

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

SAMUEL STEVENS & DELFIN MEDINA,)
Plaintiffs)

v.)

C.A. No. 99-5963

JANE HAYWARD, Director of R.I.)
Dept. of Human Services)

SUMMARY JUDGMENT & DECLARATORY JUDGMENT ORDER

For the reasons set forth in the court's May 21, 2003 bench decision, and after hearing on plaintiffs' motion for summary judgment, the court ORDERS and DIRECTS as follows:

1. Summary judgment is entered in plaintiffs' favor on all claims. There are no material facts in dispute.

2. The court has the power under the state Uniform Declaratory Judgment Act to declare the rights of the parties, and hereby DECLARES as follows:

(a) DHS' preprogrammed, standardized notices denying benefits are inadequate. The notices fail to provide specific, detailed, and individualized reasons for agency action, resulting in respondent's inability to craft meaningful arguments for hearing or rebut agency assertions on appeal. They fail to satisfy procedural due process, thereby violating Art. 1, Sec. 2 of the R.I. Constitution and the 14th Amendment to the U.S. Constitution. The fact that the notices list a DHS worker's name and a phone number to call cannot substitute for the detailed notice that due process requires. Requiring recipients to take extra steps to determine why they were denied violates the principles of due process. Finally, State and Federal law require DHS to cite in its MA notices the specific regulation supporting denial.

(b) DHS violated federal law provisions when denying Mr. Stevens' 9/99 food stamp application.

ENTER:

PER ORDER:

McKendall J

Date 12/18/03

Date _____

stevens
judge's markup