



MAY 05 2015

**United States
Department of
Agriculture**

Food and
Nutrition
Service

Northeast Region

10 Causeway St.
Room 501
Boston, MA 02222

Marylou Sudders
Massachusetts Executive Office of Health and Human Services
One Ashburton Place, Room 1109
Boston, Massachusetts 02108

Dear Secretary Sudders:

First, I would like to thank you for your commitment to pursuing process and performance improvements in the Department of Transitional Assistance's (DTA) administration of SNAP as indicated in your letter of April 27, 2015. Your proposed efforts reflect promising steps toward helping ensure that all SNAP applicants and participants in Massachusetts receive the nutrition assistance they need in a timely fashion.

I also appreciate the opportunity to meet with you, Undersecretary Alice Moore, and Commissioner Jeff McCue, on April 23, 2015, to discuss the Food and Nutrition Service's (FNS) concerns regarding barriers to access in the Supplemental Nutrition Assistance Program (SNAP) as result of the Department of Transitional Assistance's (DTA) recent modernization and data matching initiatives.

As we discussed, FNS is committed to working with DTA to meet our shared goal of fighting hunger in Massachusetts. We place a high value on our partnership with DTA. We are confident that through our joint efforts, we can help overcome administrative obstacles and ensure efficient and effective delivery of SNAP, protect program access and integrity, and ensure Federal law is upheld.

As you know, over the past several months, concerns about DTA's administration of SNAP have been raised through regular meetings with FNS Northeast Regional Office (NERO), Federal management evaluation reviews, advocate and client complaints, and Congressional inquiries. I know we both agree that there is an immediate need to address these issues in order to ensure access to this critical nutrition assistance program for eligible individuals and families. On March 10, 2015, FNS Administrator Audrey Rowe and I met with Acting DTA Commissioner Thomas Massimo to raise these concerns and stress the need for swift and sustained improvement. We also had a call with you on April 2, 2015, to discuss our concerns.

At our April 23, 2015 meeting, we discussed DTA's failure to fully meet the application processing and certification requirements under the Food and Nutrition Act of 2008, as amended (the Act), including Section 11(e), which requires that the State provide SNAP applicants and participants with "timely, accurate, and fair service." Additionally, there

are indications that DTA processes fail to comply with Section 11(e)(1)(B), which requires the use of appropriate bilingual personnel and Section 5(d) and (e), which outlines exclusions and deductions from income.

I appreciate your willingness to explore these issues in depth during our recent meeting and acknowledge the Executive Office of Health and Human Services (EOHHS) and DTA's latest measures to halt the inadvertent closing of SNAP cases. The letter transmitted by you to FNS on April 27, 2015, outlines a number of new initiatives and deliverables to address the areas where DTA is out of compliance with the Federal statute and regulations that govern SNAP. These initiatives include, but are not limited to, increased staffing capacity, improved training for case managers and supervisors, creation of a new office to resolve client concerns and complaints, and enhancements to the DTA assistance line to improve service delivery.

FNS appreciates EOHHS' identification of next steps to reduce the identified barriers to SNAP participation for eligible individuals and families. However, because of the severity of the issues in the State which demand immediate attention, FNS requests a detailed corrective action plan (CAP) from DTA identifying the steps it will take to address the issues below within 30 days of receipt of this letter.

FNS expects the CAP to include, at a minimum, a description of the deficiencies, analysis of the root cause(s) of the issues, identification of specific strategies to address the root cause(s), who will be responsible for implementing the corrective action strategies, and plans for monitoring and evaluating the effectiveness of the strategies. The CAP must also include measurable benchmarks for assessing progress and timeframes for reporting the progress to FNS.

What follows are FNS' minimal corrective action requirements. However, your April 27, 2015, letter includes a variety of corrective action strategies that DTA may also include in its CAP.

Statewide Assistance Line Capacity Is Insufficient:

In October 2014 DTA implemented a Statewide Assistance Line as part of its modernization initiative. The line has the capacity for 200 workers to receive calls at any one time and a queue capable of holding 70 callers. If all lines are in use and the holding queue is at capacity, an automated message tells callers that, due to high volume, they must call back at another time. The callers are then disconnected.

DTA informed FNS that during peak periods in January, February, and March 2015, the assistance line received 25,000 to 30,000 calls per day. On these high volume days, up to 60 percent of the calls were forced disconnects or "dropped." While DTA has reported that the percentage of dropped calls has decreased recently, it is FNS' understanding that incoming calls still regularly exceed the capacity of the Statewide Assistance Line.

Required Corrective Action: DTA must increase the capacity of its Assistance Line no later than June 2015. In fact, the State has informed FNS that improvements are scheduled to be made to the Assistance Line in June 2015, so this corrective action timeframe should be considered reasonable. At a minimum, these improvements must achieve a one percent blocking rate (e.g. the percent of calls that are forcibly disconnected due to limited capacity) 95 percent of the time after June 2015. In its CAP, the State must also establish performance metrics to evaluate client wait times and other key indicators, including but not limited to percent of calls answered by staff, percent of calls abandoned by caller, percentage of calls dropped by the system, blocking rate, average handling time, average answer speeds (length of time for caller to speak to a live agent), and provide weekly data regarding call center performance to FNS.

Implementation of Business Process Redesign (BPR) Has Contributed to Untimely Case Processing:

Beginning in October 2014, the State moved from localized case management to a Statewide, task-based model in which case processing activities are handled by the First Available Worker (FAW). Since implementation of the FAW model, FNS has seen an increase in the number of complaints received from clients and advocates regarding untimely processing of initial applications, applications for recertification, interim reports, and verifications.

Under the FAW model, DTA's system prioritizes case actions based upon business due dates. This prioritization determines when tasks are assigned to the FAW. However, it is clear from discussions with DTA that there are insufficient staff resources to ensure that every priority task is addressed timely. Further, FNS is concerned that documents that are submitted late (but that the State is nonetheless obligated to process) might never rise to the level of priority since the business due date has already passed.

Additionally, the number of unprocessed documents, particularly unprocessed verifications, has increased significantly since the implementation of DTA's BPR. For example there were 27,281 unprocessed verifications on November 7, 2014, but that number increased to 79,092 on March 16, 2015. Unprocessed verifications have the potential for negative consequences including improper payments and, most importantly, improper denials of eligible households. Improper denials have the additional consequence of resulting in churn or loss of benefits for eligible households.

Required Corrective Action: The State must ensure that adequate staff resources are in place to process all documents within required timeframes. DTA has informed FNS that it is in the process of hiring additional staff. The CAP must provide additional details, including timeframes for hiring and training, as well as current and target staffing numbers. In its CAP, DTA must also describe more immediate steps that it will take to address the resource issue, including plans to offer overtime and additional training of eligibility workers.

Automation of Notices Related to the Department of Revenue Wage Match Have Led to Improper Case Closures:

In July 2014, as part of its Program Integrity Checklist, DTA began automatically sending requests for contact to households for whom it had received discrepant wage information from its data match with the Department of Revenue (DOR). These requests for contact were sent to households without having been reviewed by eligibility staff to determine whether the information was already known to the State, or whether it would impact the household's eligibility or benefit level or was otherwise questionable. DTA initiated case closures for clients who failed to respond to the requests for contact within 10 days.

FNS was made aware of a number of cases for which the automation resulted in requests for contact that were improper, including violations related to 7 CFR 273.12(c)(3), and placed an undue burden on eligible program participants. DTA informed FNS that, as of March 20, 2015, the DOR wage match would no longer trigger an automated request for verification. FNS understands this to be a temporary suspension of the automation while the State makes improvements to the data match. Unfortunately, FNS also understands that the automated request has simply been shifted to DTA workers who have not been properly trained and may be sending the notice without review or attempted contact with the household for clarifying information. The result is a continuation of improper requests for verification and case closures.

Required Corrective Action: DTA must ensure that automation of its internal processes does not result in DTA sending requests for contact in violation of 7 CFR 273.12(c)(3) and in improper case closures. DTA must further ensure that workers have been trained properly to review verifications such that improper case closures do not occur. FNS expects that the CAP will outline strategies for improving the State's matching process in order to support program integrity without hindering program access. FNS has discussed several options with the State, including enhanced filtering of match data, targeted matching, and increasing the percentage of cases that are on Simplified Reporting, but the State has yet to commit to any specific course of action. On April 23, 2015 FNS reviewed samples of cases in which the households received wage match notices within 60 days of closing. FNS will provide the results of that review and identify additional recommendations for improving the match and evaluating future changes to the match process.

Lack of Training for Eligibility Workers Has Led to Inconsistent Application of Policies and Procedures:

As mentioned above, FNS has received a number of complaints regarding inconsistent application of policies and procedures by DTA workers. FNS also identified multiple worker training issues during the recent Local Program Access Review at the North

Shore Transitional Assistance Office. FNS has identified inconsistencies in the following areas:

- Excessive verification requests, without proper review or follow-up with the participant household, including unnecessary requests for proof of citizenship when there is no indication that citizenship is questionable;
- Inconsistent provision of interpreter services violating Section 11(e)(1)(B);
- Confusion among workers regarding procedures for accessing and processing web applications;
- Confusion regarding recertification of the Bay State Combined Application Project cases; and
- Lack of clear understanding among eligibility workers of policies pertaining to countable and non-countable income as provided by 7 CFR 273.9.

Required Corrective Action: DTA must ensure that policies and procedures are applied consistently. The State's CAP should outline a robust plan for clarifying policies and procedures, training staff, and providing ongoing monitoring and assistance to identify and address both individual and systemic training needs. FNS will thoroughly review the State's Online Guide to develop recommendations for improving that resource.

Case Churn Is Increasing:

A comparison of cases from November to January FY2014 and cases from November to January FY2015 indicates that approximately 60 percent of all closed cases from both time periods became active again. However, the overall number of cases closed per month has increased significantly from FY2014 to FY2015 (by 6,000 to 8,000 depending upon the month). The number of closed cases that have become active has also increased from FY2014 to FY2015 (by 4,000 to 5,000 depending upon the month). As a result, the overall volume of case churn has increased significantly over the last year, which has placed an additional burden on limited staff resources.

While cases may legitimately close and reopen due to changes in eligibility factors, FNS is concerned that access barriers have contributed significantly to the increase in case churn, given the issues listed above.

Required Corrective Action: DTA must identify the root causes of the increase in case churn and outline a plan for addressing those root causes.

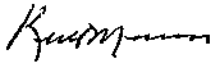
FNS looks forward to receipt of DTA's corrective action plan. Failure to take timely and significant corrective action could result in FNS issuing a warning letter for failure to comply with Federal statute and regulations in accordance with 7 CFR 276.4(d), which may result in the suspension or disallowance of administrative funds.

As Administrator Rowe stated in March, FNS is committed to working closely with the State and providing technical assistance and support to improve program administration

in Massachusetts to ensure that our shared goals of program access and program integrity are met. FNS appreciates the information provided by the State to date and asks that DTA continue to provide FNS with weekly updates on progress towards resolving these issues as it develops its CAP.

Thank you for your cooperation and continued partnership. Our goal is to provide DTA the support it needs to ameliorate these issues and we are always available to provide technical assistance. If you wish to discuss these matters further, please me at (617) 565-6370 or Bonnie Brathwaite at (617) 565-6397.

Sincerely,



Kurt Messner
Acting Regional Administrator
Northeast Regional Office