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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**ORIGINAL**

-----X  
LAKISHA REYNOLDS, GEORGINA BONILLA,  
APRIL SMILEY, LUE GARLICK,  
ADRIANA CALABRESE, JENNY CUEVAS,  
and ELSTON RICHARDS, on their own behalf  
and on behalf of all others similarly situated,

98 Civ. 8877

**JUDGE MUKASEY** Plaintiffs,  
- against -

CLASS ACTION  
COMPLAINT

RUDOLPH GIULIANI, as Mayor of the  
City of New York; JASON TURNER, as  
Commissioner of the New York City  
Department of Social Services;  
BRIAN J. WING, as Commissioner  
of the New York State Office of  
Temporary and Disability Assistance;  
and BARBARA DEBUONO, as  
Commissioner of the New York State  
Department of Health,

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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Defendants.

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**PRELIMINARY STATEMENT**

1. Plaintiffs bring this action under 42 U.S.C. § 1983, on behalf of themselves and a class of needy New York City families and individuals challenging defendants' policies, and practices of deterring, discouraging, and preventing plaintiffs and plaintiff class members from filing applications for and receiving desperately-needed food stamps, Medicaid and cash assistance benefits.

2. City defendants have implemented these policies and practices by converting

Income Support Centers ("ISCs"), which sought to provide subsistence benefits to needy individuals and families, to Job Centers, which seek to divert, deter and prevent needy families and individuals from applying for and receiving benefits which they need to survive and keep their families intact.

3. The Job Centers seek to accomplish their goal of blocking access to benefits by providing false and misleading information about the availability of both ongoing and expedited assistance, by refusing to allow people to file applications, by pressuring people to withdraw their applications, by denying food stamps and Medicaid benefits for reasons that apply only to cash assistance eligibility, and by failing to provide written notice, including notice of hearing rights, to people who are denied benefits.

4. Plaintiffs seek preliminary and permanent injunctions enjoining defendants to (a) refrain from providing plaintiffs and members of the plaintiff class with false and misleading information about the availability of food stamps, Medicaid and cash assistance; (b) allow plaintiffs and plaintiff class members to file applications for food stamps, Medicaid, and cash assistance benefits on the first day they visit the Job Center; (c) refrain from discouraging and deterring plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid and cash assistance including applications for expedited food stamps and temporary pre-investigation grants; (d) refrain from pressuring people to withdraw their applications for food stamps, Medicaid and cash assistance, including applications for expedited food stamps and temporary pre-investigation grants; (e) process all applications for food stamps, Medicaid, and cash assistance, including expedited food stamps and temporary pre-investigation grants, within the time frames required by law; (f) make eligibility determinations regarding plaintiffs' food

stamps and Medicaid applications separate from the eligibility determinations regarding their cash assistance applications; and (g) send plaintiffs and plaintiff class members timely and adequate written notices of determinations of their eligibility for any and all benefits for which they apply.

5. Plaintiffs further seek to enjoin City defendants from converting any further Income Support Centers to Job Centers until such time as defendants demonstrate that the Job Centers are operating in compliance with the due process clause of the United States Constitution and all applicable federal and state laws regarding the processing of applications for food stamps, Medicaid, and cash assistance. In addition, plaintiffs seek an order enjoining State defendants to supervise and oversee the conduct of and actions of City defendants to ensure that they comply with all applicable laws.

#### **JURISDICTION AND VENUE**

6. This action is authorized by 42 U.S.C. § 1983, as an action seeking redress of the deprivation of statutory and constitutional rights.

7. Jurisdiction over this action is conferred upon the Court by: (a) 28 U.S.C. § 1331, which provides for jurisdiction in the United States district courts of civil actions arising under the Constitution, law, or treaties of the United States; (b) 28 U.S.C. § 1343(a)(3), which provides for jurisdiction in the United States district courts of civil actions to redress deprivation of rights secured by the Constitution of the United States; and (c) the principles of pendant jurisdiction.

8. Venue properly lies with this district pursuant to 28 U.S.C. § 1391(b).

## PARTIES

### Plaintiffs

9. Plaintiff Lakisha Reynolds resides at 1770 Amsterdam Avenue, Apartment 2B, New York, New York 10031.
10. Plaintiff Georgina Bonilla resides at 510 W. 150<sup>th</sup> Street, New York, New York 10031.
11. Plaintiff April Smiley resides at 115-16 149<sup>th</sup> Street Jamaica, New York 11436.
12. Plaintiff Lue Garlick is resides in New York City and is homeless.
13. Plaintiff Adriana Calabrese resides at 48 Marisa Circle, 1st floor, Staten Island, New York.
14. Plaintiff Jenny Cuevas resides at 148 29<sup>th</sup> St., Apt. 2, Brooklyn, New York 11232.
15. Plaintiff Elston Richards resides in New York City and is homeless.

### Defendants

16. Defendant Rudolph Giuliani ("City Defendant Giuliani") is the Mayor of the City of New York, and, as such, is responsible for the City's compliance with law. New York City is the local public welfare or social services district responsible for the delivery of food stamps, Medicaid and cash assistance. Mayor Giuliani appointed Jason Turner as Commissioner of the City of New York Human Resources Administration.
17. Defendant Jason A. Turner ("City Defendant Turner") is the Commissioner of the City of New York Human Resources Administration ("HRA"), which is the local social services agency that covers New York City. He is responsible for, *inter alia*, (a) the overall operation and administration of the Food Stamp, Medicaid, Family Assistance ("FA"), and Safety Net

Assistance ("SNA") programs within New York City, including the operation of the Income Support Centers and Job Centers; and (b) complying with federal and state law and regulations relating to the Food Stamp, Medicaid, FA, and SNA programs.

18. Defendant Brian J. Wing ("State Defendant Wing") is the Commissioner of the State of New York Office of Temporary and Disability Assistance. He is responsible for, *inter alia*: (a) the administration of New York State's Food Stamp, FA, and SNA programs; (b) the administration, in part, of the State's Medicaid program; and (c) supervision of the administration of the Food Stamp, FA, and SNA programs for the local social services districts, including New York City.

19. Defendant Barbara A. DeBuono ("State Defendant DeBuono") is the Commissioner of the State of New York Department of Health. She is primarily responsible for, *inter alia*, the administration of the State's Medicaid program and supervision of the administration of the Medicaid program by the local social services districts, including New York City.

#### **STATUTORY AND REGULATORY SCHEME**

20. The following sets forth the federal and state statutes and regulations which, as to applications for food stamps, Medicaid, and cash assistance, require defendants to, *inter alia*, timely file applications, process applications, render eligibility determinations as to those applications, and give timely and adequate notices as to those determinations.

##### **A. Food Stamp Program**

21. Congress established the federally funded, state-administered Food Stamp program in 1964 in order to "... safeguard the health and well-being of the nation's populations

by raising levels of nutrition among low-income households.” 7 U.S.C. § 2011, 7 C.F.R. § 271.1.

22. To be eligible for food stamps, a household’s net income must be below the federal poverty line, and its available resources may not exceed \$2,000 (or, where a household includes a member 60 years of age or older, \$3,000). 7 U.S.C. §§ 2014(c),(g).

23. Under the federal Food Stamp Act, households must be permitted to file an application on the first day that they contact the local social services office. 7 U.S.C. § 2020 (e)(2)(b)(III), 7 C.F.R. § 273.2 (c)(1).

24. The state agency and delegate local agencies, if any, are required to “encourage” households to file applications the same day they contact the office. 7 C.F.R. § 273.2 (c)(2).

25. The application filed on day one by an individual or household seeking to apply for food stamps need only include the applicant’s name, address, and signature. 7 C.F.R. § 273.2 (c)(2).

26. Information regarding the Food Stamp program’s requirements and procedures must be made generally available and the administering agency must explain to applicants for food stamps their rights and responsibilities concerning eligibility for benefits. 7 C.F.R. §§ 273.2 (c)(4) & (e)(1), 272.5.

27. The State agency and its delegate agencies, if any, must act promptly on all applications for food stamps and give applicants an opportunity to participate in the Food Stamp program. 7 U.S.C. § 2020 (e)(3), 7 C.F.R. § 273.2 (a) & (g)(1).

28. The State agency and its delegate agencies, if any, must provide food stamps to eligible applicants no later than 30 days after application. 7 U.S.C. § 2020(e)(3); 7 C.F.R. §

273.2 (g)(i).

29. All applicants for food stamps must be screened to see if they qualify for expedited issuance of food stamps and must be provided with expedited food stamps within seven days, if they qualify. 7 U.S.C. §2020(e)(9), 7 C.F.R. § 273.2 (i)(2).

30. Expedited issuance of food stamps is generally available to households with very low income and liquid resources, households whose housing costs exceed the sum of their income and liquid resources, and certain migrant and seasonal worker households. 7 U.S.C. § 2020 (e)(9), 7 C.F.R. § 273.2 (i)(1). About one-third of approved food stamps applicants are eligible for expedited service.

31. If an individual or household seeks to apply jointly for cash assistance and food stamps, any delays in the processing of the application for cash assistance may not result in any delay in the processing of the food stamps application. 7 C.F.R. § 273.2 (j)(1)(iii).

32. If the cash assistance application is denied or withdrawn, the applicant can not be required to submit a new application for food stamps. 7 C.F.R. § 273.2 (g).

33. The withdrawal of a food stamps application must be documented in the case file and the documentation must demonstrate that contact was made with the household to confirm the withdrawal and advise the household of the right to reapply for food stamps benefits at any time. 7 C.F.R. § 273.2 (c)(6).

#### **B. Medicaid**

34. An individual or household who wishes to make an application for Medicaid benefits must be given the opportunity to do so without delay. 42 U.S.C. § 1396a(8); 42 C.F.R. § 435.906.

35. The state agency and its delegate local agency, if any, must provide assistance for applicants to secure emergency medical care as needed. 42 C.F.R. § 435.930.

36. An individual must be given all information regarding Medicaid eligibility criteria and available Medicaid services whenever they request it. 42 C.F.R. § 435.905 (a)(1)-(3).

37. Medicaid applications must be acted on promptly and without delay. The application must be processed and eligibility determined within 45 days, 42 C.F.R. § 435.911 (a)(2), except in circumstances where the applicant claims to be eligible for Medicaid because of a disability, in which case it must be processed in 90 days, 42 C.F.R. § 435.911 (a)(1).

38. The state agency can not deny an applicant Medicaid benefits solely because the cash assistance application has been denied or withdrawn, nor may the cash assistance applicant in such circumstances be required to submit a new Medicaid application. The United States Department of Health and Human Services has issued a policy directive which provides that "States are specifically prohibited from denying or terminating Medicaid eligibility unless all possible avenues to Medicaid eligibility have been explored and exhausted." HHS Letter to State Medicaid Directors and TANF Administrators. (June 5, 1998). This policy directive is attached as Exhibit J to the Declaration of Helen Lee, dated December 15, 1998.

39. In the event that an application for Medicaid is withdrawn, the administering agency must send a notice to the applicant confirming any voluntary withdrawal of a Medicaid application. 42 C.F.R. § 435.913.

### **C. Cash assistance**

40. It is the duty of the social services officials to provide adequately for those individuals and families who do not have sufficient funds to support themselves and to provide

such services as far as possible to ensure that families be kept together and not be separated for reasons of poverty alone. N.Y. Constitution, Article 17; N.Y. Soc.Serv. Law §§ 131 (1)&(3).

41. New York has established two cash assistance programs to comply with this duty, Family Assistance, which is available to families with a child under 18 and to pregnant women, and Safety Net Assistance, which is available to childless adults. N.Y. Soc. Serv. Law §§ 158 & 349.

42. Each person who inquires about or applies for cash assistance must be given by the social services district information concerning: (a) the eligibility requirements for cash assistance or care; (b) the method of computing a cash assistance grant or determining eligibility for care; and (c) the right to complain to the State agency when dissatisfied with the local decision. 18 N.Y.C.R.R. §§ 355.1(a)(1), (3) and (4).

43. The social services district must provide applicants with clear and detailed information regarding cash assistance programs, eligibility requirements, and benefits available under such programs. 18 N.Y.C.R.R. § 351.1(b)(1)(i).

44. Any person has the right to make an application for that form of cash assistance or care that he or she believes will meet his or her needs. 18 N.Y.C.R.R. § 350.3(a).

45. Cash assistance applications must be acted on promptly and without delay. 18 N.Y.C.R.R. §§ 350.3(b), 351.1(c)(1).

46. An individual must be permitted to file an application for cash assistance without first providing the documentation that is required for the subsequent eligibility determination. 18 N.Y.C.R.R. § 350.3(b).

47. The social services district is responsible for recording every request for

assistance or care. 18 N.Y.C.R.R. § 350.6.

48. The personal interview to establish eligibility for cash assistance must be scheduled within seven working days from the date of filing, except when there is an indication of emergency need, in which case the interview must be held immediately. 18 N.Y.C.R.R. § 350.3(c).

49. To be eligible for cash assistance, a household must be determined by the local social services district to meet the statewide standard of monthly need. 18 N.Y.C.R.R. § 352.1.

50. The decision to accept or deny the application for cash assistance must be made within 30 days from the date of application for Family Assistance and within 45 days from the date of application for Safety Net Assistance, except for specified, acceptable reasons for delay. 18 N.Y.C.R.R. § 351.8(b).

51. The social services district must furnish a Family Assistance applicant with cash assistance benefits beginning with the date she has established eligibility, or on the 30<sup>th</sup> day after the date of the cash assistance application, whichever is earlier. 18 N.Y.C.R.R. § 351.8(2).

52. The social services district shall furnish a Safety Net Assistance applicant with cash assistance benefits starting with the 45<sup>th</sup> day after the date of application. 18 N.Y.C.R.R. § 351.8(2).

53. The social services district must notify every applicant in writing of its decision to accept or deny an application for cash assistance. 18 N.Y.C.R.R. § 351.8(b).

54. The social services district must maintain a case record for each application and for each case of cash assistance. 18 N.Y.C.R.R. § 354.1(b).

55. The social services district must statistically report the disposition of every

request for assistance or care in accordance with the instructions of the department. 18

N.Y.C.R.R. § 350.6.

56. When an application for cash assistance is withdrawn, the social services district must record the reasons therefore in the case record. 18 N.Y.C.R.R. § 355.3(a)(3).

57. Each person who inquires about or applies for cash assistance or care shall be given by the social services district information concerning the right to appeal to the State Office of Temporary and Disability Assistance and request a fair hearing. 18 N.Y.C.R.R. § 355.1(a)(4).

#### **D. Temporary Pre-investigation Grant**

58. When a person seeking food stamps, Medicaid or cash assistance from City defendants appears to be in immediate need, temporary assistance or care must be granted pending completion of an investigation of eligibility. N.Y. Soc. Serv. Law § 133.

59. An applicant for cash assistance must be notified about the availability of assistance to meet emergency circumstances or to prevent eviction. 18 N.Y.C.R.R. § 351.8(b)

60. Individuals determined by the social services district to be in immediate need of assistance have a right to an emergency or predetermination grant of assistance, even when ongoing eligibility has not yet been established. 18 N.Y.C.R.R. § 351.8(c)(4).

#### **CLASS ALLEGATIONS**

61. Plaintiffs bring this action on behalf of a class defined as:

All New York City residents who have sought, are seeking, or will seek to apply for food stamps, Medicaid, and/or cash assistance from City defendants at Job Centers.

62. This class is so numerous that joinder of all members is impracticable. Upon information and belief, thousands of families and individuals apply for food stamps, Medicaid,

and cash assistance from City defendants each month. Because City defendants deter, discourage, and prevent many of those who seek to file applications at Job Centers from filing those applications, the identity of many plaintiff class members is unknown to plaintiffs and, therefore, joinder is impracticable.

63. There are numerous questions of fact and law common to the class. At issue are: defendants' policies and practices of (a) providing plaintiffs and members of the plaintiff class with false and misleading information about the availability of food stamps, Medicaid and cash assistance; (b) prohibiting plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid, and cash assistance benefits on the first day they visit the Job Center; (c) discouraging and deterring plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid and cash assistance including applications for expedited food stamps and temporary pre-investigation grants; (d) pressuring people to withdraw their applications for food stamps, Medicaid and cash assistance, including applications for expedited food stamps and temporary pre-investigation grants; (e) failing to process all applications for food stamps, Medicaid, and cash assistance, including expedited food stamps and temporary pre-investigation grants, within the time frames required by law; (f) failing to make eligibility determinations regarding plaintiffs' food stamps and Medicaid applications separate from the eligibility determinations regarding their cash assistance applications; and (g) failing to send plaintiffs and plaintiff class members timely and adequate written notices of determinations of their eligibility for any and all benefits applied for; and State defendants' failure to properly oversee and supervise City defendants' administration of the food stamps and Medicaid programs in New York City in violation of federal law.

64. The individual plaintiffs' claims are typical of the claims of the class in that all of the named plaintiff class representatives have sought to apply for or are seeking to apply for food stamps, Medicaid, and cash assistance including expedited food stamps or temporary pre-investigation grants, and have been deterred, discouraged, and prevented from applying and/or have not had separate eligibility determinations made regarding their applications for food stamps and Medicaid; and/or have not received timely and adequate notice regarding their eligibility for those benefits.

65. Declaratory and injunctive relief are appropriate with respect to the class as a whole because defendants have acted on grounds applicable to the class.

66. The named plaintiffs and the proposed class are represented by The Legal Aid Society, the Welfare Law Center, New York Legal Assistance Group, and Northern Manhattan Improvement Corp., whose attorneys are experienced in class action litigation and will adequately represent the class.

67. A class action is superior to other available methods for a fair and efficient adjudication of this matter in that the prosecution of separate actions by individual class members would unduly burden the Court and create the possibility of conflicting decisions.

### **FACTUAL ALLEGATIONS COMMON TO THE CLASS**

#### **Background**

68. City defendants are in the process of converting all thirty-one ISCs into "Job Centers" as part of their overall plan to "end welfare" bureaucratically despite the fact that the laws providing for food stamps, Medicaid, and cash assistance continue in full force. According to the training materials for Job Center staff, the primary goal of the Job Centers is "PA

diversion," including reducing the number of applications. To achieve this goal, Job Centers place numerous obstacles and hurdles in the way of people seeking food stamps, Medicaid, and cash assistance. While not all of the Job Centers utilize all of the techniques described below, they all use some combination of these methods to unlawfully discourage, delay, and prevent plaintiffs and plaintiff class members from applying for and receiving aid.

69. City defendants began converting ISCs into Job Centers in April 1998. Since April, City defendants have converted eleven ISCs into Job Centers. By Spring of 1999, conversion of all ISCs to Job Centers is scheduled to be completed and all joint applicants and recipients of food stamps, Medicaid, and cash assistance in the city will be processed through Job Centers. Upon information and belief, five more ISCs will be converted into Job Centers within the next two weeks.

#### **A. The Application Process in the Income Support System**

70. Before City defendants began converting their thirty-one Income Support Centers to Job Centers in April 1998, anyone seeking public assistance in New York City had to apply at the ISC serving his or her zip code. Thousands of people apply for assistance each month.

71. At the first contact with an ISC which has not been converted into a Job Center, a person seeking assistance is given a State-approved joint application form for food stamps, Medicaid, and cash assistance ("application form"); a domestic violence screening form; and an alcohol and substance abuse screening form; and is told to complete and sign them.

72. On that same day, the application specialist registers the applicant and schedules an application interview appointment within the next seven days. However, before the applicant is sent away for the day the application specialist is required to pre-screen the applicant to

determine if the applicant demonstrates any immediate or emergency need. If the applicant has little or no food, a utility shut-off notice, an imminent eviction, or some other immediate need for aid, the application specialist must interview the applicant immediately and processes a request for expedited food stamps and an immediate needs public assistance grant. Expedited food stamps must be issued within seven days of the date of the application and an immediate needs public assistance grant must be issued on the same day of application.

73. The application specialist informs the applicant which documents must be submitted and schedules a follow-up appointment with a caseworker, known as the application interview or the "I" interview appointment. This interview must be scheduled within seven business days of date of registration.

74. The application specialist refers applicants, if necessary, to apply for unemployment insurance benefits, workers compensation, federal social security or Supplemental Security Income (SSI), or child support. The applicant is scheduled to return to the "I" interview with proof of compliance with the referrals and proof of compliance with an EVR (Eligibility Verification Review) re-interview in Brooklyn. The applicant is also given a follow-up appointment for a home visit by an EVR investigator.

75. All applicants at this stage are also finger-imaged and video-imaged as an anti-fraud measure.

76. When the applicant returns for the "I" interview appointment, the applicant meets with an eligibility specialist. The eligibility specialist reviews the completed application and documents to ensure that all information has been adequately documented.

77. If an applicant is unable to provide some or all of the required documentation

during the application interview, the eligibility specialist must allow the applicant additional time and assists her in obtaining alternative documentation. The applicant is given a second follow-up appointment to return with further or different documentation if needed.

78. Under federal and state law, a determination of eligibility for FA and food stamps must be made no later than 30 days of the date of application and eligibility for Medicaid and SNA must be made no later than 45 days of the date of application.

**B. The Application Process in the Job Centers**

**(1) City Defendants Unlawfully Misinform and Deter Needy Families and Individuals from Applying at Initial Contact with the Job Center**

79. Needy families and individuals who come to the Job Center seeking food stamps, Medicaid and cash assistance, including expedited food stamps and temporary pre-investigation cash assistance grants, are required to first see the Job Center receptionist. Receptionists tell people seeking assistance who arrive after 9:30 a.m., regardless of their emergency needs or circumstances, that they must return another weekday morning at 8:30 a.m. in order to request any assistance.

80. Receptionists tell all families and individuals that there is no more welfare. Receptionists also tell people seeking assistance that the Job Center instead gets people jobs. In reality, very few people who seek assistance at the Job Centers get jobs through the Job Centers, but this misinformation leads needy families and individuals who would otherwise be eligible for food stamps, Medicaid and cash assistance to leave the Job Center without applying for the assistance that they are legally entitled to. The claim that the Job Centers do not provide assistance, but only help people get jobs deters from applying people who already have jobs,

people with disabilities and people who are needed in their homes to care for disabled family members or very small children.

81. Receptionists, in violation of federal food stamps and Medicaid law, tell people that if they miss any appointments their applications will be denied and that they must start all over.

82. Receptionists also tell people seeking assistance that expedited food stamps and immediate needs pre-investigation cash assistance grants no longer exist.

83. Receptionists also misinform people about the existence and effect of time limits on assistance in New York. While telling people that public assistance is limited to two years for childless adults and five years for families, the receptionist fails to inform people correctly that there are no time limits for receipt of food stamps and Medicaid, and that the limits on FA and SNA in New York only apply to whether the assistance is received as cash or as vouchers, not to whether aid is available.

**(2) Delaying and Deterring Applicants From Making Applications**

84. Before needy families with children and individuals seeking assistance are given or allowed to file applications for food stamps, Medicaid and public assistance, including expedited food stamps and temporary pre-investigation cash assistance grants, they must first complete and sign a five-page participant job profile ("PJP") form which they must obtain from the receptionist. In addition to completing the PJP form, those seeking assistance are required to complete a domestic violence screening form and an alcohol/substance abuse screening instrument.

85. Receptionists often deter and delay family's and individual's applications for food

stamps, Medicaid and cash assistance by requiring them first to obtain and return documents from other agencies and outside sources as a condition of receiving the PJP form.

86. On the last page of the PJP form there are two signature lines. Directly under the line for consenting to be investigated as a condition of eligibility for assistance is a signature line for the applicant to "consent to withdraw their" PJP form.

87. People seeking assistance who ask to complete an application form are told that they must wait until the end of their "employment process," which does not occur until at least the second day of the Job Center.

88. Once a person seeking assistance has been given the PJP form to complete, he or she is told to sit in the waiting room. In at least one Job Center, a staff member comes out to the waiting room several times an hour and gives a speech, seeking to deter people from continuing the Job Center application process. In the speech, the worker again misinforms people, telling them that either there is no more welfare at all or that welfare is time-limited, that everyone will have to report to the Job Center every day all day so that anyone working part-time should not apply or should quit their jobs because their work schedules will not be accommodated, that people are required to work regardless of whether they are disabled, and that no emergency or expedited assistance is available.

89. In addition to appointments required by the ISC process, *inter alia.*, EVR, finger-imaging and video-imaging, and the Office of Child Support Enforcement, applicants must now complete additional eligibility appointments with personnel at the Job Center, including the "Financial Planner," "Employment Planner," and with personnel at a private job search site, as part of their application process.

### **(3) Misinformation and Deterrence In Eligibility Process**

#### **(a) Financial Planner**

90. Upon completion of the PJP form applicants must meet with a "Financial Planner." This is the new job title given to Job Center workers who had formerly worked as eligibility specialists in the ISC. Financial planners receive no training in financial planning but instead simply receive a two day training regarding the Job Center operations before or during the ISC conversion into a Job Center.

91. The Financial Planner reviews the PJP form with the person seeking assistance and attempts to dissuade him or her from actually applying for food stamps, Medicaid, and cash assistance by suggesting that he or she instead seek non-governmental forms of aid or charity including "family support network[s] outside of New York City" and financial assistance from "Church, Foundations and Community-based Organizations."

92. Applicants who have no food or inadequate food at home are referred to a local emergency food provider, such as a soup kitchen or a food pantry, instead of being assessed for or provided expedited food stamps as required by law.

93. Referrals to food pantries are an inadequate alternative to expedited food stamps. There is no guarantee that food will be available to people who succeed in getting to a food pantry as the increasing need for emergency food in New York City strains the existing food supply. In January 1998, alone, over 58,000 hungry people were turned away from emergency food programs in New York City due to inadequate food supplies.

94. The Financial Planners tell families and individuals with an emergency need, such as lack of necessary medication, that they must wait until their application is approved

before any action can be taken regarding the emergency.

95. Similarly, the Financial Planner fails to assess the emergency situations faced by families and individuals with notices of utility shut-offs or eviction for non-payment of rent. Instead, the financial planner incorrectly tells them that such emergency assistance does not exist or that they must wait until their cases are opened to receive this emergency assistance.

96. The Financial Planner also repeats the misleading information concerning time limits for public assistance that the receptionist has told people and does not explain that time limits do not apply to food stamps and Medicaid benefits.

97. Financial Planners frequently, for reasons having nothing to do with eligibility for benefits, pressure people seeking assistance to sign the "withdrawal" line of the PJP form.

98. People seeking assistance who are not diverted by the Financial Planner have an appointment scheduled for EVR in Brooklyn.

99. The Financial Planner also schedules applicants for an Initial Interview appointment known as the "I" appointment. The "I" appointment is held with a case management unit's caseworker approximately five to eight days after the family or individual seeking assistance has spoken with the financial planner.

100. If the person seeking assistance is not deterred from continuing the application process by the Financial Planner, then the applicant is sent to another area for finger-imaging and video-imaging.

**(b) The Employment Planner**

101. After the finger-imaging and video-imaging appointment, the person seeking assistance is then required to be interviewed by an "Employment Planner".

102. Employment Planner is the new job title given to workers who used to staff Defendant Turner's Office of Employment Services ("OES"). Staff at OES receive no training in employment planning. Similarly, once they become "Employment Planners" at the Job Center they receive no employment planning training. Employment Planners receive the same two-day training on the operations of a Job Center as did the Financial Planners.

103. The Employment Planner gives applicants an incomplete or blank "Employment Plan-35/50 days to Employment" calendar. Applicants are told by the Employment Planner that every appointment is mandatory and failure to keep an appointment will cause their application to be denied, even if an applicant has a good reason for missing the appointment.

104. Usually after the completion of the meeting with the Employment Planner, the applicant is either handed a blank application form or told to return the next day to get a blank application form. Applicants are told that they may not hand in the application until later on in the process, usually at the "I" appointment.

105. Initially, the employment planners tell applicants that they must report to "orientation" at the Job Center from 9:30 a.m. until 4:00 p.m. everyday that they do not have another Job Center appointment. After several days of orientation, applicants must go to a mandatory daily 9:30 a.m. to 4:30 p.m. job search assignment with a private contracting agency, usually held at another site, sometimes in another borough, for the total of 35 or 50 days. Employment Planners do not inform people that, under federal law, job search requirements do not apply to Medicaid eligibility and, in most cases, to food stamps eligibility.

## FACTS OF INDIVIDUAL NAMED PLAINTIFFS

### Lakisha Reynolds

106. Lakisha Reynolds is 25 years old. She lives at 1770 Amsterdam Avenue, Apartment 2B, New York, New York, 10031 with her three year old son, Kasheem Wilder.

107. In May 1998, Ms. Reynolds started getting unemployment benefits after being laid off from a job at Execuspace. From May 1998 until November 1998, Ms. Reynolds supported her family with the unemployment insurance and from a few short-term temporary jobs. However, her unemployment insurance ran out in the middle of November. Her last temporary job was a one-day temporary assignment on November 17. She was paid about \$67, after taxes, for that job.

108. Since her unemployment ran out, Ms. Reynolds has used up all of her savings and almost all of her food. Ms. Reynolds has less than one dollar in cash. Currently, the only food that Ms. Reynolds has left is some chicken, two cans of vegetables, three tangerines, some hot cereal, a little rice, and some carrots.

109. Ms. Reynolds' current rent is \$307 per month. However, Ms. Reynolds was unable to pay the rent for either November 1998 or December 1998. Ms. Reynolds also has not been able to pay her most recent Con Edison and phone bills, which are past due.

110. On December 8, 1998, Ms. Reynolds went to the Hamilton Job Center to apply for food stamps and cash assistance since she had almost no food for her family and no money to pay for rent and other essentials. Ms. Reynolds arrived at the Job Center at around 8:30 am. She had to wait, however, until after 3:00 pm to see someone.

111. At 3:00 p.m., Ms. Reynolds met with Mr. Cordero, a Financial Planner. Ms.

Reynolds told Mr. Cordero that she wanted to apply for expedited food stamps and emergency cash assistance, in addition to ongoing food stamps and cash assistance, because of her immediate needs. Ms. Reynolds also told him that she was almost out of food and had no money at all. Mr. Cordero, however, told her that emergency food and cash no longer exist. He instead gave Ms. Reynolds a referral to a local food pantry. The referral said that the pantry was open from noon to 2 pm every weekday. Mr. Cordero also told Ms. Reynolds that she would not get any food stamps or cash until she completed a 30 to 35 day job search program.

112. Mr. Cordero scheduled several appointments for Ms. Reynolds, including an appointment back at the Hamilton Job Center on December 14, 1998, and an appointment on December 15, 1998 in Brooklyn. Mr. Cordero also gave her the blue-and-white application forms. He told Ms. Reynolds that she should return the completed forms at the December 14 interview.

113. On December 9, 1998, Ms. Reynolds returned to the Hamilton Job Center for a meeting with the employment planner. They told her to take a child care form to her son's day care center and have it filled out and return it to them. However, they did not give her carfare to pay for this.

114. On December 10, 1998, Ms. Reynolds went to the food pantry at noon, but was told that there was no more food available that day since the pantry actually opens around 9:30 am. Ms. Reynolds was told that the best day to come back would be next Monday or Thursday because the food is restocked on those days of the week.

115. On the next Monday, December 14, Ms. Reynolds returned to the pantry at around 9:45 a.m. and was able to obtain some food for herself and her son. After dropping that food off

at home, she went to the Job Center for her appointment, arriving at approximately 11:00 a.m.

At that time, the receptionist told Ms. Reynolds that she was too late for her appointment and that she would have to begin the application process over again.

**Georgina Bonilla**

116. Georgina Bonilla is a 59 year-old woman who resides alone in a rented room in Manhattan.

117. Ms. Bonilla suffers from multiple medical problems, including high blood pressure, circulation problems, pain and weakness in her legs, memory lapses, seizures, and pain and shaking in her arms. Ms. Bonilla has been prescribed medications for these conditions, but she has no money with which to purchase them.

118. Until November 1998, Ms. Bonilla was supported by her son.

119. In November 1998 Ms. Bonilla's son informed her that he could no longer take care of her financially because his work hours had been reduced; in addition, he and his wife were expecting another child.

120. In November 1998, because Ms. Bonilla had difficulty walking, Ms. Bonilla's neighbor picked up an application for food stamps, Medicaid and cash assistance for her. Together they filled out the application, checking off the boxes requesting food stamps, Medicaid and cash assistance, as well as expedited food stamps.

121. On November 18, 1998, Ms. Bonilla went to the Hamilton Job Center to submit the application for food stamps, Medicaid and cash assistance, as well as expedited food stamps. She was told that she could not file her application until after she completed a Participant Job Profile form, which she did with the help of her neighbor. She then waited to be called by the

Job Center staff. When she was called at 2:00 p.m., the receptionist called her name and told her no one could see her that day. Ms. Bonilla told the receptionist that she was disabled and would have trouble coming back the next day, but the receptionist insisted, telling her that her application would be denied unless she was back at the Job Center at 8:30 the next morning.

122. On the following day, November 19, 1998, Ms. Bonilla returned to Hamilton Job Center and again tried to submit her application but was told she could not do so until she returned for another appointment on November 25, 1998. She told the Job Center staff member whom she met with that she had no food at home and was running out of her medications, but he did not process her for expedited food stamps or an immediate needs grant.

123. On November 25, 1998, Ms. Bonilla returned to the Hamilton Job Center at 8:30 a.m. and was seen at 9:30 by a caseworker, Ms. Aviles, who finally allowed her to submit her application. Ms. Bonilla explained to Ms. Aviles that she had no food and requested that she be given emergency expedited food stamps. The caseworker refused her request, and after speaking with her supervisor, returned with a food pantry referral.

124. Ms. Bonilla again requested expedited food stamps. Ms. Aviles spoke with her supervisor's supervisor and informed Ms. Bonilla that she could not receive expedited food stamps. Ms. Aviles stated that it was Center policy to no longer give out expedited food stamps and/or immediate needs grants.

125. Ms. Bonilla has received no assistance from defendants to date. She is behind on her rent. She is eating only because of the generosity of a neighbor and her landlady. She has almost run out of the many medicines she needs to treat and control her medical conditions.

April Smiley

126. April Smiley is 17 years old and lives at 115-16 149<sup>th</sup> Street, Jamaica, New York, 11436 with Beverly Cruz, a friend of her family.

127. Ms. Smiley has one child, Anaysha, who is one year old and resides with her. Anaysha's father is incarcerated and has never provided any support for Anaysha.

128. Ms. Smiley grew up in New York City and until the end of 1997 she lived with her mother. When she became pregnant with Anaysha, her mother became very upset. Ms. Smiley's mother then moved to North Carolina and it was decided that it would be best if Ms. Smiley went to live with her father in Florida. She has not spoken to her mother since that time.

129. Ms. Smiley lived with her father for six months. Due to overcrowding and tension between Ms. Smiley and her father's new wife, her father decided it would be best if she moved back to New York to live with Ms. Cruz and her father would send Ms. Cruz money for her support.

130. In September, 1998, Ms. Smiley left her father's overcrowded home and moved in with Ms. Cruz, where she has resided since.

131. Ms. Smiley was receiving support money from her father, but he stopped providing for her in October 1998. Since that time, she has been unable to pay her \$200 per month rent and has had to borrow money for food and for diapers for Anaysha.

132. Ms. Cruz has helped Ms. Smiley when she can with food but she can no longer afford to do so.

133. Ms. Smiley has no winter coat or clothing for Anaysha and is worried about her being warm enough in the winter.

134. On November 9, 1998, Ms. Smiley went to the Jamaica Job Center to apply for assistance. She arrived at nine o'clock in the morning and requested emergency assistance because she had no food for herself and no milk or diapers for her daughter.

135. The receptionist at the Job Center gave Ms. Smiley a packet of forms to fill out but did not give her an application. Ms. Smiley completed the forms, but was not seen until 5:30 p.m. At that time, she was told she was too young to apply for welfare and that either her parent or the person she was living with would have to apply on her behalf.

136. Beverly Cruz has a full-time job, Monday through Friday, and told Ms. Smiley that she cannot get days off work to go to the Job Center. She leaves the house every morning at seven to take her children to school and daycare and does not come home until after six at night.

137. When Ms. Smiley argued with the worker because she was desperately in need of assistance, the caseworker told her to come back on November 10, 1998 at 9:00 a.m.

138. Ms. Smiley returned to the Jamaica Job Center at 9:00 a.m. on November 10, 1998. The Job Center took her finger image and her video image.

139. Ms. Smiley then met with an employment planner about doing work in the Work Experience Program ("WEP"), also known as workfare. The employment planner told Ms. Smiley that she would have to work for the welfare department to receive any assistance. When Ms. Smiley informed the worker that she attends Ida B. Wells alternative high school for pregnant and young mothers in Jamaica, she was told that she would have to work and was not told that she could continue attending school.

140. Ms. Smiley then spoke with the worker she had met with on November 9, 1998 to ask her about expedited food stamps and emergency cash assistance. The worker left to speak

with her supervisor, then returned to say Ms. Smiley's case was denied because she was too young.

141. Ms. Smiley asked the worker if she should still attend the EVR appointment and was told not to attend because her case was denied. Ms. Smiley then left the Center, believing there was nothing else she could do.

142. Since November 10, 1998, the woman Ms. Cruz has helped her with expenses, but has suffered great hardship because she has two children and is herself pregnant. Ms. Smiley has not paid rent in two months. Recently, Ms. Cruz told Ms. Smiley to go back to the Job Center and reapply because she cannot afford to support her.

143. Ms. Smiley never received any written notice of denial from the Job Center.

#### **Lue Garlick**

144. Lue Garlick is 39 years old and homeless. She is severely anemic, has low blood pressure, and is in her fourth month of pregnancy with twins. She was evicted from her own apartment at 239 West 145th Street in November 1997. She had been living since then with her grandfather at 235 West 146th Street, Apartment 2B, New York, NY 10039, but cannot live there any longer.

145. After leaving her grandfather's apartment, Ms. Garlick stayed with friends the night of December 12. On the night of December 13, she could not find a place to stay and slept in the park on 146th Street and Lenox Avenue.

146. Ms. Garlick's grandfather is terminally ill with cancer and has a home health attendant to take care of him. The health attendant used to take care of him part-time during the day, but now needs to stay with him 24 hours a day. Because the home health attendant has

essentially moved in with her grandfather, there is no longer any room for Ms. Garlick.

147. Ms. Garlick's grandfather helped her with money for food for a while but cannot afford to do so any longer. He receives Social Security Retirement and a very small pension. He cannot provide Ms. Garlick with food because he gets his meals from the program Meals-on-Wheels and she does not qualify. Ms. Garlick's friends help her by giving her food, but she is not eating regularly and frequently goes hungry.

148. Ms. Garlick has to go to the doctor for check-ups two or three times a week because the doctor is closely monitoring her pregnancy. Because she is carrying twins and suffers from low blood pressure and anemia, her pregnancy is considered "high risk" and her doctor has recommended bed rest. Ms. Garlick becomes nauseous and light-headed if she does not eat every few hours. She also gets fevers and gets tired very easily. Since the closing of her public assistance case in August 1998, she has not been eating properly and her anemia has worsened.

149. Until August 1998, Ms. Garlick was receiving cash assistance, food stamps, and Medicaid, but her benefits were discontinued because the Office of Employment Services claimed that she did not go to a work assignment on April 14, 1998. This is not true. On April 14, 1998, she was working in the parks for the Department of Sanitation, but she had to leave early and did not get a chance to sign out.

150. Ms. Garlick went to the fair hearing in July to challenge the closing of her case, but she lost the hearing because she did not know what the judge expected her to prove. She received a letter from the center that said that she was sanctioned for 90 days and could reapply on November 16, 1998, when her sanction was over.

151. On November 16, 1998, Ms. Garlick went to the Hamilton Job Center to reapply for cash assistance, food stamps, and Medicaid. She arrived at 8:00 a.m. Upon seeing that the sign on the outside read Hamilton Job Center she asked at the Information Window if she was in a welfare center. She was told that she was not in a welfare center, it was a Job Center, and she would be required to work for benefits. Ms. Garlick informed the receptionist that she had no food or money and needed to apply for expedited food stamps. She also told her that she desperately needed Medicaid because she needed to buy prescription medication to control her low blood pressure and prenatal vitamins. The woman at the information window told Ms. Garlick that there are no more expedited food stamps and that she would have to be in the "system" before she could receive any food stamps or get Medicaid. The receptionist then gave Ms. Garlick an envelope with many forms and told her to fill them out and return them to her. After doing so, Ms. Garlick was told to have a seat and her name would be called.

152. The envelope included a "Participant Job Profile" form but did not have the blue and white application form. Ms. Garlick asked for an application form but was told that she had to wait.

153. At about 10:00 a.m., Ms. Garlick's name was called and she spoke to a man whose name she believes was Mr. Ferguson. He told Ms. Garlick that the computer still did not show that her sanction had been lifted and that she would have to wait five days and return to the center the following Monday, November 23<sup>rd</sup>, to apply. Ms. Garlick told Mr. Ferguson that she had no food or money and asked for expedited food stamps. But she was told that she should apply for them when she returned. She explained that this was an emergency because she is pregnant and anemic, but it made no difference.

154. When the interview ended, Mr. Ferguson would not return Ms. Garlick's documents, including the letter that said that she could begin to apply as of November 16<sup>th</sup>. He said that the Job Center would hold on to all of the paperwork until she returned on the 23<sup>rd</sup>. He told her that on November 23<sup>rd</sup> she would not have to return to the Information Window, but could go straight to the receptionist.

155. Desperately in need of help, Ms. Garlick returned to the Hamilton Job Center on November 23<sup>rd</sup>, at 8:00 a.m. When she went to the receptionist, she said that she did not have any information about Ms. Garlick's having been there on November 16<sup>th</sup>, nor of her having applied for expedited food stamps, Medicaid, or an immediate need grant.

156. Ms. Garlick then saw Mr. Ferguson in the hall and explained the problem to him. Although he remembered her, he said that Ms. Garlick's documents had been lost and that she would have to start all over again.

157. Ms. Garlick returned to the Information Window and got another envelope. She filled out the forms and again was not given the blue and white application form. She explained her situation to the receptionist and again asked for expedited food stamps. Once again, she was told there were no longer any expedited food stamps and that she could be found eligible for food stamps only after she was "in the system". The receptionist also told her that in addition to keeping all the usual application appointments, she also had to be at the Job Center every day from 9:00 a.m. until 5:00 p.m. She told Ms. Garlick that if she missed even one day, her entire application would be denied and she would have to start all over again.

158. Ms. Garlick was called for her interview around 3:00 p.m. by a woman named Ms. Smith. She told Ms. Garlick that she had only 9 months left of benefits and that after these

nine months were over she would not be eligible for any assistance, including food stamps and Medicaid. Ms. Garlick asked her for expedited food stamps or an immediate needs grant. Ms. Smith told her there was no such thing any longer and instead gave Ms. Garlick a referral to a food pantry. She then gave Ms. Garlick a 50 day Calendar of appointments and told her to sit down and wait for an employment specialist. She also told Ms. Garlick that she was required to report to the Hamilton Job Center every day except for December 1<sup>st</sup>, when she was to go to Brooklyn for an appointment with the Eligibility Verification Review ("EVR"), and December 7<sup>th</sup>, when she had to meet with Ms. Smith again to bring in proof that she had gone to EVR.

159. Ms. Garlick reported to the Hamilton Job Center every day as required, from November 23, 1998 until December 3<sup>rd</sup>. During that time, she had a great deal of trouble obtaining food. She frequently got sick with headaches and fevers. She went to the food pantry to which the Job Center had referred her, but the Job Center required her to be at the center from 9:00 a.m. - 5:00 p.m. most days, and by the time she got to the pantry it was usually closed. She told the Job Center this and they gave her the name and address of another food pantry, but she found that it too was closed before she could get there.

160. On December 1, Ms. Garlick had an appointment with EVR, which she had to change to December 3<sup>rd</sup> because her doctor would not let her leave his office on December 1<sup>st</sup> because of her condition. She had another appointment scheduled with her doctor on December 3<sup>rd</sup>, but she went to Fulton Street in Brooklyn for the EVR appointment anyway, arriving at approximately 1:00 p.m. When she told the EVR worker about her appointment, she stamped Ms. Garlick's appointment form and said that Ms. Garlick should go to her medical appointment. Ms. Garlick was told to call to reschedule the EVR appointment.

161. When Ms. Garlick called EVR the next day, on Friday, December 4<sup>th</sup>, the man she spoke to told her that he could not assist her because she had failed to call back before 5:00 p.m. on December 3<sup>rd</sup>, the day of the interview. He then told Ms. Garlick she had to call the Job Center for another appointment.

162. On December 7<sup>th</sup>, Ms. Garlick had an appointment to bring to the Job Center confirmation that she had kept her EVR appointment. She told Mrs. Brown what had happened at EVR and that EVR had stamped her appointment form on December 3<sup>rd</sup> when she went in. She asked for another appointment to go to EVR. Ms. Brown told Ms. Garlick that EVR could reject her application and that she had to call EVR for another appointment.

163. Ms. Garlick went downstairs and called EVR from the Job Center. She was told by someone at EVR, again, that she had to get the appointment from the Job Center. The EVR worker told her to speak to someone on the fourth floor of the Job Center. Ms. Garlick then went to the fourth floor and spoke with the receptionist who said that she could not find Ms. Garlick's name in the computer nor her records. She told Ms. Garlick to go home and promised to call her, but she never did. When Ms. Garlick called the fourth floor receptionist back later that afternoon, she simply told Ms. Garlick again to call EVR for another appointment. She also told Ms. Garlick that her application would be denied.

164. Ms. Garlick called Ms. Brown at the Hamilton Job Center again on Tuesday, December 8<sup>th</sup> to see if they had found her records. Ms. Brown said that they had not, that Ms. Garlick's application was rejected and that she would have to reapply.

165. Ms. Garlick has no place to stay from day to day. She feels sick all of the time. The little food she gets from her friends is not enough and she often goes hungry.

**Adriana Calabrese**

166. Adriana Calabrese resides with her three children, ages 2, 10, and 13 at 48 Marisa Circle, 1st floor, Staten Island, New York.

167. Up until approximately the end of September, 1998, Ms. Calabrese had been receiving about \$134.00 per week in child support from her youngest child's father. Then Ms. Calabrese stopped receiving it for no apparent reason.

168. On or about October 26, 1998, Ms. Calabrese went to the Richmond Job Center to apply for food stamps, Medicaid, and cash assistance. Ms. Calabrese told a worker that she had no food. The worker told her that she could get food stamps only after she went to her EVR appointment.

169. As part of the application process Ms. Calabrese was assigned to go to job search at FedCap on Maiden Lane in Manhattan. Ms. Calabrese told the worker she needed childcare. The worker gave her the names of two daycare centers as well as a childcare provider form to have completed by one of the daycare centers and then returned to him. Ms. Calabrese called both of the daycare centers and they each said that they had two month waiting lists for openings. Ms. Calabrese called the worker and told him that she could not get the form filled out because of this. The worker told Ms. Calabrese that she would be denied benefits because she had not returned the form.

170. Since she had already been told that her application was being denied, Ms. Calabrese did not go to the EVR appointment that the worker had scheduled. Ms. Calabrese assumed that the entire process was over and there was no sense in her going.

171. Ms. Calabrese received no notice regarding the denial of her benefits.

172. On November 6, 1998, Ms. Calabrese went to The Legal Aid Society. An attorney requested a fair hearing for her. The hearing has not been scheduled yet.

173. After meeting with her attorney, Ms. Calabrese decided to reapply for assistance. However, she was sick on Monday, November 9th and could not go to reapply for benefits.

174. On November 10, 1998, Ms. Calabrese went to the Job Center to reapply and was told that she could not reapply because her prior case was in "error status" and she could reapply only once that was corrected.

175. On or about November 12, 1998, Ms. Calabrese called the Job Center and was told that the error was cleared up, and that she could go reapply.

176. On November 13, 1998, Ms. Calabrese returned to the Job Center. She gave shut off notices from Con Edison and Brooklyn Union Gas both to the receptionist and to a financial planner. They each told her that it would take 30 days before she could get any money to pay those bills because she had not gone to the EVR appointment during the October 26th application process.

177. Ms. Calabrese told the financial planner that she had no food. Ms. Calabrese was also told that she could get no expedited food stamps because she did not go to EVR the first time she applied.

178. When Ms. Calabrese returned home from the Job Center on November 13th there were two child support checks of \$134.00 each in the mail for her. Ms. Calabrese received three more checks for \$134.00 on November 18th, 25th and December 2nd. Ms. Calabrese did not receive a check this past Wednesday, December 9th. Ms. Calabrese has used this money to buy food, diapers, and other necessities.

179. Ms. Calabrese returned to the Job Center for appointments on November 17 and the 23<sup>rd</sup>. She went to EVR on November 24<sup>th</sup>. EVR investigators came to Ms. Calabrese's home on December 3<sup>rd</sup>.

180. On December 3<sup>rd</sup>, Ms. Calabrese was also supposed to go to the Office of Child Support Enforcement (OCSE) and then to return to her worker with confirmation that she kept the appointment. Ms. Calabrese, however, was unable to go to OCSE because EVR was at her house. Ms. Calabrese called her worker and told him that she was unable to go to OCSE because of EVR. She told him she would go the next day and return the documents to him on Tuesday, December 8<sup>th</sup>, because she had to go to her grandmother's wake and funeral. He told her that it was okay and to bring them in when she was able to.

181. Ms. Calabrese had also been assigned to go to FedCap on Maiden Lane. Ms. Calabrese had been attending every day that she did not have another appointment scheduled by the Job Center.

182. On the weekend of December 5<sup>th</sup> Ms. Calabrese's two-year-old daughter was sick and Ms. Calabrese took her to her sister's pediatrician. Her daughter is covered by her father's health insurance. That doctor prescribed amoxicillin.

183. Ms. Calabrese could not go to FedCap on December 7<sup>th</sup> because of her grandmother's funeral. Ms. Calabrese called FedCap and told them that she had documentation of the funeral.

184. Ms. Calabrese's daughter worsened and Ms. Calabrese took her to her own pediatrician on December 8<sup>th</sup>. She was diagnosed with pneumonia and given a stronger medication.

185. Ms. Calabrese had to miss FedCap again on the 8th. She called them that day and told them she had documentation for that absence.

186. Ms. Calabrese also could not bring in the document from OCSE to her worker. Ms. Calabrese tried to call him on the December 8th as well but was unable to reach him.

187. Ms. Calabrese's daughter is still sick so she was absent from FedCap on Wednesday, December 9th and Thursday, December, 10th as well. Ms. Calabrese has called FedCap each day and told them her reason for being absent.

188. On December 10th, Ms. Calabrese spoke to Nellie Christianson from FedCap who told her the Job Center had denied her case because she had "failed to comply."

189. That same day, Ms. Calabrese called the Job Center to ask about the status of her case. The woman she spoke to told her that she did not know anything about that denial. She said to call her back later to find out what happened to it.

190. Ms. Calabrese called back as she had been told to. Ms. Calabrese spoke to Joseph Dinguis of the FedCap office on Staten Island. He told her that he had closed her case at FedCap as of November 24, 1998, because he said Ms. Calabrese missed a Job Center appointment with him on that day. Ms. Calabrese had an EVR appointment on the 24th, and prior to the 24th she showed him that she had had that appointment. He told her that he did not remember that.

191. Then Ms. Calabrese called her financial planner and was told that he no longer works at the Job Center. Ms. Calabrese was told to call Ms. Burden, his supervisor.

192. Also on December 10th, Ms. Calabrese called Ms. Burden who did not tell her that her case was already denied, but who did tell her that if He did not bring in the document from OCSE by 3p.m. that day, her case would be denied. Ms. Calabrese explained that she could

not do so because her daughter has pneumonia. Ms. Burden did not care. She told her that she would be closing her case as of that day. Ms. Calabrese now has to begin the application process all over again.

193. Ms. Calabrese has no Medicaid for herself and her two oldest children. This past week, in addition to her two-year-old having pneumonia, her ten-year-old son has had a very sore throat which she is afraid is a strep infection. Because Ms. Calabrese has no money for medication and no Medicaid, she has been giving him the amoxicillin that her daughter is no longer using.

194. Ms. Calabrese and her children do not have enough to eat. The child support money she has received does not cover all of her expenses. Ms. Calabrese has been getting some food from her church, but it is not enough.

195. Ms. Calabrese was sued in housing court and must pay her rent arrears by the end of December. If Ms. Calabrese were given cash assistance, upon information and belief, she would be eligible for rent arrears payments.

196. Ms. Calabrese is worried that her electricity and gas will be shut off since the bills have not been paid. She is going to Con Edison when her children are well enough to try to work out more time or else her lights will be turned off within the next week. Ms. Calabrese sent Brooklyn Union Gas a form to ask for a way to make a payment agreement so her gas has not been shut off yet. But since Ms. Calabrese cannot make the payments under that agreement, she will also lose her gas service.

**Jenny Cuevas**

197. Jenny Cuevas is a nineteen year-old high school student who resides alone at 148

29<sup>th</sup> St., Apt. 2, Brooklyn, New York 11232.

198. Ms. Cuevas is four months pregnant with her first child.

199. Ms. Cuevas is currently enrolled in night classes at Comprehensive High School in Coney Island in Brooklyn. She is a senior in high school and is scheduled to graduate in January 1999.

200. In August 1998, Ms. Cuevas' food stamps, Medicaid and cash assistance cases were closed because of an alleged failure to attend an appointment that Ms. Cuevas was unaware of because the appointment notice had been sent to her former address.

201. On or about October 8, 1998, Ms. Cuevas went to the Greenwood Job Center to apply for food stamps, Medicaid and cash assistance because she had no income with which to support and feed herself.

202. When she went to apply on October 8<sup>th</sup>, she had no food in her apartment, and was a month behind in her rent.

203. The receptionist at Greenwood gave her a PJP form and an application, which Ms. Cuevas filled out.

204. Ms. Cuevas was then interviewed by a financial planner. She told the financial planner that she had no food and was hungry, and that she was pregnant.

205. The financial planner did not process her for expedited food stamps and instead told her that she would have to comply with all the employment requirements before she received any assistance.

206. Ms. Cuevas also told the financial planner that she was attending high school at night, and that classes began at 4:30 p.m. each day. The financial planner told her that she was

lucky that she attended high school at night because, if she were unable to do Job Search during the day because of high school, her application would be denied.

207. After being interviewed, Ms. Cuevas was sent to the Job Search room where she made telephone calls until 4:30 p.m. She was not permitted to leave early to attend her high school classes and she therefore missed school.

208. At that same time, Ms. Cuevas was given a WEP assignment, beginning January 1999, to sweep the streets for the Department of Sanitation, five days a week, from 9 a.m. to 4:30 p.m. each day, which she would be required to perform through her eighth month of pregnancy.

209. Ms. Cuevas said that she was nervous about starting such a strenuous, physically-demanding job during the winter, so late into her pregnancy, but she was told that if she did not do this job, she would not get any benefits at all.

210. The following day, Ms. Cuevas was scheduled to return for an orientation session at the Job Center but woke up feeling ill and instead went to a free obstetric clinic. This was her first prenatal visit, since she had no Medicaid benefits.

211. Ms. Cuevas returned to the Job Center on October 14, 1998 her next scheduled appointment date, and told them she had an obstetrician appointment on the date of her orientation appointment. She was told to wait for a "blue letter" in the mail.

212. When Ms. Cuevas received the "blue letter", it turned out to be a letter stating she was being denied food stamps, Medicaid, and cash assistance because "Participant failed to comply with Employment Center Orientation".

213. No one at the Greenwood Job Center informed Ms. Cuevas that as a pregnant woman she was eligible for Medicaid benefits.

214. When Ms. Cuevas returned to the South Brooklyn free health clinic for another visit her obstetrician, the staff suggested that she apply for Medicaid at the Boerum Hill Medical Assistance Program Center.

215. Ms. Cuevas went immediately to the Boerum Hill Center and submitted an application for Medicaid.

216. Ms. Cuevas' Medicaid application was accepted immediately and she was found eligible for Medicaid retroactive to October 1, 1998.

217. On November 17, 1998, still without food or income, Ms. Cuevas again applied for food stamps and cash assistance at the Greenwood Job Center.

218. On November 17<sup>th</sup> Ms. Cuevas met with a financial planner who asked Ms. Cuevas about her pregnancy and told her that because she was 19 years old, if she insisted on going forward with her application, the Center would contact Child Protective Services.

219. Ms. Cuevas again requested expedited food stamps and told the financial planner she was two months behind in her rent.

220. The financial planner told her that she would have to comply with all job activities before she could receive assistance and that she would not receive anything until January 11, 1999.

221. From November 18 through November 24<sup>th</sup>, Ms. Cuevas was required to report to a room at the Job Center along with many other applicants. They were each given a telephone, a phone book and a newspaper classified section and told to sit there from 9:00 a.m. until the end of the day making telephone calls looking for jobs.

222. On November 17, 1998, Ms. Cuevas was assigned to the FedCap Employment

Center, #68, located in downtown Brooklyn. This assignment is four weeks long and began on November 25, 1998 from 9:30 a.m. to 4:30 p.m.

223. Ms. Cuevas' high school classes begin in Coney Island at 4:30 p.m. each day, and it is approximately a one hour subway ride from the FedCap office to her high school. Ms. Cuevas told the financial planner at the Job Center about this problem and he suggested that, when she went to the FedCap assignment she should "act nicely" and ask to be excused one hour early. Ms. Cuevas asked but they never have allowed her to leave early.

224. Ms. Cuevas still has not received food stamps or cash assistance. She has no money to buy food, and was never asked about her food needs or informed about the availability of expedited food stamps.

225. Ms. Cuevas is not eating as well as she should during her pregnancy. She has a friend who gives her a dollar each day for lunch, with which she is able to buy only a roll.

### **Elston Richards**

226. Elston Richards is homeless and he is living on the streets. Mr. Richards became homeless when he was no longer able to pay his rent at the YMCA single room occupancy in August 1998. Mr. Richards tries to spend a night at a different friend's home whenever one of them has room, otherwise he has to sleep on the streets. Mr. Richards does not go to the shelter system because last time he was there, in September of 1996, he was beaten so badly that he was taken to the emergency room.

227. Mr. Richards went to the Hamilton Job Center on November 17, 1998 to apply for food stamps and cash assistance. He did not apply for Medicaid because he already has Medicaid through the Medical Assistance Program office on 34th Street in Manhattan.

228. Mr. Richards was told by the Hamilton Job Center that it was no longer a welfare center, that it was a Job Center. Mr. Richards was told that applicants are required to look for a job while their applications are pending for 50 days for single men and 35 days for women with children. He was also told that if he missed any day of job search, from 9:00 am to 5:00 pm every day, he would have to start everything all over again.

229. Mr. Richards met with a financial planner and told her that he is forty years-old, that he has sharp pains in his chest and that, after he was hit by a cab two years ago, he started to have pain in his right hip. The worker scheduled an appointment for him to assess his employability with HRA's medical contractor, H.S. Systems, on or about November 30, 1998.

230. Mr. Richards also told the financial planner that he needed expedited food stamps and an immediate needs grant because he is homeless, without any money and without food. The financial planner told him that she had no control over expedited food stamps and immediate needs grants and told him that he should speak to the caseworker when he went to his "I" interview on November 23, 1998.

231. The financial planner told him to bring a letter from his friend confirming that he gets his mail at her address, as well as his birth certificate, to the "I" interview. She also told him that he should go back to the men's shelter system, but Mr. Richards told her that he could not because he had been badly beaten the last time he had been to a shelter.

232. The Job Center then gave him \$3.00 for transportation to and from his "I" interview but they did not give him any other carfare to get the documents that he needed for his November 23, 1998 "I" interview appointment.

233. On November 18, 1998 Mr. Richards went to a food pantry that Hamilton Job

Center referred him to but they had no food available. Mr. Richards tried to go back to his friend's home in the Bronx but he did not have any carfare. Mr. Richards jumped the turnstile on 145th Street in Harlem to try to get to the Bronx but was caught by a police officer and held in detention at 100 Centre Street for three days.

234. When Mr. Richards was released on Sunday morning, he still had not gotten a letter from his friend stating that he received mail at her address or his birth certificate. Mr. Richards tried to get these documents on Monday, November 23, 1998, but without any carfare had no means of traveling from the Bronx to the office to request a copy of his birth certificate or to his friend's home to pick up the letter.

235. On Tuesday, November 24, 1998 Mr. Richards managed to get to the Hamilton Job Center and told them that he was not able to get the documents for his "I" interview because he had no carfare and that he was incarcerated from November 18 until November 22, 1998 but the worker would not believe him. She told him that his case was denied and that Mr. Richards would have to start over again. To date, Mr. Richards has not received a written notice of this denial.

236. Mr. Richards went to the first floor to apply for food stamps and cash assistance again but a worker told him that it was too late to apply and told him to return the next day at 8:30 a.m.

237. Mr. Richards was not able to return to the Hamilton Job Center until the following Tuesday, December 1, 1998, because he had no carfare. Mr. Richards has asked family members and friends for help but none have been able to help other than letting him sleep on their floor for a night or giving him a sandwich once a day. Mr. Richards also ate at a soup

kitchen in the Bronx but, because it was open only between 1:00 p.m. and 4:00 p.m., Mr.

Richards could not always get there on time to eat.

238. When Mr. Richards returned to the Hamilton Job Center on Tuesday, December 1, 1998, he met with a financial planner and told her that he needed expedited food stamps and an immediate needs grant because he was homeless, hungry, and without food. She told Mr. Richards that he had to stick with the program and did not tell him when he could get expedited food stamps. She did not give him any written or oral notice as to whether his request for expedited food stamps or immediate needs grant were approved or denied. Instead, she gave him an appointment for an "I" interview on December 7, 1998 at 9:00 a.m. She then referred him to get his finger-image taken and then to meet with an employment planner the next day.

239. On December 2, 1998, Mr. Richards returned to the Job Center to meet with the employment planner. Mr. Richards told the employment planner, Ms. Taswell, that he had sharp pains in his chest and in his hip. But she told him that he was not going to be referred to a doctor at H.S. Systems, because he had missed the H.S. Systems appointment they gave him in November. Mr. Richards told the worker that he missed that appointment because the worker told him that his case was denied and that he had to start all over again. However, Ms. Taswell still refused to give him a new medical appointment.

240. Mr. Richards also told Ms. Taswell that he needed expedited food stamps and an immediate needs grant because he was homeless and without any money or food. Ms. Taswell said that he could not get any food stamps until his case was opened and that he should talk to his caseworker at the "I" interview about the immediate needs grant and gave him a referral to a food pantry approximately a mile away. However, the Job Center did not give him any carfare to get

to the food pantry. Mr. Richards walked to the food pantry , but when he arrived he found that they had no more food. The pantry told him that the list that the Hamilton Job Center was using was out of date. So, Mr. Richards walked back to the Job Center to tell Ms. Taswell that the food pantry was closed. She gave him a new referral to another food pantry and told him to call first to see if it was open, but Mr. Richards had no money to call the food pantry.

241. Mr. Richards returned to the Job Center at 9:00 a.m. on December 3rd and 4th for orientation. Mr. Richards was told by the orientation worker that he had to report back to their office for orientation on December 7, 1998 at 9:00 a.m. Mr. Richards told the worker that he had an "I" interview that day but she told him that he still had to report to the orientation office first.

242. On December 7, 1998 Mr. Richards went to the orientation office as he was told and by 11:00 a.m. one of the workers finally realized that he was supposed to be upstairs at his "I" interview instead of being at the orientation room. The worker told him that it was his fault that he missed his "I" interview and told him that his case might be denied because Mr. Richards missed his "I" interview. So Mr. Richards ran upstairs and told Ms. Cameron, the caseworker, that he was downstairs all morning and was not allowed to come upstairs until now by the workers in the orientation room. She rescheduled his "I" interview for December 10, 1998 and would not see him that day. However, Mr. Richards was given carfare for his EVR appointment the next day.

243. On December 8, 1998 Mr. Richards went to his EVR appointment in Brooklyn and got a letter of compliance from the EVR worker.

244. On December 9, 1998 Mr. Richards went to his "Workshop" appointment at the

Job Center and was told that starting December 14, 1998 he would have to go to Curtis and Associates Employment Center in Brooklyn from 9:00 a.m. to 5:00 p.m every day until he started his WEP assignment at the Department of Sanitation on January 25, 1999. The worker told Mr. Richards that for the next two days he would have to do "Independent Job Search" and gave him a blank "Employer Contact List" for him to complete by going from store to store. Mr. Richards asked Ms. Taswell for carfare to go these employers and to the Curtis and Associates Employment Center in Brooklyn because he had no money. She told him that he would have to work it out with Curtis and Associates. Mr. Richards was not able to contact any employers that day because he was at the Job Center all day.

245. On December 10, 1998, Mr. Richards returned for his "I" interview with Ms. Cameron and told her that he needed expedited food stamps and an immediate needs grant because he is homeless, hungry and without any money. She told Mr. Richard that he was not eligible for expedited food stamps because he had missed his first EVR appointment in November, 1998. Mr. Richards told Ms. Cameron that he missed that EVR appointment because he was incarcerated for jumping a turnstile and that he had kept his EVR appointment for his current application and had proof of it with him. However, Ms. Cameron said that Mr. Richards could not get expedited food stamps and would not take a copy of the December 8, 1998 EVR compliance letter. Ms. Cameron did not even give him a food pantry referral. After meeting with Ms. Cameron Mr. Richards was required to go back to the orientation room and make phone calls to potential employers listed on cards that he was given by the worker. Mr. Richards was there until the end of the day.

246. During the lunch hour, Mr. Richards went to a food pantry on his own on 145th

Street but all they had were some old bananas. The pantry worker told Mr. Richards that he should have gotten there at 9:00 a.m. but he told her that he could not because he had to be at the Job Center at 9:00 a.m. each day.

247. On December 11, 1998, Mr. Richards went to the Job Center and asked for expedited food stamps because he did not have any food or money to buy food. However, Mr. Richards was told by a supervisor that he is not entitled to expedited food stamps because the "new procedures from downtown" do not allow the Job Center to give expedited food stamps due to his missed EVR appointment during the November 1998 application process. But Mr. Richards told the supervisor that he went to his EVR appointment on December 8, 1998 and that he brought back a compliance letter. However, the supervisor would not assist him and told him that there was nothing that the Job Center could do for him.

248. Mr. Richards was only able to get food on Saturday, December 12, 1998 from Pastor Diane's food pantry van, which comes to 9<sup>th</sup> Street and Avenue C at 2:00 p.m. Mr. Richards received a loaf of bread, a plate of food for dinner, two containers of yogurt and a container of orange juice. This food did not last past Sunday, December 13, 1998.

249. On December 14, 1998, Mr. Richards went to Curtis and Associates in Brooklyn expecting that they would give him at least lunch because he still did not have any food stamps. However, he did not receive any food assistance from Curtis and Associates and he almost did not receive carfare to go home that day because the manager had not returned with the tokens by 4:00 p.m. When Mr. Richards received his tokens he returned to the Hamilton Job Center to ask for expedited food stamps with the notice that Hamilton Job Center gave him on December 1, 1998 entitled "Information About Expedited Food Stamp Interview."

250. Mr. Richards met with Ms. Cameron, and asked her when he will be getting his expedited food stamps because he still had no food. Ms. Cameron's supervisor came over as Mr. Richards was talking to Ms. Cameron and told him that because he has an active Medicaid case he am not eligible for expedited food stamps. She told him that he must close his Medicaid case in order to get expedited food stamps. Mr. Richards told her that she should not make him choose between getting medical care and food and told her that according to the notice that the financial planner gave him on December 1, 1998 he am eligible for food stamps. Mr. Richards showed her the "Information About Expedited Food Stamp Interview" and told her that he qualify for expedited food stamps because he has no food or money, and he has less than \$150 of income this month and he have less than \$100 in liquid assets, and he is homeless.

251. However, the supervisor told him that Mr. Richards should not have gotten this notice and the worker who gave him the notice made a mistake. The supervisor would not assist him with his request for expedited food stamps or any other emergency cash assistance.

252. Mr. Richards have not been able to eat anything on Monday, December 14, 1998, because he does not know the neighborhood around Curtis and Associates in Brooklyn and no one could tell him where he could find food pantries during his one-hour lunch break. So Mr. Richards just stood outside the office building for an hour until the lunch break was over.

253. Mr. Richards was able to eat today when one of his classmates at Curtis and Associates offered to buy him a cheeseburger and a coffee at the White Castle hamburger store during lunch. However, she too is poor and will not be able to share much more food with him again. Mr. Richards have not been able to go to any food pantries since Saturday, December 12, 1998 and he does not know when he will be able to go to a food pantry again because he must

report to Curtis and Associates every day from 9:00 a.m. to 4:30 p.m. and they only give him enough carfare to go home and return the next day to Curtis and Associates.

254. Mr. Richards is still without any food or money. The Job Center did not give him any expedited food stamps or any cash assistance other than inadequate carfare for specific scheduled appointments.

### STATEMENT OF CLAIMS

#### FIRST CLAIM AGAINST DEFENDANTS

255. Defendants' policies, and practices of deterring, discouraging and preventing individuals and families from filing applications for food stamps benefits violate plaintiffs' and plaintiff class members' rights under 7 U.S.C. § 2020 (e)(2); 7 C.F.R. §§ 273.2(c)(2),(6),(e)(1),(g),272.5, 273.2(g); 273.10.

#### SECOND CLAIM AGAINST DEFENDANTS

256. Defendants' policies, and practices of deterring, discouraging and preventing individuals and families from filing applications for expedited food stamps benefits violate plaintiffs' and plaintiff class members' rights under 7 U.S.C. § 2020 (e)(9), 7 C.F.R. §§ 273.2(i)(2),(3).

#### THIRD CLAIM AGAINST DEFENDANTS

257. Defendants' policies, and practices of failing to determine plaintiffs' eligibility for food stamps separate from their eligibility for cash assistance violate plaintiffs' and plaintiff class members' rights under 7 U.S.C. § 2014(b) and 7 C.F.R. §§ 273.2 (j)(1)(iii) & 273.10(i).

#### FOURTH CLAIM AGAINST DEFENDANTS

258. Defendants policies, and practices of failing to contact applicants who withdraw

their food stamps applications to confirm the withdrawal and to advise them of their right to reapply at any time violates 7 C.F.R. §§ 273.2(c)(6), 273.10.

#### **FIFTH CLAIM AGAINST DEFENDANTS**

259. Defendants' policies, and practices of deterring, discouraging and preventing individuals and families from filing applications for Medicaid benefits violate plaintiffs' and plaintiff class members' rights under 42 U.S.C. § 1396a(8); 42 C.F.R. §§ 435.905 (a)(1)-(3), 435.906, 435.909, 435.913, 435.930.

#### **SIXTH CLAIM AGAINST DEFENDANTS**

260. Defendants' policies, and practices of failing to determine an individual's eligibility for Medicaid separate from their eligibility for cash assistance violate plaintiffs' and plaintiff class members' rights under 42 C.F.R. §§ 435.909.

#### **SEVENTH CLAIM AGAINST DEFENDANTS**

261. Defendants' policies, and practices of not sending notices to applicants who withdraw their Medicaid applications to confirm that those withdrawals are voluntary violates 42 C.F.R. §435.913.

#### **EIGHTH CLAIM AGAINST DEFENDANTS**

262. City defendants' policies, and practices of deterring, discouraging and preventing individuals and families from filing applications for cash assistance benefits, including temporary pre-investigation grants, violate plaintiffs' and plaintiff class members' rights under N.Y. Soc. Serv. L. §§ 131(1)&(3), 133; 18 N.Y.C.R.R. §§ 350.3(a)(b), 351.1(b)(1)(i), 351.8(b), 351.8(c)(4), 355.1(a)(1),(3), (4), 355.3(a)(b).

**NINTH CLAIM AGAINST DEFENDANTS**

263. Defendants' policies, and practices of failing to provide families and individuals with notice, including notice of hearing rights, after persuading such families and individuals to abandon their applications by giving them false and misleading information about their eligibility for food stamps, Medicaid, and cash assistance violate plaintiffs' and plaintiff class members' rights under the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

**TENTH CLAIM AGAINST DEFENDANTS**

264. Defendants' policies and practices of giving applicants and potential applicants false and misleading information about the availability of food stamps, Medicaid, and cash assistance violate plaintiffs' and plaintiff class members' rights under the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

**ELEVENTH CLAIM AGAINST DEFENDANTS**

265. State Defendant Wing's failure to properly oversee and supervise City defendants' administration of the food stamps and Medicaid programs violates plaintiffs' and plaintiff class members' rights under 7 U.S.C. § 2020, *et seq.*; 42 U.S.C. § 1396, *et seq.*

**TWELFTH CLAIM AGAINST DEFENDANTS**

266. State Defendant DeBuono's failure to properly oversee and supervise City defendants' administration of the Medicaid program violates plaintiffs' and plaintiff class members' rights under 42 U.S.C. § 1396 *et seq.*

## REQUEST FOR RELIEF

WHEREFORE, plaintiffs respectfully request that this Court enter a judgment in their favor as follows:

- a. Certify this action as a class action, pursuant to Fed.R.Civ.P. 23;
- b. Declare that Defendants' policies and practices of (i) providing plaintiffs and members of the plaintiff class with false and misleading information about the availability of food stamps, Medicaid and cash assistance; (ii) prohibiting plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid, and cash assistance benefits on the first day they visit the Job Center; (iii) discouraging and deterring plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid and cash assistance including applications for expedited food stamps and temporary pre-investigation grants; (iv) pressuring people to withdraw their applications for food stamps, Medicaid and cash assistance, including applications for expedited food stamps and temporary pre-investigation grants; (v) failing to process all applications for food stamps, Medicaid, and cash assistance, including expedited food stamps and temporary pre-investigation grants, within the time frames required by law; (vi) failing to make eligibility determinations regarding plaintiffs' food stamps and Medicaid applications separate from the eligibility determinations regarding their cash assistance applications; and (vii) failing to send plaintiffs and plaintiff class members timely and adequate written notices of determinations of their eligibility for any and all benefits applied for; and (viii) State defendants' failure to properly oversee and supervise City defendants' administration of the food stamps and Medicaid and cash assistance programs violate the plaintiffs' and plaintiff class members' rights under federal and state law and the Due Process Clause of the United

States Constitution.

c. Preliminarily and permanently enjoin Defendants to (i) refrain from providing plaintiffs and members of the plaintiff class with false and misleading information about the availability of food stamps, Medicaid and cash assistance; (ii) allow plaintiffs and plaintiff class members to file applications for food stamps, Medicaid, and cash assistance benefits on the first day they visit the Job Center; (iii) refrain from discouraging and deterring plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid and cash assistance including applications for expedited food stamps and temporary pre-investigation grants; (iv) refrain from pressuring people to withdraw their applications for food stamps, Medicaid and cash assistance, including applications for expedited food stamps and temporary pre-investigation grants; (v) process all applications for food stamps, Medicaid, and cash assistance, including expedited food stamps and temporary pre-investigation grants, within the time frames required by law; (vi) make eligibility determinations regarding food stamps and Medicaid applications separate from the eligibility determinations regarding cash assistance applications; and (vii) send timely and adequate written notices of determinations of their eligibility for any and all benefits applied for.

d. Preliminarily and permanently enjoin City defendant from converting any further Income Support Centers to Job Centers until such time as defendants demonstrate that the Job Centers do not (i) provide plaintiffs and members of the plaintiff class with false and misleading information about the availability of food stamps, Medicaid and cash assistance; (ii) prohibit plaintiffs and plaintiff class members to file applications for food stamps, Medicaid, and cash assistance benefits on the first day they visit the Job Center; (iii) discourage and deter plaintiffs and plaintiff class members from filing applications for food stamps, Medicaid and

cash assistance including applications for expedited food stamps and temporary pre-investigation grants; (iv) pressure people to withdraw their applications for food stamps, Medicaid and cash assistance, including applications for expedited food stamps and temporary pre-investigation grants; (v) fail to process all applications for food stamps, Medicaid, and cash assistance, including expedited food stamps and temporary pre-investigation grants, within the time frames required by law; (vi) fail to make eligibility determinations regarding plaintiffs' food stamps and Medicaid applications separate from the eligibility determinations regarding their cash assistance applications; and (vii) fail to send plaintiffs and plaintiff class members timely and adequate written notices of determinations of their eligibility for any and all benefits applied for.

e. Preliminarily and permanently enjoin State defendants to: (i) oversee and supervise City defendants' administration of the Food Stamp, Medicaid, and cash assistance programs to ensure that they do not deter, discourage or prevent plaintiffs and plaintiff class members from applying for food stamps, Medicaid and cash assistance; (ii) oversee compliance with all orders of the Court; and (iii) ensure periodic review of the City Defendants so that appropriate corrective action may be taken if noncompliance is found;

f. Permanently enjoin defendants to: (i) identify all persons unlawfully deterred from or delayed in applying for food stamps, Medicaid, and cash assistance at a Job Center since April 1998, process their applications, and provide them with benefits, if eligible, retroactively from the first day they attempted to apply for aid; (ii) identify all persons whose food stamps and Medicaid applications were not processed after they were denied cash assistance benefits at a Job Center since April 1998, process their applications, and provide them with benefits, if eligible, retroactively to the date of their applications; (iii) identify all persons who were denied the

opportunity to apply for food stamps, Medicaid, and cash assistance at a Job Center since April 1998 without a notice informing them of their right to a fair hearing and provide them with such notice; and (iv) identify all persons whose applications for food stamps, Medicaid, and cash assistance were denied at a Job Center since April 1998 without a notice informing them of their right to a fair hearing and provide them with such notice;

- g. award reasonable attorneys' fee, as provided by 42 U.S.C. § 1988;
- h. award costs and disbursements; and
- i. order such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
December 16, 1998

Respectfully submitted,

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