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NEWS RELEASE

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State Sued Over Food Stamp Benefit Delays Caused by UHIP Computer Debacle

The American Civil Liberties Union of Rhode Island (ACLU) and the National Center for Law and Economic Justice (NCLEJ) have today filed a class action lawsuit over the state's ongoing, critical, and widespread failure to timely provide food stamp benefits to needy families due in large part to its transition to a new, and very troubled, computer system.

The lawsuit argues that the “systematically inadequate and faulty statewide implementation of a new integrated computer system” designed to determine food stamp eligibility “continues to cause thousands of households to suffer the imminent risk of ongoing hunger as a result of being denied desperately needed assistance to help them feed their families.”

Under federal law, states participating in the food stamp program are required to process food stamp applications within thirty days of the date of application, and to provide expedited food stamps to eligible households within seven days. The lawsuit, filed in U.S. District Court by ACLU of RI volunteer attorney Lynette Labinger and attorneys for NCLEJ, was filed as a class action on behalf of all food stamp applicants affected by DHS' failure to process the applications in a timely manner. The two named plaintiffs have endured the Kafkaesque food stamp application process created by the new system, facing multiple delays in getting their food stamps due to computer glitches, lost paperwork, and other problems.

Plaintiff Mea Martinez, a mother of three children from Woonsocket, submitted her application over three months ago. Hearing nothing back after dropping off paperwork in late August, she went back to the DHS office one day in early October. She waited in line for four hours, but it was to no avail as she was unable to see anybody. Earlier this week, after months of unsuccessful efforts to obtain action from DHS, she finally heard back from a DHS worker and was told that she would have to start the process over if she did not appear that day with paperwork. She did so, but was then told her benefits could still not be processed because of computer issues. For the last three months, she has been going to food pantries to get critically needed food for her family of five.

The court filings also include a declaration from an attorney at Rhode Island Legal Services, Gretchen Bath, which documents some of the myriad problems her office has encountered in representing clients who have been victims of the new computer system debacle. The declaration indicates that efforts to fix them on an individual basis have become futile due to the vast number and nature of the problems.

The class-action suit notes that, as of less than a month ago, the state had failed to timely process *half* of the food stamp applications of the 3,303 neediest households that were entitled to expedited processing of their applications within seven days. The suit also cites the well-publicized correspondence between the federal government and the state in which the federal agency repeatedly expressed its concern that the computer system was not ready to go online, but the state went ahead anyway in switching over to the new UHIP computer system. The lawsuit further makes note of, among other problems, the long waits many applicants have experienced in applying for benefits.

The lawsuit argues that the state's dilatory actions in processing applications and providing benefits to eligible households violate the federal food stamp law and its implementing regulations. The suit further claims as a violation of due process the state's failure to provide formal notice to applicants whose benefits have been delayed of their right to request a hearing. Among other remedies, the suit seeks the issuance of a court order requiring applications to be timely processed. Notwithstanding the strict and obligatory federal timeline standards designed to protect needy families, the state does not expect to have the system completely fixed until June of 2017.

The NCLEJ, co-counsel in the suit with the ACLU of RI, is a national organization that promotes economic justice for low-income families.

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COMMENTS FROM PARTICIPANTS IN UHIP LAWSUIT

ACLU of RI volunteer attorney Lynette Labinger: “There is a reason why strict federal deadlines have been imposed for the processing of food stamp applications: food assistance for our most vulnerable citizens only has meaning if they have timely access to it. It is no answer to those eligible for food assistance today that the State needs more time and fully intends to work things out over time. As Harry Hopkins, a member of FDR’s New Deal administration, poignantly remarked to a similar response during the Great Depression, ‘people don’t eat in the long run, they eat every day.’ The errors, miscues and glitches that continue to prevent eligible recipients from access to food assistance are unacceptable, as is the state’s inadequate efforts to fix things. Meeting the federal deadlines for processing applications is an obligation, not a suggestion, and the State’s failure to recognize that fact is the reason for this lawsuit.”

NCLEJ attorney Greg Bass: “This litigation seeks to redress the systemic dysfunction that has resulted in thousands of low-income Rhode Island households facing imminent hunger, due to the untimely processing of their SNAP food assistance benefits. Plaintiffs simply ask that the court recognize their right to the timely receipt of these critical benefits and order the State of Rhode Island to follow federal law accordingly.”

RI Legal Services attorney Gretchen Bath: “Soon after UHIP went live, RILS advocates saw a huge increase in calls from clients who had failed to receive their benefits when due or whose applications just hadn’t been processed. Before contacting RILS, most of these clients had tried unsuccessfully to get their problem resolved, by standing in long lines at the DHS office, going back to DHS multiple times just to speak with someone, or trying to reach someone at the DHS contact line. DHS repeatedly describes itself as ‘laser focused’ on customer service. When you have seen the lines at the DHS offices and talked to clients about their frustrating experiences, that rings pretty hollow.”

ACLU of RI executive director Steven Brown: “The state has a responsibility to resolve the mess it created, and to do so expeditiously, whatever it takes. We are hopeful that the court will ensure that happens. Rhode Island’s neediest residents deserve nothing less as the holiday season approaches.”