

PROTECTION and ADVOCACY for BENEFICIARIES of SOCIAL SECURITY (PABSS)

ANNUAL PROGRAM PERFORMANCE REPORT

REPORTING PERIOD: From 10/1/2016 To 9/30/2017

GRANT AWARD NUMBER: 6PAB13020317-01-03

STATE: NY

AGENCY NAME: NEW YORK - Disability Rights New York

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Part I - Quantitative Statistics

Section A: Information and Referral

1. How many individuals received Information and Referral under the PABSS program during the Report Period? (Do not count individuals more than once for this response.)

Individuals Receiving I&R	14
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2. How many Information and Referral requests were made under the PABSS program during the report period? (Include all I&R requests, even if more than one for some individuals. This number should equal or exceed Section A. 1.)

Information and Referral Requests	14
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Section B: Individuals and Issue Area Service Requests/Workload Statistics

1. Individuals

a. How many individuals had open PABSS issue area service requests at the start of the report period?	36
b. How many new PABSS individuals were added during the report period?	102
Total Individuals Served	138
c. Total number of individuals with all issue area service requests that were closed during the report period under the PABSS program	102
Total Individuals Still Being Served	36

2. Services

a. Total PABSS issue area service requests open at the start of the report period.	36
b. Number of new PABSS issue area service requests added during the report period?	108
Total Services	144
c. Total number of issue area service requests closed during the report period?	108
Total Services Still Open	36

Section C: Individual Demographics

1. Please provide counts of individuals served by Gender:

a. Male	44
b. Female	58
Total individuals received	102

2. Please provide counts of individuals served by Ethnicity:

a. Alaskan Native	0
b. American Indian	0
c. Arab American (Middle Eastern)	0
d. Asian	0
e. Black (Not Hispanic/Latino Origin)	24
f. Hispanic/Latino	13
g. Multi Racial / Multi Cultural	2
h. Pacific Islander	0
i. White (Not Hispanic/Latino Origin)	58
j. Unknown	5
Other (IF SELECTED MUST SPECIFY)	0
Total individuals received	102

3. Please provide counts of individuals received by Age Bracket:

a. 14 to 18	0
b. 19 to 21	1
c. 22 to 40	32
d. 41 to 59	55
e. 60 to 64	14
Total individuals received	102

4. Please provide counts of individuals received by Beneficiary Status.

a. SSI eligible	25
b. SSDI eligible	65
c. Dually eligible	12
Total individuals received	102

5. Please provide counts of individuals received by Primary Disability:

a. Absence of extremities	1
b. Autism	5
c. Auto-immune (lupus, thyroid, ALS, etc.)	0
d. Blindness (both eyes)	4
e. Cancer	1
f. Cerebral palsy	3
g. Deaf-blind	0
h. Deafness	4
i. Diabetes	1
j. Digestive disorders (chronic pancreatitis, esophageal stricture, fistulae, chronic liver, etc.)	0
k. Epilepsy	0
l. Genitourinary conditions (kidney, prostate, etc.)	0
m. Hard of Hearing (not deaf)	0
n. Heart and other circulatory problems including cardiovascular	0
o. HIV/AIDS	0
p. Mental illness (diagnosis according to DSM-IV)	35
q. Mental retardation	3
r. Multiple sclerosis	3
s. Muscular dystrophy	0
t. Muscular / Skeletal impairment (arthritis, fibromyalgia, osteogenesis imperfecta, osteomyelitis, etc.)	5
u. Neurological disorders (brain tumors, convulsive disorders, Parkinson, etc.)	6
v. Other emotional/behavioral (Provide detail)	0
w. Other intellectual such as ADD/ADHD (Provide detail)	0
x. Physical / orthopedic including spinal cord injuries, paraplegia, quadriplegia, back problems, etc.	12
y. Respiratory disorders (emphysema, asthma, pulmonary hypertension, cystic fibrosis, etc.)	1
z. Specific learning disabilities (SLD)	6
aa. Speech impairment	0
bb. Spina bifida	1
cc. Substance abuse (alcohol or drugs)	1

dd. Tourette syndrome	0
ee. Traumatic brain injury (TBI)	6
ff. Visual Impairment (not blind)	2
gg. Disability not known/Other than Above (Specify)	2
Adult Home Residents disability not disclosed	2
Total individuals receipted	102

Section D: Major Source of Concern

Please Provide counts of all PABSS issue are service request receipts by major source of individual's concern for the current report period:

1. State Vocational Rehab Agency (public VR program)	0
2. Employment Networks (SSA contractor)	8
3. Agencies other than 1. or 2. above	3
4. Employment discrimination – hire, fire, promotion	32
5. Employment wages and benefits	8
6. Housing	3
7. Healthcare (not 5 above)	1
8. Insufficient/improper benefits planning	3
9. Transition services (Student beneficiary between 14-18 (or under age 22) engaging/needing a transition plan)	0
10. Post Secondary accommodation	6
11. Transportation	1
12. Social Security benefits cessation based on SGA (including CDR's) – not Overpayment	3
13. Benefits Questions/Work Incentives – Not 12 or 14	9
14. Work Related Overpayment	26
15. Other (IF SELECTED MUST SPECIFY)	5
Representative Payee Problems	5
Total issues/service requests of individuals receipted.	108

Section E: Closed Issue Area Service Requests

1. What was the problem/sub-problem area?

a. [AT] Assistive Technology	0
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b. [Education] Transition school to work	8
c. [Employment] Discrimination in employment benefits	1
d. [Employment] Discrimination in hiring	10
e. [Employment] Unlawful termination / firing	12
f. [Employment] Other employment discrimination	10
g. [Employment] Reasonable accommodation – not d, e, or f from above	4
h. [Employment] Service provider issues – not c-g above	4
i. [Employment] Wage and hour issues	1
j. [Financial Entitlements] SSI: Overpayments based on work issues	3
k. [Financial Entitlements] SSDI: Overpayments based on work issues	25
l. [Financial Entitlements] (other) – Specify	8
Issues with Representative Payee	8
m. [Healthcare] Medicaid only issues	0
n. [Healthcare] Medicare/Medicaid issues	0
o. [Healthcare] Medicare only issues	0
p. [Healthcare] Private Insurance Issues	0
q. [Housing] Accommodations in housing	1
r. [Housing] Subsidized housing/Section 8	2
s. [Housing] Rental termination – not q .	0
t. [Housing] Other – Specify	0
u. [Childcare]	0
v. [Rehab Services] Related to State VR	1
w. [Rehab Services] Related to Employment Network (EN)	4
x. [Rehab Services] Related to Agencies other than State VR or Employment Network (EN)	0
y. [Post-Secondary Ed] Accessibility	0
z. [Post-Secondary Ed] Funding issues	0
aa. [Post-Secondary Ed] Grievance Against College – Not y or z above	2
bb. [Post-Secondary Ed] Other – Specify	0
cc. [Services] Personal assistance – not Employment	0
dd. [Transportation]	1
ee. [Benefits Planning] referral / access to BPAO services	11
ff. [Other] (IF SELECTED MUST SPECIFY)	0
Total closed issue area service requests.	108

2. What was the reason for closing the individual's issue area service request?

a. Issue Resolved in Individual's Favor	30
b. Issue Partially Resolved in Individual's Favor	25
c. Issue Lacked Legal Merit	6
d. Individual decided not to pursue resolution or Individual Withdrew Complaint (Not e-g below)	6
e. Other Representation Obtained (Individual found other representation)	1
f. Individual Not Responsive to Agency / Individual refused to cooperate with P&A	35
g. Services Not Needed Due to lost contact, Death, Relocation, etc.	3
h. Advocacy efforts/appeals were unsuccessful (Issue not resolved in Individual's Favor)	2
i. Other (IF SELECTED MUST SPECIFY)	0
Total closed issue area service requests.	108

3. What was the highest intervention strategy used?

a. Short Term/Technical assistance	88
b. Informal Resolution	8
c. Investigation/Monitoring	0
d. Negotiation	3
e. Mediation / Alternative Dispute Resolution	0
f. Administrative Remedies	8
g. Legal remedy / Litigation	1
h. Class Action Suits	0
i. Systemic / Policy activities	0
Total closed issue area service requests.	108

4. As a result of P&A intervention, the following major outcome was achieved:

a. Individual gained / maintained access to services including those of VR, EN or other agency	4
b. Individual obtained employment	1
c. Individual regained employment	0
d. Individual maintained employment	5
e. Individual advanced in employment	3

f. Individual's employment opportunities increased	2
g. Individual obtained an increase in salary and/or benefits	3
h. Validity of discrimination complaint was upheld	2
i. Overpayment situation addressed (it doesn't matter if it was waived or the efforts weren't successful)	10
j. Individual acquired knowledge concerning his/her rights	66
k. Outcome information is not available	12
l. Other outcome (IF SELECTED MUST SPECIFY)	0
Total outcomes of closed issue area service requests.	108

Part II - Narrative Reporting

Section A: Description of Progress and Status Update

Please provide a brief overview of overall project status, staff changes, staff training or other major developments with regard to the PABSS program. This could include information about boards and committees where decisions are made concerning disability service delivery and local policy.

Staff Update and Training

In Fiscal Year 2016, the PABSS Director and one full time staff attorney were located in Brooklyn, one full time staff attorney was located in Albany, and one part time staff attorney was hired in Rochester. In July 2017, a PABSS Supervising Attorney was appointed in Albany, and in August 2017 a new PABSS Staff Attorney was hired in Albany. DRNY is conducting a search for a new PABSS Director to be located in our Brooklyn office. Both new staff attorneys attended the mandatory PABSS training. Two of the PABSS staff attorneys attended the NDRN conference, and two attended the NDRN PABSS Training in Hartford.

Outreach

DRNY translated and printed its PABSS brochure into Chinese, Russian, and Arabic. Four Fact Sheets (Youth in Transition, Student Loans, Becoming Your Own Payee, Overpayments) were developed and approved by SSA.

Systemic Advocacy

DRNY focused on a Matched Pair Testing Project. In September 2016, DRNY issued a public report "Employment Discrimination Against People with Disabilities: Evidence From Match Pair Testing." The report identified large clothing, jewelry, and fashion accessories retailers in the New York City area which discriminated against people

with disabilities. This fiscal year, DRNY monitored employers that committed to changing hiring practices and collected additional data on those employers who did not make this commitment. In FY17 DRNY sent a matched pair to 30 large well-known retail clothing stores, and was pleased to see that the applicants who had disabilities were offered positions at approximately the same number of locations as applicants without disabilities.

DRNY conducted a full day employment discrimination CLE. This CLE educated private attorneys, government attorneys, public interest attorneys and disability advocates about the Americans With Disabilities Act Title I, legal barriers to employment and strategies for overcoming these barriers through negotiation, administrative complaints and litigation. There were approximately 75 attendees.

DRNY surveyed over 100 New York State agencies, including the Departments of Civil Service, Labor and Education, to determine the availability of large print materials for visually impaired beneficiaries. Approximately half of the agencies survey stated that materials are provided in large print. However, the Department of Civil Service, Labor and Education did not respond to this survey. DRNY plans to target these agencies in the next fiscal year.

DRNY continues to address the inaccessibility of streets, sidewalks and bus stops throughout New York State for beneficiaries who have mobility impairments.

DRNY also continues to advocate for beneficiaries who are being refused housing because their source of income is from SSA by sending out letters to housing providers in New York State informing them that such discrimination is illegal.

Section B: Detail of Actions Taken on the Project

1. Issue Area Service Requests Summaries: [Please provide summaries of three Issues/Service Requests undertaken as part of the PABSS project. Indicate clearly the issue or problem, the PABSS intervention, and the results if known]

Issue I: Employment Discrimination

DRNY settled an EEOC charge where, after an interview, the employer offered our client, who has blindness, a trial work day. The client interviewed with his job coach and service dog. When the client arrived to the trial work day with his service dog, he was told that he could not stay because unspecified employees had allergies. After DRNY filed the charge, the employer offered the client the position, but he declined it and settled for full back pay and compensatory damages of \$3500.

Issue II: Unemployment Benefits

DRNY assisted a beneficiary in requesting the use of remote communications to obtain unemployment benefits as a reasonable accommodation. She was provided with a telephone interview and access to email and facsimile services for the production of required forms.

Issue III- Ticket to Work

DRNY assisted a 64 year old beneficiary seeking to return to work who wanted assistance from the Ticket to Work Program. The client had tried to assign his ticket, but the assignment was denied by the Employment Network because they were unable to enroll his ticket into the Social Security TTW Portal since client was about to turn 65. DRNY successfully advocated on the client's behalf and resolved this issue with the Social Security Administration, resulting in the Employment Network acceptance of client's ticket. Client is now receiving employment services and supports by the Employment Network, and looking forward to re-entering the workforce.

2. Outreach Statistics:

Total Number of Outreach/Presentations	7
Total Number of Persons Reached by Outreach/ Presentation Events	387

3. Other Information Dissemination Activities: (Number of Instances)

1. Radio/TV appearances by PABSS staff	0
2. Newspaper/Magazine/Journal articles prepared by staff	0
3. PSAs/videos/films aired by the Agency	6
4. Reports disseminated	7
5. Publications/Booklets/Brochures disseminated	720
6. Number of Website hits	159665
7. Other media activities (IF SELECTED MUST SPECIFY)	0

4. Outreach Narrative: [Describe the agency's outreach efforts. Describe the trainings presented by the staff including information about the topics covered, the purpose of the training, and a description of the attendees. Describe media events, informational materials developed or other activities undertaken as part of the PABSS project.]

DRNY conducted outreach activities at or with: New York Legal Assistance Group, Brooklyn Center for the Independence of the Disabled, Legal Services of Central New York, New York Lawyers for the Public Interest, MFY Legal Services, the Independent Living Center of the Hudson Valley, LawNY, the New York State Bar Association, Practicing Law Institute, New York State Special Education Task Force, and Albany University Hospital Kidney Transplant Support Group. DRNY also engaged in educational outreach to schools, including Mill Neck Manor School for the Deaf, Suny Oswego, SUNY Brockport and Brooklyn Law School. DRNY also tabled at: Stand Down 2017: Military Veteran's Event, Veteran's Mental Health Training Initiative, Dutchess County Community College Transition Fair, the Bronx Library Employment Fair and at the New York Dyslexia Awareness Day 2017. Theses outreaches focused on the services by the PABSS program.

DRNY also hosted student interns from Columbia Law School and the University of Michigan and conducted a training on the PABSS program. DRNY met with a film student at Columbia University, spoke with a New York University journalism student, and worked with student volunteers from Hunter College High School and High School for Math, Science and Engineering.

Section C: Problems Encountered and Steps Taken to Resolve Problems

Problems encountered and steps taken to resolve problems: [Please provide detail information about problems encountered in implementing or administering the PABSS program and actions you have taken to resolve the problems you encountered.]

There are many beneficiaries facing legal barriers to employment that are not aware of PABSS services. DRNY is targeting supported employment and youth in transition programs to educate beneficiaries entering the workforce about their employment rights. DRNY will continue to work to educate beneficiaries about how PABSS can help them enforce their right to equal employment opportunity.

Section D: Planned Future Activities

Planned activities: [Please provide activities you plan to undertake to further the objectives of the PABSS project.]

DRNY will continue to target supported employment and youth in transition programs to educate beneficiaries entering the workforce about their employment rights and make them aware of how PABSS can help them enforce their right to equal employment opportunity.

DRNY will be working with our Client Assistance Program Staff to identify obstacles to vocational rehabilitation services for beneficiaries.

DRNY will continue systemic PABSS projects relating to the following areas: discriminatory employment advertisements, source of income discrimination in housing, criminal records sealing, veterans discharge upgrades, web accessibility, and issues relating to youth in transition.

Section E: Diversification Activities

Diversification activities: [Please provide a description of activities undertaken to address the needs of individuals with disabilities from diverse ethnic and racial communities.]

DRNY has continued to engage in outreach to the Hispanic community, and has distributed the PABSS brochure in Spanish to individuals and organizations. The PABSS Brochure has been translated into Arabic, Chinese and Russian and future outreach will be focused on those communities. This fiscal year, PABSS clients lived in 42 of New York's 62 counties. DRNY is targeting outreach in the remaining counties in fiscal year 2018 to expand PABSS presence in New York State.