



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: December 30, 2005

SUBJECT: Proposed Repeal of 22 VAC 40-340-10 *et seq.*
Protective Payments in the Refugee Other Assistance Program

I have reviewed the above-referenced proposed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to repeal it.

It appears that the State Board has the authority to repeal the regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority. This regulation concerns a program that no longer exists. Additionally, any remaining substantive portions of this regulation are incorporated in comprehensive Temporary Assistance for Needy Families regulation, 22 VAC 40-295-10 *et seq.*

If you have any questions, please feel free to call me at 786-0095.