

The Burger Court Opinion Writing Database

Heckler v. Turner

470 U.S. 184 (1985)

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

February 22, 1985

Re: No. 83-1097 - Margaret M. Heckler v. Sandra
Turner

Dear Harry,

I join.

Regards,

Justice Blackmun

Copies to the Conference

P.S. Absent word from you, it can come down next week.

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M

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

10
11
12

October 15, 1984

No. 83-1097

Heckler v. Turner

Dear Thurgood,

You and I are the dissenters in the
above. I'll be glad to take it on.

Sincerely,



Justice Marshall

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

February 14, 1985

Dear Thurgood,

Harry has circulated No. 83-1097, Heckler v. Turner. You and I voted at Conference to remand rather than reverse as he does. I'm inclined not to dissent, but to go along with him. After all, the new statute resolves the conflict for the future. What do you think?

Sincerely,

Justice Marshall

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

February 19, 1985

No. 83-1097

Heckler v. Turner

Dear Harry,

I agree.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", with a small arrow pointing upwards from the top of the letter 'i'.

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 18, 1985

83-1097 - Heckler v. Turner

Dear Harry,

I agree.

Sincerely yours,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 19, 1985

Dear Bill:

52-1097
I agree with you on Heckler v. Turner. I will
join HAB.

Sincerely,



T.M.

Justice Brennan

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 19, 1985

Re: No. 83-1097-Heckler v. Turner

Dear Harry:

Please join me.

Sincerely,



T.M.

Justice Blackmun

cc: The Conference

FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Blackmun**

Circulated: **FEB 13 1985**

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1097

**MARGARET M. HECKLER, SECRETARY OF HEALTH
AND HUMAN SERVICES; PETITIONER *v.*
SANDRA TURNER ET AL.**

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT**

[February —, 1985]

JUSTICE BLACKMUN delivered the opinion of the Court.

This litigation concerns the proper computation of benefits to working recipients of Aid to Families with Dependent Children (AFDC), provided pursuant to subch. IV, pt. A, of the Social Security Act of 1935, as amended (Act), 42 U. S. C. § 601 *et seq.* Specifically, we must decide whether, in calculating a household's need, the responsible state agency is to treat mandatory tax withholdings as a work expense encompassed within the flat-sum disregard of § 402(a)(8)(A)(ii) of the Act, 42 U. S. C. § 602(a)(8)(A)(ii), or whether the agency is to deduct such sums in determining "income" under § 402(a)(7)(A) of the Act, 42 U. S. C. § 602(a)(7)(A). The latter interpretation, of course, would accrue to the benefit of the recipient.

I

Before 1981, § 402(a)(7) of the Act required the state agency responsible for calculating a family's eligibility for AFDC benefits to "take into consideration any . . . income and resources of any child . . . claiming aid," as well as any "expenses reasonably attributable to the earning of any such income." See Pub. L. 87-543, § 106(b), 76 Stat. 188 (1962). The Omnibus Budget Reconciliation Act of 1981 (OBRA), Pub. L. 97-35, 95 Stat. 357, however, effected amendments

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STYLISTIC CHANGES

4 p. 15

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Blackmun**

Circulated: _____

Recirculated: **FEB 21 1985**

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1097

MARGARET M. HECKLER, SECRETARY OF HEALTH
AND HUMAN SERVICES, PETITIONER *v.*
SANDRA TURNER ET AL.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 1, 1985

MEMORANDUM TO THE CONFERENCE

Re: Holds for No. 83-1097, Heckler v. Turner

Four cases are being held for Turner:

1. No. 83-2125, McMahon v. Vaessen. Turner does not directly control this case. Respondents, a class of AFDC recipients, brought an action in Los Angeles Superior Court challenging the practice of the California Department of Social Services to treat income tax refunds as income for purposes of determining benefit levels. They contended that income tax refunds were "resources," which do not affect benefit levels or eligibility until the total sum exceeds a specified amount. 42 U.S.C. §602(a)(7)(B). The trial court agreed and entered an injunction.

Subsequently, in response to the Omnibus Budget Reconciliation Act of 1981, the Department issued regulations which (1) treated mandatory tax withholdings as income at the time earned, and (2) resumed the practice of treating income tax refunds as income at the time received. The trial court temporarily restrained implementation of the second aspect, but then denied a preliminary injunction and dissolved the restraining order. The Court of Appeal denied a petition for mandamus and reversed the grant of the original injunction.

After entering a preliminary injunction ordering the Department to treat income tax refunds as resources so long as mandatory tax withholdings were treated as income, the California Supreme Court held that such refunds were not income because they were not regularly received. It rejected petitioner's contention that treatment of tax refunds was controlled by the lump-sum provision of OBRA, which provides for consideration in the month received, as well as for a period of ensuing months determined by the size of the lump sum, of one-time receipts of income which bring a family's total income above the eligibility level. Noting CA9's ruling in Turner, which we reversed, the California Supreme Court's opinion on the merits did not address the propriety of double counting. Three justices dissented.

Whatever the merits of the California Supreme Court's analysis, given CA9's view of the treatment of mandatory tax withholdings, the result is in accord with this Court's Turner holding. Amounts withheld in the form of mandatory tax withholdings will now be counted as income when earned, and will

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 15, 1985

83-1097 Heckler v. Turner

Dear Harry:

Please join me.

Sincerely,

Lewis
~

Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

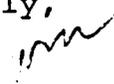
February 15, 1985

Re: No. 83-1097 Heckler v. Turner

Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 14, 1985

Re: 83-1097 - Heckler v. Turner

Dear Harry:

Please join me.

Respectfully,



Justice Blackmun

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 14, 1985

No. 83-1097 Heckler v. Turner

Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

Copies to the Conference