

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
CIVIL ACTION NO. 82238

MIRIAM JOHNSON

Plaintiff

v.

CHARLES M. ATKINS¹
Commissioner of the Department
of Public Welfare

Defendant

SPECIAL MASTER'S REPORT

SUFFOLK, ss

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT

July 16 1978

FILED BY LEAVE OF COURT

[Handwritten signature]
ASSISTANT CLERK

1. This is a class action lawsuit seeking injunctive and declaratory relief as well as retroactive benefits for class members. The lawsuit challenges two aspects of the defendant-Department of Public Welfare's ("the Department") administration of the Food Stamp program². The plaintiffs challenge 1) the Department's practice of imposing Food Stamp disqualifications upon non-English speaking recipients who were not provided the penalty warning in their primary language and 2) the Department's failure to have procedures to assure that interpreters may be used at administrative hearings relating to Food Stamps.

2. After extensive negotiations the parties have resolved all of the outstanding claims in this litigation.

¹ After this action was initiated, Carmen Canino-Siegrist succeeded Charles M. Atkins as Commissioner of the Department of Public Welfare and, therefore, is substituted as defendant pursuant to Mass. R. Civ. P. 25(d).

² 7 U.S.C §2000 et seq.

3. This agreement is contained in a Stipulation for Settlement which is attached to this report as Addendum A and is by reference incorporated herein.

4. The Stipulation of Settlement provides the following relief:

- a) The parties agree that the prerequisite to maintaining a class action as listed in Rule 23(a) of the M.R. Civ. P have been met.³ (pp 1-2)
- b) The Department has already provided relief to the named plaintiff, Miriam Johnson and has agreed to provide retroactive relief to those class members who did not receive the penalty warning in a language in which he or she was fluent before the date of the alleged intentional program violation. (pp 2-9)
- c) The Department has agreed to provide prospective relief to members of the class in two ways: 1) by not imposing an administrative disqualification penalty against any person to whom the Department did not provide, prior to the date of the alleged intentional program violation, the penalty warning in a language in which he or she was fluent (pp 9-11) and 2) by providing interpreters at any Department-conducted administrative hearing involving in whole or in part the applicant's or recipient's rights under the Food Stamp program. (pp. 12-15)
- d) The Department has agreed to provide prospective relief by amending regulations; amending or


³ The parties agree to the following class definition: The class is defined as 1) the class of past, present, and future Food Stamp applicants and recipients who are not fluent in English and against whom the Department of Public Welfare ("the Department") has imposed, seeks to impose, or in the future will seek to impose, through an administrative disqualification Hearing, a Food Stamp disqualification penalty based upon an alleged intentional program violation without first assuring that the applicant or recipient was provided a penalty warning notice in a language in which the applicant or recipient was fluent prior to the date of the alleged intentional program violation, and 2) the class of past, present, and future Food Stamp applicants and recipients who are not fluent in English and who seek an administrative hearing regarding their rights under the Food Stamp program.

creating the appropriate notices; and by revising the division of Hearings "Manual for Welfare Referees" by adding a new section. All of these changes have been made and agreed to by both parties and are attached to the Stipulation for Settlement as Appendices.

- e) Finally, the Department has agreed to pay reasonable attorney's fees to the plaintiffs' attorneys for the hours expended in litigating and settling this action.

6. The parties will be filing a Stipulation of Dismissal conditional upon the Judge's approval of the Stipulation for Settlement. A copy of the Stipulation of Dismissal is attached hereto as Addendum B.

7. Based upon my review of the Stipulation for Settlement, I hereby recommend to Judge Barbara Rouse her approval of the Stipulation for Settlement.



William Randall
SPECIAL MASTER

Dated: August 15, 1990

johnson.pmr