

Best Practices for State Agencies to Enhance State Administrative Justice

Recognizing that administrative justice is a vital component of ensuring the overall access to justice, state agencies that provide public benefits¹ shall adhere to the following best practices:

- If a benefits application lacks information necessary for the agency to make a proper determination of benefits to which the applicant might be entitled, the agency shall provide each applicant with a reasonable opportunity to obtain such information;
- If a benefits application contains inconsistent information that hinders the agency's ability to make a proper determination of benefits to which the applicant might be entitled, the agency shall provide each applicant with a reasonable opportunity to correct such inconsistencies before the application is denied;
- If the agency denies an application for benefits, the agency shall provide the applicant with timely notice in writing of such denial, which shall include the basis for the denial and a description of the administrative process to appeal the agency's determination;
- If the agency terminates or suspends benefits for any reason, the agency shall, before such termination or suspension is effective, inform the impacted beneficiary in writing of the reason(s) for the proposed action and provide the beneficiary an opportunity to respond. Once the termination or suspension of benefits becomes an agency determination, the beneficiary shall be provided a description of the administrative process to appeal the determination;
- Any communication between the agency and an applicant for benefits or current beneficiary shall be done in a clear manner and in a language understandable to the applicant or beneficiary, all in compliance with Executive Office for Administration and Finance Bulletin 16;
- Any applicant or beneficiary may bring a representative to assist them during any review hearing and that representative need not be an attorney;

¹ The following agencies provide public benefits and, as a result, are subject to these best practices: Department of Transitional Assistance; MassHealth; Department of Unemployment Assistance; Department of Housing and Community Development; Department of Veterans Services; Department of Public Health; Massachusetts Commission for the Blind; Massachusetts Commission for the Deaf and Hard of Hearing; Massachusetts Rehabilitation Commission; the Department of Early Education & Care.

- Agencies shall take any and all steps to ensure that their “client services” or “problem resolution” offices act in accordance with these practices;
- The Executive Office for Administration and Finance, in collaboration with the Governor’s Office of Legal Counsel, shall ensure compliance with these practices.

Client services and problem resolution offices:

- Shall make available to beneficiaries or applicants a list of these best practices;
- Shall make available to beneficiaries or applicants a list of pro bono legal service providers and bar programs in the surrounding area;
- Shall distribute their office contact information to key legal services and social services agencies and providers;
- Shall have the authority to take all steps necessary to ensure compliance with the best practices for state agencies;
- Shall monitor both individual and systemic problems (i.e., problems that affect individual beneficiaries and thematic problems that affect many beneficiaries) and report such problems inconsistent with the best practices directly to agency leadership.