



**Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance**

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**Online Guide Transmittal 2023-47
June 29, 2023**

To: Department of Transitional Assistance Staff

From:  **Sarah Stuart, Associate Commissioner for Change Management**

Re: Cross Programs: Notice of Proposed Settlement in Glynn vs. Amy Kershaw as Commissioner of the Massachusetts Department of Transitional Assistance

Overview

The Department of Transitional Assistance (DTA) uses information when a client's EBT transactions have been made continuously out of state to determine whether follow up is needed regarding continued Massachusetts residency. The Massachusetts Law Reform Institute (MLRI) filed a class action lawsuit known as Glynn vs. Amy Kershaw as Commissioner of the Massachusetts Department of Transitional Assistance. This suit was filed on behalf of a number of DTA clients challenging actions taken by DTA related to continuous out of state EBT usage based on clients' certification type and program reporting requirements.

Purpose

The purpose of this Online Guide Transmittal is to advise staff of a mailing to clients identified as part of the class.

**Hearing
Information &
Notice to
Class**

MLRI and DTA negotiated a settlement agreement, which must be approved by Suffolk Superior court in Boston. Households impacted by the proposed agreement will be sent a notice no later than Monday July 3, 2023. This notice advises members of the class of the hearing and their options with respect to the proposed settlement. Attachment A is a sample of this notice. The notice will appear in the Client Communications page in their Electronic Case File.

**Client
Questions**

The hearing does not impact a client's current benefits, and there is no action they must take. Clients with questions about the notice can call or email MLRI at:

- 857-241-1736 or
- SNAPoutofstate@mlri.org.

Questions

If you have any policy or procedural questions, after conferring with the appropriate TAO personnel, please have your Systems Information Specialists or TAO management email them to [DTA.Procedural Issues](#).

Systems issues should be directed to the Systems Support Help Desk.

Massachusetts Department of Transitional Assistance

MARY JONES
101 MAIN STREET
LAWRENCE, MA 01840

Agency ID: 9999999

Date: 06/25/2023

**Notice of Class Action Settlement in SNAP Lawsuit
Against the Department of Transitional Assistance
(DTA)**

JUNE 2023

- **You are NOT being sued.**
- **The lawsuit challenged DTA actions against SNAP households who used their SNAP outside Massachusetts.**
- **You do not have to respond to this notice unless you object to the Settlement.**
- **If you do not get SNAP now, you can apply any**

time. What is the lawsuit about?

SNAP recipients have a right to use their SNAP benefits outside Massachusetts.

In the past, DTA cut off SNAP benefits to some recipients who used their SNAP in another state and did not send DTA proof they were still a Massachusetts resident.

Some SNAP recipients filed a lawsuit for themselves and other people who used their SNAP out-of-state. Your SNAP was cut off in the past after you used your SNAP outside Massachusetts, so you are part of this group.

What did DTA agree to do in the lawsuit Settlement?

The agreement to end the lawsuit is called a Settlement. In the Settlement, DTA agreed to:

- Pay up to 6 months of SNAP benefits to some people who were cut off after August 1, 2019, and got back on SNAP after they were cut off.
- Pay up to 2 months of SNAP benefits to some people who were cut off after August 1, 2019, and did not get back on SNAP after they were cut off.
- Tell everyone who was cut off that they can reapply for SNAP.
- Not require SNAP recipients who use their SNAP outside Massachusetts to re-prove Massachusetts residency unless they are at a point when they have to report changes.

Who will get a special SNAP payment under the Settlement?

You will get a special SNAP payment if:

- DTA cut off your SNAP after August 1, 2019, after you used your SNAP in another state, and

- When DTA cut you off you were only getting SNAP benefits from DTA (you were not getting DTA cash benefits, called TAFDC or EAEDC).

If you qualify for a special payment:

- **You do not need to apply for or ask for this benefit.** If you qualify, DTA will put the benefits in your EBT account.
- You do not need to be getting SNAP now to get this benefit.
- You will get a letter from DTA when DTA puts the back benefit in your account. It may take a few months.

Who will not get a special SNAP payment under the Settlement?

If you were also getting DTA cash benefits (TAFDC or EAEDC) when DTA cut you off:

- You **will not** get a special SNAP payment under the Settlement.
- You will get a notice that gives you information about how to reapply for SNAP.

If you do not get SNAP now, you can reapply at any time:

- Online or from a smartphone: DTAConnect.com.
- By phone: 877-382-2363, press 7.
- In person at any DTA office.
- With a paper application by mail or fax. To learn more, visit Mass.gov/SNAP.

Do you need to do anything?

If you agree with this Settlement, you do not need to do anything.

If you do not agree with any part of this Settlement, you have the right to object. If you do not object by 08/24/2023, 2:30PM, you cannot object later. **If you want to object to the Settlement, you must:**

(1) Write a letter to the Judge. Explain what you do not agree with in the Settlement.

Include:

- a. The name and number for the court case:
Glynn v. DTA, Suffolk Superior Court, No. 2084CV02243D.
- b. The part of the Settlement you disagree with and why you disagree. For example, you might disagree because you are not going to get all the back SNAP you think you should get.
- c. Your name and address.
- d. If you want to say something at the hearing, say that you plan to come to the hearing and want to say something to the Judge.

(2) Send the letter by 08/24/2023 to:

Session Clerk Civil D
Suffolk Courthouse
3 Pemberton Square
Boston, MA 02108

- (3) Send a copy by mail or email to Deborah Harris, Mass. Law Reform Institute: Deborah Harris
Massachusetts Law Reform Institute
40 Court Street,
Suite 700
Boston, MA 02108
SNAPoutofstate@mlri.org

What happens next?

The Judge will hold a hearing on 08/24/2023, 2:30PM to decide whether to approve the Settlement. The hearing will be by Zoom <https://www.zoomgov.com/j/1618280537>. Meeting ID: 161 828 0537 (No passcode needed). You do not have to come to the hearing. **You can come if you want, but you do not have to!**

If the Judge approves this Settlement and you did not object:

- You cannot take DTA to court for more back benefits.
- You cannot object to anything else in the Settlement.

How can you get more information?

- See a copy of the Settlement and learn more: [MassLegalServices.org/SNAPoutofstate](https://www.masslegal.org/SNAPoutofstate)
- Call or email Massachusetts Law Reform Institute (MLRI). MLRI is the legal aid organization that brought the lawsuit and provides free legal services to very low-income people. Call (857) 241-1736 or email SNAPoutofstate@mlri.org.