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Regional Headquarters

174 Portland Street, 5th Floor
Boston, MA 02114
Tel: (617) 542-4180 x132
Fax: (617) 542-4187

E-MAIL

tprovost@operationable.net
www.operationable.net

March 9, 2015

Charles Baker, Governor
State House
Boston, MA 02133

Mary Lou Sudders, Secretary,
Executive Office of Health and Human Services
One Ashburton Place, Boston, MA 02108

Susan Thomson, Acting Secretary,
Executive Office of Elder Affairs
One Ashburton Place, Boston, MA 02108

Kurt Messner, Acting Administrator,
Food and Nutrition Service, USDA Regional Office
10 Causeway Street
Boston, MA 02222

Martin Walsh, Mayor
One City Hall Square
Boston, MA 02109

Dear Governor Baker, Secretaries Sudders and Thomson, FNS Administrator Messner,
Mayor Walsh:

I write to you with great urgency and request your immediate intervention. A significant percent of the Massachusetts clients enrolled in the Senior Community Service Employment Program (SCSEP) which Operation ABL E administers use SNAP benefits (food stamps) to survive. Currently many are receiving letters from the Department of Transitional Assistance (DTA) asking for additional documents about their SCSEP stipends paid through Operation ABL E—and subsequently many are having their benefits cut or terminated. These are seniors who have already verified to DTA that they are SCSEP participants.

The demand for more verification is due to the automated wage match system instituted by DTA in March of 2014. As we understand it, when DTA gets information from the Department of Revenue (DOR) that the DTA computer system "thinks" is not on record, or does not line up exactly with whatever information is in the DOR system, a verification demand notice is automatically sent to the SNAP client. These notices are sent without any DTA worker actually reviewing the case record to look at the information already on file. The DTA notice threatens that the SNAP benefits will be cut or terminated if the recipient does not produce four wage stubs or a letter of termination from the employer listed on the notice. Operation ABL E is incredibly concerned about the impact of this system on the seniors participating in our program who rely on SNAP.

It is important that you understand the purpose of SCSEP and who the clients are in order to appreciate the gravity of having their SNAP benefits threatened or taken away. SCSEP is a Title V program for older Americans age 55+ of low income (125% of poverty). The SCSEP participants receive a stipend of the prevailing minimum wage and work at non-profits or government agencies for 20 hours per week. Due to the requirements of eligibility SCSEP, these older works all have lost their jobs and been unemployed for quite a while before enrolling in our SCSEP program.

Most have significant barriers limiting their ability to return to work – mental health and/or physical limitations, undiagnosed learning disabilities, limited education, limited English and others. But our SCSEP participants want to work and they struggle to overcome their limitations and take advantage of this rare opportunity to improve their lives. The goal of the SCSEP program is for the participant to build confidence, improve and gain skills, and ultimately find unsubsidized work by which they can sustain themselves.

Congress has decreed that the SCSEP stipend is not considered income for SNAP benefits. All of our SNAP clients are given a letter from Operation ABLÉ that explains their SCSEP stipend, a letter they give DTA when they apply or are renewed for SNAP benefits, along with a statement from the Department of Labor (DOL) citing the federal law excluding SCSEP as countable income. Attached are the two sample DOL and Operation ABLÉ letters we give each participant to give to DTA.

Before DTA made these changes to the way their computer handles information from DOR, when our participants gave DTA this documentation at SNAP application or SNAP review, there were very few problems in terms of the SCSEP stipend and we rarely had problems with DTA counting the stipend or terminating benefits. Now, it seems that whatever our clients do is not enough to ensure their SNAP will be safe—even when they have given DTA everything they have been asked for (sometimes multiple times).

Our participants now receive a threatening computer-generated letter that lists Operation ABLÉ as their employer and tells them they must send in four pay stubs or a letter of termination to keep their SNAP. They come to us very worried and stressed because, since they are so low income, losing SNAP could lead to having to sacrifice paying for housing, putting them at risk for homelessness. I will also point out that the DTA wage verification letters sent clients are rife with faulty information about Operation ABLÉ including incorrect addresses for our company at locations vacated over a decade ago, and “start dates” of employment that are frequently incorrect as well. These types of relatively small mistakes are indicative of a bigger concern: If DTA can't get these details correct, how can we be assured that they will correct the greater problems of unfair penalties on our at-risk clients?

Many of our SCSEP participants have sent their stipend pay receipts to DTA in response to the DTA verification notice, but still are often immediately informed that their SNAP is going to be stopped because no one has looked at what they sent in. And sometimes, DTA responds by actually counting the non-countable SCSEP and reducing the SNAP incorrectly! Many of our SCSEP participants are unable to advocate for themselves, or are easily confused and frustrated by the new DTA phone system and unable to set up any electronic “My Account Page” which is constantly promoted on the DTA phone system. This is aggravated by whatever barriers they are struggling with including lack of reliable phone service or difficulty getting to a DTA office. Our participants report very long periods on hold with DTA when calling DTA's statewide phone number. They also tell us that when they call if call volumes are too high they can't get through at all. Being unable to get through to a DTA worker has caused some of them to give up trying to correct the mistake and they lose their SNAP benefits. Most are afraid to pursue a resolution for fear that other benefits will be taken away.

When we do learn of these troubles, we tell our participants to again send in their Operation ABLÉ letters describing the Title V SCSEP program along with DOL backup, or we do it for them. Despite the efforts of our participants and Operation ABLÉ staff, it is nearly impossible to reach anyone at DTA who can fix this problem. Not only are there long waits on hold – as long as an hour which is completely unacceptable - but when the client does speak to a DTA worker, they are frequently told that the letters they mailed never arrived or the fax was never received and are told “Please fax it again.” Follow-up to confirm receipt is the same long hold. The DTA person answering the phone again reports that the paperwork never arrived. When Legal Services advocates intervene for our clients and push DTA workers to look at the date and time when a fax was sent, then DTA says they have “found it” and sometimes fix the problem. But, without the help of an advocate there are tremendous barriers. We have served over 200 clients so far this year and over 1000 past participants. We do not have the hours in the day to call DTA for each case. We are deeply concerned that this policy is hurting hundreds of our low income seniors.

One SCSEP participant told us that a DTA case worker dismissed our SCSEP Title V letter and DOL backup as "fraudulent." The participant reported this to us but was afraid to tell us who at DTA said that for fear of retaliation. Please be aware that our participants did NOT defraud the system and we believe that DTA has incorrectly counted their stipends and claimed an overpayment. These participants cannot wait to buy groceries until DTA straightens out their income verification system. Very occasionally the client speaks to someone who hears them, understands the situation and actually helps. This is the exception rather than the rule. However, when there is a correction, more often than not, DTA does not reimburse the SNAP benefits taken away.

Back in the spring of 2014, I contacted DTA local offices myself involving a few SNAP clients where DTA erroneously counted the SCSEP stipend and these cases were corrected. But as the number of reductions and terminations increased, the problem became overwhelming. In June of 2014, I contacted DTA Central and have continued to raise these case issues regularly since then. DTA told us that we should "put a note on our check stubs" to indicate that the client is a participant in the SCSEP program. This is an excessive request and we do not have the system capacity to do so, nor does this appear to even stop the automated DOR wage match notices. I suggested that DTA first check the case record to find the Operation ABLE letter and DOL letters before they even send the wage notices. For individuals who have not provided our letter, I suggested they add a line to their letter such as "If you believe your income is not counted for SNAP, please send the documents substantiating this." They have not responded to this recommendation. I was told that all DTA staff "are educated about the SCSEP stipend and know it is not countable." This is absolutely not true, but even if it is, the DTA automated wage match letters followed by automated SNAP closing letter are scaring and starving our SCSEP participants.

I am writing to ask that you intervene on behalf of our SCSEP participants to correct the new DTA system which is faulty and is placing in jeopardy an already vulnerable population. On behalf of our clients, I beseech you to help resolve this devastating problem.

Sincerely,



Tee Provost
SCSEP Project Manager
Operation A.B.L.E. of Greater Boston Inc.

cc. Members of the Massachusetts Congressional Delegation
Mass Law Reform Institute