



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

December 27, 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, V H. Ms. H is a Haitian Creole speaker with limited English proficiency (LEP) who receives TAFDC and SNAP benefits and lives in EA shelter in Bedford.

As explained in her attached statement,<sup>1</sup> Ms. H was not provided with an interpreter during an appointment to add her new baby to her grant at the Lowell TAO,<sup>2</sup> despite her attempt to alert the worker to her language needs. As a result, Ms. H could not effectively communicate with her worker and did not understand the content of the documents she was asked to sign. In fact, I can attest that when I later spoke with her, Ms. H did not understand when her baby would be added to her grant or how much she would receive, nor was she aware that she was entitled to a crib/layette payment. (When I contacted her, Assistant Director Gail Clermont was very helpful in ensuring that Ms. H received all the benefits to which she was entitled.)

As you know, DTA's Language Access Plan makes clear that clients are entitled to self-identify as LEP, meaning that workers must honor a client's request for language assistance and not substitute their own judgment that the client's English is "good enough." The failure of Ms. H's worker to provide her with an interpreter was in violation of DTA's Plan and the protocols

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<sup>1</sup> Since Ms. H wrote the date in an unusual way, allow me to clarify that she signed her statement on 12/18/12.

<sup>2</sup> Since it is distinct from the issue of language access, I will follow up separately to discuss our concerns about DTA requiring a homeless, car-less mother of a new infant to travel from Bedford to Lowell in order to add the infant onto her grant.

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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.<sup>3</sup>

I ask that DTA take steps to ensure that Ms. H and all LEP clients are provided with appropriate language access services at the Lowell 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  
Gail Clermont, Assistant Director, Lowell TAO

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<sup>3</sup> DTA's lack of SNAP certification materials in Haitian Creole also 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 large area served by the Lowell TAO likely meets this threshold. Moreover, other TAO service areas surely meet this threshold; once Haitian Creole materials were created for them, these same materials would be available for use by the Lowell TAO.

In addition, given current Massachusetts demographics and the critical nature of the TAFDC program, it seems likely that the lack of vital TAFDC documents in Haitian Creole 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 V H

My native language is Haitian Creole. I speak a little English, but it is very limited. I cannot understand complicated things and I cannot read in English.

On November 14, 2012, I had an appointment at the DTA office in Lowell so I get benefits for my new baby. My older children read the appointment notice for me, since it was in English. They told me that the notice said I would lose all my benefits if I didn't go to the appointment. I had no way to get to Lowell from the motel where I live in Bedford. I was afraid I would lose my benefits, so I paid for a taxi to get to the appointment. The taxi cost \$80 each way. I had to pay this out of my welfare benefits, which is my only income.

When I met with my worker at DTA, I told her that I speak Haitian Creole. When I do that at the hospital, they get an interpreter for me. But the DTA worker did not respond and she did not get an interpreter. She gave me some papers to sign. I understood that I needed to sign them in order to get benefits for my baby, but I could not read the papers to see what they said. Since I cannot express myself in English, I could not ask questions about my benefits.

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

Yo te tradwi deklarasyon sa pou mwen an kreyol ayisyen avan mwen siyen-l.

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V H

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Date