



MEDIA RELEASE

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Class Action Settlement Ends Illegal Food Stamp Terminations and Appeal Delays in New York State

Tens of thousands of low-income households across New York State who were improperly cut off or denied Food Stamps will be receiving retroactive food stamp benefits as a result of a federal class action lawsuit filed against the New York State Office of Temporary and Disability Assistance (OTDA).

The United States District Court in the Southern District approved the negotiated settlement in *Richard C v. Proud* (12 CIV 5942), which challenged OTDA's failure to advise individuals facing SNAP¹ employment sanctions that they had the ability to stop the sanctions from going into effect. *Richard C* also challenged the state's failure to adjudicate SNAP fair hearings in a timely manner. The court approved the settlement on June 19, 2013.

As many as 200,000 improperly issued employment sanctions will be erased/eliminated as part of the settlement, and OTDA has agreed to issue back benefits to each individual who was wrongly denied or terminated from SNAP due to an alleged employment violation between August 3, 2009 and December 14, 2012. The back awards will be issued within the next five months, and are expected to result in over \$80 million in 100% federally funded SNAP benefits to New York State to be spent in local economies.

In accordance with the settlement, OTDA has also agreed to suspend its SNAP employment sanction process as of December 14, 2012 and work toward implementing a new sanction process which complies with federal law. The revised process, once it starts up again, will

¹ SNAP is the acronym for the Supplemental Nutrition Assistance Program, the new name for the Food Stamp Program in New York State.

provide a “second chance” notice toward individuals facing employment sanctions; this notice will advise individuals of what actions they can take to stop the employment sanction from going into effect.

Finally, the state has committed to processing SNAP fair hearings in a timely fashion in accordance with federal law. “SNAP only” fair hearing decisions (cases that do not also involve cash assistance) will be issued within 60 days of the date of the initial fair hearing request. As part of the settlement agreement, OTDA will provide monthly statistics to class counsel for 24 months to ensure that the deadlines are being met and to identify any cases in which they are not.

OTDA will issue individual notices to all class members who had been wrongly sanctioned; the notices will explain the provision of restored benefits and expungement of prior sanctions.

Class counsel for plaintiffs were the National Center for Law and Economic Justice, the Legal Aid Society, Empire Justice Center, and Cooley LLP (pro bono counsel).

Adriene Holder, Attorney-in- Charge of the Civil Practice at the Legal Aid Society, which first brought the lawsuit last August on behalf of an unemployed father and his two minor children, said: “This is an historic settlement. Punishing a family by literally taking food off of their table is a very harsh measure, and one that is too often imposed erroneously. Federal law has long provided that food deprivation only be used as a sanction after allowing an individual a “second chance” to comply. This sound principle, grounded in prudence and fairness, will now be extended to all New Yorkers, and those who have been unfairly deprived of benefits in the past will receive justice.”

“For years the state had illegally sanctioned SNAP recipients if they allegedly missed a work-related appointment, without informing them that they could have kept their benefits simply by rescheduling the appointment,” noted **Bryan Hetherington, Chief Counsel with the Empire Justice Center**. “As a result of our negotiated settlement, the state has agreed to fix its broken sanction process and will issue back benefits to everyone who was wrongly cut off. “

Jenny Pelaez, Paul M. Dodyk Fellow/Staff Attorney with the National Center for Law and Economic Justice, said: "The settlement ensures that low-income New Yorkers who rely on the modest support provided by the food stamp program are not wrongfully delayed, or are inappropriately cut off, from receiving crucial aid that helps them put food on the table for their families and children."

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