



GREATER BOSTON
LEGAL SERVICES
...and justice for all

December 27, 2012

Lydia Conley
Deputy Assistance Commissioner for Policy,
Program and External Relations
Department of Transitional Assistance
600 Washington Street
Boston, MA 02111

Re: Language Access Complaint

Dear Ms. Conley:

I'm writing to you in your capacity as DTA Language Access Coordinator to file a complaint on behalf of our client, C F. Ms. F is a Haitian Creole speaker with limited English proficiency (LEP) who receives TAFDC and SNAP benefits.

As explained in her attached statement, Ms. F was not provided with a Haitian Creole interpreter while her case was being handled by Linda T, despite repeated requests.¹ As a result, the burden was placed on Ms. F to bring and rely upon an untrained interpreter on one occasion, and to struggle to communicate without an interpreter at other times.

As you know, DTA's Language Access Plan makes clear that clients are entitled to self-identify as LEP, meaning that workers must not substitute their own judgment of a client's English ability for the client's assessment that she needs an interpreter. The failure of Ms. F's worker to provide language access was in violation of DTA's Plan and the protocols established in Field Operations Memorandum 2008-16, as well as federal SNAP regulations and Title VI of the Civil Rights Act of 1964 and its implementing regulations.²

¹ With help from GBLs, Ms. F has requested and received a change of workers.

² DTA's lack of SNAP certification materials in Haitian Creole also likely violates the requirements of federal SNAP regulations at 7 CFR 272.4(b). Section (b)(2)(ii) of this regulation requires translated certification materials in any "certification office that provides service to an area containing approximately 100 single-language minority low-income households." According to the Census Bureau's 2011 American Community Survey, there are over 23,000 speakers of "French Creole" living Boston, almost half of whom speak English less than "very well." Surely, more than 100 of these households are low-income and live in the area served by the Dudley Square TAO.

Given current Massachusetts demographics and the critical nature of the TAFDC program, it also seems likely that the lack of vital TAFDC documents in Haitian Creole violates the U.S. Department of Health and Human

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I ask that DTA take steps to ensure that Ms. F and all LEP clients are provided with appropriate language access services at the Dudley Square TAO whenever requested or needed. I also ask DTA to issue guidance to the field on the use of interpreters that includes instructions for interpretation when LEP clients are provided with or asked to sign documents in English. Finally, I urge DTA to undertake training on providing effective language access services for all staff who deal directly with clients.

Please contact me at (617) 603-1621 or nmeyer@gbls.org to discuss this matter. Thank you for your attention.

Sincerely,

Naomi Meyer
Senior Attorney
Welfare Law Unit

Cc: Ronald Marlow, Assistant Secretary for Access and Opportunity
Mary Flanigan, Director, Dudley Square TAO
Cora Forte, Assistant Director, Dudley Square TAO

Statement of C F

My native language is Haitian Creole. I speak a little English, but it is very limited. I cannot understand complicated things and I cannot read in English.

My previous worker at DTA, Natalie Forte, always used an interpreter to speak with me. I was able to communicate well with her.

However, after my case was transferred to Linda Thernize, I was not provided with Haitian Creole interpretation anymore. When I asked for an interpreter the first time I met with her, she just said "That's okay." From the way she said it, I understood that she didn't think an interpreter was necessary and so she wasn't going to provide one. I had to return to DTA for my appointment on another day, so I brought a friend to help me because I knew I couldn't communicate well in English. My friend speaks English, but she is not a trained interpreter. Ms. Thernize used my friend to interpret during our appointment, and did not offer to provide a DTA interpreter.

On another occasion, I again asked for an interpreter. Ms. Thernize ignored my request and told me to sit down.

On a third occasion, while I was struggling to communicate with Ms. Thernize in English, another worker walked by and spoke to her in Haitian Creole. Ms. Thernize responded in Haitian Creole, so then I knew that she speaks my language. However, after the exchange with her co-worker, she continued speaking to me in English.

I can't understand everything my worker tells me and I can't read the documents that DTA sends me. This makes it difficult to deal with DTA, complete the forms they send me, and maintain my benefits.

This statement was orally translated into Haitian Creole for me before I signed it.

Yo te tradwi deklarasyon sa pou mwen an kreyol ayisyen avan mwen siyen-l.

C F

Date