior general directives allowed the County to argue that incomplete actions satisfied their obligations.

Given the County's documented pattern of partial compliance, a clear and specific written directive is necessary to ensure final resolution and prevent further unnecessary proceedings.

VI. Conclusion and Requested Relief

In light of the overwhelming evidence provided in my Rebuttal and Exhibits, I respectfully request that the ALJ:

1. Issue a summary decision based on the uncontested documentary record;
2. Direct Sacramento County to fully comply with State Hearing Decisions No. 105019726 and No. 105072660 by calculating and issuing the remaining unpaid overtime balance of **\$3,872.79**; and
3. Clarify that full compliance requires correcting authorized service hours and paying all required compensation, including mandatory overtime under applicable state and federal laws.

Thank you for your consideration.

Respectfully,

Yang Xiong

Authorized Representative for Kaleb Xiong
IHSS Case No.: 1951916

Attachments:

- **Exhibit K:** October 1, 2024, Sacramento County Email from Al-Ameen Ishola, Acting IHSS Supervisor, Confirming Outstanding Overtime Balance



Yang Xiong <yangcounty@gmail.com>

Automatic reply: 1951916 K.X. IHSS hours & MediCal funding

Ishola. Al-Ameen <isholaal@saccounty.gov>

Tue, Oct 1, 2024 at 12:16 PM

To: Yang Xiong <yangcounty@gmail.com>

Cc: "Choy. Norman" <choyna@saccounty.gov>, "Love. Suzanne" <LoveSu@saccounty.gov>, Mary Xiong <maryxiong19@yahoo.com>, "maryxiong19@gmail.com" <maryxiong19@gmail.com>

Good Afternoon Mr. Xiong,

Please bear with me as I parse out all the information you provided me; I want to ensure that the actions I take are appropriate and compliant.

After reading through the communication history you provided, I understand where the balance of \$3,872.79 that you requested is coming from. I will follow up w/ a specialist to determine if the application of the overtime pay rate would in fact be appropriate here.

You'd additionally mentioned wanting to know why a NOA hadn't been issued highlighting the increase in hours for your son from 195 to 227:16 backdated to 08/01/2023; is it correct to assume you are still seeking this documentation if it's in fact something that can be provided?

From: Yang Xiong <yangcounty@gmail.com>**Sent:** Tuesday, October 1, 2024 11:02 AM**To:** Ishola. Al-Ameen <isholaal@saccounty.gov>**Cc:** Choy. Norman <choyna@saccounty.gov>; Love. Suzanne <LoveSu@saccounty.gov>; Mary Xiong <maryxiong19@yahoo.com>; maryxiong19@gmail.com**Subject:** Fwd: Automatic reply: 1951916 K.X. IHSS hours & MediCal funding

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

Good morning, Mr. Ishola.

Per Ms. Love's auto-reply message, you would address my concerns in her absence.

Please look at the attached PDF of my email communications with Ms. Love, which provides the background information to my request.

I want the County of Sacramento to take appropriate action to get my son, Kaleb Xiong, immediately issued the balance of \$3,872.79 for IHSS backpay per an Administrative Law Judge order released on 9/4/2024. If this does not happen within the next few days, I will have to contact State Hearings to intervene according to the timeline given to me. So, your immediate action to fulfill my request would be greatly appreciated.

Thank you for your understanding. Mr. Choy, my son's social worker, can also provide additional information as needed. I look forward to hearing from you soon regarding your actions and when we can expect to receive the remaining balance due to Kaleb.

Yang Xiong

----- Forwarded message -----

From: **Love, Suzanne** <LoveSu@saccounty.mail.onmicrosoft.com>
Date: Tue, Oct 1, 2024 at 10:02 AM
Subject: Automatic reply: 1951916 K.X. IHSS hours & MediCal funding
To: Yang Xiong <yangcounty@gmail.com>

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

I am out of the office and will return to work on Monday, November 4, 2024. Please contact **Acting Supervisor, Al-Ameen Ishola**, 916-874-9471 for any questions or concerns during my absence.

If a home visit needs to be cancelled due to SW absence, please email **SAS-IHSS-Absence@saccounty.gov** and request they contact Unit Clerk 2

Thank you.