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**Before the Committee on Human Services
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Human Services

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Legal Aid DC¹ appreciates the opportunity to share our views on the performance of the Department of Human Services (DHS). DHS is charged with administering the provision of vital public benefits to District residents – benefits that are often the majority, if not all, of the income many households have.

TANF, SNAP, Medicaid, and Alliance are critical programs that help District residents meet their basic needs. Approximately 20% of the D.C.'s population participates in the

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.

SNAP program², and nearly 40% participate in Medicaid or CHIP.³ Lapses in benefits have extremely serious consequences, forcing people to go hungry, forego necessary medical treatment, or even face eviction due to a loss of income.

Legal Aid represents countless District residents who are entitled to these critical safety net benefits but – because of flaws in DHS’s practices and procedures – face unlawful reductions and terminations and other serious impediments in accessing their benefits.

Today, we will discuss the following trends that we have seen in the last year at DHS:

- (1) Inadequate and confusing notices regarding people’s benefits,
- (2) Unlawful reductions and terminations,
- (3) A decline in DHS’s service-delivery to District residents, and
- (4) Continued delays – caused by DHS – in the fair hearing process at the Office of Administrative Hearings.

Last, we will turn to possible solutions and make concrete recommendations to address the numerous challenges outlined in this testimony.

DHS Frequently Sends Deficient Notices

DHS is required by law to issue legally sufficient notices before taking adverse action regarding people’s benefits. It is not a rare occurrence that Legal Aid clients have their SNAP, TANF, and medical insurance terminated or reduced without DHS providing any notice at all, in violation of both District and federal regulations.⁴ DHS also fails to meet their legal obligations to provide adequate notices regarding application determinations and recertification deadlines; additionally, notices often lack sufficient information as

² Center for Budget and Policy Priorities, *District of Columbia SNAP Factsheet* (January 21, 2025), available at https://www.cbpp.org/files/nap_factsheet_district_of_columbia.pdf

³ Medicaid.gov, *October 2024 Medicaid & CHIP Enrollment Data Highlights* (October 2024), available at <https://www.medicaid.gov/medicaid/program-information/medicaid-and-chip-enrollment-data/report-highlights/index.html#:~:text=20CHIP>

⁴ See D.C. Code § 4–205.55; D.C. Mun. Regs. tit. 29, r. 29-9508; 7 CFR 273.13.

required by law to explain what is required of the recipient or the basis for DHS's decision.⁵

When DHS does send notices to residents, they are frequently erroneous notices generated by DHS's computer system, the District Access System (DCAS). DCAS errors 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, DHS sends many erroneous notices in TANF cases stating that the child no longer resides in the home or notices which list the incorrect number of household members. DHS knows that its computer system is incorrect and often tells people that the notice was issued in error and to disregard it. However, without an accurate corrective notice issued, people have nothing concrete to rely on and worry that they may not receive their benefits or miss appeal deadlines.

DHS Unlawfully Reduces or Terminates People's Benefits

The U.S. Department of Agriculture publishes nationwide statistics on cases where an agency takes one or more inaccurate or procedurally incorrect actions when denying, suspending, or terminating a household's SNAP benefits. Data released in 2024 shows that the District's error rate in 2023 was 58.79%, far above the national average of 43.95%.⁶

Unlawful Terminations and Reductions due to DCAS and Technological Errors

We also see cases where people's benefits are unlawfully reduced or terminated due to errors with DHS's computer system, a problem that DHS is well-aware of but has yet to fix.

Legal Aid has seen cases where individuals receive the wrong SNAP or TANF amount to incorrect information in DCAS regarding the person's income, household size, or other information. When clients receive reduced benefits, sometimes people have no idea

⁵ See *id.*

⁶ Food and Nutrition Services, SNAP Case and Procedural Error Rates, USDA (June 28, 2024), available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-qc-caper-fy23.pdf>.

that – for years – DHS has been relying on inaccurate information to calculate their benefit amount.

People’s Medicaid benefits have also been wrongly terminated because of DCAS errors. These clients are eligible for health insurance coverage and have complied with all the program requirements, but DHS nonetheless terminates their healthcare benefits, seemingly based on random computer problems. In some cases, these clients are only able to identify the issue with their health coverage when their doctor’s office calls to tell them they cannot come to an upcoming appointment because they have no medical insurance.

DCAS errors frequently take months to correct even when DHS admits that the recipient is entitled to benefits. But 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 for the nights that the family already went hungry, or to avoid the late rent fees that accrued. It is too late to reverse the serious mental and physical health consequences of not having access to a doctor when needed. In other words, by the time DHS addresses the error, the harm to District residents is often beyond repair.

Unlawful Reductions and Terminations due to DHS’s Failure to Process Information

DHS has also had persistent issues with failing to timely process updates to District residents’ case files, which then result in unlawful reductions or terminations. In many of Legal Aid’s cases, DHS provides notice to a resident that they must recertify by a certain deadline, the family timely recertifies, but DHS then fails to process the recertification or verifications and terminates the family’s benefits anyways.

DHS also often fails to update case information when a resident submits a change of address, income, or household size. These failures tend to result in recipients being paid lower benefit amounts than they are entitled to. It can also lead to families not receiving notices of changes in their benefits or important deadlines because DHS continues to send notices to old addresses, despite clients having already informed DHS of a change in their address.

A particularly concerning trend is clients having their benefits terminated after adding a newborn to their household. For example:

One client, Ms. Y, had her SNAP and TANF benefits erroneously terminated immediately after the birth of her baby. Even though Ms. Y promptly alerted DHS to the error, DHS took no action to correct their mistake or reinstate Ms. Y's benefits. Ms. Y was experiencing homelessness but had secured stable housing contingent on her ability to contribute toward rent. The termination of her TANF benefits put her and her baby's housing in jeopardy. Despite facing complications from a difficult birth, she was forced to run around the city to visit food and diaper banks to care for her baby. It was only after Legal Aid got involved and filed an emergency fair hearing on her behalf that DHS restored her benefits.

Unfortunately, Ms. Y's experience with DHS is not unique and just one example of many unlawful terminations that Legal Aid saw in the past year.

Unlawful Terminations & Reductions due to DHS's Failure to Take Appropriate Action based on Information from Other Agencies

DHS's failure to take action after communicating with other agencies also leads to wrongful reductions or terminations in people's benefits. Legal Aid has worked with multiple clients who DHS has told have a sanction on their account for failing to cooperate with the Child Support Services Division (CSSD). In many instances, the client has met all cooperation requirements with CSSD, and the sanction is due to the agencies failing to properly communicate with each other. DHS often does not provide clients with adequate – or any – notice of the sanction and fails to inform them on how to cure it. This can result in an unlawful reduction in a family's benefits that can last for years.

A similar issue arises when clients stop receiving Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA). Such circumstances often cause clients to automatically lose their Medicaid benefits because DHS fails to properly evaluate whether they should continue to receive benefits under a separate eligibility category, an obligation that is required by law.⁷ Again, DHS often fails to send clients advance notice of the proposed termination and people learn that they are not medically insured after they seek treatment from their providers.

⁷ “Before terminating an enrolled person from Medicaid, the Department of Human Services (DHS) “must consider all bases of eligibility.” 42 CFR § 435.916(f)(1). Until DHS has found an enrolled individual to be ineligible, it must “[c]ontinue to furnish Medicaid regularly” to that person. 42 C.F.R. § 435.930(b).” *Coe v. Dist. of Columbia Dep't of Human Servs.*, 281 A.3d 603 (D.C. 2022).

DHS's Service Delivery Has Worsened Over the Past Year

Although DHS has made significant efforts to expand benefits and service delivery options, DHS's service delivery problems continue to impede peoples' ability to access and maintain critical safety net benefits. The numerous challenges that people encounter with DHS's service delivery are discussed below.

Processing Delays

Statistics on SNAP food assistance benefits published by the U.S. Department of Agriculture illustrate how severe DHS's processing delays are. In 2023, the District ranked worst in the country, with only 48.13% of applications processed in accordance with the timelines required by federal regulations.⁸ 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 61.27% of applications on time.

The agency's processing delays are not limited to applications but apply to recertifications and verifications. This occurs regardless of whether people submit paperwork in person, by fax, by mail, or online via District Direct.

DHS's failure to timely process people's paperwork leads to myriad problems, including unlawful reductions and terminations of people's benefits.

Below is one of many examples:

Despite successfully recertifying in Summer 2024, Ms. A's Interim Disability Assistance (IDA) benefits were terminated just a few months later with a notice stating "Your District of Columbia (District) Interim Disability Assistance (IDA) benefits will terminate 09/30/2024 because" – with the field left blank, providing no reason for termination. Legal Aid was able to assist Ms. A with reversing the erroneous termination, but not before she missed multiple months of IDA benefits. Without receiving her benefits on time, she could not afford to keep up with fees on the storage unit where she kept most of her

⁸ Food and Nutrition Service, *FY 2023 Reported SNAP Application Processing Timeliness*, USDA (Aug. 14, 2024), available at <https://www.fns.usda.gov/snap/qc/timeliness/fy23>.

belongings. Due to the late fees charged for the missed payments, the storage facility foreclosed on the unit and Ms. A lost decades of memories.

Lack of Confirmation for Clients who Submit Paperwork

Prior to the pandemic, DHS kept visitor logs to track District residents who visited DHS Service Centers in person. The agency also had a “receipt” system in place in which District residents were provided with a written confirmation of their visit that indicated the service center, time, date, and what the person’s visit entailed (e.g. “TANF application” or “residency verification”).

Now, no such system exists. Currently, DHS staff direct individuals who visit service centers to leave their applications, recertifications, and verifications in a Drop Box. DHS does not have a visitor log or issue any receipts for District residents who use the Drop Box. Further, by forcing people to drop new applications in a Drop Box without any other interaction with DHS staff, DHS is not complying with Federal law which states, “When a household member completes an application, the State agency **must** offer to provide a copy of the completed application.”⁹ DHS has abandoned the practice of offering proof of documentation submitted in person. At a minimum, they must offer the legally required copy of a complete application. However, we urge DHS to resume the practice of offering “receipts,” or a time and date stamped confirmation, anytime a document is submitted in person. We regularly assist clients who attempt to follow up on the status of their application and are told that there is no record of an application. Without proof of application, many clients are forced to submit duplicate applications. This leads to confusion and wastes the resources of both clients and the agency.

Inability to Communicate with DHS Staff

District residents face significant barriers and delays when trying to communicate with DHS to resolve issues - including in-person Service Center staff, Call Center representatives, and Policy Analysts assigned to OAH cases. Non- and Limited-English Proficient (NEP/LEP) residents face more significant communication hurdles.

When people visit DHS Service Centers in person, staff often tell them that they are unable to resolve the person’s issue and that they should come back another day. DHS staff also frequently tell people that their issue will be escalated and that they will be

⁹ 7 C.F.R. § 273.2(c)(1)(v).

contacted by a supervisor or another staff member; but people frequently report that they never hear back from DHS about the issue.

Residents face similar issues when they call DHS's Call Center. Call Center representatives are typically unable to give detailed information about the person's case. People are often placed on hold and transferred to another DHS representative who also do not resolve the issue. Frequently, DHS Call Center staff say that a "ticket" is placed on the person's case and that a supervisor will return their call. Like peoples' experiences at Service Centers, many residents report that they never hear from DHS to resolve the issue.

When people cannot resolve their public benefits issue with DHS, they often need to file a request for a fair hearing at the Office of Administrative Hearings (OAH), yet communicating with DHS continues to be difficult during this process. People often cannot get in touch with the DHS Policy Analysts who represent DHS at OAH hearings. Self-represented litigants frequently report that they do not know who the Policy Analyst assigned to their case is and that they have not heard from them after the initial status hearing. Legal Aid attorneys have similar experiences. We frequently do not hear back from policy analysts between hearings despite reaching out repeatedly, sometimes for weeks.

Lastly, barriers to completing applications and communicating with DHS are particularly acute for Limited or Non-English Proficient (LEP/NEP) residents. While Legal Aid DC appreciates that DHS has made its online applications available in Spanish and Amharic, parts of the District Direct website are only available in English. LEP/NEP residents also face serious language access barriers at the Service Centers. People report needing an English-speaking family member or friend to accompany them to the Service Centers or navigate District Direct to complete applications or recertifications.¹⁰

The Hearing Process at the Office of Administrative Hearings Is Inefficient and Ineffective Due to Flaws in DHS's Processes

When people's benefits are unlawfully reduced or terminated, they often cannot reach anyone at DHS and thus, have no other recourse but to pursue a fair hearing request at

¹⁰ The Language Access Act requires that DHS "provide oral language services to a person with limited or no-English proficiency who seeks to access or participate in the services, programs, or activities offered by the covered entity." D.C. Code § 2-1932.

the Office of Administrative Hearings (OAH). However, DHS's practices at OAH cause further delays and make it increasingly difficult for people to resolve the issue at hand.

Untimely Implementation

In some cases, the factual issues are resolved by the Administrative Review Conference (ARC) process (an optional meeting between the claimant and a DHS representative prior to the first status hearing). However, even when DHS agrees via an ARC representative's finding that the agency erred and must take corrective action regarding a person's benefits, action is rarely if ever taken promptly. It often takes multiple status hearings until DHS implements those steps or disburses benefits that everyone agrees the person is entitled to.

Additionally, ARCs are not always timely scheduled as a part of the fair hearing process, leaving clients with one less avenue to resolve a case before having to appear in front of a Judge and prolonging the resolution process.

Recommendations

We ask the Committee to work with DHS and the Mayor to take the following actions:

- **Increase Oversight over DHS to ensure it abides by its legal obligations**

Despite the District facing high federal penalties for DHS's errors in processing SNAP benefits, and DHS developing a Corrective Action plan,¹¹ DHS continues to not meet its legal obligations and to fail to provide adequate service delivery to District residents.

We ask that the Council initiate increase oversight over DHS. Such oversight could include, but is not limited to, periodic roundtable discussions between the Council, DHS leadership, advocates, and the public. This would allow for regular oversight regarding DHS's implementation of its policies and procedures and allow advocates and the public to provide real-time information about how DHS is serving benefit recipients.

¹¹ "D.C. Faces \$4.4 million federal penalty for poor SNAP performance." Washington Post (July 2, 2024), <https://www.washingtonpost.com/dc-md-va/2024/07/02/dc-snap-penalty/>

- **Develop and implement interim protocols for resolving systemic errors in DCAS**

Until DHS resolves the underlying errors in DCAS (which result in unlawful reductions and terminations to people’s benefits, described above), we ask that the Council require DHS to develop and implement protocols for how to timely pay individual residents benefits that they are owed while DHS addresses the underlying issue for that particular case.

For example, when an issue with DCAS is preventing issuance of benefits for a particular household, DHS should develop a *timely* manual override that ensures benefits are issued on time via alternate methods where the benefits cannot be issued on time by DCAS itself. Ongoing training for all DHS staff regarding such protocols must be part of any action plan to address unlawful reductions and terminations to ensure consistent implementation.

- **Review DHS’s policies and procedures culturally competent language access services in compliance with the Language Access Act**

As described above, people with limited or no English proficiency, have an especially difficult time navigating DHS and accessing benefits. The Council should work with DHS and the Mayor to review DHS’s policies and procedures and ensure that it abides by the legal requirements outlined in the Language Access Act.¹²

- **Resume and implement the practice of providing receipts for all documents submitted to the agency**

Additionally, we urge DHS to resume the practice of giving every person who applies at a Service Center a date-stamped receipt as proof of their visit as required by law.¹³ As noted above, this would ensure residents have proof of their visits when issues inevitably arise.

¹² See also, “Title VI and its implementing regulations require that recipients take reasonable steps to ensure meaningful access by LEP persons.” Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html>.

¹³ See 7 C.F.R. § 273.2(c)(1)(v).

- **Create a coordinated and streamlined way for residents to view all actions and information on District Direct**

Reflecting all actions that a person takes – whether by phone, in person, electronically, or other means – in District Direct would create more transparency and efficiency regarding people’s benefits. It would ease the burden on DHS’s Call Center and Service Centers because people would have clear information about what they submitted to DHS, and when, and what information DHS still requires.

- **Reinstate a shorter integrated application in order to reduce processing delays**

While it is vital to have the option to submit an electronic application through District Direct, the paper application itself should be easier to navigate and submit. The prior version of the paper application was 12 pages, while the current is 68 pages long.¹⁴ Sometimes, people mistakenly fail to apply for multiple benefits programs because the terminology in the application is confusing and cumbersome.

- **Create and fund a DHS Ombudsman to assist DC residents with public benefits issues and serve as a liaison with DHS**

While additional staffing, training, and technology improvements are necessary and should be funded by the Council, the reality of overwhelming service delivery issues and lack of access to DHS for resolutions necessitates another avenue for DC residents. The Council should work with DHS to create and fund a DHS Ombudsman’s office for residents to obtain answers and resolutions to questions related to DHS benefits, including about pending applications/recertifications, delays in processing information or changes to benefits, changes to benefit amounts, and notice issues.

Until DHS staff are more reachable, transparent, and responsive to DC residents’ questions and concerns regarding their benefits, DC residents deserve assistance and another avenue to resolve issues affecting their TANF, SNAP, and Interim Disability Assistance benefits.¹⁵ Not only would the Ombudsman’s office create a meaningful option for District residents to obtain updates and resolve issues around their cases, but it would free up DHS capacity at every level by lessening the need for processing multiple

¹⁴ Combined Application for Food, Medical, and Cash Benefits, DC *Department of Human Services*, <https://dhs.dc.gov/sites/default/files/dc/sites/dhs.pdf>.

¹⁵ The Department of Health Care Finance already has an Office of Health Care Ombudsman and Bill of Rights, which was established by the Council to assist DC residents with health insurance issues. See D.C. Code § 7–2071.01, *et. seq.*

applications, verifications, and fair hearings that people currently submit when they cannot get information from a Service or Call Center or receive conflicting information.

Conclusion

Thank you for the opportunity to share the numerous barriers that our clients, and the public, currently face when encountering DHS and accessing their benefits. There are clearly numerous challenges that require big actions. We ask that the Council commit to working with DHS and exercise ongoing oversight to ensure that DHS is held accountable for the critical functions that it is obligated to provide and to account for the resources that it has been allocated. If we can answer any questions or share any additional information that would assist the Council's in its continued oversight, we would be happy to do so.