

OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

██████████,  
Petitioner,  
v.  
DEPARTMENT OF HUMAN RESOURCES,  
Respondent.

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: Docket Nos.:  
: OSAH-DFCS-FSP ██████████-WALKER  
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: Agency Reference No.: ██████████  
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INITIAL DECISION

I. Introduction

Petitioner, ██████████, seeks administrative review of Respondent's termination of her Food Stamp benefits. The parties presented sworn testimony and evidence at an administrative hearing held on July 11, 2013. At the request of the parties, the record remained open until July 22, 2013. Currey Hitchens, Esq. represented Petitioner and Jack Overman, Esq. represented Respondent. For the reasons indicated, Respondent's action is **REVERSED**.

II. Findings of Fact

1.  
Petitioner has received Food Stamp benefits since 2009. Petitioner's first language is Spanish. She has some understanding of English, but her ability to speak English is limited. She cannot write in English. *Testimony of Rebecca Adams; Testimony of Petitioner.*

2.  
Over the years, Petitioner has submitted documents to Respondent in both Spanish and English. Petitioner's son speaks English and has assisted her in understanding and completing Respondent's forms in English. At times he accompanied Petitioner to Respondent's offices to assist her. *Testimony of Rebecca Adams; Testimony of Petitioner.*

3.  
Food Stamp regulations require that Respondent periodically review each case for eligibility. On January 22, 2013, Petitioner submitted her review application. The application was printed in Spanish, and Petitioner answered all the questions in Spanish. *Testimony of Rebecca Adams; Testimony of Petitioner; Exhibit P-3.*

4.  
On February 1, 2013 Respondent issued a verification checklist to Petitioner. The checklist was printed in English. The checklist indicated that Petitioner should submit verification of her self-employment income and "The last 4 ch stubs from Stealmart and Los Mariachas Rest. Or a

separation notice if no longer employed.”<sup>1</sup> Pursuant to the checklist, the verification was due by February 11, 2013. *Exhibit P-2.*

5.

On February 3, 2013, Petitioner submitted a letter to Respondent. The letter was written in Spanish. Translated into English, the letter states the following:

Los Marichas Rest. Work Separation I don't understand, I've never worked there and I don't know why you are asking me for this paper. I don't know where to obtain this document and if it corresponds to my son [REDACTED], he moved out on January 1, 2013 with some roommates. With nothing more to add, Sincerely, [REDACTED]. *Exhibit P-1.*

6.

On February 6, 2013, Petitioner brought the verification checklist and Social Security cards for her family members, including her own, to Respondent.<sup>2</sup> On two separate occasions Petitioner asked for help from the receptionist, indicating she did not understand English. She was told to call her caseworker. With her son's help, Petitioner left messages for her caseworker but her calls were not returned. *Testimony of Rebecca Adams; Testimony of Petitioner.*

7.

On February 28, 2013, Respondent issued a Notice of Termination to Petitioner, stating that her case would be closed for failure to provide requested verifications. The case closed on March 1, 2013. *Testimony of Rebecca Adams.*

8.

Petitioner believed that she had provided all the necessary verification. She did not realize that her case had been closed until she attempted, unsuccessfully, to use her EBT card to purchase food. *Testimony of Petitioner.*

9.

On March 15, 2013, Petitioner went to Respondent's office and asked for an interpreter. Another staff member brought her to speak with Rebecca Adams, who supervises Respondent's caseworkers in Fayette County. Ms. Adams promptly called Respondent's contractor for interpretation services, a language line, and used an interpreter to speak with Petitioner. Based on the interpretation provided, Ms. Adams understood that Petitioner's son was no longer in the home, and that because Petitioner was self-employed she was having trouble providing verification of employment. Ms. Adams indicated that she would check as to what type of verification Petitioner could provide to meet agency requirements. *Testimony of Rebecca Adams; Testimony of Petitioner.*

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<sup>1</sup> Apparently, this request for checkstubs pertained to Petitioner's son.

<sup>2</sup> A verification checklist identifies materials that an Assistance Unit might be required to submit to Respondent, including proof of Social Security numbers. Items that must be provided are checked off by Respondent; however, proof of Social Security numbers is not checked on the verification checklist provided to Petitioner. *Exhibit P-2.*

10.

Prior to March 15, 2013, Ms. Adams did not know that Petitioner had requested to speak to an interpreter or that she needed any assistance understanding English. Since Petitioner was a United States citizen, Ms. Adams believed that she would have to understand English.<sup>3</sup> However, as a result of her contact with Petitioner, Ms. Adams entered Spanish as Petitioner's primary language in Respondent's records. Petitioner's primary language had been listed as English.

11.

Ms. Adams contacted Petitioner to tell her that Respondent would accept her written statement as verification. On March 21, 2013, Petitioner submitted a written statement to Respondent and Respondent reopened her case.<sup>4</sup> *Testimony of Rebecca Adams.*

12.

Respondent has issued a policy regarding language access for customers who have limited English proficiency or are sensory impaired (hereinafter "LEPSI"). The policy is available on Respondent's website. Per policy, Respondent's employees must "[i]dentify customers who do not speak English as their primary language and have a limited ability to read, speak or understand English...." When a customer has limited English proficiency, she must be given meaningful language access. Interpreters must be used when "[r]equested by a customer or "[n]ecessary to establish or maintain a customer's eligibility for DHS programs or services." *Exhibit R-A.*

13.

As required by LEPSI, a Notice of Free Interpretation Services Wall Poster must be located in waiting rooms and reception areas. The Fayette County Department of Children and Family Services has placed this poster in its reception area. *Testimony of Rebecca Adams; Exhibits R-A; P-4.*

### III. Conclusions of Law

1.

Since this matter involves the termination of public assistance benefits, the burden of proof is on the Respondent. GA. COMP. R. & REGS. § 616-1-2-.07(1)(d). The standard of proof is a preponderance of the evidence. GA. COMP. R. & REGS. § 616-1-2-.21(4).

2.

Respondent's policy manual provides that recipients of benefits are required to complete periodic recertifications or reviews in order to verify their continued eligibility. *Economic Support Services Manual of the Georgia Department of Human Resources ("ESSM") § 3710-1.*

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<sup>3</sup> Ms. Adams also testified that she believes Petitioner to be proficient in English because her submissions to Respondent indicate that she had taken courses to become a Medical Assistant. Petitioner explained that her teacher was bilingual and had assisted her in Spanish; nonetheless, she was unable to complete the course.

<sup>4</sup> The only issue in this case is the closure of Petitioner's Food Stamp case from March 1, 2013 to March 21, 2013.

3.

The Code of Federal Regulations directs that the Respondent shall provide each household at the time of recertification for Food Stamps with a notice that informs the household of the verification requirements the household must meet as part of the application process. At a minimum, the notice shall contain examples of the types of documents the household should provide, and explain the period of time the documents should cover. Respondent must notify the household of the date by which the verification requirements must be satisfied; a minimum of ten days must be allowed to provide required verification information. 7 C.F.R. § 273.2(c)(5); 7 C.F.R. § 273.14(b)(J)(iii)(4).

4.

In this case, Petitioner's verification was due on February 11, 2013. On two separate occasions prior to February 11, 2013, Petitioner explicitly requested language assistance from Respondent. Moreover, the letter submitted to Respondent on February 3, 2013, and her action in bringing her family's social security cards to Respondent's office on February 6, 2013, strongly suggest that she did not understand what was requested by the verification checklist.

5.

Given that the Respondent bears the burden of proof in this matter, the Court concludes that the termination of the Petitioner's benefits was improper. As per Respondent's policy, when a customer has limited English proficiency she must be given meaningful access to Respondent's programs and services through an interpreter. The evidence is undisputed that Petitioner came to Respondent's office on two occasions prior to the date her verification was due in an attempt to obtain assistance and comply with Respondent's requirements. Petitioner's testimony that she requested an interpreter on two occasions prior to the verification's due date, and that she left messages for her caseworker regarding an interpreter, is unrebutted. Even if, as suggested by Respondent, Petitioner has some English proficiency, she would still qualify for an interpreter under LEPSI if she needed assistance to access Respondent's services. In this case, as per LEPSI's standards, as soon as Ms. Adams provided an interpreter and Petitioner understood what was required by the verification checklist, she submitted the appropriate verification.

#### IV. Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Respondent's action terminating the Petitioner's benefits under the Food Stamps Program from March 1 through March 21 is hereby **REVERSED**.

SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2013.

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**RONIT WALKER**  
Administrative Law Judge