

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CARMEN CORREA on behalf of herself
and all others similarly situated,

PLAINTIFF

v.

COURTNEY E. HAWKINS, in her official
capacity as Director of the Rhode Island
Department of Human Services,

DEFENDANT

Case Number: 19-cv-00656-JJM-PAS

TEMPORARY RESTRAINING ORDER

This matter came on for hearing on December 18, 2019, before the Honorable John J. McConnell, Jr., United States District Judge, on the Motion of the Plaintiff for the issuance of a Temporary Restraining Order, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. Upon consideration of Plaintiff’s Motion for Preliminary Injunctive Relief, the parties’ briefing, declarations, and oral argument, this Court finds that Plaintiff has demonstrated a need for the issuance of a temporary restraining order.

The Court finds as follows:

a. Plaintiff has established a likelihood of success on the merits of her claims of violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution and 7 C.F.R. §273.18(e)(3)(iv)(C) of the Supplemental Nutrition Assistance Program Act, 7 U.S.C. § 2020(e)(10), by not including a “reason for the claim” in the SNAP Overissuance Demand Letter issued to Plaintiff and members of the proposed class, redefined as “all Rhode Island residents who, since May 1, 2019, received or will in the future receive a Demand Letter for SNAP

Overissuance based on ‘Agency Error’ or ‘Household Error’,” to allow them to meaningfully determine whether to seek administrative review;

b. Plaintiff has demonstrated that she and the proposed class will suffer irreparable harm from the use of the SNAP Overissuance Demand Letter that does not contain a reason for the overissuance in order to obtain repayment of a claimed overissuance of benefits.

Accordingly, it is hereby

ORDERED

1. Defendant Courtney Hawkins, in her official capacity as Director of the Department of Human Services, her agents, servants, employees, and all persons acting in concert with her, are hereby restrained and enjoined:

a. From issuing any SNAP Overissuance Demand Letters to recoup overissuances due to Agency Error or Household Error;

b. From initiating, processing or continuing to process monthly SNAP benefit reductions for those individuals, including the Plaintiff, who have been issued SNAP Overissuance Letters due to Agency Error or Household Error during the period from May 1, 2019 to date and who have not as of the date of this Order entered an individualized repayment plan by agreement, whether or not the time to claim an administrative appeal set forth in the SNAP Overissuance Letter has expired;

c. From scheduling or conducting administrative hearings based upon appeals for those individuals, who have filed an appeal after having been issued SNAP Overissuance Letters due to Agency Error or Household Error during the period from May 1, 2019 to date.

2. Unless a superseding Order is entered by consent, Defendant Hawkins is hereby directed no later than January 17, 2020 to notify each individual issued a SNAP Overissuance Letter due to Agency Error or Household Error during the period since May 1, 2019 of the terms of this Order. The notice shall further provide, that in event of the dissolution of this Order without any further relief, the time to file an administrative appeal will be extended by an additional 21 days from the date of notice of such dissolution. This notice shall not be provided to those individuals (a) who, prior to the date of this Order, have entered into an individualized repayment plan by agreement; (b) whose overissuance case has been closed or terminated; or (c) whose claim is in suspended status.

3. Because this Order would otherwise expire on January 1, 2020, and in view of the intervening Christmas and New Year's holidays and court closure, the Court finds good cause to extend the within time within which this Order would expire by an additional 14 days, to and including January 14, 2020 at 10:05 am. Hearing on Plaintiff's Motion for Preliminary Injunction shall be scheduled by the Clerk to commence prior to January 14, 2020.

ENTERED as the Order of the Court this ____ day of 2019, nunc pro tunc to December 18, 2019 at 10:05 a.m.

By Order,

Clerk

PRESENTED BY:

/s/ Ellen Saideman

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Cooperating counsel

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CERTIFICATE OF SERVICE

I hereby certify that counsel for Plaintiffs provided drafts of the within document by email to Brenda Baum (bbaum@riag.ri.gov) and Sean Lyness (slyness@riag.ri.gov) by email on December 19, and 20, 2019:

/s/ Lynette Labinger

Lynette Labinger