

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CARMEN CORREA,
on behalf of herself and all others
similarly situated
Plaintiff

v.

COURTNEY E. HAWKINS, in her
official capacity as Director of the
Rhode Island Department
of Human Services
Defendant.

_____ /

DECLARATION OF MARY CURTIN

I, Mary Curtin, being duly sworn, declare as true under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am making this declaration in support of the plaintiff's application for a temporary restraining order, preliminary and permanent injunctive relief, declaratory relief, and class certification in a lawsuit to be filed against Courtney Hawkins in her official capacity as Director of the Rhode Island Department of Human Services, regarding inadequate notice of overissuance of Supplemental Needs Assistance Program ("SNAP") benefits, also known as Food Stamps.

2. I am a paralegal employed by R.I. Legal Services ("RILS") in Providence, Rhode Island, and I have been employed by RILS in its Public Benefits Unit for thirty-nine years. In that

capacity I have represented low-income R.I. residents on a variety of public benefit matters, including SNAP and cash assistance. During my time here at RILS, I have represented thousands of clients on SNAP matters, including many cases in which the client received a notice of SNAP overissuance.

3. As part of my job responsibilities, I attend the monthly SNAP Advisory Committee Meetings held at the DHS administrative offices in Cranston. U.S. Department of Agriculture Food & Nutrition Service (FNS) representatives attend the meetings monthly and report on issues that have arisen. Representatives from DHS attend and report only in alternate months.

4. Rhode Islanders may qualify for SNAP benefits if they have income less than 185% of the federal poverty level (200% for individuals who are elderly or disabled). The amount of SNAP benefits a household is eligible for depends on a variety of factors, including the type of income (for example, certain deductions, including deductions for the costs of dependent care, may be taken from earned income), shelter expenses, number in the household, citizenship/alien status, and, for elderly and disabled applicants, medical expenses.

5. During the course of my work, I became familiar with the DHS computer systems and the eligibility notices they generated. Prior to September 2016, the state used a computer system called InRhodes to determine SNAP benefits, including generating notices regarding overissuances. Attached to this Declaration as Exhibit A is a true copy of page 1 of the SNAP Demand Letter for Overissuance that InRhodes generated prior to September 2016.¹ It is typical of the Demand Letter for Overissuance format that InRhodes used to generate. As this

¹ I was unable to locate the remaining pages of this particular notice.

notice does, the former InRhodes demand letters identified the cause of the overissuance in the beginning of the notice on page 1. In this particular case, the overissuance was caused by job income.

6. Rhode Island decided to replace InRhodes with a single integrated electronic eligibility system that would determine eligibility and benefits, including overissuances, for all public assistance programs. The project was called the Unified Health Infrastructure Project, or UHIP. UHIP went live in September 2016.

7. After UHIP went live, DHS stopped issuing claims for SNAP overissuances for several years. At a May 13, 2019 SNAP Advisory Committee meeting, I learned that FNS had authorized DHS to review SNAP overissuance claims as part of a plan for DHS to begin processing SNAP overissuance claims on a pilot basis only, and the overissuance claims would be limited to those that arose pre-UHIP, i.e., they all pre-dated September 2016. Attached to this declaration as Exhibit B is a true copy of the official minutes of that meeting.

8. At a July 8, 2019 SNAP Advisory Committee meeting, I learned that the pilot program to review overissuance claims had begun May 15, 2019. 200 cases were authorized for review. DHS reported at that meeting that, as of June 25, 2019, 76 SNAP overissuance claims had been established to date.

9. At a November 2019 SNAP Advisory Committee meeting, the SNAP Administrator Bethany Caputo advised me that a second pilot had been authorized for an additional 200 SNAP overissuance claims. Neither DHS nor FNS told the Advisory Committee how many SNAP overissuance claims remained unprocessed. However, to my knowledge, there is a significant pool of SNAP overissuance claims yet to be processed, including both pre-UHIP and post-UHIP

claims. My understanding is that, after the two pilot projects have been completed, DHS will expand the number of SNAP overissuance claims for which demand letters are sent. My understanding is that eventually DHS will send demand letters for both the overissuances that arose pre-UHIP and the overissuances that arose post-UHIP.

10. After the pilot project started, I got calls from several clients who had received notices from DHS saying that they had received overissuances and that they needed to repay the overissued funds, either by paying cash or by having their monthly SNAP benefits reduced. Attached to my declaration as Exhibit C are copies of two client notices, one for Agency Error and one for Household Error.² The format of the notice was the same for each client: the notice stated only that there had been an error, either an agency error or a household error, and, unlike Inrhodes demand letters, did not identify the cause of the overissuance. It was impossible for me to determine what caused each client's overissuance until I actually reviewed the underlying documents obtained by the agency in support of the claim.

11. I also filed requests for agency hearing for two clients, reviewed the evidence collected by the DHS Collections, Claims & Recovery Unit (CCRU), and negotiated with DHS regarding the overissuances. I represented one client at an agency hearing and successfully argued that the agency had insufficient evidence to establish its claims. The hearing officer agreed and dismissed the overissuance claim.

Date: 12/12/19


Mary Curtin

² The information identifying the client has been redacted to protect the individuals' privacy.