

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

vs.

No. CIV 88-0385 JC/ACT
Consolidated with
No. CIV 88-0786 JC/ACT

SIDONIE SQUIER, Secretary of
the New Mexico Human Services
Department,

Defendant.

**PLAINTIFFS' MOTION TO ENFORCE COMPLIANCE WITH THE DECREE TO
ENSURE THAT NEW MEXICANS WHO ARE ELIGIBLE FOR HEALTH CARE
COVERAGE AND FOOD ASSISTANCE RECEIVE THE SUPPORT TO WHICH THEY
ARE ENTITLED**

Plaintiffs, through undersigned counsel, pursuant to the Court's *Order Modifying Settlement Agreement*, entered on August 27, 1998 [Doc. # 460], respectfully move this Court for an Order requiring Defendant to comply with the Modified Settlement Agreement ("the Decree") and federal law. Defendant is now violating the Decree and federal law by denying New Mexicans the right to submit applications for Medicaid health care coverage and the Supplemental Nutrition Assistance Program (SNAP/Food Stamps) and by improperly and untimely processing those applications. As grounds, Plaintiffs state:

**I. THE HUMAN SERVICES DEPARTMENT IS ILLEGALLY AND
INADEQUATELY STALLING AND PREVENTING ELIGIBLE NEW
MEXICANS FROM RECEIVING HEALTH CARE AND FOOD
ASSISTANCE.**

The New Mexico Human Services Department is in crisis. The Income Support Division (ISD) is the division of the Human Services Department (HSD) responsible for assisting New Mexicans who seek Medicaid health care coverage and food assistance, and processing their

processing their applications. Over 500,000 New Mexicans are currently on Medicaid, and over 400,000 New Mexicans receive SNAP/Food Stamps. Yet, tens of thousands of New Mexicans who are eligible are not enrolled. With one of the highest rates of uninsured and hunger problems in the country, it is critical to the health and wellbeing of our state that those who seek Medicaid and SNAP/Food Stamps are treated in accordance with the Decree and federal law - both of which mandate a streamlined, simplified process to ensure that those eligible for support receive it, and receive it in a timely and efficient manner.

The Decree, consistent with federal law, requires that all applicants be permitted to submit their application on the day they attempt to do so, and requires, as well, that they be immediately screened for potential emergency assistance. The Decree and federal law require that Defendant process applications for SNAP/Food Stamps within 30 days, and applications for Medicaid within 45 days. Defendant is in violation of these basic laws. New Mexico applications for Medicaid and SNAP/Food Stamps are taking weeks, and even months longer than the federally mandated timelines. Even worse, some applications are not processed at all.

Currently, and over the past few months, at several ISD offices in Albuquerque – the offices that serve the largest populations in the state - lines of people seeking help start forming outside as early as 5:00 in the morning. Pregnant women, families with small children, the elderly and the disabled are being made to wait for hours, standing in extremely cold temperatures, just to be allowed to enter the ISD office. Frequently, once these individuals reach the doors of the ISD office, they are turned away and told to come back another day, at an even earlier time. Even those who simply want to drop off an application have to wait hours outside to do so. Once inside, applicants are not screened, as required by law. Those who are in need of emergency food assistance, and are entitled to have their applications processed within 24 hours

of applying, are not getting the assistance they need. And those who attempt to reach the ISD office by phone, instead of waiting outside for hours, find that they frequently cannot get through or do not get a call back.

Forcing New Mexicans to wait for hours in the cold, not accepting applications on the day people try to apply, and not screening for potential eligibility, all result in people waiting longer than the law permits to get the assistance to which they are entitled. This, compounded with the affront to basic principles of fairness and dignity, results in a crisis which must be addressed expeditiously. This Court must stop Defendant from violating Plaintiffs' rights so that New Mexicans, who are hungry and ill and without health insurance, can receive the benefits to which they are entitled in a lawful and timely manner.

II. FEDERAL LAW AND THE DECREE REQUIRE A UNIFORM, STREAMLINED, AND TIMELY APPLICATION PROCESS.

The New Mexico Human Services Department's current practices relating to the processing of applications for SNAP/Food Stamps and Medicaid are in violation of both the Decree and federal law. Defendant has an affirmative duty to comply with federal regulations and the Decree; Defendant is obliged to both encourage families to complete the application process and provide prompt determinations of eligibility.¹ HSD's current practices discourage qualified New Mexicans from completing the application process and cause significant delays and denials to families in desperate need of benefits.

¹ Decree p. 5 (timeliness) and p. 7 (opportunity to participate); *See also* 7 C.F.R. §273.2(c)(2)(i) (State Agency shall encourage applicants to file an application form the same day contact is made with the Food Stamps Office) and 7 C.F.R. §273.2(a)(2) (State Agency must act promptly on all Food Stamps applications); 42 C.F.R. § 435.906 (State agency must afford an individual wishing to do so the opportunity to apply for Medicaid without delay).

The Decree and federal regulations mandate that each applicant seeking SNAP/Food Stamps and Medicaid be provided a fair and equal opportunity to participate in these programs.² Therefore, any actions by Defendant must be “*consistent with the goal of assisting all eligible individuals to qualify,*” and ensuring prompt eligibility determinations and benefits.³ In order to satisfy these requirements of the Decree, HSD must timely screen applications for eligibility, provide applicants with an opportunity for an interview, have the capability to receive and track applicant phone calls, and render timely eligibility decisions. These requirements are thoroughly outlined in the Decree and in the federal regulations.

To meet the Decree and federal timeliness requirements, applications must be processed within 30 days for SNAP/Food stamps and within 45 days for Medicaid.⁴ The Decree and federal regulations also set forth strict timeliness standards for the screening of applications and scheduling of interviews. When applicants submit applications for either Medicaid or SNAP/Food Stamps, they have the right to meet with an HSD employee *that same day*, and be screened in person.⁵ This screening allows the applicant an opportunity to receive program information and any application assistance that may be necessary.⁶ These screening requirements take on particular significance for those seeking assistance through the SNAP/Food Stamps program. The Decree and federal regulations demand that applications for SNAP/Food Stamps

² Decree p. 7 and 7 C.F.R. §273.2(a)(1) (Food Stamps office operations must best serve households in the state); 42 C.F.R. § 42 C.F.R. § 435.902 (Medicaid policies and procedures must ensure simplicity of administration and the best interests of the applicant or beneficiary).

³ Decree p. 5-7 and 10 (These limits on application processing time mirror federal requirements. Processing time is limited to 45 days for non-disability Medicaid and 30 days for SNAP eligibility determinations); 7 C.F.R. § 271.7(i)(2) (Supplemental Nutritional Assistance Program) and 42 C.F.R. § 435.912 (Medicaid).

⁴ *Id.*

⁵ Decree p. 8-9 and 7 C.F.R. § 273.2(c)(1) (Food Stamps); 42 C.F.R. §435.908 (b) (Medicaid).

⁶ *Id.*

be screened for Expedited Food Stamps *upon receipt of application; requiring an immediate assessment for eligibility for Expedited Food Stamps.*⁷

In addition to HSD's responsibility to immediately screen applications, the Decree sets forth strict requirements surrounding communication between HSD case workers and the applicant. HSD must provide the applicant with the opportunity to schedule an interview.⁸ The Decree requires Defendant to hold applicant interviews within 10 working days of the date of submission.⁹ Every ISD office must also provide receipts for all documents submitted by an applicant.¹⁰ Additionally, during working hours, case workers must be available to both answer phone calls and return phone messages¹¹

Ultimately, these requirements are in place to ensure fair and equal opportunity to participate in the SNAP/Food Stamps and Medicaid programs, by providing applicants prompt and accurate eligibility determinations.

III. DEFENDANT IS UNLAWFULLY PREVENTING NEW MEXICANS FROM SUBMITTING APPLICATIONS, AND IS NOT PROPERLY AND TIMELY PROCESSING APPLICATIONS.

The Defendant is violating the Decree and federal law through policies and practices that deter, discourage, and prevent persons from filing or completing applications for SNAP/Food Stamps and Medicaid. This includes:

- a. Failing to grant all applicants the opportunity to meet with a caseworker the day they turn in their application;
- b. Failing to timely process applications for SNAP/Food Stamps and Medicaid;
- c. Failing to timely schedule interviews for SNAP/Food Stamps and Medicaid;

⁷ Decree p. 9-10 and 7 C.F.R. § 273.2(i)(2).

⁸ Decree p. 9 and 7 C.F.R. § 273.2(e)(3).

⁹ Decree p. 9.

¹⁰ Decree p. 11-12 (receipts of verification documents must be provided at the time of the interview and subsequent occasions).

¹¹ Decree p. 11-12.

- d. Failing to screen and provide emergency assistance;
- e. Failing to operate a functional telephone system that can take messages and return calls; and
- f. Failing to issue document receipts from every ISD office.

Below are examples of numerous New Mexicans who have attempted to obtain Medicaid health care coverage and food assistance but have been denied their rights by Defendant's persistent and widespread violation of law. Plaintiffs know that the families described here are just the tip of the iceberg, given that Defendant's representatives have admitted to Plaintiffs' counsel that they are experiencing backlogs. While Plaintiffs' counsel recognize that sometimes backlogs will occur, Plaintiffs are not willing to let Decree and other legal violations continue for months on end, without Defendant at least taking some steps to remedy them. There is no excuse for Defendant not to immediately cease the practices that are both unnecessary and humiliating, as well as the practices that are preventing those in emergency situations – i.e. families who are ill or hungry and need food – from getting the emergency assistance to which they are entitled.

1. Curtis Lavalais¹²

Class member Curtis Lavalais arrived at the Northeast ISD Office in Albuquerque at 7:15 a.m. on December 20, 2013 to apply for SNAP/Food Stamps. Mr. Lavalais waited in a line of about 25 to 30 people until the ISD Office opened at 9:00 a.m. When the office opened, the line was not allowed inside. Mr. Lavalais and other applicants had to continue to wait outside as individuals were allowed in, one by one. Mr. Lavalais was finally allowed inside the ISD office at 9:45 a.m. Mr. Lavalais was given a number and was instructed to wait. At 10:45 a.m., an ISD worker called his number and informed him that he could not meet with a caseworker that day

¹² Affidavit of Curtis Lavalais attached as Exhibit A.

because the office “only sees a certain number of people a day.” After waiting over three and a half hours, Mr. Lavalais was told to come back the next day by 5:00 or 6:00 a.m. or to wait for a phone interview. An ISD worker took Mr. Lavalais’ application but would not review it with him or discuss his eligibility. Mr. Lavalais opted to wait for a phone interview rather than return at 5:00 or 6:00 a.m. the next day. He never received a phone call or a scheduled interview.

Mr. Lavalais returned to the Northeast ISD office a week later in the hope of having an interview for his SNAP/Food Stamps application or at least the opportunity to meet with a caseworker. When the office opened that day, there were 100 people or more in line outside of the ISD office. Mr. Lavalais’ number was not called until 12:00 p.m. Once again, he was told by an ISD employee to come back again earlier in the morning because they would not see him that day.

Mr. Lavalais went back to the Northeast ISD Office on January 24, 2014 for the third time. It had been over a month since Mr. Lavalais applied for SNAP/Food Stamps, yet he had not been given the opportunity to meet with a worker, receive an interview or a notice of his eligibility for SNAP/Food Stamps.

2. Fatima Torres¹³

Class member Fatima Torres applied for SNAP/Food Stamps at the Southwest ISD Office in Albuquerque in November. Ms. Torres received Expedited Food Stamps, which meant her income was so low that she needed emergency help to buy food. Ms. Torres received Expedited Food Stamps but was told she would need to complete an interview in order to continue receiving benefits. Ms. Torres received a letter from ISD, scheduling an interview between 8:00 a.m. and 4:00 p.m., on November 25, 2013.

¹³ Affidavit of Fatima Torres attached as Exhibit B.

Ms. Torres had to work that day and could not attend the interview. She called the Southwest ISD Office to ask to reschedule the interview for a different date. No one answered the phone when she called, however, a voice recording informed Ms. Torres she would be called back within 48 hours if she left a message. Ms. Torres left a message requesting a different interview date. Ms. Torres never got a call back from ISD and her SNAP/Food Stamps benefits were terminated.

Ms. Torres re-applied for SNAP/Food Stamps on January 8, 2014 at the Southwest ISD Office in Albuquerque. She had to wait outside for many hours in line just to enter the ISD office and retrieve a paper application. Ms. Torres left her application in the designated "drop box" that day. She received a letter from ISD for an interview on January 22, 2014.

Ms. Torres came back to the Southwest ISD office for an interview on January 22, 2014. She waited for two hours in a line of 50 people outside and two hours inside the ISD office. When her number was called, an ISD caseworker told Ms. Torres that even though she had an interview scheduled for that day, she had to come back next day by 6:00 a.m. because the ISD Office "only sees a certain number of people each day."

Ms. Torres went to the Southwest ISD office once again in the early morning of January 24, 2014, hoping to finally see an ISD caseworker and have an interview for her SNAP/Food Stamps application. Due to defendant's failure to timely schedule an interview, Ms. Torres and her children have lost at least two months of food assistance.

3. Alisha Lacey¹⁴

On January 5, 2014, class member Alisha Lacey arrived at the Northeast ISD Office in Albuquerque at 7:00 a.m. to apply for Expedited Food Stamps. Ms. Lacey is unemployed and has no income or cash savings. At 7:00 a.m., there were already 50 people in line. At 8:30 a.m.,

¹⁴ Affidavit of Alicia Lacey attached as Exhibit C.

the first 20 people were allowed inside the ISD office. After the first 20 people were let inside, a security guard informed Ms. Lacey and the others around her in line, that the office was not seeing anyone else that day. Ms. Lacey was told she could use the outside drop box to leave her application but that she could not come inside to meet with a worker. Ms. Lacey left her application in the outside drop box.

By January 24, 2014, Ms. Lacey had not received a letter or a phone call from ISD regarding her application. It had been over two weeks, so she came back to the Northeast ISD office again in the hopes of being among the first to arrive in line in order to be able to meet with an ISD caseworker.

The Northeast ISD office's policy of refusing to see applicants the day they apply, as required by law resulted in Ms. Lacey and others not being screened for emergency assistance or receiving eligibility interviews as required by law and the Decree. As a result, Ms. Lacey went without emergency food assistance to which she was entitled.

4. Amanda Gurule¹⁵

Class member Amanda Gurule is a single mother of three. Ms. Gurule has a full time job, but her income is not sufficient to provide healthcare and food for her three children. Ms. Gurule came to the Southwest ISD Office in Albuquerque on January 7, 2014 at 1:00 p.m. to apply for Medicaid and SNAP/Food Stamps. Ms. Gurule waited until almost 5:00 p.m. to be seen by a caseworker. When Ms. Gurule was finally called, she was told, "leave your paperwork because we're not seeing any more people today." The caseworker told Ms. Gurule to come back early the next day if she wanted to see a caseworker. Thoroughly demoralized and deterred, Ms. Gurule decided to wait for a letter scheduling an appointment with the Southwest ISD office. Ms.

¹⁵ Affidavit of Amanda Gurule attached as Exhibit D.

Gurule received a letter stating that she had an appointment scheduled for January 22, 2014 by phone. However, Ms. Gurule never received a phone call from ISD.

Ms. Gurule tried, unsuccessfully, to call the Southwest ISD office. No one answered the phone and she was unable to leave a message. As a result, Ms. Gurule returned to the Southwest ISD office at 7:00 a.m. on January 24, 2014 to wait in line again in the hope of being able to meet with a caseworker and be interviewed. It had been over two weeks since Ms. Gurule applied for benefits, yet she had not been permitted to meet with a caseworker, be screened for emergency assistance, or schedule an eligibility interview.

5. Deborah Nollan¹⁶

Class member Deborah Nollan received a letter on January 23, 2014 from the Northeast ISD office in Albuquerque informing her that she must re-certify her SNAP/Food Stamps eligibility by January 15, 2014. The letter was post-marked January 21, 2014. Thus, by the time Ms. Nollan was informed by ISD that she needed to re-certify for SNAP/Food Stamps, her SNAP/Food Stamps benefits had already been terminated.

Ms. Nollan called the Northeast ISD office 10 times. She never received a call back. Ms. Nollan came to the Northeast ISD office on the morning of January 24, 2014 to be seen in person because she could not contact the Northeast ISD by phone and had no choice but to re-apply for SNAP/Food Stamps benefits.

Ms. Nollan was without food assistance for the month of January. Assuming that she was able to reapply on January 24, 2014, Ms. Nollan will have gone a month without food assistance for which she qualifies.

¹⁶ Affidavit of Deborah Nollan attached as Exhibit E.

6. Chi-Hsing Chang¹⁷

Chi-Hsing Chang is an Outreach and Educational Specialist at the Asian Family Center in Albuquerque. As part of her work she routinely assists low income families with applications for Medicaid and SNAP/Food Stamps. Ms. Chang often accompanies clients to ISD offices to serve as a Mandarin interpreter and as an advocate.

Every time Ms. Chang has gone to an ISD office in the past six months she has observed clients being told they cannot see a caseworker. For instance, on November 5, 2013 Ms. Chang accompanied a client to the Northwest ISD office in Albuquerque to help him submit a Medicaid application. Ms. Chang and her client arrived at 9:00 a.m. and waited for two hours. When Ms. Chang inquired with an ISD worker about when they might be seen, the worker told her that they could not see a caseworker that day and instead suggested dropping off the application in the drop box outside the ISD office. Ms. Chang took the advice of the ISD worker and put her client's application in the outside drop box.

Ms. Chang returned to the Northwest ISD office with the same client on November 15, 2013 to assist him with income verification. They arrived at 11:00 a.m. and waited for two hours. Again, when Ms. Chang inquired about the wait she was instructed to use the drop box outside.

On January 9, 2014, Ms. Chang went with another client to the Northwest ISD office to assist with a SNAP/Food Stamps application. They arrived at 8:00 a.m. and lined up outside of the office to be among the first to arrive. When they got inside, a worker told Ms. Chang that there were too many people in the office and that she should leave her client's application in the drop box outside because they could not be seen by a worker.

¹⁷ Affidavit of Chi-Hsing Chang attached as Exhibit F.

Each time Ms. Chang accompanied a client to the Northwest ISD office, her clients were not permitted to meet with a worker or receive screening for emergency assistance.

7. AnhDao Dui¹⁸

AnhDao Dui is the appointed representative for her parents, Tinh T. Ngyuen and Son Bui's, SNAP/Food Stamps and Medicaid application. On November 12, 2013 AnhDao Bui completed an online application for SNAP/Food Stamps and Medicaid on behalf of her parents using the "Yes-NM" website.

On January 16, 2014 Ms. Dui received four notices dated January 14, 2014. One notice stated that her parents had an interview at the Alamogordo ISD office scheduled for January 22, 2014. Ms. Dui's parents both live in Albuquerque, New Mexico. The second notice stated that the couple was denied SNAP/Food Stamps and Medicaid for "failure to comply with the application process." The third notice stated that they needed to submit income information by December 27, 2013. Finally, the last notice documented the check stubs, passport copies and utility bills Ms. Dui had submitted online on behalf of her parents on December 12, 2013.

Ms. Dui immediately attempted to contact ISD to inform them that her parents live in Albuquerque and would not be able to attend an ISD interview in Alamogordo, which is over 200 miles away. Ms. Dui first called the ISD customer service line. The worker who answered suggested that Ms. Dui just wait for an interview call from the Alamogordo ISD office. When the Alamogordo ISD office failed to call, Ms. Dui called the ISD customer service line again. The worker then suggested that she call the Alamogordo Office directly and provided her with the phone number to the office. However, when Ms. Dui called the Alamogordo Office no one answered. A voice message recording stated that any voicemail left would go to a "vacant office"

¹⁸ Affidavit of AnhDao Dui attached as Exhibit G.

and then gave an alternate extension number. Ms. Dui called the alternate extension phone number, however the voicemail box was full and she was not able to leave a message.

Ms. Dui's parents have been waiting over two months for an eligibility determination for SNAP/Food Stamps and Medicaid. Neither application has been processed within timelines required by the Decree and Federal Law. Indeed, they are both still waiting for an interview for SNAP/Food Stamps. Ms. Dui's parents should have received an interview at the very latest by November 26, 2013.

Furthermore, Ms. Dui's parents received notice that they were being denied benefits for not complying with the application process, however HSD provided documents noting all the documents had been submitted. The only part of the application process that Ms. Dui had failed to complete for her parents was an interview, which HSD failed to timely schedule and provide. As a result, Ms. Dui's parents have been without food assistance or health care benefits for over two months.

8. Mathew Lucero¹⁹

Class member Mathew Lucero applied for SNAP/Food Stamps and Medicaid on December 24, 2013 online, using the "Yes-NM" website. Mr. Lucero's only income is \$750 that he receives in Social Security Disability benefits. As of January 30, 2014 Mathew had still not received an eligibility determination from ISD or any correspondence.

On January 30, 2014 Mr. Lucero's authorized representative contacted the ISD South Processing Center to inquire about his application for SNAP/Food Stamps and Medicaid. His authorized representative was told by a supervisor that all applications were delayed and that it was not possible to process his application for SNAP/Food Stamps any faster. Mr. Lucero's application was not processed within the timeframe required by the Decree and federal law. Mr.

¹⁹ Affidavit of Mathew Lucero attached as Exhibit H.

Lucero received benefits on February 3, 2014 but only because of intervention by the New Mexico Center on Law and Poverty.

9. Maria Ramirez²⁰

Class member Maria Ramirez and her four children live in Anthony, New Mexico and receive SNAP/Food Stamps. Ms. Ramirez submitted her application for recertification on December 10, 2013 including all required supporting documentation. On December 31, 2013, Ms. Ramirez received a letter stating that her case was closed for failure to recertify.

Ms. Ramirez called the Anthony ISD office and was told that her benefits were automatically terminated by mistake because the offices were overwhelmed and could not process all the applications. The worker said that there was nothing to do but wait. As a result, Ms. Ramirez and her children went without food benefits for the entire month of January.

10. Irene Gomez²¹

On October 1, 2013, class member Irene Gomez went to the West Doña Ana ISD office to apply for Medicaid and SNAP/Food Stamps. Ms. Gomez has no income and was in need of emergency assistance. Ms. Gomez had to wait for several hours before a caseworker called her number. After her number was called, Ms. Gomez stated that she wanted to apply for SNAP/Food Stamps and Medicaid. The worker told Ms. Gomez that she could either apply on the computer at home or on the computer in the office. Ms. Gomez wanted to apply in the office, so she waited several more hours to be able to use a computer.

After Ms. Gomez completed her online application, she asked if she could have a copy or receipt of proof that the application was submitted. A worker told Ms. Gomez that receipts are

²⁰ Affidavit of Maria Ramirez attached as Exhibit I.

²¹ Declaration of Irene Gomez is attached as Exhibit J.

only issued by mail. Ms. Gomez left the ISD office. Two weeks passed and Ms. Gomez heard nothing about her application from ISD.

On or about October 14, 2013, Ms. Gomez returned to the West Doña Ana ISD office to check on and update her application to reflect her recent divorce. Workers could not locate Ms. Gomez' application and therefore asked her to complete a new one. Workers explained that there were numerous problems with the new computer system causing problems for many people.

Several more weeks passed and Ms. Gomez did not hear anything about her eligibility for SNAP/Food Stamps or Medicaid, nor was she contacted for an eligibility interview. Ms. Gomez attempted to call the West Doña Ana ISD office at least four times, but was unable to talk to a caseworker during business hours or leave a message. Only after intervention by the New Mexico Center on Law and Poverty did Ms. Gomez receive her SNAP/Food Stamps benefits on December 1, 2013, over two months after she initially applied.

IV. DEFENDANT MUST TAKE IMMEDIATE STEPS TO REMEDY THE MULTIPLE LEGAL VIOLATIONS THAT OCCUR AS NEW MEXICANS ATTEMPT TO SEEK HEALTH CARE COVERAGE AND FOOD ASSISTANCE.

Defendant is out of compliance with the Decree and federal regulations. As a result New Mexicans are illegally going without health care coverage and food assistance, thereby threatening the health and welfare of the most vulnerable in our state.

This Court retains jurisdiction over the Decree (the Modified Settlement Agreement).²² Thus, the Court has the authority to enforce the terms, conditions, undertakings and Orders previously entered in this case, as they remain in full force and effect, as well as current federal regulations.²³ Pursuant to the meet and confer terms of the Decree, Plaintiffs have raised

²² See Doc. # 460 p.1

²³ *Id.*

numerous decree violations with Defendant over the past few years to little or no avail.²⁴ Given the magnitude of the barriers and that Medicaid and SNAP applicants currently face, Plaintiffs seek emergency injunctive relief.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order requiring Defendant to do the following:

- 1) immediately suspend the degrading, unnecessary and illegal practice of requiring individuals to wait outside the doors of ISD offices when they come to apply for benefits or for appointments;
- 2) immediately ensure that all applicants have the opportunity to meet with a caseworker during business hours the day they turn in an application;
- 3) immediately ensure that all applicants are being screened on the same day the application is received for all programs in which the applicant qualifies, including Expedited SNAP/ Food Stamps;
- 4) immediately ensure all applicants are interviewed for SNAP/Food Stamps eligibility within 10 working days of receiving the applicant's application;
- 5) immediately begin issuing document receipts at all ISD offices;
- 6) immediately take whatever steps are necessary to process applications and re-certifications in a timely manner, including but not limited to, hiring and training more staff members to rectify unlawful delays;
- 7) immediately begin processing all 'Yes-NM' online applications in a timely manner, including tracking all online applications beginning in October 1 of 2013 to ensure appropriate procedures and eligibility decisions;

²⁴ Decree p.3.

- 8) immediately take whatever steps are necessary, including but not limited to, training of all appropriate staff to answer telephone calls during business hours, allow callers the opportunity to leave voicemail messages and promptly return all voicemail messages;
- 9) meet and confer in good faith with Plaintiffs on other issues of compliance raised by Plaintiffs; and
- 10) meet and confer with the Plaintiffs at least once a quarter for a period of 12 months to discuss Defendant's compliance with the Decree as well as the steps Defendant needs to take to remedy the violations set forth in this Motion.

Respectfully submitted,

/s/ Gail Evans

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March 2014, I filed the foregoing pleading electronically with the United States District Court, causing the same to be electronically served on opposing counsel, Raymond Mensack, Raymond mensack@state.nm.us

/s/ Gail Evans
Gail Evans