

**COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT**

SUFFOLK, SS.

**SUPERIOR COURT
CIVIL ACTION
NO. 2684CV02820**

JENNIFER LARK, on behalf of herself, her family and
all others similarly situated,

Plaintiffs,

v.

MICHAEL COLE, as Commissioner of the Massachusetts
Department of Transitional Assistance,

Defendant.

COMPLAINT

PRELIMINARY STATEMENT

1. Plaintiff Jennifer Lark and her husband are working parents with two children. They struggle to make ends meet with the income from their hospitality services jobs. They are eligible for Supplemental Nutrition Assistance Program (SNAP) benefits to help pay for food but have not been able to obtain the benefits because the Massachusetts Department of Transitional Assistance (DTA) utterly fails to provide a reliable way for residents to connect with a SNAP caseworker. Ms. Lark repeatedly called DTA's Assistance Line for help. Each time her call was automatically disconnected. Because they have not received their SNAP, the Larks have had to use credit cards for groceries and other bills. They worry that their family's debt is snowballing. Like Ms. Lark, thousands of other Massachusetts families have also been unable to connect with a DTA caseworker to resolve SNAP issues. According to DTA data, in July 2026, DTA automatically disconnected 78 percent of average daily calls to

the Assistance Line trying to reach a caseworker.

2. Plaintiffs seek a declaration that DTA's failure to maintain a functioning system for client access violates its duty to provide service on a fair, just and equitable basis as required by G.L. c. 18, § 2(B)(d); violates its duty to operate the SNAP program in conformity with federal law, G.L. c. 18, § 10; violates Massachusetts regulations requiring DTA to take prompt action when a household reports a change; and deprives plaintiffs of SNAP benefits without due process in violation of the United States and Massachusetts constitutions.

Plaintiffs also seek a temporary restraining order directing DTA to provide the Larks the SNAP for which they are eligible, and a preliminary and permanent injunction (a) enjoining DTA from failing to provide low-income Massachusetts residents with meaningful access to SNAP benefits, and (b) ordering DTA to restore benefits that it improperly denied or terminated pursuant to its illegal policies and practices.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to G.L. c. 212, § 4; G.L. c. 214, § 1; and G.L. c. 231A, including jurisdiction over federal constitutional claims arising under 42 U.S.C. § 1983.

PARTIES

Plaintiff

4. Plaintiff **Jennifer Lark** lives in Salem, Massachusetts with her husband and their 8-year-old twin sons.

Defendant

5. Defendant **Michael Cole** is the Commissioner of the Massachusetts Department of Transitional Assistance, which is the state agency responsible for administration of the Supplemental Nutrition Assistance Program (SNAP) in Massachusetts. DTA has its principal

place of business at One Ashburton Place, Boston, Massachusetts. He is sued in his official capacity.

CLASS ALLEGATIONS

6. Plaintiffs bring this action pursuant to Rule 23 of the Massachusetts Rules of Civil Procedure on behalf of a class of all Massachusetts SNAP applicants and recipients who were unable to connect to a SNAP worker when they called the DTA Assistance Line.

7. The proposed class meets the requirements of Rule 23 in that:

a. The class is so numerous that joinder of all members is impracticable. (i) In July 2026, 557,447 households in Massachusetts received SNAP benefits. The DTA Assistance Line received 18,891 calls on average each business day in July 2026. Of these, 6,451 ended after the caller heard limited information through an interactive voice response (IVR) system. DTA automatically disconnected 9,715 (78 percent) of the remaining 12,440 calls, blocking the calls from reaching a SNAP caseworker at the DTA call center. *See DTA Performance Scorecard*, available at

<https://www.mass.gov/lists/dta-performance-scorecards#2026-performance-scorecards-by-month-> (accessed Sept. 17, 2026). July 2026 was not an anomaly: in

each of the first six months of calendar 2026, DTA disconnected on average each business day between 74 percent and 81 percent of the calls to the Assistance Line that tried to reach a SNAP. *Id.*

(ii) Households trying to reach a caseworker because of a change that would result in an increase in their benefits generally had even more trouble getting through. These callers in most cases were put in the lowest priority queue for service. In June 2026, 35,764 callers assigned to this lowest priority queue did not get through to a DTA caseworker in that month even if they called multiple times. This was 92 percent of

the 38,804 unduplicated callers in June who were assigned to this lowest priority queue.

(iii) In this case, joinder is not merely impracticable, but is truly impossible because the composition of the class changes daily, as different households call the Assistance Line to try to reach a SNAP caseworker.

b. The named Plaintiff's claims are typical of the claims of the class.

c. There are questions of fact and law common to the class, including whether Defendant's failure reliably to connect callers attempting to reach a SNAP caseworker on the Assistance Line violates federal and state law and the Massachusetts and United States constitutions. The common questions predominate over questions affecting only individual class members.

d. The named Plaintiff is represented by the Massachusetts Law Reform Institute, whose attorneys are experienced in class action litigation and will adequately represent the class.

e. A class action is superior to other methods for adjudicating the controversy because joinder is impossible and because Defendant has acted pursuant practices applicable to the entire class.

LEGAL BACKGROUND

8. Congress established the federally funded, state administered Food Stamp program in 1964. Food Stamp Act of 1964, P.L. 88-525, § 2 (Aug. 31, 1964). It was renamed the Supplemental Nutrition Assistance Program (SNAP) by the Food and Nutrition Act of 2008, P.L. 110-246, § 4(a) (June 18, 2008).

9. The SNAP statute begins with a "Congressional declaration of policy" stating that "[i]t is declared to be the policy of Congress, in order to promote the general welfare, to

safeguard the health and well-being of the Nation’s population by raising levels of nutrition among low-income households.” 7 U.S.C. § 2011. The declared goal of the program is to “alleviate . . . hunger and malnutrition [by] . . . permit[ting] low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.” 7 U.S.C. § 2011; *see also* 7 U.S.C. § 2026(b)(1)(B)(i) (“goal of the supplemental nutrition assistance program” is to “provid[e] food assistance to raise levels of nutrition among low-income individuals”); 7 U.S.C. § 2013(a) (“eligible households within the State shall be provided an opportunity to obtain a more nutritious diet through the issuance to them of an allotment”).

10. At the federal level SNAP is administered by the United States Department of Agriculture’s Food and Nutrition Service (FNS). 7 U.S.C. § 2013(a).

11. The program is administered at the state level by state agencies that request to participate in the program, subject to federal regulations. 7 U.S.C. §§ 2012(s), 2013(a), 2020(a). The federal government currently covers the entire cost of SNAP benefits, and half of the states’ administrative costs. 7 U.S.C. §§ 2013(a), 2025(a), 2027(a).

12. In Massachusetts, the Department of Transitional Assistance is the state agency responsible for administering the SNAP program. G.L. c. 18, §§ 1, 2. State law specifically requires DTA to “provide and administer throughout the commonwealth a comprehensive transitional assistance financial assistance program, including . . . the provision and administration of the supplemental nutrition assistance program, with benefits designed for use by participants to purchase eligible foods, including seeds and plants, for home consumption and use.” G.L. c. 18, § 2(A).

13. Like the federal statute, DTA regulations provide that “[t]he purpose of the

Supplemental Nutrition Assistance Program (SNAP) is to raise the nutritional level among low income households whose limited food purchasing power contributes to hunger and malnutrition among these households.” 106 C.M.R. § 360.010.

14. The authority for DTA regulations governing the SNAP program “is the Food Stamp Act and its amendments and the resulting regulations issued by the United States Department of Agriculture (USDA) in Chapter 7 of the Code of Federal Regulations, Parts 270 through 282, to implement the law.” 106 C.M.R. § 360.020.

15. Federal law limits participation in SNAP “to those households whose incomes and other financial resources . . . are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.” 7 U.S.C. § 2014(a). The federal government sets the maximum allotment value, adjusted for household size. 7 U.S.C. §§ 2012(u), 2017(a).

16. Federal law provides that SNAP benefits are an entitlement for those who apply and are eligible: “Assistance under this program shall be furnished to all eligible households who make application for such participation.” 7 U.S.C. § 2014(a). “Food-stamp benefits [are an] entitlement[] . . . appropriately treated as a form of ‘property’ protected by the Due Process Clause; accordingly, the procedures that are employed in determining whether an individual may continue to participate in the statutory program must comply with the commands of the Constitution.” *Atkins v. Parker*, 472 U.S. 115, 262-63 (1985).

17. Massachusetts law requires DTA to administer its programs including SNAP “in conformity with all requirements governing the granting of federal aid to the commonwealth.” G.L. c. 18, § 10.

18. State law also mandates that DTA “formulate the policies, procedures and rules necessary for the full and efficient implementation of programs authorized by the laws of the

commonwealth and federal laws in the area of transitional assistance financial assistance.”

G.L. c. 18, § 2(B)(a). Among other things, DTA has a duty to “administer the services, funds and personnel necessary for such transitional assistance financial assistance programs throughout the commonwealth,” G.L. c. 18, § 2(B)(b), and a duty to “provide the range of transitional assistance financial assistance services on a fair, just and equitable basis to all people in need of such services.” G.L. c. 18, § 2(B)(d).

19. The federal statute requires the state agency to “provide timely, accurate, and fair service to applicants for, and participants in, the supplemental nutrition assistance program.” 7 U.S.C. § 2020(e)(2)(B)(i).

20. The federal statute requires that the state agency “promptly determine eligibility.” 7 U.S.C. § 2020(e)(3). The federal regulations require the state agency to “take prompt action on changes to determine if the change affects the household’s eligibility or allotment.” 7 C.F.R. § 273.12(c). For changes that result in an increase in benefits, federal regulations require the state agency to make the change no later than the next allotment due 10 or more days after the date the change was reported to the state agency. 7 C.F.R. § 273.12(c)(1)(i). For changes that result in an increase in SNAP due a decrease of \$50 or more in the household’s gross monthly income, federal regulations require the state agency to make the change not later than the next normal issuance date, or through a supplement provided by the household’s normal issuance date or the 10th day of the month following the month of the report (whichever is later) if the agency doesn’t have time to adjust the normal issuance amount. 7 C.F.R. § 273.12(c)(1)(ii).

State regulations also require DTA to take “expedited action” on reported decreases in gross income of \$50 or more by adjusting the first allotment due 10 days after the date the change

was reported. If the change is reported after the 20th of the month and it is too late to adjust the next month's allotment, the worker must authorize supplemental SNAP benefits "to ensure that the household receives the increase in benefits by the 10th day of the following month, or the household's normal issuance date, whichever is later." 106 C.M.R. § 366.120(A)(2).

21. State regulations require other changes that increase the household's benefit level to be effective not later than the first allotment issued 10 days after the date the change was reported. 106 C.M.R. § 366.120(B).

22. The federal statute requires the state agency to restore benefits improperly denied, terminated, or underissued during the 12 months before the date of commencement of any judicial action or during the 12 months before the agency is notified or otherwise discovers the possible loss to the household. 7 U.S.C. §§ 2020(b), 2020(e)(11), 2023. State regulations also require correction of underpayments. 106 C.M.R. §§ 361.080, 366.500-366.520. Federal law requires the state to take steps to prevent the recurrence of such errors where the error was caused by agency practices, rules or procedures that are inconsistent with the statute or with federal regulations or policies implementing the statute. 7 U.S.C. § 2020(b).

FACTS

Plaintiff Jennifer Lark

23. Plaintiff Jennifer Lark and her husband struggle to meet their family's basic needs. They have 8-year-old twin boys, "AJ" and "Alex" (not their real names). AJ has autism. Both parents work part-time in hospitality and food service jobs. Mr. Lark works mornings, and Ms. Lark typically works afternoons and early evenings. This schedule allows Mr. Lark to pick up the children after school, which he needs to do because AJ can't take the bus. The schedule also allows Ms. Lark to take classes at the local community college towards a

business administration degree, and gives the parents a bit more time to provide the support and attention their children need, especially AJ. In addition, the schedule allows the Larks to have a family dinner at a regular time in the evening, which is important for everyone in the family, especially AJ for whom a consistent dinner time schedule is essential. The schedule also makes it possible for Ms. Lark to be home to put her children to bed at night. She previously worked until late at night, which was hard on her and on her family.

24. The family's gross income is approximately \$3,200 a month before taxes. It varies because Ms. Lark tries to pick up extra shifts when she can, and Mr. Lark's morning shifts sometimes change by an hour or so. Their rent is \$2,200 a month. They also pay for utilities.

25. The family received SNAP in the amount of \$926 a month from February 2026 through June 2026.

26. In March 2026, Ms. Lark began receiving unemployment benefits from a previous job. Based on the unemployment benefits combined with the Larks' earnings, DTA reduced the family's SNAP to \$0 starting July 4, 2026. In accordance with state policy, DTA did not close the Larks' SNAP case, thereby allowing the Larks to receive a SNAP benefit without having to reapply if their income or other circumstances changed.

27. On August 3, 2026, DTA sent a notice to Ms. Lark asking her to submit her July paystubs. Ms. Lark remembers she responded by providing both her pay stubs and a screenshot of information from the Department of Unemployment Assistance showing her unemployment benefits would be ending soon. She submitted these documents to DTA on August 13 and on August 16, 2026 by uploading them to her "DTA Connect" account. DTA Connect is DTA's online and web-based client portal that allows residents to submit documents, see notices that DTA sent to them, and view their case status and benefit balance.

Ms. Lark's DTA Connect shows that documents were submitted on those dates, but the DTA Connect portal does not allow the household to see the documents they submitted.

28. Ms. Lark's unemployment benefits ended in late August.

29. As of September 21, 2026, DTA Connect shows that the documents Ms. Lark submitted in mid-August are "pending review" but have not been reviewed by a DTA caseworker. DTA Connect does not show that DTA has taken any steps to verify that Ms. Lark's unemployment benefits have ended. DTA can verify unemployment compensation benefits have terminated by directly accessing state Department of Unemployment Assistance data. See DTA Online Guide, https://eohhs.ehs.state.ma.us/DTA/PolicyOnline/BEACON5/!SSL!/WebHelp/CrossProg/Inc-m-Unernd_UnemployComp.htm (accessed on September 16, 2026).

30. After checking her DTA Connect many times to see if her documents had been reviewed, Ms. Lark started calling the DTA Assistance Line. On September 1, 2026, she called twice. She called two more times on September 2. On September 3 she called a fifth time. On September 4 she called a sixth and seventh time. Ms. Lark usually tried to call right when the phone lines open at 8:15 AM.

31. Each time Ms. Lark called, she provided her case information to try to get into the queue for a worker. Then she had to listen to an automated message giving her information about her case, including that she was eligible for \$0 benefits, before she could choose the option to talk to a caseworker. After selecting that option, she heard an automated message stating that due to high call volumes DTA could not speak with her, and the call was automatically disconnected.

32. On September 2, 2026, Ms. Lark emailed the DTA Connect help desk email,

DTAAppHelpDesk@massmail.state.ma.us. She wrote “[E]very time I call I am told no one can take my call and there's no call back option, I couldn't find any other way of contact. My case has been in review for over 2 weeks now. I have hardly any food in my house, my rent is past due, electric is threatening to turn our power off and we have two school aged children. I need help. I have been calling for the last 2 days trying to get answers. My name is Jennifer Lark. I just need an update on my case please! Thank you!”

33. On September 9, 2026, MLRI advocate Victoria Negus called the Assistance Line on Ms. Lark’s behalf. After providing Ms. Lark’s identifying information, hearing automated information about her SNAP case, and then selecting the option to reach a worker, Ms. Negus heard the standard high call volume message, and the call was automatically disconnected.

34. On September 14, 2026, DTA replied to Ms. Lark’s email to the DTA Connect help desk with this form message: “Thank you for reaching out to the DTA Connect Help Desk. Our team specializes in providing technical support for the DTA Connect app and website, as we do not process or update cases. If you need help with your case, please contact the DTA Assistance Line at 877-382-2363 to speak with a case manager. We encourage you to continue to utilize the Assistance Line if you need to speak with someone directly, but we understand that there may be high call volumes at times. We apologize for any inconvenience and appreciate your patience as you attempt to connect.”

35. Ms. Lark says that when she could not reach DTA for help, she felt angry and frustrated. She says, “I felt like my hands were tied.” “I can get mad all I want, and call these people every day, but I am still not going to get through on the phone, I am not going to get in touch with anyone, and it’s so defeating. I can’t imagine what is happening to people in

even worse situations than me. I am helpless.”

36. Because DTA did not process the Larks’ updated information and did not make it possible for Ms. Lark to get DTA to act on her case, the Larks did not receive hundreds of dollars’ worth of SNAP in September for which they were eligible and have not yet been determined eligible for ongoing SNAP benefits.

37. Because the Larks did not receive the SNAP for which they were eligible, they had to use funds they needed for other bills to pay for groceries in September. They also had to use credit cards for groceries and the other bills, making their financial situation more precarious.

38. “We are really struggling with our credit cards,” Ms. Lark says. “We are trying to be responsible and not go into debt. But bills pile up and without SNAP we are in a big snowball. We have to use our credit cards for groceries and other bills right now and that makes it hard to make even the minimum payments on the cards. We can’t care for our family and keep this debt from snowballing. It feels like we are drowning right now.”

39. Like many other children with autism, *see Autism and Picky Eating*, Child Mind Inst., <https://childmind.org/article/autism-and-picky-eating/> (accessed on September 20, 2026), AJ is very choosy about what he will eat. The Larks try to buy him foods he likes and try to avoid foods that he has a sensory aversion to or that trigger mealtime challenges such as tantrums. They also try to avoid sugary snacks and artificial dyes which make him more hyperactive and irritable. Low-sugar snacks and fresh fruit – especially berries, AJ’s favorite – are expensive.

40. Ms. Lark also has dietary restrictions herself. She has high blood pressure and is supposed to avoid foods that are high in sodium, including highly processed foods, but often less expensive than healthier foods. Mr. Lark has diverticulitis and must be careful about

what he eats. Buying groceries that meet their family members' different needs often means a higher price in the checkout line.

41. Ms. Lark says the family's very tight food budget has caused her a lot of stress. She says "Some days I feel guilty eating myself, even though I know I need to because of my high blood pressure. I have to be careful with what I eat, but I feel guilty if I eat our family's food because I want to make sure we have enough for the week. I don't want to have an egg for breakfast or finish the rest of our milk in case my family needs it. My kids love to have mini muffins as a breakfast snack before they go to school. I feel terrible because I haven't been able to give them that that part of their morning routine."

42. Ms. Lark says "I feel like I don't have any control and we are trying so hard for our family. Everything is so expensive. I feel anxious about what we will do. What is happening is terrible, for my family and for other families. We tried to do the right thing to get help. SNAP would make a real difference."

DTA's Assistance Line

43. DTA's Assistance Line is the primary way SNAP applicants and recipients access DTA caseworkers including when they need help applying for or renewing benefits, when they need to be interviewed, when they need help sorting out verification issues, when a change in circumstances may warrant a change in the household's benefits, and when their case has been closed.

44. However, DTA utterly fails to provide SNAP applicants and recipients who call the Assistance Line with reliable access to a SNAP caseworker. In July 2026, the DTA Assistance Line received 18,891 calls from SNAP households on average each business day . Of these, 6,451 ended after the caller heard limited information from an interactive voice

response (IVR) system. The remaining 12,440 calls attempted to connect to a SNAP worker, but 9,715 (78 percent) were blocked. *See DTA Performance Scorecard*, available at <https://www.mass.gov/lists/dta-performance-scorecards#2026-performance-scorecards-by-month> (accessed Sept. 17, 2026). July 2026 was not an anomaly for the Assistance Line: in each of the first six months of calendar 2026, DTA disconnected on average each business day between 74 percent and 81 percent of the calls trying to reach a SNAP worker.

45. This collapse of the DTA system for serving clients has contributed to a dramatic decline in the SNAP caseload, which has fallen by 18 percent since August 2024.

46. The access problem is particularly severe for SNAP beneficiaries who are trying to report a change that may qualify them for an increase in their benefits. DTA assigns most of these clients to the lowest priority queue for service, increasing the likelihood that their calls will be automatically blocked. In June 2026, for example, 35,764 (92 percent) of the 38,804 callers assigned to this queue who tried to speak with a DTA caseworker did not get through in that month even if they called multiple times.

47. Nationally, more than half of all households redeem all or nearly all their benefits within two weeks after their monthly benefit is posted to their account. On average, households redeem 94.4 percent of benefits before the end of the month. Castner, L., et al., *Benefit Redemption Patterns in SNAP-FY 22*, U.S. Dep’t of Agriculture, Food and Nutrition Service; <https://www.fna.usda.gov/research/snap/benefit-redemption-patterns/2022> (accessed on Sept. 16, 2026). When households’ benefits are delayed or stopped, individuals and families cannot buy the food they need when they need it.

48. Not receiving SNAP benefits exposes the Plaintiffs and their families to grave harm. Forty percent of Massachusetts households are “food-insecure,” meaning they suffer from

not having enough food for an active, healthy life. Soto, J., et al., *Massachusetts Food Access Report: Hunger on the Rise*, the Greater Boston Food Bank (2026), available at <https://foodaccessreport.gbfb.org/> (accessed Sept. 16, 2026). The rate of food insecurity in Massachusetts has doubled since 2019. *Id.* During the same period, rates of very low food security (the most severe form of food security with hunger) have more than quadrupled, growing from 6 percent in 2019 to 25 percent in 2025. *Id.* Denying or terminating SNAP benefits inevitably makes it even harder for very low-income households to get the food they need to be healthy and well-nourished.

CLAIMS

First Claim: Violation of Massachusetts Requirements to Implement SNAP Fully and Efficiently and on a Fair and Just Basis.

49. DTA’s systemic failure to make it possible for SNAP applicants and recipients to reach a SNAP caseworker to resolve issues in their cases and DTA’s systemic failure to take prompt action on reported changes that would increase SNAP benefits violate its duty to “formulate the policies, procedures and rules necessary for the full and efficient implementation of programs authorized by the laws of the commonwealth and federal laws in the area of transitional financial assistance,” G.L. c. 18, § 2(B)(a); and to “provide the range of transitional assistance financial assistance services on a fair, just and equitable basis to all people in need of such services.” G.L. c. 18, § 2(B)(d).

Second Claim: Violation of Massachusetts Requirements to Administer SNAP in Conformity with Federal Requirements.

50. DTA’s systemic failure to make it possible for SNAP applicants and recipients to reach a SNAP caseworker to resolve issues in their cases and DTA’s systemic failure to take prompt action on reported changes that would increase SNAP benefits violate its duty under G.L. c. 18, § 10 to administer its programs “in conformity with all requirements governing

the granting of federal aid to the commonwealth,” including the federally required duty to “provide timely, accurate, and fair service to applicants for, and participants in, the supplemental nutrition assistance program,” 7 U.S.C. § 2020(e)(2)(B)(i); the federally required duty to “promptly determine eligibility,” 7 U.S.C. § 2020(e)(3); the federal required duty to “take prompt action on changes to determine if the change affects the household’s eligibility or allotment,” and to adjust benefits within specified time frames when a reported change warrants an increase, 7 C.F.R. § 273.12(c); and 106 C.M.R. § 360.020, which requires Massachusetts to operate the SNAP program in accordance with the federal statute and its implementing regulations.

Third Claim: Violation of Massachusetts Regulations Requiring Timely Action.

51. DTA’s systemic failure to take prompt action on reported changes that would increase SNAP benefits violates DTA’s regulations at 106 C.M.R. § 366.120.

Fourth Claim: Violation of Due Process Guarantees of United States and Massachusetts Constitutions.

52. DTA’s systemic failure to make it possible for SNAP applicants and recipients to reach a SNAP caseworker to resolve issues in their cases and DTA’s systemic failure to take prompt action on reported changes that would increase SNAP benefits violate basic elements of due process of law guaranteed by Articles 1, 10 and 12 of the Declaration of Rights of the Massachusetts Constitution, the Fourteenth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Issue a short order of notice on Plaintiff Jennifer Lark’s request for preliminary relief.

2. Enter a temporary restraining order directing defendant to take immediate action on Plaintiff Jennifer Lark's reported changes and restore all SNAP benefits wrongfully delayed.
3. Enter a preliminary and permanent injunction directing defendant to implement a system that provides SNAP applicants and recipients with reasonable and reliable access to a SNAP caseworker and directing defendant to take prompt action on reported SNAP changes that would result in an increase in SNAP benefits as required by law.
4. Certify that this action may be maintained as a class action under Rule 23 of the Massachusetts Rules of Civil Procedure on behalf of the class defined above.
5. Order defendant to restore benefits that it improperly denied or terminated pursuant to its flawed policies and practices.
6. Issue a declaration that defendant's failure to implement a system that provides SNAP applicants and recipients with reasonable and reliable access to a caseworker and DTA's failure to take prompt action on reported changes that would result in an increase in the household's SNAP benefits violate –
 - a. DTA's duties to "formulate the policies, procedures and rules necessary for the full and efficient implementation of programs authorized by the laws of the commonwealth and federal laws in the area of transitional financial assistance," G.L. c. 18, § 2(B)(a); and to "provide the range of transitional assistance financial assistance services on a fair, just and equitable basis to all people in need of such services," G.L. c. 18, § 2(B)(d); and DTA's duty under state law to take prompt action when a change has been reported that may warrant a SNAP benefit increase. 106 C.M.R. § 366.120.

- b. DTA's duties under G.L. c. 18, § 10 to administer its programs "in conformity with all requirements governing the granting of federal aid to the commonwealth," including the federally required duty to "provide timely, accurate, and fair service to applicants for, and participants in, the supplemental nutrition assistance program," 7 U.S.C. § 2020(e)(2)(B)(i); the federally required duty to "promptly determine eligibility," 7 U.S.C. § 2020(e)(3); the federal required duty to "take prompt action on changes to determine if the change affects the household's eligibility or allotment," and to adjust benefits within specified time frames when a reported change warrants an increase, 7 C.F.R. § 273.12(c); and 106 C.M.R. § 360.020, which requires Massachusetts to operate the SNAP program in accordance with the federal statute and its implementing regulations.
 - c. Basic elements of due process of law guaranteed by Articles 1, 10 and 12 of the Declaration of Rights of the Massachusetts Constitution, the Fourteenth Amendment to the United States Constitution, and 42 U.S.C. § 1983.
- 7. Award Plaintiffs reasonable attorneys' fees and costs as provided by 42 U.S.C. § 1988.
 - 8. Order such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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