



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

**Testimony of Hanna Endale, Public Benefits Specialist, and
Carolyn Rumer, Supervising Attorney, Public Benefits Law Unit
Legal Aid DC**

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

**Performance Oversight Hearing Regarding the Department of Human Services
February 23, 2023**

Legal Aid DC¹ appreciates the opportunity to share our views on the performance of the Department of Human Services (DHS), the impediments District residents face in trying to access benefits, and improvements the agency can make. Legal Aid appreciates the work that DHS and the Mayor have done to maximize federal funding to increase benefits for low-income DC families, including through one-time cash payments of \$1,000 for TANF recipients in August 2022,² Pandemic-EBT SNAP payments, and SNAP Emergency Allotments. However, as Director Zeilinger recognized, “We know that the

¹ 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 91 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.

² Mayor Muriel Bowser, Government of the District of Columbia, <https://mayor.dc.gov/release/mayor-bowser-announces-one-time-back-school-payment-dc-families-receiving-tanf>

pace of economic recovery is not the same for all households.”³ The additional federal funding and pandemic-related benefits protections are coming to an end while low-income individuals and families, particularly Black and Latinx families who face barriers related to systemic racism, continue to experience economic hardship exacerbated by inflation.⁴

TANF, SNAP, Medicaid, and Alliance are vital for District residents to meet their basic needs. However, despite the commitment of DHS to provide these benefits to low-income DC residents, the reality remains that people are unable to obtain benefits because of barriers related to service delivery. We will focus our testimony on service delivery and technology issues that demonstrate the agency is far from the efficient, transparent, and accessible administration of public benefits that District residents not only deserve but are entitled to under the law. We will also discuss issues related to the Alliance recertification rollouts in August 2022 and urge the Council to engage in oversight to ensure the same problems do not persist when Medicaid recertification requirements resume after the federal Public Health Emergency ends in May. While we discuss a number of recommendations, we hope that the Council and DHS will work together to fund and create a DHS Ombudsman to assist and serve District residents with public benefits issues.

DHS Service Delivery Has Worsened Over the Past Year

As Legal Aid has testified previously, DHS has made significant efforts during the past three years to expand benefits and service delivery options for DC residents during the pandemic⁵. Unfortunately, service delivery problems at every level continue to impede customers’ ability to access and maintain these critical benefits. While many of these issues have persisted for years, customers who visit Service Centers in person often risk serious delays or gaps in benefits because of processing issues. We urge DHS to resume the practice of giving every customer who visits a Service Center a date-stamped receipt as proof of their visit.

- **Service Center Problems:** Even though all five Service Centers have now re-opened, including the renovated Anacostia and Taylor Street Centers, DHS has not resumed in-person customer service operations that existed

³ *Id.*

⁴ Center on Budget and Policy Priorities, <https://www.cbpp.org/research/income-security/increases-in-tanf-cash-benefit-levels-are-critical-to-help-families-meet-0>

⁵ See <https://www.legalaiddc.org/media/278/download>; See also <https://www.legalaiddc.org/media/373/download> .

prior to the pandemic. Many customers are unable to speak or work with a Social Service Representative to ask questions about their cases or turn in paperwork directly. We have repeatedly heard from clients, including those with disabilities or who are LEP/NEP, who require assistance completing the 68-page paper application that they are not able to receive help they need from Service Center staff and are therefore unable to submit an application. DHS directs individuals to leave their applications, recertifications, and verifications in the Drop Box. However, Service Center staff rarely upload or process the paperwork from the Drop Box into DHS's computer system, DCAS, the same day or even the same month. As discussed further below, many customers who require interpretation or language access services are turned away because of staffing and capacity issues. Staff are overwhelmed with extremely high caseloads.

- **Lack of Proof of Visits or Submissions:** Prior to the pandemic, DHS kept visitor logs to track Customers who visited the Service Centers. The agency also had a receipt system in place that indicated the service center, time, date, and what the customer's visit entailed (e.g., "TANF application" or "residency verification."). Currently, DHS does not have a visitor log or issue any receipts for customers who use the Drop Box. DHS only offers receipts to customers who 1) actually talk with a DHS representative and 2) affirmatively ask for a receipt. This practice is deeply problematic, as many people who want to speak with a representative are unable to do so and most people do not know they should ask for a receipt. One client was told by a Social Service Representative that they could not give her a receipt. A receipt is critical proof for customers who need to follow up with DHS about their benefits. For customers who submit via District Direct, they have an electronic record of what they submitted on which date. For example:

A mother with disabilities who is unable to work submitted a SNAP mid-certification via the Drop Box at H Street in early August after her SNAP terminated at the end of July. DHS failed to process the mid-certification. When Legal Aid contacted the Call Center with the client in October, a Call Center representative said the mid-certification was entered into the system on September 9, 2022, over a month after the customer actually submitted it, and was not within the grace period for processing. Legal Aid followed up with DHS via the Division of Program Operations. DHS processed a new application submitted in October but reiterated that it did not receive a form to recertify in August. Without a date-stamped receipt as proof she was there in August, the customer had to file a fair hearing request in

order to obtain SNAP benefits for August and September even though she took timely action.

- **Processing Delays:** Regardless of the submission method, DHS fails to process applications, recertifications, and verifications within the timeframes required by law. Even when customers receive notice of their deadline to recertify and complete their recertification before the deadline, many customers have their benefits terminated and it can take months for the agency to reinstate them. The agency often misplaces paperwork or fails to process it on time, regardless of whether customers submit paperwork in person, by fax or mail, or District Direct. DHS staff are overwhelmed, and staffing should be increased to assist with processing. One customer spoke with a DHS representative by phone who told them she had a caseload of over 300 families and individuals. Trainings should be improved around the legal requirements for timely processing. For example, a Call Center representative indicated to a Legal Aid advocate and their client that DHS had fifteen days to process Emergency SNAP applications, when federal regulations require the agency to process Emergency SNAP within 7 days. For example:

A Legal Aid client who submitted a mid-certification at a Service Center within the grace period received a termination notice. DHS then asked the client to resubmit the mid-certification again because the Agency was unable to process the first one due to a technical issue. The client reported seeing several claimants at the Service Center whose benefits were terminated despite submitting their recertifications.

DHS has also had persistent issues with failing to process updates to a claimants' case files in a timely manner. Legal Aid has had several clients where DHS failed to update changes in address, income, or household size despite the clients informing the agency of the change and providing the requested verifications. This failure to update claimant information has had cascading effects for claimants including receiving lower benefits because DHS has not updated changes in income or household size and benefits being terminated without notice because notices are sent to old addresses.

- **Lack of Notice and Erroneous Notices:** DHS is required by law to issue legally sufficient notices before taking adverse action of their benefits. DHS continues to fail to provide notices to customers about application decisions, recertification deadlines, terminations, or reductions. When DHS does send notices, DCAS frequently generates erroneous notices. Even

notices that are correct are not accurate enough under the law to either explain what is required of the recipient/applicant or the basis for an agency's decision. For example:

One client's TANF and SNAP was terminated in February 2022 after DHS sent her a notice in December 2021 that her daughter was in CFSA custody (which was not true). However, the agency sent the customer a notice with the name of a different child. She went to the H Street Service Center repeatedly to provide the court order that she had full custody of her daughter, who had never been involved with CFSA, and other verifications they asked her for. She ended up re-applying in April 2022 and submitting new verifications. However, DHS did not process those applications or make any decision. In August, DHS sent her a notice that her TANF application was withdrawn because "you told us on 08/15/2022 that you no longer want to continue this application." The client and her daughter did not receive benefits until Legal Aid assisted with a new application in September and filed a fair hearing request on her behalf. Even with a fair hearing, it took three months for DHS to provide all back benefits for SNAP and TANF retroactively to February 2022.

Almost every client Legal Aid has interacted with over the past year who has applied for TANF has received a notice stating that they voluntarily withdrew their application. If the customer is able to connect with the agency about the notice, DHS usually tells them the notice was issued in error and to disregard it. DHS also sends many erroneous notices in TANF cases that the child no longer resides in the home. However, without an accurate corrective notice issued customers have nothing concrete to rely on and worry they may not receive their TANF benefits or miss appeal deadlines.

- **Call Center:** While the Call Center is the only option DHS gives customers to follow up on questions related to their benefits, it remains ineffective. Usually, a DHS representative picks up fairly quickly but is unable to give detailed information about the person's case. At that point, they are placed on hold and transferred to another DHS representative who can give more specific information about the person's case but is unable to resolve problems (e.g., go into DCAS and take actions to process an application). Most callers are told a "ticket" is placed on their case and a supervisor will call them within 48-72 hours. The majority of Legal Aid clients report that they are never contacted by DHS to resolve the issue. For example:

A father contacted Legal Aid after his SNAP benefits were terminated despite submitting a recertification within the 30-day grace period. Despite following up with DHS for months and submitting new applications, his benefits were not restored. When a Legal Aid

advocate called the Call Center with the client, a Call Center representative informed them that the client's application had been withdrawn (the claimant never withdrew the application). When the client and advocate asked about the recertification and subsequent applications, the representative indicated that they have limited access to the client's account and transferred the call to the SNAP department.

After a long hold, they were connected to a second representative. The representative's account of the client's case was inconsistent with the client's experience, and the representative was unable to provide information about the recertification the client submitted. The Legal Aid advocate and client were placed on hold again and the call was disconnected. Legal Aid followed up with DPO, and DHS confirmed that the client had submitted the recertification 8 months ago.

- **Language Access:** While Legal Aid appreciates that DHS has made the online applications available in Spanish and Amharic, LEP/NEP clients would still require assistance to create a District Direct account. Claimants whose primary language is not English mainly rely on the Service Centers to submit applications, rectifications, and verifications. Therefore, they are particularly impacted by the service delivery issues at the Service Centers. Legal Aid clients who are LEP/NEP have reported being unable to speak to a Service Center representative about their case and simply being directed to fill out recertifications or applications and place them in the Drop Box. LEP/NEP clients have also reported needing an English-speaking family member or friend to accompany them to the Service Centers or navigate District Direct in order to fill out applications.
- **Lack of Responsiveness from the Division of Program Operations (DPO):** Advocates can attempt to resolve problems through the DPO email, but we often do not receive responses or receive substantive updates over 3-4 weeks from the date of the initial email. We are increasingly relying on the fair hearing process at OAH (Office of Administrative Hearings) because we have no other method to resolve cases and neither do customers. At the last meeting with advocates, DHS reported that they hired three additional directors for DPO and that they added the capacity for DPO staff to be able to scan in and process documents in DCAS directly, rather than sending the documents to Service Center staff to process. We appreciate these changes and hope they will lead to more efficient resolution for cases. When DPO does respond about agency action, sometimes errors still remain with the case. For example:

Two weeks ago, Legal Aid submitted a time-sensitive SNAP and TANF inquiry for a mother of three children whose son has cancer. The family's SNAP and TANF applications had been pending for over three months. Legal Aid followed up multiple times by email but, recognizing the urgent needs of the family and the volume that DPO deals with, we filed an emergency fair hearing request on behalf of the client. That same day, DPO responded to say the SNAP and TANF cases had been processed. However, the advocate realized that one of the children had been excluded from the TANF household and the family did not receive the correct amount of benefits.

- **Policy Analysts are Overwhelmed:** Even when clients and advocates do file fair hearing requests at OAH regarding benefits, it is difficult to get in touch with DHS representatives. Self-represented clients who come to Legal Aid frequently report that they do not know who the policy analyst assigned to their case is and they have not heard from them after the initial status hearing. Legal Aid attorneys frequently do not hear back from policy analysts until a day or two before a status hearing despite having reached out repeatedly, sometimes for weeks. We recognize that the policy analysts work hard to resolve cases but are overwhelmed by the volume of cases and hearings that they have, allowing little time for communication in between. The factual issues in many cases 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, as discussed below, even when DHS agrees via an ARC representative's finding that the agency erred and needs to take corrective action, it often takes multiple status hearings until DHS has implemented those steps or paid those benefits out.

DHS Technology Is Inadequate to Meet the Needs of District Residents

While DHS has made many inroads by introducing electronic submission options for applications and other paperwork, District Direct and DCAS are plagued by many technological issues that create barriers to benefits.

District Direct must be improved. While it is vital to have an electronic application, the application itself is difficult to navigate and is still 68 pages.⁶ Sometimes, customers mistakenly fail to apply for multiple benefits programs because the language is confusing

⁶ See

https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/Integrated_Application_09092021a_Final.pdf

and cumbersome. This lengthy application is even more inaccessible for DC residents whose primary language is not English. LEP/NEP clients often require assistance from English speaking friends and family members or advocates to complete the application.

DHS should create an interface between actions that customers take at a Service Center or by mail, Call Center, or fax and District Direct. For example, District Direct only shows applications, recertifications, or verifications that are submitted electronically via the District Direct app or portal. It does not reflect any actions that customers take through other methods. Integrating the confirmation for all actions that a customer takes in District Direct would create more efficiency for customers and ease the burden on the Call Center and Service Centers because people would have clear information about what they submitted when and what DHS still needed for them. The inefficiencies of the current system increase the burden for DHS staff at every level as customers may submit multiple applications, duplicate verifications, and visit the Service Centers more frequently, adding to the volume of materials DHS must process and further exacerbating service delivery issues. The current system leaves people with uncertainty and, often, without benefits. For example:

One client applied for TANF and SNAP online via District Direct. She went to the Anacostia Service Center to submit all of her verifications and speak with a CSR to confirm they had what they needed for her case. She received a notice two months later that DHS needed two letters to verify that her children lived with her, even though she had submitted them in person at Anacostia the week before. She had no proof of submission because District Direct only reflected what she had done electronically.

DHS staff are reporting “technical errors” that prevent benefits processing or payment, even for cases at the fair hearing level. The agency does not explain the source of the technical issues or have a timeframe for when they will be resolved. These issues include:

- A 27-day delay from the date DHS loaded a payment of 6 months of TANF and 3 months of SNAP to when it appeared on the client’s card after the agency authorized the payment during the fair hearing process. The policy analyst reported the delay was due to a “technical error.”
- DHS’s failure to process a SNAP recertification submitted over a month before the deadline. After filing a fair hearing, the customer learned from a DHS representative during the ARC it was because of a “technical error.”
- DHS issuing the same customer notices confirming receipt of documents the agency requested and then terminating SNAP and TANF for failure to provide those documents. A Call Center representative confirmed DHS

received the documents but said there was a “glitch” on DHS’s end, although she was not sure what caused it.

- DHS took 22 days from the date OAH ordered the agency to pay a claimant four months of back TANF. The policy analyst said the delay was caused by several systems/technical issues.

We are concerned not only about the increasing prevalence of technical issues preventing DHS from processing cases in a timely manner or authorizing payments, but also about the capacity of DHS staff to correct technical issues and navigate DCAS.

Many Alliance Recipients Were Wrongfully Terminated When DHS Resumed Recertification Requirements

In September 2022, DHS resumed recertifications for Alliance recipients after having waived them during the pandemic. While DHCF (Department of Health Care Finance) is responsible for administering Medicaid and Alliance, DHS is responsible for processing applications and recertifications and issuing notices. Despite DHS and DHCF assuring advocates and community members that Alliance recipients would receive notice and have time to recertify, many Alliance recipients lost coverage as a result of issues with recertifications. From August 2022 to November 2022, Alliance enrollment dropped from 25,430 to 17,128.⁷

Legal Aid and other advocates worked with dozens of Alliance recipients who were terminated without notice. Many customers first found out that their Alliance had expired when they tried to get medical assistance or pick up a prescription. Additionally, many Alliance recipients who did find out they had to recertify and submitted recertifications on time lost coverage because DHS did not process the recertifications in a timely manner. Alliance recipients who turned in recertifications to Service Centers often had no proof to show that they submitted it before their deadline. So many Alliance recipients were terminated that DHCF created a specific email for advocates to follow up regarding recertification. Navigating terminations and recertifications is even more difficult for Alliance recipients, many of whom are LEP/NEP and struggle to obtain appropriate language access from DHS.

⁷ See

[https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/publication/attachments/MCAC Enrollment Report - December 2022.pdf](https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/publication/attachments/MCAC%20Enrollment%20Report%20-%20December%202022.pdf)

With the end of the federal Public Health Emergency in mid-May, over 300,000 DC residents that rely on Medicaid⁸ will be required to begin recertifying to maintain coverage. Legal Aid is concerned that thousands of these Medicaid recipients, including recipients of Medicaid Personal Care Aide services who have health issues that often prevent them from being able to navigate recertifications independently, will face potential termination over the same failures in administering the recertification process.

Conclusion and Suggestions

A DHS Ombudsman could play a crucial role in assisting DC residents with public benefits issues and serving 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 fund and create 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.

The Department of Health Care Finance has an Office of Health Care Ombudsman and Bill of Rights⁹, which was established by the Council to assist DC residents with health insurance issues. The Ombudsman's office is available by phone and email and assists to DC residents with:

- Understanding health insurance questions and rights;
- Resolving problems with health care coverage, including facilitating application processing and provision of retroactive coverage, and health care bills;
- Filing appeals if a health care plans denies service or drug coverage; and
- Finding health care resources.

Legal Aid frequently refers clients, and utilizes, the Health Care Ombudsman as an effective option for answering questions around healthcare coverage, obtaining

⁸ See *id.*

⁹ See <https://dhcf.dc.gov/publication/office-health-care-ombudsman-and-bill-rights-01>

assistance, and clarifying information that the agency has related to someone's health care. The Ombudsman's office is able to view DCAS and provide information to callers about their cases, including when DCAS shows an application or recertification was submitted, and providing someone's Medicaid or Alliance number to use even if they do not have an insurance card. The Ombudsman's representative provides callers with next steps and a specific point of contact to follow up on cases, unlike the Call Center. The Council also recently created an Office of the Ombudsman for Children¹⁰ as an impartial liaison for parents and families with CFSA involvement.

The Health Care Ombudsman provides clear information and effective resolution for health care cases. DC residents deserve the same level of assistance and resolution from an Ombudsman's office for issues related to their TANF, SNAP, and Interim Disability Assistance. The Council should fund an Office of the DHS Ombudsman. Not only would the Ombudsman's office create a meaningful option for customers 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 applications, verifications, and fair hearings that people currently submit when they cannot get information from a Service or Call Center or receive conflicting information.

Other Recommendations

We ask the Committee to work with DHS and the Mayor to allocate funding for adequate resources so DHS can address service delivery issues and technical problems and provide benefits to DC residents without interruption. Specifically, we urge the Committee and DHS to allocate funding for:

- An Office of the DHS Ombudsman;
- Additional Staffing at all levels, including for the Service Centers, Call Centers, and policy analysts;
- Training, including training on timeframes required by law for processing applications and recertifications for different benefit programs and DCAS usage;
- Improvements to District Direct and DCAS; and
- Provision of effective and culturally competent language access services in compliance with the Language Access Act.

¹⁰ See <https://ofc.dc.gov/>

The Committee must continue to exercise ongoing oversight and ensure that the agency is accountable for the resources it has been allocated. The Committee should scrutinize the agency's technical systems to help identify the source of errors that prevent the payment and processing of benefits. The Committee should also work with the Committee on Hospital and Health Equity, DHS, and DHCF to evaluate missteps that occurred for the Alliance recertification rollout and implement safeguards to ensure that the same errors will not occur when Medicaid recertifications resume.