



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance


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Online Guide Transmittal 2020-75
November 9, 2020

To: Department of Transitional Assistance Staff
From:  Sarah Stuart, Associate Commissioner for Change Management
Re: SNAP: Wright v. DTA ABAWD Settlement

Overview

The Department and MLRI have reached a settlement in the Wright v. DTA lawsuit.

The Department has agreed to issue a one-time, retroactive supplement to claimants whose SNAP benefits were terminated between April 1, 2016 and July 14, 2019 for ABAWD Work Rules noncompliance (i.e., Fail to comply with SNAP Work Program requirements). Eligible claimants will be issued one payment for one month of retroactive benefits.

Additionally, per the settlement, the Department has revised its notice of adverse action for ABAWD Work Rules noncompliance.

Purpose

The purpose of this Online Guide Transmittal is to advise staff of the one-time procedures related to the settlement in the Wright v. DTA lawsuit, and related updates to notices.

Supplements

Starting November 17, 2020, the Department will automatically deposit the one-time, retroactive supplement into each eligible claimant's EBT account, whether the SNAP case is active or closed. The Department will stagger the supplement issuances through mid-November to mid-December.

Note: The Department will not issue the supplement to claimants who are now deceased or who are permanently disqualified from SNAP for committing an Intentional Program Violation.

**Benefit
Amount**

Each supplement amount will equal one month of a claimant's monthly SNAP allotment at the time their benefits were closed for ABAWD Work Rules noncompliance. If a claimant's SNAP benefits were closed more than once for this reason, the supplement amount will equal the benefit amount for the month for which the claimant lost the most benefits.

Example: A claimant's SNAP benefits were terminated in July 2016 for ABAWD Work Rules noncompliance. For July 2016, this claimant would have received \$150. The claimant's SNAP benefits were later reopened and increased to \$194, but then closed in July 2017 for the same reason. The claimant's retroactive supplement amount will be \$194.

Communication

On the day of the supplement issuance date, the Department will mail the claimant a notice, SNAP application, and postage-paid return envelope with the standard multilingual insert. BEACON will also enter a batch narrative specifying the supplement amount; the month for which the supplement is owed; and the claimant for whom the supplement was issued.

**Notice
Language**

The notice informs claimants that:

- the retroactive SNAP supplement was deposited into their EBT account;
- they can access the retroactive supplement if they already have an EBT card, even if their SNAP case is closed; and
- if they do not have an EBT card, they can contact the Central Case Management Office (CCMO) to request one.

Additionally, the notice informs claimants with active SNAP cases that they do not need to reapply or return the enclosed application. For claimants whose SNAP cases are closed, the notice invites them to reapply and includes instructions for applying online, applying by phone, or completing the enclosed paper application.

Note: Claimants who are not currently receiving SNAP benefits do not have to file a new application to receive the supplement; they can obtain an EBT card and use the benefits without having to reestablish their SNAP case.

**Communication
(Continued)**

Mailing
Process

To reduce the rate of returned mail, each claimant will be matched against the USPS's National Change of Address database before mailing the notice package. The Department will exclude all claimants from the returned mail procedures in Operations Memo 2013-13A.

CCMO
Responsibility

CCMO staff will be available to answer claimants' questions about the settlement and, if necessary, issue them a replacement EBT card.

If a claimant who has not reapplied for SNAP benefits contacts the CCMO, staff will advise them of their right to reapply and the reapplication process, and specifically inform them that they may be eligible even if they were previously closed for ABAWD Work Rules noncompliance. If the claimant indicates that they are interested in reapplying for SNAP, CCMO staff will gather the necessary information and accept the claimant's telephonic signature to establish their reapplication for SNAP benefits.

Because the ABAWD Work Rules are currently suspended, CCMO staff will inform the claimant that s/he currently does not need to meet the Work Rules to be eligible for SNAP.

If a claimant would be subject to the Work Rules if the rules were not suspended, CCMO staff will advise them on possible exemptions, potential eligibility for expedited SNAP benefits, and ways to comply with the rules. Staff will also explore eligibility for Exception Months, the possible removal of strikes, and the time remaining in the current 36-month ABAWD clock.

Case Manager
Responsibility

If a claimant reapplies for SNAP benefits and the application is assigned to a case manager, the case manager must process the application per normal procedures. Likewise, if a non-active claimant calls the DTA Assistance Line, the FAW must ask the claimant if s/he wants to apply over the phone and, if the claimant says yes, follow the telephonic application procedures per Online Guide Transmittal 2020-42.

EBT Cards

Claimants who already have an EBT card will be able to access the supplement on the same card. Claimants who no longer have an EBT card must be issued a replacement; the Department will not send the card automatically.

Replacement
Procedures
Waived

All claimants will be exempt from the EBT replacement fees or multiple replacement procedures (detailed in Operations Memo 2014-7) for a period of 90 days from the retroactive supplement notice mailing.

**EBT Cards
(continued)**

If a claimant who needs a replacement card reapplies for SNAP benefits and the application is assigned to a case manager, the case manager must issue the replacement card if the claimant does not otherwise have one.

For claimants who request a replacement card and are not reapplying for SNAP benefits, CCMO staff will issue the card using the normal BEACON steps and document this action in the narrative of the closed case.

For claimants who request a replacement card and are currently receiving SNAP benefits under another grantee, the Department will send the non-grantee claimant an emergency EBT card from which s/he can access the supplement. The emergency EBT cards must be issued by CCMO staff, who will send a special request to the Department's Benefit Issuance Unit.

**Revised
Adverse Action
Notices**

As part of the settlement, the Department has revised its notice of adverse action due to ABAWD Work Rules noncompliance.

The Department will mail this notice at least 10 days before the effective date of any closure or reduction for ABAWD Work Rules noncompliance.

These notices will go into production following the end of the temporary suspension of the ABAWD Work Rules. At this time, the suspension will continue until further notice.

Questions

If you have any policy or procedural questions, after conferring with the appropriate TAO personnel, please have your Systems Information Specialists or TAO management email them to DTA.Procedural Issues.

Systems issues should be directed to the Systems Support Help Desk.
