

MAR 26 1991

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT

WILMA ALVAREZ, ET AL. : CIVIL ACTION NO. B-90-190 (WWE)
Plaintiffs :

v.:

LORRAINE M. ARONSON, :
individually and in her :
capacity as Commissioner :
of the Connecticut :
Department of Income :
Maintenance :
Defendant : JULY 25, 1990

STIPULATION OF PARTIES

The plaintiffs and defendants in this action hereby stipulate and agree to the following terms in order to settle this action on an interim basis:

1. All proceedings in this action shall be stayed for one year except as follows:

(a) Should the plaintiffs determine that the defendant has not complied with any of the terms of this agreement, plaintiffs' sole recourse is to file a motion to vacate this stipulation at which time proceedings in this action shall resume. In the event that plaintiffs move to vacate this stipulation and to reinstate this action, the underlying action shall be heard by the Court without the parties being bound in any way by the terms of this stipulation.

(b) Should any member of the proposed plaintiff class require relief from the court to avoid irreparable harm because of a delay in the resolution of the class member's application for assistance, the plaintiffs may petition the court for a temporary restraining order on behalf of the class member in need of such relief.

2. Defendants agree to the following time table for achieving compliance with the application processing time periods which are prescribed for Aid to Families with Dependent Children (AFDC) (45 days); medical assistance (Medicaid)(45 days, except for applications based on disability which may take 90 days); food stamps (30 days, except for applications for expedited food stamps which may take only 5 days), and state supplement benefits (45 days, except for applications based on disability which may take 90 days):

(a) Using the current "Pending Overdue Application Report" format for reporting overdue applications, the parties agree that by October 1, 1990, no more than 25% of all pending applications, state-wide, shall have been pending for longer than the relevant time period. Furthermore, the parties agree that by October 1, 1990, no office or sub-office maintained by the defendant shall have more than 35% of all pending applications

overdue, using the current format for reporting overdue applications.

(b) By December 1, 1990, the parties agree to establish interim compliance goals to be met by February 1, 1991, and May 1, 1991, which would exclude those applications in which delay is excused pursuant to the criteria set forth in paragraph 5 of this stipulation.

(c) By July 1, 1991, the parties agree that the defendant shall be in compliance with the prescribed time periods, insofar that applications shall be processed within the relevant time period unless delay beyond that time period is excusable as defined in paragraph 5 of this stipulation.

3. The defendant shall establish a client representative system effective September 1, 1990 for applicants. The system shall satisfy the following requirements:

(a) A specially designated staff member in each district and subdistrict office shall be assigned to resolve emergency cases, or cases which are likely to become emergencies within a short period of time, which have been pending beyond the prescribed time periods, and which constitute unexcused delays in accordance with paragraph 5 of this stipulation. This representative shall have the responsibility to satisfactorily address

the problem within two working days. When information is contained in the case file that is sufficient to establish eligibility, eligibility shall be granted within two working days. When information that is necessary to establish eligibility is not contained in the case file and the failure to obtain the verification of an essential factor of eligibility is due to the department's error, department staff shall make extraordinary efforts to obtain the required verification of the essential factor of eligibility. If the situation is one that cannot be expeditiously resolved at the district office, the problem shall be referred to a designated individual in the central office for immediate action.

(b) Emergency cases are those in which an applicant is in need of, and not receiving, essential benefits from some source which DIM normally provides. Emergency situations include, but are not limited to, cases in which: 1) immediate medical treatment is required and no medical card is available, 2) there is no money and there is a threat of serious harm as a result, 3) there is no deliverable fuel to heat a home and that fact presents an immediate threat.

(c) Workers shall be instructed to inform the supervisor and to refer emergency cases, or cases likely to become

emergencies within a short period of time, to the designated client representative when they are unable to adequately handle a problem in a particular case, regardless of whether the client asks for such referral.

(d) In cases in which benefits have been delayed creating emergency need, the Department shall make every effort to inform the client that benefits may be hand delivered to the district office from the central office the day after the benefits are processed except for food stamp benefits which may be hand-delivered to the district office from the central office on the second day after the benefits are processed, and to make such delivery if so requested by the client.

(e) Written notice of the client representative system shall be provided to clients at the time of application.

(f) Notice of the client representative system shall also be posted in all DIM offices and by notices to social service agencies.

(g) A written notice shall be provided, in cases of unexcused delay, to applicants at the expiration of the processing period. The notice shall inform the applicant that a decision on his/her application is overdue, and beginning November 1, 1990, shall contain the name and telephone number of

the caseworker's supervisor. The notice shall also inform the applicant that a client representative system is available in the event of emergencies and that they should call the supervisor for assistance.

4. In processing applications, DIM staff shall be instructed to give highest priority to applications which have been pending beyond the prescribed time periods or those that are close to becoming overdue.

5. Delays in processing applications beyond the mandatory time limits shall be excused in the following circumstances:

(a) A third party has failed to furnish requested evidence necessary to verify an essential factor of eligibility;

(b) The applicant has not been given at least ten days within the relevant processing time period to provide evidence necessary to verify an essential factor of eligibility;

(c) DIM has assumed responsibility for obtaining evidence necessary to verify an essential factor of eligibility, and has not had ten days within the relevant processing time period to obtain the information;

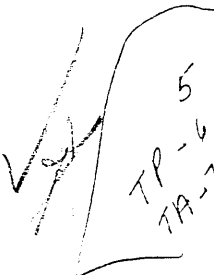
(d) Illness of the applicant has prevented her from obtaining evidence necessary to verify an essential factor of eligibility;

TP - #6
TA - #7

AS - #3

AC #1

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(e) The applicant or DIM has been actively pursuing evidence necessary to verify an essential factor of eligibility, but has been unable to obtain it during the prescribed time period.

(f) In addition to one or more of the circumstances set forth in paragraphs (a)-(e) of this section, the following must also be true before a delay is considered excused:

(1) the missing evidence is necessary to verify an essential factor of eligibility; and either--

→ (2) DIM furnished the applicant, at the time the application was submitted, or at the application interview, with a complete list of essential eligibility factors and a list of the methods of verification of these factors including alternative methods of verification for each factor; or

(3) DIM did not furnish the applicant with the items listed in (2) above at the application interview but did so at a later date and there is evidence in the case record demonstrating that the request for verification could not have been made at the commencement of the application process.

#2 6. In addition to the circumstances described in paragraph 5, delays shall also be excused when an applicant is not eligible at the time the deadline for processing the application ends, but is expected to become eligible within the next 60 days.

7. By October 1, 1990, defendant shall adopt a method of recording and reporting reasons for delay which shall incorporate the criteria for excusable delay described in paragraphs 5 and 6 as well as categories for reporting unexcused delay.

8. Beginning with the report on pending applications for November, 1990, defendants shall report monthly on pending applications using the format developed in accordance with paragraph 7.

9. By July 15, 1990, defendant shall develop draft verification policies, a checklist of program-specific eligibility factors which must be verified, and a list of primary and alternative methods for verifying each essential factor of eligibility. These materials shall be submitted to plaintiffs' attorneys for comments and discussion before they are adopted in final form.

10. Policies and other materials developed to comply with paragraph 9 shall be consistent with the following principles:

(a) The standard of proof which an applicant must meet in demonstrating eligibility for public assistance is proof by a preponderance of the evidence.

(b) Only essential factors of eligibility need to be verified. These factors vary for each program and shall be identified to applicants depending on the program for which they are submitting an application.

(c) Alternative methods of verification shall be identified for applicants unless federal law requires a specific means of proof, so that such alternative method, may be used if evidence necessary to establish an essential eligibility factor cannot be readily obtained.

(d) When documentary proof of an essential factor of eligibility is required, and an applicant cannot provide it after good faith efforts, then the sworn statement of the applicant, along with any other evidence provided by the applicant, shall be reviewed by the Defendant and a determination made as to whether the applicant has established the essential factor of eligibility by a preponderance of the evidence.

(e) Clients will not be required to prove a negative statement concerning eligibility factors by documentary evidence. For example, clients shall not be expected to prove by documentary evidence that they are not working, that they have no bank accounts, that a parent is not in the home, or that they have no income from any source. Defendants shall allow applicants to

prove negative statements by their own sworn statements and/or by the sworn statements of a knowledgeable third party. For purposes of this stipulation, it is understood that the assertion that an applicant is no longer employed by a particular employer does not constitute a negative statement.

* [(f) Applications shall be denied for failure to verify eligibility only when an applicant has failed to provide any verification of an essential eligibility factor and the delay resulting from the failure is not excused pursuant to paragraph 5. When verification has been provided but is deemed insufficient to establish an essential factor of eligibility, the application shall be denied on the grounds that the applicant has failed to establish eligibility.

(g) When an applicant fails to supply evidence or supplies insufficient evidence to verify a factor which affects the amount of benefits rather than eligibility for benefits, the application shall be processed without the information.

* | (h) Unless federal law requires that the defendant take action on an application, applications shall not be denied simply because the time period for determining eligibility has expired.

11. When evidence necessary to establish an essential factor of eligibility can only be obtained by an applicant for payment of a fee, the defendant shall attempt to obtain the information on the applicant's behalf. If the defendant is unable to obtain the information, the defendant shall refer the applicant to agencies which may assist the applicant in obtaining the evidence.

12. Defendant shall draft procedures consistent with paragraphs 9 and 10, which shall include the following procedures:

(a) All requests for verification should be made at the time of the submission of the completed long application form unless there is evidence in the case record demonstrating that the request could not have been made at the commencement of the application process. The intent of this provision is to implement paragraph 5(e)(3) of this stipulation on when delays in determining eligibility are excused. This provision does not preclude the Department from requesting verification after the submission of the completed long form application;

(b) At the time of the application interview, applicants shall be given the following:

- (1) A document on which the worker has listed the factors that the applicant needs to verify, and specified the verification factors applicable to each unit member, and noted the factors, which if not verified, will lead to reduced benefits but not to a denial of the application.
- (2) A list of the primary and alternative methods of verification for each factor.
- (3) Instructions on obtaining verification, including a description of the Department's obligation to assist applicants and designation of items the applicant will be responsible for providing and those DIM will be responsible for obtaining.
- (4) A description of (i) the time periods for processing applications; (ii) the applicant's responsibilities including the deadlines for providing verification; (iii) the Department's responsibilities; and (iv) how to get help;
- (5) A description of when and how an applicant may become eligible for expedited food stamps;

(6) The address of the local legal services office(s).

(c) In processing verifications received in supported applications, the department shall follow the following procedures:

(i) When an applicant submits any evidence to DIM the worker shall review the evidence within seven days of receipt.

(ii) If the review reveals that evidence necessary to establish eligibility is still outstanding, the worker shall, within the seven day period, notify the applicant of the factors which have not been verified, and provide him/her with a minimum of ten additional days to provide the missing verification, if such an extension is permitted by federal regulation.

(iii) When the eligibility worker notifies the applicant that verification is still outstanding, the worker shall notify the applicant of the deadlines for providing the evidence and explain the Department's obligation to assist the applicant and grant further extensions if she/he is having difficulty.

(iv) Additional ten day extensions shall be granted to applicants, if permitted by federal regulation, so

long as the applicant provides some evidence or has good cause for not providing the missing verification within the specified time period.

(v) Notification to clients by department staff, in accordance with this section, may be either written or verbal. Its substance must be clearly documented in the case record.

(d) When an applicant does not submit any of the verification requested by the department in support of her application, the department shall proceed as follows:

(i) If the missing verification is required to establish the eligibility of the assistance unit and it is not submitted within 30 days of the application date, the application shall be denied.

(ii) If an applicant for food stamps submits the missing verification within thirty days after the denial of the application, the application shall be reopened.

(iii) If an applicant for a program other than food stamps submits the missing verification within fifteen days of the denial of the application, the department will not require that the applicant attend another interview or complete a full application. Instead, the department will supply the applicant

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with a new short application form to sign, and will process the application using the missing verification and any information which had previously been provided in support of the initial application.

(e) When sworn statements are received by the Department in accordance with paragraph 10(d) of this stipulation, the sworn statement shall be evaluated by the Department and a determination made as to whether the sworn statement, along with any other evidence submitted by the applicant, establishes the factor of eligibility by a preponderance of the evidence. Whenever an eligibility worker finds that a sworn statement, along with other evidence, does not establish the factor of eligibility by a preponderance of the evidence, the worker shall note his/her reasons for that determination in the client's case file, specifically including the reasons relating to the credibility of the sworn statement.

(f) In processing applications for individuals who have received benefits in the past, the Department shall require verification of only those factors which are subject to change.

(g) Case workers shall obtain verification from old case files and other sources which are readily available to them, including general assistance offices, in order to assist

applicants in verifying eligibility. Case workers shall be encouraged to obtain verification by telephone.

(h) DIM receptionists shall supply dated receipts for documentary evidence presented to them by applicants.

13. By September 1, 1990, the defendant shall develop a training plan for Department staff designed to ensure compliance with this stipulation. Plaintiffs shall have an opportunity to comment prior to adoption of the final plan. Defendant shall commence training Department staff no later than October 1, 1990.

14. Defendants shall report to plaintiffs' attorneys on a monthly basis as to the Department's progress toward compliance with application processing time periods, including, but not limited to, reports of overdue and pending applications, progress reports on training, progress reports and policies, and reports on the cases handled by the client representative system. In addition, defendants shall make a random sample of case files available to the DIM program integrity unit for review which shall be designed to determine compliance with the terms of this

stipulation. A report of their findings shall be submitted to plaintiffs' attorneys on a monthly basis beginning January 1, 1991.

Plaintiffs
WILMA ALVAREZ, ET AL.

BY: 

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CERTIFICATION

I hereby certify that pursuant to § 5(b) of the Federal Rules of Civil Procedure a copy of the foregoing Stipulation was mailed, postage prepaid, this ~~24th~~²⁴ day of ~~July, 1990,~~^{August, 1990} to:

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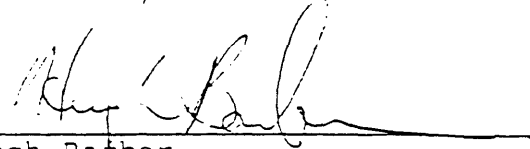
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