

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

vs.

No. CIV 88-0385 KG/CG
Consolidated with
No. CIV-88-0786 KG/CG

BRENT EARNEST, Secretary of the
New Mexico Human Services Department,

Defendant.

STIPULATED ORDER MODIFYING Doc. 500

This matter comes before the Court through a Joint Motion, moving the Court to modify Document 500 to permit the New Mexico Human Services Department (“HSD”) to close and deny cases for procedural reasons using an automated individualized eligibility review process.

Document 500 was entered by the Court on May 20, 2014. Paragraph 3 of Document 500 required Defendant to “suspend the procedural (automatic) denial function in its computer system to ensure that, for the time being, no more no more SNAP and Medicaid cases are denied without any individualized eligibility review.” Paragraph 7 of Document 500 requires Defendant to “suspend the automatic closure function in its computer system to ensure that, at least for the time being, no more families are terminated from the SNAP or Medicaid programs and made to begin the application process anew without an individualized eligibility review by a caseworker to determine if the family has fulfilled its recertification obligations and remains eligible.”

Defendant has shared the design of a newly automated denial and closure function with Plaintiffs’ counsel and has incorporated some of Plaintiffs’ Counsel’s recommended changes. Having considered the joint motion filed on March 22, 2018, the Court will amend Doc. 500 as


described herein to allow for automated denial and closure of cases for procedural reasons in compliance with federal law and the Consent Decree.

IT IS ORDERED that

Doc. 500 is modified to include three paragraphs:

1. “Defendant may deny initial applications and close recertification cases for procedural reasons following an individualized eligibility review that is conducted by a caseworker or Defendant’s computer system.”
2. “Defendant’s automated process shall evaluate every case prior denial or closure to determine the cause of the delay in processing. In cases where Defendant caused the delay by failing to take an action required by federal law, the case will not be automatically denied or closed and the applicants will receive a notice of delay, as required by 7 C.F.R. 273.2 (h)(3) and 7 C.F.R. 273.14(e)(1)”
3. If either party discovers that the automated process is incorrectly denying or closing cases, the other party and Special Master will be notified immediately. A meet and confer will be scheduled if necessary to resolve the error.

IT IS SO ORDERED


UNITED STATES DISTRICT JUDGE

Submitted by:

Christopher Collins, General Counsel
Counsel for Defendant

Sovereign Hager
Counsel for Plaintiffs