

CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP AMERICANS WITH DISABILITIES

THE NEED

Many of the over 50 million Americans with disabilities face serious challenges that impact their basic needs. Although the nature and severity of disabilities and associated challenges vary, those with disabilities experience unemployment, poverty, lack of access to health care, discrimination and difficulty accessing appropriate educational services more often than those without a disability. In January 2016, with the labor force participation rate at only 19.5%, the unemployment rate for the people with disabilities (ages 16+) was 10.8%, compared to the much lower rate of 5.1% for people without disabilities. The poverty rate was 28.2% for working-age people with disabilities, compared to 13% for those without disabilities in 2014. With the right support, however, many individuals with disabilities live successful, independent lives.

EXAMPLES OF THE FEDERAL RESPONSE

The federal government enforces the laws that help reduce or eliminate the barriers that Americans living with disabilities face and funds public benefits programs that assist those who experience material hardship. Administered by the Social Security Administration (SSA), Social Security and Supplemental Security Income programs assist over 14 million Americans with disabilities through cash payments to prevent financial hardship; and in 2013 alone, about 3.5 million of the nation's 22 million veterans received disability compensation benefits from the Department of Veterans Affairs. Also, over 8.8 million non-elderly individuals with disabilities receive health coverage under Medicaid, administered by the Department of Health and Human Services (HHS), and a number of HHS programs support self-represented individuals in administrative appeals and serve as representative payees to enable individuals to receive public benefits.

To promote employment of those with disabilities, the Department of Labor's Office of Disability Employment Policy supports the national outreach initiative, [Campaign for Disability Employment](#), the one-stop online resource portal [Disability.gov](#), expert guidance on workplace accommodations by the [Job Accommodation Network](#), and the [Workforce Recruitment Program](#) that connects employers with highly motivated college students and recent graduates with disabilities.

To address the housing needs and to combat discrimination against persons with disabilities in housing, the Department of Housing and Urban Development (HUD) funds programs that assist many persons with disabilities to live independently in housing they choose. HUD enforces federal statutes that prohibit discrimination in federally assisted programs, and it also funds state and local agencies to create and enforce fair housing laws that assist victims of housing discrimination. On the education front, the Department of Education (ED) works to ensure that America's children and youth with disabilities have the same opportunity for a quality education as their peers without disabilities through various programs and grants.

In addition, HHS, ED and SSA fund the statutorily mandated Protection and Advocacy System programs (P&A), which are independent state-based programs that provide legal representation and other advocacy services to persons with disabilities.

Lastly, the Department of Justice (DOJ) works to achieve equal opportunity for people with disabilities by implementing the Americans with Disabilities Act through enforcement, certification, regulatory coordination, and technical assistance activities. DOJ's recent enforcement priorities include enforcing the U.S. Supreme Court's decision in *Olmstead v. L.C.*, a case that requires states to eliminate unnecessary segregation of persons with disabilities and to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs.



The average disability compensation award for veterans who filed with the help of an accredited attorney, agent, or veterans service officer was more than two times the amount awarded to veterans who filed claims without representation.

~ Department of Veterans Affairs Office of Inspector General
"Review of State Variances in VA Disability Compensation Payments" (May 2005)





LEGAL AID plays a vital role in **SERVING AMERICANS WITH DISABILITIES** and creating a stable living environment for the most vulnerable people in our society.

~ Carolyn W. Colvin, Acting Commissioner of Social Security

Legal Aid Helps

- **Prevent or stop discrimination and enforce rights** under the Americans with Disabilities Act, the Rehabilitation Act, the Fair Housing Act, and the Individuals with Disabilities Education Act in employment, government services, public accommodations, housing, and school.
- **Secure government benefits** such as Social Security, Medicaid, and veterans' benefits, by explaining eligibility requirements, properly documenting applications, helping to waive unjust overpayment demands, and appealing erroneous denials, terminations, and reductions.
- **Ensure housing and places of employment are accessible** by requesting reasonable modifications of housing to the landlord or a reasonable accommodation at a workplace, and representing the persons with disabilities to resolve conflicts over such requests.
- **Obtain equal education and services for children with disabilities** by demanding an evaluation for an individualized education plan and related services to meet a child's needs in the least restrictive environment.
- **Support the independence of persons with disabilities** in institutions or nursing homes and avoid unnecessary placements in segregated settings and institutionalization by developing discharge plans that offer an array of quality home and community-based or alternative housing options that meet the needs of individuals with disabilities.
- **Educate individuals with disabilities and their families about their legal rights** such as requesting a reasonable accommodation or modification, and appealing a benefits decision, as well as their rights of personal choice.
- **Protect civil liberties** by developing supported decision-making opportunities, drafting powers of attorney and other less restrictive alternatives to guardianships, and advocating for limited guardianships when other alternatives to guardianship are not available.

P&A Lawyer Listens to Teacher's Tale of Denial of Services for Hearing Loss

When "Jack" realized his already limited hearing had deteriorated, he knew he needed new hearing aids to keep his teaching job. But when Jack requested a replacement device, Indiana Vocational Rehabilitation Services (VR), the state government office that helps people with disabilities get and retain employment, denied the request because VR's policy required a hearing change of at least 10 decibels to provide replacement devices and Jack didn't meet that requirement. Indiana Protection and Advocacy Services (IPAS), with funding from the Department of Education's Client Assistant Program, appealed the denial. At the appeal, the administrative law judge determined that VR's 10-decibel requirement was inconsistent with federal law, as it did not account for the individual needs of each VR client. Thanks to IPAS's help, Jack received new hearing aids and kept his job. IPAS also used the decision to help other Hoosiers needing replacement hearing aids to retain their employment.

Legal Aid Prevents Homelessness for Man with Disabilities

"Adam" suffered from paranoid schizophrenia and depression and didn't defend himself when his private landlord sought eviction. Because of the eviction, the public housing authority (PHA) took away Adam's Section 8 housing voucher, leaving him without means to secure housing. On his own, Adam tried to dispute the PHA's action with no luck. Adam then turned to Mid-Minnesota Legal Aid for help, and thanks to funding from the Fair Housing Initiative Program of the Department of Housing and Urban Development, a legal aid lawyer helped appeal Adam's case, seeking to restore his housing subsidy as a reasonable accommodation needed because of his mental health disabilities. After further negotiations, the PHA granted the reasonable accommodation, and Adam regained his housing subsidy and found a new home. With legal aid's help, Adam escaped the downward spiral of homelessness.

