



[www.legalaiddc.org](http://www.legalaiddc.org)  
1331 H Street, NW  
Suite 350  
Washington, DC 20005  
(202) 628-1161

---

**Testimony of Haley Hoff and Rebecca Steele  
Staff Attorneys, Public Benefits Law Unit  
Legal Aid of the District of Columbia**

**Before the Committee on Health and the Committee on Housing  
Council of the District of Columbia**

**Joint Public Oversight Roundtable:**

**“Health and Human Services Benefits Enrollment and the DC Access System”**

**December 4, 2023**

Legal Aid of the District of Columbia<sup>1</sup> submits the following testimony regarding the DC Access System (DCAS), given the significant role this system plays in mediating District resident’s access to benefits.

**Recurring Problems with DCAS and their Impact on Benefit Recipients**

DCAS currently creates significant barriers that prevent District residents from receiving benefits they are lawfully entitled to. The system is prone to errors at key junctures, including when recipients apply, recertify, or report changes that increase their benefit

---

<sup>1</sup> Legal Aid of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 90 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org).

entitlement. Moreover, even when a DCAS error is identified, it can take the Department of Human Services (DHS) weeks or months to fix it. In the meantime, benefit recipients cannot access the cash, food, or medical benefits that everyone - including DHS - agrees they are owed.

While the implementation of DCAS aimed to provide a streamlined process for customers submitting and recertifying for public benefits, the impact of these DCAS errors is that DHS's administration of public benefits programs is frequently in violation of District and federal laws. These laws set specific timelines for when benefits are owed. There is no exception to these deadlines for a computer program that is prone to errors.

Statistics on the Supplemental Nutrition Assistance Program (SNAP) food assistance benefits published by the U.S. Department of Agriculture serve to illustrate the scope of this problem. Data on application processing timelines show fundamental issues in how the District handles SNAP applications. In 2022, the District ranked worst in the country, with only 42.86% of applications processed in accordance with the timelines required by federal regulations.<sup>2</sup> The District was the only location in the country where less than half of applications were processed on time – the second-lowest performer, Guam, processed 65.93% of applications on time.<sup>3</sup> Based on experience, Legal Aid suspects that many of these delays were caused by problems with DCAS. The U.S. Department of Agriculture also publishes nationwide statistics on cases where an agency takes one or more inaccurate or procedurally incorrect actions when denying, terminating, or suspending a household's SNAP benefits. In 2022, the District's error rate was 80.46% - once again, the highest in the country.<sup>4</sup>

All errors in DCAS that result in benefits being withheld have disastrous consequences for public benefits recipients. District residents go hungry when DCAS prevents them from obtaining their full SNAP entitlement. Families face housing instability when

---

<sup>2</sup> Food and Nutrition Service, *FY 2022 Reported SNAP Application Processing Timeliness*, USDA (Nov. 9, 2023), available at <https://www.fns.usda.gov/snap/fy-2022-reported-application-processing-timeliness>.

<sup>3</sup> *Id.*

<sup>4</sup> Food and Nutrition Services, *Supplemental Nutrition Assistance Program: Case and Procedural Error Rates (CAPER) Fiscal Year 2022*, USDA (Sep. 15, 2023), available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-qc-caper-fy22.pdf>; see also Food and Nutrition Services, *SNAP Case and Procedural Error Rates*, USDA (Dec. 4, 2023), available at <https://www.fns.usda.gov/snap/qc/caper>.

improper withholding of their Temporary Assistance for Needy Families (TANF) benefits prevents them from paying rent. District residents have to forego treatment or cancel medical appointments when DCAS prevents them from accessing Medicaid coverage.

Legal Aid regularly receives 10-15 applications for assistance per week related to DCAS errors. We would like to share just a few examples of the consequences of DCAS errors on public benefit recipients' lives.

- In Legal Aid's experience, DCAS often fails to properly increase benefits when a beneficiary reports a new household member. For example, Ms. X promptly reported the birth of her child to DHS and was entitled to higher SNAP and TANF benefits as a result. However, due to a DCAS error, her child was not added to her household. While facing urgent expenses necessary to care for her newborn baby, Ms. X did not receive the benefit increase she was entitled to for twenty months. Ms. X filed a fair hearing request at the Office of Administrative Hearings (OAH) and was successful in obtaining an order setting a deadline for DHS to pay her the back benefits she was owed. Yet even in the face of a binding order from the OAH, DHS failed to issue the benefits for another month, until after Ms. X retained counsel. DHS reported that issues with DCAS were the reason the agency could not comply with the Administrative Law Judge's (ALJ) Order.
- DCAS errors also frequently arise at the initial application or recertification stage. In these cases, a DCAS error often results in a household receiving *no* benefits at all. For example, Ms. Y timely recertified for SNAP and TANF benefits, and later submitted accompanying documentation. A DCAS issue prevented her recertification and other documents from being processed. As a result, DCAS issued SNAP and TANF termination notices for failure to submit the exact same documents DCAS failed to process more than a month earlier. This case provides another illustration of how difficult it is for a benefit recipient to fix a DCAS issue once it arises. Ms. Y repeatedly called the call center to flag the erroneous notices, and when that was unsuccessful, she filed a fair hearing request more than two weeks before the scheduled termination. Nonetheless, the erroneous termination went forward, and she did not receive her benefits on time the next month. The failure to process the documents Ms. Y submitted also led to issues with Ms. Y's benefit amount. Ms. Y was successful in obtaining an Order from the OAH requiring DHS to correct her benefit amount, but yet again, DHS

refused to comply by the deadline set by an OAH Administrative Law Judge and invoked DCAS issues as the reason for non-compliance.

- In addition to SNAP and TANF issues, we have worked with clients whose Medicaid benefits have been wrongly terminated as a result of DCAS errors - which can sometimes result in termination of Medicare benefits as well. These clients are eligible for health insurance coverage and have complied with all of the program requirements, but DCAS nonetheless terminates their healthcare benefits, seemingly at random. In some cases, these clients are only able to identify the problem when their doctor's office calls to tell them they cannot come to an upcoming appointment because they have no medical insurance. When calling the Ombudsman's office to resolve the termination of one client's Medicaid benefits, we were told that the error involved DCAS and that it was "huge issue" that the Ombudsman's office was receiving multiple calls about recently and that it could take weeks to fix – leaving the client without coverage for an indeterminate amount of time due to no fault of their own.

In Legal Aid's experience, a DCAS error can frequently take months to correct. Even when these errors are corrected months later, the impacted recipients and their families are not made whole. By that time, it is too late to buy food on the nights the family already went hungry, or to avoid the late rent fee that has already been charged. It is too late to reverse the serious mental and physical health consequences of not having access to your doctor when you need them.

It is particularly concerning that DHS ESA continues to withhold benefits based on a DCAS error even when the agency has been ordered by an Office of Administrative Hearings Administrative Law Judge to release those benefits in the course of a fair hearing. DHS frequently insists that the benefits cannot be issued until the underlying DCAS error is addressed, even after acknowledging that benefits are owed, yet cannot provide any timeline for resolving the DCAS error. By refusing to comply with statutory deadlines, regulatory deadlines, and binding Orders, DHS is effectively suggesting that DCAS is above the law. As a result, multiple OAH ALJs have ordered DHS to correct its policy of delaying legally eligible public benefits recipients from receiving their benefits because of a faulty computer program. DHS does not appear to have taken any steps to implement such a policy change and, instead, is challenging those orders in court.

---

## **Urgent Changes Needed to Improve the Administration of DCAS**

A multipronged approach is needed to address this DCAS crisis.

First, steps must be taken to improve the methods and tools available to prevent these DCAS issues from occurring in the first place. Whenever DCAS issues are brought to the agencies' attention, it is crucial to evaluate whether the error was a one-off issue in an individual's case, or a systemic issue impacting other benefit recipients as well. All systemic issues must be fixed promptly and addressed across the board.

Second, DHS must improve the currently ineffective mechanisms in place to proactively identify and address errors. DHS cannot continue waiting until a recipient brings an issue to their attention. Wherever possible, the system should be programmed to automatically flag cases that appear to present errors for staff review. For example, the system could flag when a resident has uploaded some form of information that has been pending for longer than the allotted processing period. Similarly, if a case on DCAS has a recertification pending, there should be safeguards in place to prevent the system from automatically issuing a termination for failure to recertify.

Third, when an issue does occur and the benefit recipient is the first one to identify it, there must be an effective, streamlined way to bring the system error to the agency's attention (for example, a separate phone line exclusively for system errors). In tandem with this, DHS must have better procedures in place to quickly address and correct the system error. As it currently stands, recipients have no efficient system to flag and resolve the DCAS issues that impact their cases. Recipients contact the call center or service centers repeatedly but are not connected with anyone who has the authority or ability to correct the DCAS issue. Recipients are repeatedly informed there is a "system issue," but cannot obtain clear next steps on what will be done to fix it. Even if a recipient files a fair hearing request, cases can take months to resolve – or longer, if the recipient is representing themselves in the hearing.

Given that the current system is not working, DHS must develop an efficient internal procedure to resolve reported DCAS issues and a strict timeline for doing so. Implementing an effective procedure will likely require hiring more staff, as DHS has frequently reported that understaffing is a large cause of the delay in resolving DCAS issues. DHS staff must be trained on how to handle DCAS errors and advised of any timelines DHS creates for resolving cases. Given the prevalence of DCAS issues and the established difficulty of fixing them, in addition to the usual methods for contacting the agency, Legal Aid recommends the creation of a DCAS ombudsperson. This

ombudsperson would be a public-facing role that recipients could contact with DCAS-specific issues, who could help oversee and facilitate the resolution of DCAS issues in accordance with applicable timelines.

Fourth, and finally, where a DCAS problem cannot be fixed before a recipients' benefits are due, DHS must develop protocols to ensure benefits are not unlawfully withheld while the DCAS problem is being resolved. The District's current practice of telling recipients that they simply have to wait to receive their entitlement until the issue is resolved violates District and federal law. DHS must develop some kind of stop-gap protocol (for example, a manual override after a certain time period has elapsed) that ensures benefits are issued on time via alternate methods where they cannot be issued on time by DCAS itself.

### **Conclusion**

Thank you to the Council for allowing us the time to discuss these important issues with you today and we look forward to working towards solutions in the future.