

May 9, 2025

To: State Hearings Division
California Department of Social Services
Via: ACMS

Re: Supplemental Rebuttal – Response to Proposed Dismissal Letter

Claimant: Yang Xiong
Beneficiary: Kaleb Xiong
State Hearing Number: 105121263

Dear State Hearings Division,

I am writing in direct response to the Proposed Dismissal Letter dated April 28, 2025, regarding State Hearing Number 105121263.

As previously explained in my *"Rebuttal to Sacramento County's Request For Dismissal"* and *"Request For Summary Decision and Specific Compliance Order"* submitted on April 27, 2025, this case concerns the County's failure to comply with a prior State Hearing Decision (SHD No. 105072660), which was adopted on January 2, 2025. Specifically, I am disputing Sacramento County's failure to fully implement that decision in accordance with applicable law.

I. Dismissal Under MPP §22-054.37 Is Improper

The April 28 letter references MPP §22-054.37 as the basis for dismissal, asserting that my hearing request involves a "compliance issue." However, compliance hearings are explicitly authorized under MPP §22-078, which provides:

"A claimant may request a hearing to determine whether there has been compliance with a prior state hearing decision."

Therefore, reliance on §22-054.37 to dismiss a properly filed compliance appeal is incorrect and contrary to governing regulation. Because I am alleging noncompliance with an adopted State Hearing Decision, my hearing request falls squarely within SHD's jurisdiction and must be allowed to proceed.

II. This Is Not a Provider Wage Dispute

The proposed dismissal further implies that the issue raised may pertain to provider payment, which would be outside the hearing division's authority. This is a mischaracterization.

I am the claimant—not the provider—and my appeal challenges whether the County complied with the ALJ's order to increase Kaleb's authorized IHSS hours. The issue of unpaid overtime arises solely as a consequence of the County's failure to fully implement that increase. It is not a wage dispute, but a compliance issue affecting the recipient's access to authorized services.

According to **ACL 16-110**, counties must "fully implement all aspects of a fair hearing decision," including any **increases in authorized IHSS hours**. Furthermore, **MPP §30-769.734** requires counties to "authorize services at the levels ordered by the hearing decision," and to issue payment accordingly to reflect those services. If the number of hours required to meet the ALJ's order results in a schedule that triggers overtime, the overtime is a necessary and non-discretionary consequence of that implementation.

Therefore, the County's omission of overtime is not a provider claim—it is a failure to implement the authorized hours as ordered, and the resulting shortfall in services to Kaleb constitutes material noncompliance.

III. Overtime Is a Required Component of Implementation

The ALJ's order to increase authorized IHSS hours necessarily resulted in a service schedule exceeding 40 hours per week, thereby triggering overtime under IHSS policy and applicable labor laws. The obligation to account for overtime in this context is not discretionary—it is an inherent requirement of fulfilling the authorized hours.

As explained in **ACL 16-110**, counties must take all necessary steps to ensure that fair hearing decisions are implemented **in full** and **in a timely manner**. This includes accounting for any administrative, fiscal, or service-related implications stemming from an ALJ's order. Failing to recognize overtime when hours exceed the standard 40-hour threshold results in fewer hours actually delivered—thereby depriving the recipient of the full scope of services awarded in the hearing decision.

Omitting overtime in this context results in fewer real hours of care and support for the recipient. This directly contradicts the requirement under **MPP §30-769.734** and ACL 16-110 that counties must implement all ordered services and ensure the recipient is made whole.

IV. Request to Proceed with Hearing or Summary Decision

I respectfully reaffirm the requests outlined in my April 27, 2025 submission:

- That the Proposed Dismissal be withdrawn;
- That the matter proceed to hearing; or
- That a summary decision be issued in my favor based on the uncontested evidence of noncompliance.

For ease of reference, I have also included a three-page Compliance Timeline (Exhibit L) that outlines key dates and actions related to Sacramento County's failure to comply with SHD No. 105072660.

Thank you for your time and consideration.

Respectfully,



Yang Xiong

Claimant

Phone: (916) 647-7815

Email: yangcounty@gmail.com

Attachment:

Exhibit L – Compliance Timeline – SHN 105121263

COMPLIANCE TIMELINE – SHN 105121263**Claimant:** Yang Xiong**Beneficiary:** Kaleb Xiong**Prepared for:** State Hearings Division, CDSS**Date:** May 9, 2025**Overview**

This timeline documents my efforts to ensure that Sacramento County fully complied with the January 2, 2025 State Hearing Decision (SHD No. 105072660), which required corrective action to make my son, Kaleb Xiong, whole by increasing his IHSS Protective Supervision hours. Despite multiple good faith efforts on my part, the County failed to implement the decision in full—specifically by not issuing the required overtime payments associated with the increased hours. This omission constitutes noncompliance under state regulations.

Key Events

Date	Event	Description
Jan 2, 2025	ALJ Decision Adopted (SHD No. 105072660)	The ALJ issued a final decision ordering Sacramento County to "... rescind the September 11, 2024, and September 20, 2024 Notices of Action; authorize the child 227:16 (hours:minutes) per month, effective August 1, 2023; place the child in the CFCO program effective August 1, 2023; and aid the claimant and child as otherwise eligible."
Jan 22, 2025	County Issues NOA	Sacramento County issued a Notice of Action (NOA) claiming full compliance with the ALJ's decision, despite having taken no action to address or issue the unpaid overtime required to fulfill the ordered IHSS service hours.
Jan 5 – Feb 7, 2025	Good Faith Efforts with County	I made multiple attempts to resolve the County's noncompliance directly. Instead of addressing my request, the County declined further discussion and redirected me to CDSS on February 7, 2025.

Feb 9, 2025	Hearing Request Filed (SHN 105121263)	Due to the County's refusal to engage in further resolution, I submitted a new hearing request asserting that Sacramento County had failed to fully implement the ALJ's order.
Feb 7 – Apr 10, 2025	Efforts to Resolve Through CDSS	I made multiple efforts to resolve the matter through CDSS. However, the responses I received were inconsistent and unsupported by regulation regarding the obligation to issue overtime in connection with increased authorized hours.
Apr 24, 2025	Pre-hearing Call with County Hearing Representative	During a brief three-minute phone call, the County Hearing Representative did not substantively address my appeal. Instead, she stated her intent to request dismissal of the hearing, asserting—without proper discussion—that the issue involved provider payment and was therefore outside SHD jurisdiction.
Apr 25, 2025	County Requests Dismissal	Sacramento County formally submitted a request to dismiss the hearing, characterizing the issue as both a provider payment and compliance matter outside the jurisdiction of the State Hearings Division.
Apr 27, 2025	Rebuttal and Summary Decision Request Filed	I submitted a formal rebuttal and request for summary decision, citing MPP §§ 22-078 and 22-045, and outlining Sacramento County's noncompliance with the ALJ's order.
Apr 28, 2025	Proposed Dismissal Letter Issued	The State Hearings Division issued a Proposed Dismissal Letter referencing MPP §22-054.37 and asserting that the matter was not subject to hearing.
May 9, 2025	Supplemental Rebuttal and Timeline Submitted	I submitted this compliance timeline and a supplemental rebuttal reaffirming the jurisdiction of the State Hearings Division under MPP §22-078 and renewing my request for a hearing or summary decision.

Conclusion

Sacramento County has not fully complied with the ALJ's decision. By failing to issue the overtime payments that were a necessary consequence of the increased

authorized hours, the County deprived Kaleb of the full services awarded in the hearing. This shortfall violates the mandate under **MPP §30-769.734**, **ACL 16-110**, and **MPP §22-078**, which require full implementation of hearing decisions. I therefore request that the State Hearings Division proceed with a hearing or issue a summary decision directing Sacramento County to take all corrective action necessary to make the IHSS recipient whole.