

Legal Services Alabama
Six-Month Report to Barbara McDowell and Gerald S. Hartman Foundation
Submitted March 30, 2018

Legal Services Alabama is grateful for the Barbara McDowell and Gerald S. Hartman Foundation's support and is very pleased to provide the following update regarding our activity:

Background:

In 2016 and 2017, Alabama's Department of Human Resources began the implementation of the portion of the Personal Responsibility and Work Opportunity Act related to Able-Bodied Adults Without Dependents or "ABAWDs." The Act limited certain "able-bodied" adults who were not working or attending work training at least 20 hours a week to receiving only 3 months of SNAP (or "food stamps") in a 36 month regardless of whether or not jobs or work programs were available.

In their implementation of the ABAWD requirement the Department provided notices which were so complicated that many people were unable to understand their rights and responsibilities under the new rules. The notices also failed to provide adequate information about exemptions which would allow many people to continue to receive benefits. Consequently tens of thousands of Alabama citizens were terminated from the program over the last two years.

Over the past two years, LSA has attempting to negotiate and communicate with the Department regarding many of these issues. Although the Department had made very limited progress in certain areas over that time, such as the medical documentation required to prove disability, they have largely failed to remedy many of the larger issues involved.

Progress Report:

On November 20, 2017, LSA sent a final demand letter to the Department of Human Resources requesting five primary actions: a.) reinstate the benefits of our named clients, b.) prepare a simplified notice to recipients, c.) develop policies to recognize obviously exempt recipients, d.) develop policies clarifying which education programs qualify for exemption and e.) develop training programs for workers regarding qualifying ABAWD policies.

Based on the Department's response, LSA filed a suit on behalf of five clients on November 30, 2017. Shammyane Nettles v. Alabama Department of Human Resources, 17-cv-00817 (M.D. Ala. 2017). The complaint requested damages and injunction relief. After the trial court began proceedings to hold a hearing regarding a temporary restraining order, the Department agreed to immediately reinstate the benefits of the clients who were eligible at that time.

LSA and the Department met for the first time to begin discussing settlement in early December and reached many points of general consensus. That negotiation has been on-going since that time. Although the Department filed a Motion to Dismiss the action in January and LSA responded, it is likely that any further legal action will be held in abeyance while the parties attempt to resolve their issues in a negotiated settlement before proceeding to discovery and further litigation.

Anticipated Future Activities:

LSA has worked with partners, the National Center for Law and Economic Justice and the Sargent Shriver National Center on Poverty Law, to reach a list of actions step and guidelines that would resolve the problems caused by the Department's implementation of the ABAWD requirement. LSA has plans to meet with the Department of Human Resources in the next two months (April or May) to determine whether or not a negotiated settlement is possible

It is LSA's hope that we will be able to negotiated settlement in the near future that will allow all client who should be receiving benefits to receive them immediately.

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