

The Burger Court Opinion Writing Database

Beltran v. Myers

451 U.S. 625 (1981)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

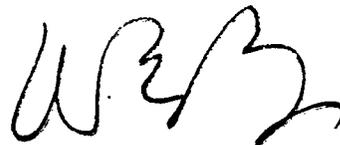
May 13, 1981

RE: 80-5303 - Beltran v. Myers

Dear Lewis:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'W.P.', written in a cursive style.

Justice Powell

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 4, 1981

RE: No. 80-5303 Beltran v. Myers

Dear John:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stevens", is written below the word "Sincerely,".

Justice Stevens

cc: The Conference

✓
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

May 1, 1981

Re: No. 80-5303, Beltran v. Myers

Dear Lewis,

It seems to me that Bill Rehnquist's explanation of his continuing preference for a "dismiss as improvidently granted" has considerable merit. I do not, however, feel strongly about the matter.

Sincerely yours,

P.S.
/

Justice Powell

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

May 13, 1981

Re: No. 80-5303, Beltran v. Myers

Dear Lewis,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.

Justice Powell

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 5, 1981

Re: No. 80-5303 - Beltran v. Myers

Dear John,

Please add my name to your
concurring opinion in this case.

Sincerely yours,



Justice Stevens

Copies to the Conference

cpm

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 5, 1981

Re: No. 80-5303 - Beltran v. Myers

Dear John:

Please add me to your opinion.

Sincerely,



T.M.

Justice Stevens

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 1, 1981

Re: No. 80-5303 - Beltran v. Myers

Dear Lewis:

I go along.

Sincerely,



Mr. Justice Powell

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 28, 1981

80-5303 Beltran v. Myers

Dear Chief:

At Conference yesterday, I stated that I might be persuaded to join a DIG, although I agreed with Bill Brennan on the merits.

I have taken a further look at the case this morning, and will now vote to DIG it. With the new statute becoming effective July 1, this case has lost all of its importance except for the litigants. Even as to petitioners - as several of you pointed out at Conference - there is little or no likelihood of any tangible benefit to them from a reversal. Nor, indeed, do the equities favor persons who deliberately transfer assets to qualify for federal benefits.

In sum, I have concluded that a dismissal is appropriate.

Sincerely,



The Chief Justice

lfp/ss

cc: The Conference



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 30, 1981

80-5303 Beltran v. Myers

MEMORANDUM TO THE CONFERENCE:

The Chief requested me to draft a Per Curiam opinion that would DIG this case.

As you will recall, the Boren-Long Amendment, passed by Congress December 28, 1980, made material changes in the relevant law. These changes, as I understood them when we discussed the case, permitted states to impose transfer-of-assets restrictions substantially similar to the California transfer-of-assets rule sustained by CA9 in this case. This Amendment, which takes effect on July 1, prompted me to join others in voting to DIG the case. A closer look, however, reveals that a significant inconsistency may exist between California law and the new federal law. The change relates to whether the residence of a claimant may be given away without a corresponding loss in Medicaid coverage.

Because of this difference, as summarized in the attached draft opinion, rather than DIG the case (leaving the judgment below standing), it seems appropriate to vacate CA9's decision and remand the case for reconsideration in light of the recent statutory change.


L.F.P., Jr.

SS

✓
 To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Rehnquist
 Mr. Justice Stevens

No. 80-5303, Beltran v. Myers

From: Mr. Justice Powell

Circulated: _____

Recirculated: **APR 30 1981**

PER CURIAM.

We granted a writ of certiorari to review a decision of the United States Court of Appeals for the Ninth Circuit, holding that California's "transfer-of-assets" statute applicable to "medically needy" recipients of Medicaid benefits does not conflict with governing federal law. Dawson v. Myers, 622 F.2d 1304 (CA9 1980).

5

Petitioner is an individual considered "medically needy" under California's Medicaid plan,¹ who represents the class of all such persons who have been denied Medicaid benefits because of previous transfers of assets for less than full consideration.² She argues that this exclusion

10

¹"Medically needy" persons are included in the categories of Medicaid recipients--aged, blind, disabled, or dependent children--which are derived from Social Security welfare programs. They have income levels, however, that are too high to qualify for regular income assistance under the Supplemental Security Income or Aid to Families with Dependent Children programs, and for this reason are distinguished from "categorically needy" recipients. 42 C.F.R. § 435.4.

²The California rule is set out in Cal. Wel. & Inst. Code § 14015. This statute provides in part:

"[A]ny transfer of the holdings by gift or,

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 2, 1981

80-5303 Beltran v. Myers

Dear Bill:

I agree that we could DIG this case, and if this is the wish of five other Justices I will be happy to circulate a draft to this effect.

But my personal view is that it would be more appropriate to remand the case, as I have proposed. This is a class action case that involves all Californians similiarly situated. They may have a valid claim under state law in view of the apparently significant difference between the "transfer of assets" rules with respect to residences. They could as you suggest, commence a new suit. Rather than impose this burden, I'd rather leave it to CA9 and the DC to decide in this suit whether petitioners have a claim.

If we DIG the case, we leave the judgment of the Court of Appeals in effect. This would foreclose the granting of any relief to which petitioners may be entitled.

Sincerely,

Lewis

Mr. Justice Rehnquist

lfp/ss

cc: The Conference

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall ✓
 Mr. Justice Blackmun
 Mr. Justice Rehnquist
 Mr. Justice Stevens

5-4-81

From: Mr. Justice Powell

Circulated: MAY 4 1981

1st PRINTED DRAFT

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

No. 80-5303

Antonia Beltran, Petitioner, v. Beverlee A. Myers, Individually and as Director, California State Department of Health, et al.	}	On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.
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[May —, 1981]

PER CURIAM.

We granted a writ of certiorari to review a decision of the United States Court of Appeals for the Ninth Circuit, holding that California's "transfer-of-assets" statute applicable to "medically needy" recipients of Medicaid benefits does not conflict with governing federal law. *Dawson v. Myers*, 622 F. 2d 1304 (CA9 1980). Petitioner is an individual considered "medically needy" under California's Medicaid plan,¹ who represents the class of all such persons who have been denied Medicaid benefits because of previous transfers of assets for less than full consideration.² She argues that this

¹ "Medically needy" persons are included in the categories of Medicaid recipients—aged, blind, disabled, or dependent children—which are derived from Social Security welfare programs. They have income levels, however, that are too high to qualify for regular income assistance under the Supplemental Security Income or Aid to Families with Dependent Children programs, and for this reason are distinguished from "categorically needy" recipients. 42 CFR § 435.4.

² The California rule is set out in Cal. Wel. & Inst. Code § 14015. This statute provides in part:

"[A]ny transfer of the holdings by gift or, knowingly, without adequate and reasonable consideration, shall be presumed to constitute a gift of

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 19, 1981

MEMORANDUM TO THE CONFERENCE

Case Held for No. 80-5303, Beltran v. Myers

No. 79-2034, Blum v. Caldwell, was held for our decision in Beltran v. Myers. It involves the validity of a similar New York rule governing transfers of assets by "medically needy" recipients of Medicaid in that State. The rule bars applicants who have made such transfers for the purpose of obtaining eligibility, and creates a presumption that transfers made in the preceding 18 months were for this purpose.

The District Court granted a preliminary injunction barring enforcement of this rule on the ground that it conflicts with governing federal law and regulations. The CA2 (Mansfield, Friendly and Kearse) affirmed. It read the federal statute and regulation as barring a criterion that is more restrictive for the "medically needy" than corresponding criteria applicable to SSI recipients--i.e., the "categorically needy." This decision conflicts directly with the CA9 decision reviewed in Beltran, where we vacated and remanded the decision below in light of an intervening statutory change allowing "transfer of assets" rules in the future.

In the present case, I will vote to deny. The case came up on the issue of the validity of a preliminary injunction, so the District Court will have ample opportunity to construe the recent statutory amendment in determining whether to award permanent relief. Indeed, on July 1, when the new statute takes effect, this preliminary injunction issue will become moot. Moreover, the case may already be moot, since New York apparently has recently switched from being an "SSI state" (governed by federal SSI eligibility standards) to being a "209(b) state" (where the

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 1, 1981

Re: No. 80-5303 Beltran v. Myers

Dear Lewis:

While I do not feel strongly about the matter, it seems to me that a "dismiss as improvidently granted" would still be the preferable treatment in this case. In view of the Boren-Long Amendment, the case has no future significance when that Amendment comes into effect, and therefore we would simply be allowing a selected group of people to argue to the Court of Appeals that one view rather than another as to the "transfer of assets" provision should apply to them. I probably would not dissent from your Per Curiam circulated April 30th if it otherwise obtains a Court.

Sincerely,



Mr. Justice Powell

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 13, 1981

Re: No. 80-5303 Beltran v. Myers

Dear Lewis:

When you first circulated your proposed disposition of this case, I wrote you that I would have preferred to see the case disposed of as discussed at Conference, but probably would not dissent if your opinion carried the day. Since then John has circulated a concurring opinion reaching the merits which I find less acceptable than your proposed disposition. I therefore join your proposed opinion.

Sincerely,



Justice Powell

Copies to the Conference

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: MAY 4 '81

80-5303 - Beltran v. Myers

Recirculated: _____

JUSTICE STEVENS, concurring in the judgment.

For the reasons stated by the United States Court of Appeals for the Second Circuit in Caldwell v. Blum, 621 F.2d 491 (1980), cert. pending No. 79-2034,¹ the application of California's "transfer-of-assets" rule to the medically needy class members prior to the effective date of the Boren-Long Amendment, Public Law No. 96-611, is prohibited by existing federal law. The judgment of the Court of Appeals for the Ninth Circuit in this case must therefore be set aside. On remand, the Court of Appeals should, of course, consider the impact of the statutory change on the class members' future rights, but it also should determine what relief is appropriate to remedy the past violations.² Cf. Quern v. Jordan, 440 U.S. 332.

¹ See also Fabula v. Buck, 598 F.2d 869 (CA4 1979); Robinson v. Pratt, 497 F.Supp. 116 (Mass. 1980), appeal pending, No. 80-1750 (CA1); Scarpuzza v. Blum, 73 A.D.2d 237, 426 N.Y.S.2d 505 (1980). Cf. Blum v. Caldwell, ___ U.S. ___ (MARSHALL, J., In Chambers).

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist

From: Mr. Justice Stevens

2nd DRAFT

Circulated: _____

SUPREME COURT OF THE UNITED STATES

Reinstated: May 6 '81

No. 80-5303

Antonia Beltran, Petitioner,
 v.
 Beverlee A. Myers, Individually
 and as Director, California
 State Department of
 Health, et al.

On Writ of Certiorari to the
 United States Court of
 Appeals for the Ninth
 Circuit.

[May —, 1981]

JUSTICE STEVENS, with whom JUSTICE BRENNAN, JUSTICE WHITE, and JUSTICE MARSHALL join, concurring in the judgment.

For the reasons stated by the United States Court of Appeals for the Second Circuit in *Caldwell v. Blum*, 621 F. 2d 491 (1980), cert. pending No. 79-2034,¹ the application of California's "transfer-of-assets" rule to the medically needy class members prior to the effective date of the Boren-Long Amendment, Public Law No. 96-611, is prohibited by existing federal law. The judgment of the Court of Appeals for the Ninth Circuit in this case must therefore be set aside. On remand, the Court of Appeals should, of course, consider the impact of the statutory change on the class members' future rights, but it also should determine what relief is appropriate to remedy the past violations.² Cf. *Quern v. Jordan*, 440 U. S. 332.

¹ See also *Fabula v. Buck*, 598 F. 2d 869 (CA4 1979); *Robinson v. Pratt*, 497 F. Supp. 116 (Mass. 1980), appeal pending, No. 80-1750 (CA1); *Scarpuzza v. Blum*, 73 A. D. 2d 237, 426 N. Y. S. 2d 505 (1980). Cf. *Blum v. Caldwell*, — U. S. — (MARSHALL, J., In Chambers).

² In addition to declaratory and injunctive relief, the plaintiffs seek "reimbursement for those amounts which they had been forced to pay because of the state's transfer rule." *Dawson v. Myers*, 622 F. 2d 1304, 1309 (CA9 1980). The Boren-Long Amendment clearly does not control this claim for reimbursement for sums paid by the plaintiffs in the past.