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

**Public Joint Oversight Roundtable:
Continued Challenges with the DC Access System and Public Benefits Enrollment**

July 2, 2024

Legal Aid DC¹ submits the following testimony regarding the DC Access System (DCAS). It is essential that DCAS functions well because it plays such a significant role in ensuring 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 impact their benefit 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.

The impact of these DCAS errors is that DHS's administration of public benefits programs frequently violates District and federal laws that set specific timelines for

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. 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 legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

processing applications and changes that impact benefits. An error prone computer program is not an excuse or exception to these deadlines.

Statistics on the Supplemental Nutrition Assistance Program (SNAP) published by the U.S. Department of Agriculture (USDA) serve to illustrate the scope of this problem. Data on application processing timelines reveals fundamental concerns about how the District handles SNAP applications. In 2022 – the most recent year for which USDA publishes data – the District ranked worst in the country, with only 42.86% of applications processed in accordance with the timelines required by federal regulations.² 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% -- the highest in the country.³

These failures are more than statistics. All errors in DCAS that result in benefits being withheld have potentially 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 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 receives many applications for assistance per week related to DCAS errors. Below is a snapshot of the issues that Legal Aid's clients have faced since the most recent DHS oversight hearing in March of this year:

SNAP

- SNAP applications processed months after statutory deadline or not processed at all.
- Delay in benefits issuance after approval.
- Delay in recertifications processing.

² Food and Nutrition Service, FY 2022 Reported SNAP Application Processing Timeliness, USDA (Nov. 9, 2023), available at <https://www.fns.usda.gov/snap/qc/timeliness/fy22>.

³ Food and Nutrition Services, Supplemental Nutrition Assistance Program: Case an 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>.

- Benefits terminated without notice despite timely recertification.
- Benefits stolen from EBT card, but DHS' system would not accept request for reimbursement.
- No notice of application denial.
- Issue around providing new EBT card, even after client found eligible for benefits.
- Receiving less benefits than entitled to.
- Incorrect household composition resulting in reduced benefits.
- Benefits reduced or terminated despite timely providing requested verification.

TANF

- Incorrect household composition resulting in reduced benefits.
- Benefits reduced or terminated despite timely providing requested verification.
- No notice of need to recertify.
- Terminated despite timely recertifying.

Health Insurance (Medicaid and Alliance)

- Incorrect notices regarding the need for recertification when recertification is not yet required.
- DHS' failure to timely process recertification.
- The client's provider says health insurance is inactive, but DHS insists it is.
- Home Health Aide services (funded by Medicaid) terminated because of inactive insurance.
- DHS failure to provide notice of termination.
- Incorrect notice that Home Health Aide services (funded by Medicaid) would terminate at recipient's request, despite never requesting termination.
- Terminated despite timely recertifying, often without notice.
- No notice of need to recertify.
- Delays in approving insurance renewals resulting in lapse in coverage.
- Terminated because DHS incorrectly alleges that recipient is deceased.

This list provides only a window into the issues District residents face and cannot capture the number of residents forced to face this failing system without an advocate's assistance.

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 continues to withhold benefits based on a DCAS error even when the agency has been ordered by an Office of Administrative Hearings (OAH) Administrative Law Judge (ALJ) 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. However, time and time again, the agency 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.

Urgent Changes Needed to Improve the Administration of DCAS

A Multipronged Approach is Needed to Address this DCAS Crisis

First, DHS must improve the currently ineffective mechanisms that the agency uses to identify and address errors. DHS cannot continue to wait 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 a document or input 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.

Next, when an issue occurs 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 increased and trained in how to handle DCAS errors and advised of any timelines DHS creates for resolving cases.

Legal Aid recommends that the Council and Administration put in place the following policies and processes to address the above issues.

1. **The Council should authorize and fund the creation of a DCAS ombudsperson.** This ombudsperson would be a public-facing role who recipients could contact about DCAS-specific issues, and who could help oversee and facilitate the resolution of DCAS issues in accordance with applicable timelines.
2. **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.
3. **The Council must continue to provide consistent oversight with follow-up to ensure that these problems are addressed.** We do not believe that DHS does not care about our clients, nor do they want individuals to go hungry or lose access to health insurance. While it is difficult for bureaucracies to make improvements and implement them effectively, our suggested changes are urgently needed. We appreciate the Council's commitment to providing oversight of DHS and DCAS and urge the Council to continue playing this important role.

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.