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*****FOR IMMEDIATE RELEASE*****

Legal Aid, Freshfields File Federal Appeal Seeking Replacement of Stolen SNAP Benefits

Thousands of Low-Income New Yorkers Have Lost Vital Food and Cash Assistance to Widespread Electronic Benefit Theft

NEW YORK, NY – The Legal Aid Society and Freshfields US LLP have filed a [federal appeal](#) on behalf of Supplemental Nutrition Assistance Program (SNAP) recipients whose food benefits were stolen through widespread electronic benefit transfer (EBT) card skimming scams. The appeal asks the U.S. Court of Appeals for the Second Circuit to reverse a lower court decision that allowed the federal government to deny replacement of stolen food benefits to low-income families.

Across New York and the country, SNAP recipients have lost hundreds — and in some cases thousands — of dollars in essential food assistance after scammers used skimming devices to steal their benefits. For many families, these losses meant empty refrigerators, missed meals, and impossible choices between food and other basic needs. Despite acknowledging the rise in cyber theft, the U.S. Department of Agriculture (USDA) and USDA Food and Nutrition Service (FNS) have maintained regulations and policies that refuse to allow states, including New York, to replace stolen benefits with federal funds.

The appeal challenges two key USDA actions. First, it argues that a 2010 federal regulation governing SNAP benefit replacement violates federal law because it is not “similar” to the prior paper-coupon system, which protected recipients when benefits were stolen through no fault of their own, contrary to statutory command. The appeal also argues that USDA acted arbitrarily and capriciously by failing to consider the well-documented risks of electronic theft when crafting this regulation. Second, it challenges a more recent USDA policy that explicitly bars states from replacing skimmed benefits.

“SNAP is a lifeline, and these benefits are often a family’s only means to put food on the table,” said **Edward Josephson, Supervising Attorney in the Civil Law Reform Unit of The Legal Aid Society**. “The law requires USDA to protect recipients when benefits are stolen beyond their control. This appeal seeks to ensure that the agency follows the law and that vulnerable families are made whole.”

“This case raises important questions about agency accountability and the protection Congress intended for SNAP recipients,” said **Mary Eaton, Partner at Freshfields US LLP**. “We are proud to support this appeal to ensure that federal regulations align with the law and that families whose benefits were unlawfully stolen can be made whole.”

Through the appeal, the plaintiffs are asking the court to reverse the lower court's ruling, set aside the unlawful regulation and policy, and order USDA to permit replacement of stolen SNAP benefits — including the benefits taken from the families in this case.

SNAP, formerly known as food stamps, serves more than 40 million people nationwide. As electronic benefit theft continues to rise, advocates say restoring strong replacement protections is critical to ensuring the program can fulfill its core mission: helping low-income households afford food.

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The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of the people we serve and helps improve our communities.
www.legalaidnyc.org