

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

SAMUEL STEVENS & DELFIN MEDINA)
Plaintiffs)
)
v.)
)
JANE HAYWARD, Director of)
R.I. DEPT. OF HUMAN SERVICES)
Defendant)

C.A. No. 99-5963

INJUNCTION

After granting plaintiffs' motion for summary judgment and after issuing a declaratory judgment in plaintiffs' favor, the Court hereby ORDERS, DIRECTS, and ENJOINS as follows:

1. The household has primary responsibility for providing documentary evidence to support the statements on its applications and to resolve any questionable information. 7 C.F.R. §273.2(f)(5). However, Defendant (and its successors) must assist a cooperating household in obtaining this verification, and at application interview, must explore and resolve with the household unclear and incomplete information. Id.; §273.2(e). If the Defendant (and its successors) conducted an interview and requested all of the necessary verification on the same day the application was filed, it may deny the application on the 30th day if it provided assistance to the household in obtaining verification, but the household failed to provide the requested verification. As of March 1, 2004 Defendant (and successors) is permanently enjoined to provide one of the following within 30 days following the date the application was filed: food stamps (if eligible); a written denial notice, or a written notice of pending status, which of these to send being determined according to 7 C.F.R. §273.2(g) and 7 C.F.R. §273.10(g). If DHS hasn't determined

eligibility by day 30, it is permanently enjoined as of March 1, 2004 to determine, according to applicable federal food stamp regulations [currently 7 C.F.R. §273.2(h)] whether the delay was DHS' fault or the household's fault. If the delay is caused by the household under those standards, DHS shall follow the procedures outlined in 7 C.F.R. §273.2(h)(2) and any notice shall contain the information required by federal regulations [currently 7 C.F.R. §273.2(h)(2) and §273.10(g)(1)(ii). If the delay is caused by the agency under those standards, DHS shall not deny the application, but shall instead notify the household by the 30th day that its application is being held pending and this notice shall contain the information required by federal regulations [currently 7 C.F.R. §273.2(H)(3) and §273.10(g)(1)(iii).

2. If a household refuses to cooperate in the application process, Defendant (and its successors) shall, pursuant to 7 C.F.R. §273.2(d), deny applicant for food stamps at the time of refusal. Defendant shall distinguish between 'refusal' to cooperate and 'failure' to cooperate, according to 7 C.F.R. §273.2(d).

3. Defendant (and its successors) is permanently enjoined from denying food stamps or Medical Assistance for failure to provide required information unless in the "reason" section of the notice, DHS identifies what information the individual failed to provide or what necessary action s/he failed to take, and cites the specific DHS regulation(s).

4. As of March 1, 2004 DHS shall have re-programmed its system to eliminate the phrase 'there are no eligible members in the household' and the citation to DHS Manual §300.05 from its computerized denial notice and eliminated the phrase and regulation citation from its manual denial notices. Beginning December 15, 2003 when

MA is denied because the applicant isn't aged, blind or permanently disabled, Defendant is enjoined to provide written notice stating as grounds for the action that the applicant isn't aged (65 or older), or blind or permanently disabled, and shall cite to the specific DHS regulations which set out the age, blindness, and disability eligibility factors.

ENTER:

PER ORDER:


Justice Susan McGuire

Clerk

Date: 14/18/03

Date: _____

stevensinj.
chambers