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04-30-1981 Justice Powell, Per Curiam

Lewis F. Powell
US Supreme Court Justice

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HAB

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: _____

PER CURIAM.

Recirculated: APR 30 1981

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 exclusion

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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,