

# Part 1      Application and Proofs

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## 1      How do you apply for food stamps?

You can apply for food stamps in person, by faxing your application, by mail, or on-line. 106 C.M.R. § 361.140. See also DTA Field Operations Memos 2002-26 (Nov. 14, 2002), 2004-32 (Aug. 9, 2004). For the address, telephone and fax number of the DTA office that serves your city or town, call 800-249-2007 or go to [www.mass.gov/dta](http://www.mass.gov/dta).

You can:

- Apply in person at your local DTA office,
- Mail, fax or drop off a signed application at your local DTA office (copy the form in **Appendix E**, call 800-249-2007 and ask that the application form be mailed to you, or get the form, including translated forms in Spanish and Portuguese, at [www.mass.gov/dta](http://www.mass.gov/dta)),
- File an on-line application, see **Question 2**,
- File an application through your local Social Security (SSA) office if everyone in your household is applying for or gets SSI. 106 C.M.R. §§ 361.110, 361.190. See **Question 3**.

Your application for TAFDC cash assistance (Transitional Aid to Families with Dependent Children) or EAEDC cash assistance (Emergency

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Assistance for Elderly, Disabled and Children) is an automatic application for food stamps. 106 C.M.R. §§ 361.160, 365.120(A)(1), (A)(2). You do not have to file a separate food stamp application or have a separate interview, even if your cash assistance application is denied.

If you go to the local DTA office and ask for a food stamp application, the office must give it to you right away. If you ask DTA for an application by mail, DTA has to mail it to you the same day. 106 C.M.R. § 361.140. And DTA has to let you file your application the same day you first ask to apply. 106 C.M.R. § 361.130. You have the right to apply for benefits whether or not the DTA worker thinks you are eligible. 106 C.M.R. §§ 361.050-361.130. DTA cannot send you away or screen you out.

Be sure to turn in your application form right away. You will get food stamps back to the date DTA gets the *signed* application form if you are applying in person or by mail or fax. 106 C.M.R. § 361.120. Even if you cannot fill in all of the blanks, put down your name, address and phone number (if you have one), sign and date the form, and turn it in. You can give the rest of the information later. 106 C.M.R. §§ 361.100, 361.130.

### ***Advocacy Reminders:***

- ✓ If you happen to go a DTA office that does not serve your city or town, that office must still accept your application and send it to the correct DTA office that serves the area where you live. 106 C.M.R. § 361.130. A local DTA office cannot refuse to accept your application just because they do not cover the town or city where you live.
- ✓ You may be able to get food stamps faster if you bring in, mail or fax any proofs you have together with your application. See **Questions 7-8** for more information about what proofs you need. But don't delay applying just because you don't have all the proofs. You can apply now and bring in the proofs later.
- ✓ If you fax your application or proofs, be sure to keep a copy of the fax receipt. Also be sure to keep a copy of anything you mail. If you bring your application or proofs to the local office, ask for a receipt.

- ✓ When you apply for food stamps or other DTA benefits, your DTA worker must also tell you about your option to register to vote, must offer to help you fill out a voter registration form if you wish to do so, and must send it to the local city or town registrar. 106 C.M.R. § 360.950.

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## 2 Can you apply online?

It is possible to apply for food stamps online, but you can't do it from home yet. DTA has developed a new technology that allows low income households to apply for food stamps on-line. Called the **Virtual Gateway**, local health care and human services providers can fill out an application for food stamps while they help you file for MassHealth, WIC, or other health care benefits. In some parts of the state (as of this writing, the Fall River area), individuals can file on their own from home or where they have access to a computer.

The Virtual Gateway allows you to file an electronic application for food stamps. All the information you provide will be electronically sent to DTA to start the application process. Just like filing a paper application, it is only the *first step* in applying for food stamps. You will still need to have an interview with a DTA worker (either in person or by phone) where they will ask more questions about you and your households. You will also need to provide verifications to prove you are eligible and register for the employment and training programs unless exempt.

When a food stamp application is filed through the Virtual Gateway, if approved, the benefits will be back to the date it was received by DTA (the first business day if received before 5 p.m. that day, or the next business day if after 5 p.m. or a weekend). When you sign the application, you will also give DTA an *electronic signature*. This electronic signature is the same as a written signature. You will be signing a statement that you have and will continue to provide information truthfully and accurately, that you will report changes timely and that you understand your rights,

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responsibilities and penalties for not following the rules. For more information about the Virtual Gateway, see Field Operations Memos 2007-32, (June 29, 2007); 2004-32 (Aug 9, 2004).

After the Virtual Gateway food stamp application is filed, DTA is supposed to contact you within 2 business days to screen you for expedited food stamps (see **Question 9**) and to schedule an interview if the worker reaches you. Otherwise, DTA should mail you a notice with an interview date on the second day.

Remember: The person who assists you with the Virtual Gateway application is generally not your *authorized representative* to receive notices or transact your food stamp benefits unless you specifically appoint him or her as one. (See **Question 5**.)

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### 3 Can you apply for food stamps at the Social Security office?

Yes. You can apply for regular food stamps, or Bay State CAP benefits (see **Question 4**), at the Social Security (SSA) office. Federal law requires SSA to take your application if you (and all the other persons applying as part of your household) receive SSI or are applying for SSI. 7 U.S.C. § 2020(I)(1); 106 C.M.R. § 361.190. If your household includes non-SSI applicants or recipients, or if you need expedited food stamps, you must apply through DTA.

For regular food stamp applications, the SSA office now uses a simple one-page application form created by DTA. The SSA claims representative must help you fill out the food stamp application and send it to the DTA office with any proofs you gave SSA. No additional interview is required but DTA may contact you to get additional information if proofs are missing or information is unclear. 106 C.M.R. § 361.190.

If you are an SSI applicant who also needs emergency food stamps or interim cash assistance, it may be faster for you to get benefits if you go to the local DTA office. See **Question 9**.

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# 4

## What are Bay State CAP food stamps and how can SSI recipients get them?

The Bay State Consolidated Application Project (Bay State CAP) is an easy way for many SSI applicants and recipients to get food stamps. The SSI application and redetermination interview is also your application/recertification for food stamps. The Social Security office (SSA) sends your information to DTA. Once your SSI is approved or redetermined, DTA uses the information from your SSI application/recertification to calculate your Bay State CAP food stamp benefits. 106 C.M.R. §366.910.

In some cases, Bay State CAP food stamps may be higher than regular food stamps. For SSI households who pay heating or cooling (air conditioning) expenses separately from rent, or who get fuel assistance, or H-EAT benefits, regular food stamps may be higher but you need to apply through DTA, do an interview and provide more proofs. The Food Stamp calculator available at [www.masslegalservices.org](http://www.masslegalservices.org) will calculate both benefits to see which is greater.

Applying for Bay State CAP can be *easier* than applying for regular food stamps because:

- SSA takes your application for benefits when you apply for SSI or your SSI case is redetermined. You don't have to go to DTA.
- You don't have to answer a lot of questions. SSA will ask you only *three* questions: "Do you want food stamps?" "Do you purchase and prepare separately from others?" "What are your shelter costs?"
- You don't have to provide any more proof than you already gave SSA.

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- You don't have to recertify (reapply) for three years.
- You report changes (like if you moved) to SSA, not DTA.

For SSA to take a Bay State CAP application, you must:

- Be an SSI or recipient or be applying for SSI,
- Be 18 years old or older and unmarried (single, divorced, separated),
- Be living alone or living in a shared arrangement under SSI rules,
- Purchase and prepare food separately from others you live with,
- Have no earned income when you first apply (once on Bay State CAP you can have earnings for up to three consecutive months and still qualify), *and*
- Not be permanently disqualified from food stamps (for example, because of fraud).

See 106 C.M.R. §§ 366.900-366.910.

If you are applying for SSI benefits and your SSI will be approved within 30 days, SSA should take a Bay State CAP application. If your SSI case will take more than 30 days to process, (it often does), you may be better off applying for regular food stamp benefits. You can apply for regular food stamps at the Social Security office or DTA. See **Question 3**. But if you need emergency food stamps (expedited service), you should apply at the DTA office. See **Question 9**. Once your SSI is approved, SSA should contact you and ask the Bay State CAP questions so that DTA can convert your food stamps to Bay State CAP if higher.

For more information and a copy of the Bay State CAP client brochure, the one-page application form for regular food stamps application, or the form to claim higher shelter costs, see DTA Field Operations Memo 2005-4 (Jan. 14, 2005). Additional policy guidance on Bay State CAP can be

found in Field Operations Memos 2005-18 (April 15, 2005), 2005-33 (Aug. 2, 2005), 2005-50 (Oct. 3, 2005), 2005-53 (Nov. 2, 2005), 2006-8 (Jan. 19, 2006) and 2007-23 (March 30, 2007). SSA has issued detailed guidance to SSA District Offices.

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# 5

## Can someone else apply for you?

Yes. You can ask an adult friend, relative or any other adult you trust to be your “authorized representative.” Your authorized representative can apply for you, provide the proofs and do the interview on your behalf. (An authorized representative is different from someone who assists an individual in filing the application.) DTA cannot force you to have an authorized representative if you do not want one. It is your choice.

The authorized representative does not need to be a relative or formal guardian. You can choose if you want the authorized representative to just apply for you and receive notices of approval/denial and recertification. Or you can choose to have your authorized representative actually receive the EBT card and buy food for you. See DTA Field Operations Memo 2005-16 (March 25, 2005). The representative’s name must be on your food stamp access card (called “Bay State Access”) to buy your groceries. If you want, you can have DTA issue two Bay State Access cards—one for you and one for your authorized representative. An authorized representative has access to all your food stamps, so be sure you trust the person you pick. 106 C.M.R. §§ 361.300-361.370.

# 6

## Does DTA have to interview you and what happens if you miss the interview?

Yes. For you to get food stamps, DTA is required to interview you, either in person or by phone. 106 C.M.R. § 361.500. During this interview, the DTA worker should tell you what proofs you need to get food stamps, and explain your rights and responsibilities. It is also a chance for you to ask questions about the program. DTA must ensure the interview is confidential (not in a public setting where others can hear) and the information you provide is private and not shared outside DTA without your written permission. 106 C.M.R. §§ 361.550, 360.300.

Here are important things you should know about the interview:

**Scheduling an interview:** DTA is supposed to try to contact you by telephone within two days of the day that your application is filed, to screen you for eligibility for emergency food stamps (see **Question 9**), to see if you are eligible for a telephone interview, and then schedule your phone or office interview. If DTA has not reached you within two days, it should send you a *written notice* scheduling an interview, either in person or by telephone based on the information you put in the application including if you asked for a waiver of the face-to-face interview. This interview should take place within seven days of your application. DTA Field Operations Memo 2006-30 (July 10, 2006), p. 3; DTA Transitions, September 2006, pp. 2-3. If you do not hear from DTA by phone or mail within five days of filing your application (or earlier if you need emergency food stamps), call your local DTA office and ask to speak with a food stamp supervisor or the office director.

**Waiver of face-to face interview:** DTA should offer a telephone interview instead of the in-office face-to-face interview whenever it would be a *hardship* for you to go to the office for an interview. 106 C.M.R. § 361.510(B). Hardship includes, but is not limited to:

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- Work or training hours which preclude a face-to-face interview,
- Illness and other health concerns,
- Being the primary caregiver of a household member,
- Prolonged severe weather, *or*
- Transportation costs or other transportation difficulties.

Elderly and disabled applicants or recipients automatically qualify for a telephone interview if they do not have an authorized representative or household member able to come to DTA. 106 C.M.R. § 361.510(A).

There is space on the application for you to ask for waiver of the face-to-face interview. Be sure to write down all the phone numbers where you can be reached and the best times of day to reach you. DTA workers are instructed to allow telephone interviews whenever possible. See DTA Field Operations Memo 2002-16 (July 15, 2002), 2004-12 (March 22, 2004) and 2005-16 (March 28, 2005).

**If you miss a scheduled interview:** If you miss an interview DTA scheduled for you (either face-face in person or by phone), DTA is required to send you *written notice*. The notice must say you missed an interview and you have the right to ask for another scheduled interview. 106 C.M.R. 361.500, 361.540. You do *not* need to show *good cause* for missing the first interview. However, it is up to you to contact DTA. If DTA does not hear from you to schedule another interview within 30 days of when you first applied, your food stamp application will be denied. 106 C.M.R. § 361.700(B)(1). You still have the right to reapply for benefits and the denied application will not be held against you, but the date your benefits start will be the date of your new application. For more information on the notice of missed interview and a sample notice, see Field Operations Memo 2007-16 (March 15, 2007).

# 7

## What proofs (verifications) do you need?

The DTA worker who interviews you should tell you what proofs you need and should give or mail you a list of what you need. 106 C.M.R. §§ 361.550, 361.600. DTA will send you a BEACON computer-generated notice that tells you the specific verifications you need for your household and the alternate proofs you can provide. They should not ask you for proofs already provided. See DTA Field Operations Memo 2007-22 (March 29, 2007).

You will have to show proof of your eligibility before your benefits will be approved unless you are found eligible for expedited food stamps. See **Question 9**. If you do not have everything, bring, mail or fax copies of what you do have. You do not need to provide original documents. See DTA Transitions, June 2005, p. 6. If you mail or fax documents, be sure to put your name and social security number on each document so it can be matched with your file, and keep a copy of the fax receipt. If you bring documents to DTA, be sure DTA gives you a receipt, makes copies, and gives you back your originals. Be sure to keep a copy of anything you give to DTA.

DTA cannot limit proofs to any single type of document and cannot require verification from any particular person. See DTA Transitions, August 2005, p. 5. In many cases, you can sign a sworn statement to prove something or give DTA permission to contact someone who can verify the information. 106 C.M.R. §§ 361.640, 361.650, 363.210(G). See **Question 8** for what you can do if you don't have all the proofs the worker says you need.

You will need the following proofs for your household:

- Proof of who you are if you are the head of household—for example, your birth certificate, driver's license, an I.D. for health benefits or other social service program, or wage stubs. If you don't have these,

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your DTA worker can make a phone call (collateral contact) to a third party who knows you. See **Question 8**. Only the identity of the head of the household (and the authorized representative, if any) needs to be verified. You do not need to verify the identity of children or other adults in the household but you do need to provide their social security numbers. 106 C.M.R. § 361.610(G).

- Proof of where you live—for example, a statement from a landlord, a utility bill, a note from a neighbor, or a collateral contact (such as a telephone call by DTA to a neighbor) that shows where you live. 106 C.M.R. § 361.610(H). DTA cannot require you to get a “landlord verification form” signed, any other proof of your residence is acceptable. See **Appendix C** for an alternative statement you can use with your landlord. You also do not need proof of residence if you just came to the area, you are homeless or you are a migrant worker. 106 C.M.R. § 362.120.
- Proof of your earned and unearned income that counts in figuring your food stamp eligibility. 106 C.M.R. § 361.610(A). See **Part 3** on Financial Eligibility. If you work, DTA will ask for proof of your income from the previous four weeks. See **Question 47**. If DTA asks for proof of income from a terminated source or a statement from a past employer where you are no longer employed, contact an advocate.
- Proof of your assets (money in the bank, real estate, etc.) if you are subject to the asset limit. 106 C.M.R. § 361.610(E). The following households do not have to prove assets because they are not subject to the asset test: households with children under 19, pregnant women living alone, and households in which all members receive SSI, TAFDC or EAEDC. See **Question 41**.
- Proof of immigration status of anyone in your household applying to receive food stamps who is not a U.S. citizen. 106 C.M.R. § 361.610(B). See **Question 20**. If you or someone in your household does not meet the immigration status rules or chooses not to be included in the application, you do not need to verify immigration

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status. The other members can still get food stamps if otherwise eligible.

- The social security numbers (SSNs) of those persons in your household who are applying for food stamps. You can provide the SSN orally or in writing. If you are applying for food stamps for yourself and do not have an SSN, you need proof that you have applied for one. You do not need to have the SSN card, but you do have to report the number. DTA will verify the number through its computer system. See Field Operations Memo 96-05 (March 1, 1996). If someone in your household does not meet the SSN requirement or does not provide his or her SSN, the other members of the household can still get food stamps. 106 C.M.R. §§ 361.610(F), 362.500.
- Any information relevant to your eligibility for food stamps that DTA thinks is “questionable.” 106 C.M.R. § 361.620. See **Question 8** about “questionable” information.

You also have to verify other facts if you want to take advantage of certain income deductions and special rules. If you do not provide these proofs, your food stamps should not be denied. But the amount of your food stamps will be calculated without these deductions. 106 C.M.R. § 364.450(D). The additional proofs include:

- Mortgage, rent, and other housing expenses if you want to deduct them in figuring your eligibility and if they are questionable. See **Questions 53-57**. 106 C.M.R. §§ 361.610(K); 364.400(G). DTA cannot insist on a landlord verification if you have other proof of shelter costs.
- Disability benefits that any member of your household is getting if you want DTA to use the special food stamp rules for disabled people. (Any household member who is age 60 or older does not need to verify disability to get the special deductions.) See **Questions 18, 19**. 106 C.M.R. § 361.610(I).
- How much you pay in child support to children outside the household. See **Question 51, 57**. 106 C.M.R. §§ 361.610(J), 364.400(E).

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- The age of anyone 60 years or older if you want to use the special food stamp rules for the elderly. See **Questions 18, 19**. 106 C.M.R. § 361.210.
- Out-of-pocket medical and custodial expenses of a disabled or elderly (60 or older) person in your household. See **Questions 52, 57**. 106 C.M.R. § 361.610(D).

### ***Advocacy Reminders:***

- ✓ Proof of U.S. citizenship is not required unless DTA determines that your status is “questionable.” 106 C.M.R. § 362.210(A). The fact that you were born outside the U.S. and are naturalized does not make your citizenship questionable. Also, the fact that the parent of a citizen child may be an immigrant or a non-citizen does not make the citizenship of the child questionable. See DTA Transitions, March 2006, pp. 2-3, May 2006, p. 3.
- ✓ DTA recently issued guidance that child care and adult dependent care expenses do not need to be verified (unless questionable). See **Question 53**.
- ✓ Your social security number can also be used as proof of your identity if DTA is able to electronically validate it through the State Verification and Exchange System (SVES). See DTA Field Operations Memo 2006-30 (July 10, 2006), p. 4.
- ✓ DTA recently started using an internet-based source to access up to date information on employment and missing wage information for DTA clients, called *The Work Number*. Private employers register with The Work Number in order to allow employees and social services agencies who have client permission to get information on employees including work pay, date of start and termination of work and more. See DTA Field Operations Memo 2007-3. Employment information can be more timely than what the Department of Revenue reports to DTA. If your employer uses The Work Number and gives you the employer code and a PIN number, you can use this system directly for

your own employment Information. Ask your employer if he or she participates in The Work Number.

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# 8

## What if you are having trouble getting all the proofs, or if you get your proofs to DTA late?

There are important rules about verifications you should know:

**Alternate proofs:** You do not have to give a specific kind of document or proof. DTA must accept any documents that reasonably prove your eligibility. 106 C.M.R. § 361.640. See DTA Transitions, August 2005, p. 5. Some eligibility factors can be verified with your own sworn statement, such as U.S. citizenship and out-of-pocket child care expenses. DTA must accept your statement unless questionable. Other eligibility factors can be verified through a wide range of documents, such as your identity, where you live or how much you pay for shelter costs. DTA cannot demand a specific document.

**Questionable information:** DTA can only ask for additional proofs if the information or documents you provide are “questionable.” 106 C.M.R. § 361.620. If you think your DTA worker is unreasonably requiring a specific type of proof, ask to speak to a supervisor or contact a legal advocate.

“Questionable” information is information inconsistent with other information on your application or reported to your worker. DTA must review the individual circumstances of a household before determining information is questionable. Your worker cannot make up a reason to reject the proofs you brought in. The worker must document in your case record the reasons for rejecting a proof. 106 C.M.R. § 361.660. If you

think you have given DTA enough proof, or you think DTA does not have a good enough reason to reject a document, contact an advocate for help.

**DTA worker assistance:** The food stamp rules require DTA to help you get any proofs you need if you tell DTA you are having difficulty getting them. For example, if you need a document from another state, your DTA worker must help you. If you need help getting proof of your disability or other proofs, your DTA worker must help you. DTA Transitions, June 2005, p. 6, DTA Transitions, November 2005, p. 3. You cannot be denied food stamps just because you are unable to get proofs. You can be denied if you refuse to cooperate with getting the proofs or refuse to be interviewed, or you do not meet the other eligibility rules. 106 C.M.R. §§ 361.400, 361.650.

**Third party “collateral contact” by DTA:** You can also give your worker permission to call other agencies or persons to verify information, such as an employer or landlord (this is called a “collateral contact”). 106 C.M.R. § 361.640(B). It is up to you to give your worker the names of people to contact, and to sign a collateral contact form giving DTA permission. This is voluntary. DTA cannot require proof from a particular person if you can verify the information in a different way. See DTA Field Operations Memo 2005-49 (Oct. 3, 2005). See also **Appendix C** for DTA’s collateral contact form. Your privacy is important and must be respected. 106 C.M.R. § 360.400. You also have the right to withdraw your food stamp application at any point for any reason. 106 C.M.R. § 361.150. You can reapply at any time.

**Reopening your application if denied for lack of verification:** If your food stamp application was denied for lack of proofs—and you get the missing proofs to DTA within 60 days of when you first applied—DTA will reopen your food stamp application back to the date you first applied if the proofs show you are eligible.

If DTA cannot act on your application within 30 days of applying because they lack proofs, they are required to send you a notice of pending status. The notice should list the specific proofs or verifications missing. 106 C.M.R. 361.930. See Field Operations Memo 2006-20 (April 21, 2006).

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You do not need to sign a new application. If you think DTA is taking too long to reopen your case, contact an advocate.

If you do not get the proofs DTA asked for to them within 60 days of when you applied, you can still provide them and get your benefits reopened. If DTA refuses to reopen your case, you have a right to file an appeal within 90 days of the date of the denial or termination notice. Under the fair hearing rules, the hearings officer will accept the proofs under special appeal rules. In some cases, you have even more than 90 days if DTA did not send you notice you were denied or terminated, or if the notice was not correct. See **Part 6** on Appeal Rights.

### ***Advocacy Reminder:***

- ✓ DTA should not deny your case because the additional proofs that relate to deductions such as child care expenses, medical expenses or housing expenses are missing. Instead, DTA should calculate your food stamps without the deductions. If you later give DTA proof of the deductions, the amount of your food stamps should be recalculated. See DTA Field Operations Memo 2006-20 (April 21, 2006).

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## 9 Can you get emergency food stamps?

Yes. If your income and cash and savings are low enough, you can get emergency food stamps. This is called “expedited service.” 106 C.M.R. § 365.800. It is DTA’s obligation to screen all households for expedited service. If you are eligible for expedited service, DTA must get you your food stamps within seven days after you apply.

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You are eligible for expedited service (seven-day food stamps) if:

- you have \$150 or less in gross income for the month and \$100 or less in cash and savings, *or*
- your rent (or mortgage) plus utilities are more than your combined gross monthly income and cash and savings, *or*
- you are a migrant household with \$100 or less in cash and savings.  
106 C.M.R. §§ 365.810-365.830.

Expedited food stamps are not extra food stamps—they are just a way to get you your first month's food stamps faster.

If you are eligible for expedited service, proof of identity is the only thing you must show DTA to get your first month's food stamps. If you do not have any ID, DTA has to call someone (such as a friend, relative, or agency worker) to check your identity. 106 C.M.R. § 365.830. Your social security number can also be enough proof of identity if DTA is able to confirm it through the State Verification and Exchange System (SVES). See DTA Field Operations Memo 2006-30 (July 10, 2006), p. 4. You will have to verify the other things listed in **Question 7** to continue to get food stamps beyond the first month. 106 C.M.R. § 365.850(B).

If you are homeless, DTA should process your food stamps as quickly as possible even if you are not eligible for expedited service. See DTA Field Operations Memo 2000-35 (Dec. 19, 2000).

## **10** How long does it take to get food stamps if you are not eligible for emergency food stamps?

If you do not qualify for emergency food stamps, DTA has to decide on your application and make sure you get your food stamps within 30 days after the day you apply. If you are eligible, the amount you get will go back to the date you applied. 106 C.M.R. § 361.700(A).

If DTA cannot decide on your application within 30 days after the day you apply because some required proofs are missing, DTA will deny your application. If you give DTA the missing proofs within 60 days of applying, DTA must “reopen” your case and cannot say you have to start again by filling out a new application. See **Question 8**.

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## **11** What if you do not speak English or you are deaf?

If English is not your primary language or you are deaf or hard of hearing, DTA must provide you with a bilingual DTA worker or an interpreter (in person or by telephone) if you want one. 106 C.M.R. § 360.510. See also DTA Field Operations Memos 2005-34 (Aug. 1, 2005). If the DTA office cannot provide an interpreter immediately, DTA must give you an appointment to call or come back later and must arrange for an interpreter for the appointment.

If DTA is unable to provide an interpreter immediately, you should still sign the front page of the application with your name, address, and date. 106 C.M.R. § 361.130. If it is an emergency or you might be eligible for expedited service, DTA should take extra steps to locate an interpreter

from another DTA office, interpretation telephone service, or language line.

***Advocacy Reminders:***

- ✓ By federal law, DTA must provide you with an interpreter if you need one. DTA should not tell you to bring your own interpreter. See Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. DTA should not tell you to have a family member interpret for you.
  
- ✓ Federal food stamp also law requires DTA to have written materials in languages other than English if there are at least 100 households in the area served by the welfare office that speak that language. 7 C.F.R. § 272.4(b)(3). A written notice cutting or stopping your benefits is not valid if it is not in your primary language, you do not read English, and there are 100 or more households in the area served by the welfare office that speak your language.
  
- ✓ Contact your local legal services office if you are denied an interpreter, or get DTA materials in a language you can't read.
  
- ✓ For more information on DTA's duties to persons with limited English proficiency (LEP), see [www.lep.gov](http://www.lep.gov) and [www.usdoj.gov/crt/cor](http://www.usdoj.gov/crt/cor).
  
- ✓ For food stamp information in 35 languages see [www.fns.usda.gov/fsp/outreach/translations.htm](http://www.fns.usda.gov/fsp/outreach/translations.htm).

# 12 What if a disability makes it hard for you to apply, get proofs, or comply with food stamp rules?

The federal Americans with Disabilities Act (ADA) requires DTA to provide equal access to programs and services to qualified people with disabilities. 42 U.S.C. § 12132.

Under the ADA you are a person with a disability if you have a physical or mental disability that substantially impairs a major life activity, such as learning, understanding, walking, working, breathing, or caring for yourself. A temporary health problem like a broken leg is not a disability under the ADA. You can be disabled under the ADA even if you do not receive one of the disability benefits that allow some people to benefit from special food stamp rules. See **Question 19**.

If a disability makes it hard for you to apply, get proofs, or comply with food stamp rules, you can ask DTA for special help or exceptions to the rules. These are called “reasonable modifications” or “reasonable accommodations” under the ADA. See 106 C.M.R. §§ 360.250, 701.390.

**Example 1:** John S. has a learning disability and cannot read or write. DTA should help him fill out a food stamp application and should explain what proofs he needs to qualify for food stamps.

**Example 2:** Sally M. has a mental impairment that makes it hard for her to understand what proofs she needs and hard to get the proofs. DTA should help her get the proofs she needs.

If you need special help or an exception because of a disability, you can ask your worker, the local office director, or any member of the “Accommodation Team” in each DTA local office. DTA should then fill out a form called a “Request for ADA Accommodation.” DTA may ask for a copy of medical records or other evidence of the disability or

permission to contact a doctor or other professional who can verify your disability.

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## 13 What are your rights if DTA denies your reasonable accommodation request?

DTA should give you a written decision on your request for reasonable accommodation on a form called ADA-1. If DTA denies your request in whole or in part, you can ask for DTA Central Office Review by filling out the back of the ADA-1 and giving it to your worker.

DTA should give you a written decision on your request for review on a form called ADA-2. If DTA denies your request in whole or in part, you can request a hearing by filling out and returning the form on the back of the ADA-2. See DTA Field Operations Memos 2003-19 (Aug. 15, 2003), 2007-08 (Feb. 6, 2007).

Try to get a legal advocate to help you with your request for review and your appeal. See **Appendix G** for a list of legal services offices. See **Part 6** on appeal rights.

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## 14 My worker always refers to “BEACON.” What is BEACON?

BEACON is DTA’s computer system. The DTA worker puts information about each client into BEACON. BEACON is programmed to decide eligibility and benefit amounts, create a list of proofs you need to give to DTA, keep track of when you have to meet with your worker, and create notices to send to you about your benefits.

## Part 1 ■ Application and Proofs

DTA workers follow instructions in the BEACON User's Guide to conduct interviews and put information into BEACON. Your local DTA office has a copy of the BEACON User's Guide and you have a right to look at it because it is a public document.

Sometimes BEACON makes mistakes because the worker did not give BEACON the right information. Sometimes BEACON makes mistakes because the computer program is wrong. Sometimes BEACON tells the worker to ask for information or proofs you should not have to give. BEACON is only a computer system. It does not set the rules or make policy. Your worker should not refuse to fix a problem because of BEACON. If you have any questions or problems with BEACON or you get notices from DTA you think are wrong, talk to your worker or your worker's supervisor. If the problem is not fixed right away, you should contact an advocate and appeal. See **Part 6**.