



GREATER BOSTON  
LEGAL SERVICES  
*...and justice for all*

April 13, 2016

**VIA EMAIL**

Commissioner Jeffrey McCue  
Department of Transitional Assistance  
600 Washington Street  
Boston, MA 02111

**Re: K N, Agency ID xxxxxxxx**

Dear Commissioner McCue:

I'm writing to inform you about the barriers that my client, K N, faced in getting her TAFDC benefits reinstated after they were terminated at reevaluation and in communicating with DTA as a client with limited English proficiency. This is the case I mentioned at our meeting on 4/1/16 and that Paul Sutliff asked me to contact him about, in which it took Ms. N 20 days and 5 trips to DTA before her benefits were reinstated. Her story illustrates the difficulty and delay involved in getting a case reopened, even when a client does everything she can to rectify a missed reevaluation.

While Ms. N's case is now open, the barriers she faced raise significant concerns. I ask that DTA take steps to ensure that she and other clients do not experience these barriers in the future.

Background

Ms. N is a single mother from Brazil who speaks Portuguese and only very limited English. As a lawfully present but ineligible immigrant, she receives TAFDC and SNAP benefits only for her son, who is a U.S. citizen. She has no other income at this time.

According to DTA records, Ms. N was sent a TAFDC Report form on 1/19/16 and a Reevaluation End Warning Notice on 2/4/16. However, Ms. N did not receive either document, so it seems there was a problem with her mail delivery. As a result, Ms. N did not know about the reevaluation and resulting termination until her TAFDC benefits did not arrive in her account on Friday, 3/4/16.

### Barriers to Getting TAFDC Reinstated

Ms. N reports that she went to the Malden TAO early the following week to find out why her benefits had stopped and try to get them reinstated. A DTA staff person in the reception area looked up her case. As best Ms. N could understand with her limited English, the staff person told her that DTA would mail her some forms to fill out. Given that Ms. N was at the TAO in person, her sole source of income had stopped, and her mail delivery had proven unreliable, it seems clear that she should have been offered an opportunity and assistance to complete the reevaluation forms on the spot and get her benefits reinstated as quickly as possible.

Not knowing what else to do, Ms. N went home and waited for several more days, but no forms arrived in the mail. From my inquiries about her case, it does not appear that another copy of the TAFDC Report was actually sent to her.

Having received nothing in the mail, Ms. N returned to DTA on 3/14/16. This time, she was able to see her case manager, P S, who printed out the TAFDC Report form and gave it to her to take home and fill out. Although Ms. N had already gone 10 days without benefits and obviously could not complete a 15-page form in English by herself, Mr. S did not assist her by conducting the interview with an interpreter while she was there and entering the information directly into BEACON.

Fortunately for Ms. N, she happens to have a 17-year-old niece who speaks English and could help her fill out the TAFDC Report. On 3/16/16, she made a third trip to DTA to deliver the completed form to Mr. S. He then gave her a Verification Checklist requesting a letter to confirm the help paying the rent that she gets from her sister.

Desperate to get her benefits reinstated quickly, Ms. N went back to DTA a fourth time the following day, 3/17/16, to turn in the outstanding verification in person. At that point, I alerted Assistant Director Martine Cesar that these documents had been submitted and asked that Ms. N's TAFDC be reinstated. However, apparently in accordance with current DTA policy, this document was not treated as urgent and was not passed to Mr. S so he could process her case. Instead, the document was sent to the EDMC, leaving Ms. Cesar unable to locate it in the office.

Although the date stamp now shows that Ms. N's verification was received at the EDMC on 3/21/16, Mr. S was not yet able to see it in the system when I spoke with him on 3/23/16. On my advice, Ms. N got another letter from her sister and delivered it to Mr. S on 3/23/16, at which point he processed her case. She finally received her TAFDC benefits on 3/24/16, 20 days after her benefits had stopped.

### Failure to Provide Language Access<sup>1</sup>

Ms. N says that DTA has never offered to provide her with a Portuguese interpreter. This has left her unable to understand much of what is said to her, ask questions, or explain her circumstances. For example, without an interpreter, Ms. N was unable to tell DTA that her son's

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<sup>1</sup> Please treat this letter as complaint under DTA's Language Access Plan.

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absences from school were due to medical issues and should have been excused. I am now working with her to resolve the resulting Learnfare issue.

On at least one occasion, Mr. S relied on Ms. N's niece, a minor, to interpret, in direct violation of DTA policy. In addition, Ms. N reports that Mr. S recently tried to insist that she speak English to him, even though she is unable to do so. In response to this incident, I requested a change of worker on her behalf, which Ms. Cesar has granted.

Finally, DTA's lack of reevaluation documents in Portuguese likely violates federal requirements -- a concern that I have raised with DTA in the past. Based on current Massachusetts demographics, the lack of "vital documents" for the TAFDC program in Portuguese may violate the U.S. Department of Health and Human Services' Guidance to Federal Financial Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (68 Federal Register 47311).<sup>2</sup> While I recognize the challenges to producing all vital documents in another language, DTA should at least be making plans to achieve this at some point in the future. I would welcome the opportunity to discuss this issue with you and your staff further.

Thank you for your attention to the issues raised in Ms. N's case. I look forward to hearing how DTA will address them. My colleagues and I remain eager to work with you and your staff to ensure that DTA clients are served as fairly and effectively as possible.

Sincerely,

Naomi Meyer  
Senior Attorney  
Welfare Law Unit

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<sup>2</sup> Similarly, federal SNAP regulations at 7 CFR 272.4(b)(2)(ii) require translated certification materials in any "certification office that provides service to an area containing approximately 100 single-language minority low-income households."