



GREATER BOSTON  
LEGAL SERVICES  
*...and justice for all*

October 31, 2012

Lydia Conley  
Deputy Assistance Commissioner for Policy,  
Program and External Relations  
Department of Transitional Assistance  
600 Washington Street  
Boston, MA 02111

**Re: Language Access Complaint**

Dear Ms. Conley:

I'm writing to you in your capacity as DTA Language Access Coordinator to file a complaint on behalf of my client, K P. Ms. P is a Portuguese speaker with limited English proficiency (LEP) who currently receives SNAP benefits.

As explained in her attached statement, Ms. P went to the Newmarket Square TAO on May 14, 2012, to apply for TAFDC and SNAP benefits. Despite her requests for an interpreter, she was denied one by both a TAFDC worker and – after the TAFDC worker improperly denied Ms. P the right to apply for TAFDC – by a SNAP worker.<sup>1</sup> These workers' rejection of Ms. P's explicit requests violated her right to self-identify as LEP. It was only after my intervention with Agnes Cunio that Ms. P's TAFDC application was taken by a different worker using a Portuguese interpreter via the Qwest language line. As you know, DTA's failure to provide an interpreter was in violation of DTA's own Language Access Plan and the protocols established in Field Operations Memorandum 2008-16, as well as federal SNAP regulations and Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Even after being provided with a telephone interpreter, Ms. P's language access needs still were not met because she was asked to sign multiple documents in English, without either an oral interpretation or explanation of what they said, nor an opportunity to ask questions. This is particularly problematic given that several of the documents signed at application are signed under penalty of perjury and/or contain critical program rules.<sup>2</sup>

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<sup>1</sup> I do not know which workers these were, since Ms. P was not given their names in writing.

<sup>2</sup> DTA's lack of SNAP certification materials in Portuguese likely violates the requirements of federal SNAP regulations at 7 CFR 272.4(b). Section (b)(2)(ii) of this regulation requires translated certification materials in any "certification office that provides service to an area containing approximately 100 single-language minority low-income households." The Portuguese-speaking population in the area served by the Newmarket Square TAO surely

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It seems clear that the insufficient use of the telephone interpreter by this third worker was unintentional (unlike the first two workers, who blatantly disregarded Ms. P's requests). In fact, this worker, L T, is someone who we at GBLs recognize as consistently kind and helpful to clients, efficient at processing cases, and responsive to inquiries from advocates. The fact that such an excellent worker did not use an interpreter to ensure that an LEP client understood what she was signing is likely due to a lack of specific guidance to the field and training on this issue. DTA's obligations to LEP clients are not necessarily instinctive, but rather require specific protocols and techniques for effective communication, along with training. It seems likely that lack of oral interpretation of DTA documents that LEP clients must sign in English is a widespread problem.

I ask that DTA take steps to ensure that Ms. P and all LEP clients are provided with appropriate language access services at the Newmarket Square TAO whenever requested or needed. I also ask DTA to issue guidance to the field on the use of interpreters that includes instructions for interpretation when LEP clients are provided with or asked to sign documents in English. Finally, I urge DTA to undertake training on providing effective language access services for all staff who deal directly with clients.

Please contact me at (617) 603-1621 or nmeyer@gbls.org to discuss this matter. Thank you for your attention.

Sincerely,

Naomi Meyer  
Senior Attorney  
Welfare Law Unit

Cc: Ronald Marlow, Assistant Secretary for Access and Opportunity  
Elizabeth Czolpinski, Assistant Director, Newmarket Square TAO  
Richard Fratus, Assistant Director, Newmarket Square TAO  
Diane Deban, Assistant Director, Newmarket Square TAO

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meets this threshold. While DTA has translated the stand-alone SNAP application into Portuguese, this translation is not used for clients who apply for cash and SNAP benefits jointly.

Based on current Massachusetts demographics, it also seems likely that the lack of vital documents in Portuguese for the TAFDC program violates the U.S. Department of Health and Human Services' Guidance to Federal Financial Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 Federal Register 47311.

Statement of K P

On May 14, 2012, I went to the Department of Transitional Assistance at 1010 Massachusetts Avenue to apply for cash benefits and food stamps for my daughter, who is a U.S. citizen. I work cleaning houses, but I was struggling to make ends meet, so I needed to get some financial help.

I am a native speaker of Portuguese. I speak some English, but it is limited and I cannot understand complicated things or express my thoughts very well. I also cannot read much or write in English. I knew that I needed a Portuguese interpreter in order to understand the benefits application process and rules. I was able to tell the receptionist that I wanted to apply for benefits, but then as soon as I met with the woman do an application, I asked for an interpreter. She told me there were no Portuguese interpreters at that office and started asking me questions in English. I did my best to answer. After a couple of questions, the woman told me that I could not apply for cash benefits and I had to wait to see a different worker for a food stamps application.

I was upset at being denied the right to apply for cash benefits and denied an interpreter. I called a friend of mine to ask what I should do. This friend had dropped me off at the DTA office and gone to see her attorney at Greater Boston Legal Services. When I called her on her cell phone, she was meeting with the attorney, Naomi Meyer. My friend told Ms. Meyer what was happening to me and Ms. Meyer said she would call the director at DTA right away.

Then I got called in to see the second worker for the food stamps application. I again asked for a Portuguese interpreter. This woman also told me that I didn't need an interpreter and began interviewing me in English. It was very hard for me and I was struggling to understand her.

After a few minutes, another woman came and interrupted us. She said that DTA would take my application for cash benefits and use an interpreter with me. I understood that she was the director that Ms. Meyer had called.

She took me to a different office, where I met with a third worker, who used a telephone interpreter to conduct the interview with me. This worker was very kind and polite, unlike the first 2 workers. However, at the end of the meeting, this worker asked me to sign several forms that were in English, which I could not read. She gave me the forms to sign after hanging up with the phone interpreter, without using the interpreter to review the forms with me. I had to sign them even though I didn't know what the forms said.

This statement was orally translated into Portuguese for me before I signed it.

Esta declaração foi traduzida oralmente para português para mim antes que eu assinasse.

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K P

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Data/Date