

PROTECTION and ADVOCACY for BENEFICIARIES of SOCIAL SECURITY (PABSS)

ANNUAL PROGRAM PERFORMANCE REPORT

REPORTING PERIOD: From 10/1/2014 To 9/30/2015

GRANT AWARD NUMBER: 6 PAB13020317-01-03

STATE: NY

AGENCY NAME: NEW YORK - Disability Rights New York

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DATE SUBMITTED: 10/23/2015

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	44
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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	45
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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?	14
b. How many new PABSS individuals were added during the report period?	127
Total Individuals Served	141
c. Total number of individuals with all issue area service requests that were closed during the report period under the PABSS program	85
Total Individuals Still Being Served	56

2. Services

a. Total PABSS issue area service requests open at the start of the report period.	14
b. Number of new PABSS issue area service requests added during the report period?	131
Total Services	145
c. Total number of issue area service requests closed during the report period?	102
Total Services Still Open	43

Section C: Individual Demographics

1. Please provide counts of individuals served by Gender:

a. Male	72
b. Female	55
Total individuals receipted	127

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	1
e. Black (Not Hispanic/Latino Origin)	37
f. Hispanic/Latino	9
g. Multi Racial / Multi Cultural	6
h. Pacific Islander	1
i. White (Not Hispanic/Latino Origin)	59
j. Unknown	14
Other (IF SELECTED MUST SPECIFY)	0
Total individuals received	127

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

a. 14 to 18	2
b. 19 to 21	3
c. 22 to 40	29
d. 41 to 59	78
e. 60 to 64	15
Total individuals received	127

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

a. SSI eligible	41
b. SSDI eligible	66
c. Dually eligible	20
Total individuals received	127

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

a. Absence of extremities	0
b. Autism	4
c. Auto-immune (lupus, thyroid, ALS, etc.)	1
d. Blindness (both eyes)	6
e. Cancer	1
f. Cerebral palsy	0
g. Deaf-blind	0
h. Deafness	4

i. Diabetes	2
j. Digestive disorders (chronic pancreatitis, esophageal stricture, fistulae, chronic liver, etc.)	1
k. Epilepsy	1
l. Genitourinary conditions (kidney, prostate, etc.)	1
m. Hard of Hearing (not deaf)	0
n. Heart and other circulatory problems including cardiovascular	6
o. HIV/AIDS	1
p. Mental illness (diagnosis according to DSM-IV)	45
q. Mental retardation	5
r. Multiple sclerosis	0
s. Muscular dystrophy	0
t. Muscular / Skeletal impairment (arthritis, fibromyalgia, osteogenesis imperfecta, osteomyelitis, etc.)	6
u. Neurological disorders (brain tumors, convulsive disorders, Parkinson, etc.)	5
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.	21
y. Respiratory disorders (emphysema, asthma, pulmonary hypertension, cystic fibrosis, etc.)	1
z. Specific learning disabilities (SLD)	5
aa. Speech impairment	0
bb. Spina bifida	1
cc. Substance abuse (alcohol or drugs)	0
dd. Tourette syndrome	1
ee. Traumatic brain injury (TBI)	7
ff. Visual Impairment (not blind)	2
gg. Disability not known/Other than Above (Specify)	0
Total individuals receipted	127

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)	0
3. Agencies other than 1. or 2. above	5

4. Employment discrimination – hire, fire, promotion	29
5. Employment wages and benefits	7
6. Housing	2
7. Healthcare (not 5 above)	2
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	2
11. Transportation	0
12. Social Security benefits cessation based on SGA (including CDR's) – not Overpayment	3
13. Benefits Questions/Work Incentives – Not 12 or 14	12
14. Work Related Overpayment	41
15. Other (IF SELECTED MUST SPECIFY)	25
Issues relating to representative payees	25
Total issues/service requests of individuals receipted.	131

Section E: Closed Issue Area Service Requests

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

a. [AT] Assistive Technology	0
b. [Education] Transition school to work	0
c. [Employment] Discrimination in employment benefits	2
d. [Employment] Discrimination in hiring	5
e. [Employment] Unlawful termination / firing	9
f. [Employment] Other employment discrimination	7
g. [Employment] Reasonable accommodation – not d, e, or f from above	4
h. [Employment] Service provider issues – not c-g above	2
i. [Employment] Wage and hour issues	3
j. [Financial Entitlements] SSI: Overpayments based on work issues	19
k. [Financial Entitlements] SSDI: Overpayments based on work issues	20
l. [Financial Entitlements] (other) – Specify	13
Issues relating to representative payees	13
m. [Healthcare] Medicaid only issues	0
n. [Healthcare] Medicare/Medicaid issues	1
o. [Healthcare] Medicare only issues	0
p. [Healthcare] Private Insurance Issues	0
q. [Housing] Accommodations in housing	0
r. [Housing] Subsidized housing/Section 8	0

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)	0
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	1
bb. [Post-Secondary Ed] Other – Specify	0
cc. [Services] Personal assistance – not Employment	1
dd. [Transportation]	0
ee. [Benefits Planning] referral / access to BPAO services	14
ff. [Other] (IF SELECTED MUST SPECIFY)	0
Total closed issue area service requests.	102

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

a. Issue Resolved in Individual's Favor	17
b. Issue Partially Resolved in Individual's Favor	57
c. Issue Lacked Legal Merit	10
d. Individual decided not to pursue resolution or Individual Withdrew Complaint (Not e-g below)	2
e. Other Representation Obtained (Individual found other representation)	4
f. Individual Not Responsive to Agency / Individual refused to cooperate with P&A	11
g. Services Not Needed Due to lost contact, Death, Relocation, etc.	1
h. Advocacy efforts/appeals were unsuccessful (Issue not resolved in Individual's Favor)	0
i. Other (IF SELECTED MUST SPECIFY)	0
Total closed issue area service requests.	102

3. What was the highest intervention strategy used?

a. Short Term/Technical assistance	94
b. Informal Resolution	1
c. Investigation/Monitoring	0
d. Negotiation	4
e. Mediation / Alternative Dispute Resolution	0
f. Administrative Remedies	3

g. Legal remedy / Litigation	0
h. Class Action Suits	0
i. Systemic / Policy activities	0
Total closed issue area service requests.	102

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	1
b. Individual obtained employment	0
c. Individual regained employment	0
d. Individual maintained employment	1
e. Individual advanced in employment	0
f. Individual's employment opportunities increased	4
g. Individual obtained an increase in salary and/or benefits	1
h. Validity of discrimination complaint was upheld	1
i. Overpayment situation addressed (it doesn't matter if it was waived or the efforts weren't successful)	24
j. Individual acquired knowledge concerning his/her rights	48
k. Outcome information is not available	14
l. Other outcome (IF SELECTED MUST SPECIFY)	8
Representative payee situation successfully addressed	8
Total outcomes of closed issue area service requests.	102

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.

In Fiscal Year 2015, the PABSS Director and one full time staff attorney were located in Brooklyn, and the other full time staff attorney was located in Albany. In Fiscal Year 2016, the PABSS Director and one full time staff attorney will be located in Brooklyn, and one full time staff attorney will be located in Albany. Through the use of non-federal funding to supplement the PABSS grant funding, DRNY hired a part time staff attorney who will be located in Rochester in Fiscal Year 2016.

This year both staff attorneys attended the National Disability Rights Network conference. In Fiscal Year 2016, the new part time staff attorney will attend the Mandatory PABSS NDRN training. Fourteen DRNY staff members have been approved to conduct representative payee reviews and two more have started the process.

As a result of outreach efforts and working with the DRNY intake unit to better identify PABSS cases, the number of clients receiving PABSS services has increased significantly.

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 represented a beneficiary with anxiety and obsessive compulsive disorder before the New York State Division of Human Rights for claims of harassment based on disability and sex as well as retaliation. A probable cause finding was issued, and the case settled just prior to the scheduled hearing for \$18,250, including \$15,980 for compensatory damages and \$2,270 for lost back pay and benefits. The client has now obtained a new job and is no longer receiving social security benefits.

Issue II: Representative Payee, Independent Living, and Job Search

DRNY assisted a beneficiary with mental illness who had concerns about her representative payee and wanted to leave the payee's housing facility. With DRNY assistance, the client successfully became her own payee, moved to an apartment where she is now living independently, and obtained part-time employment. This beneficiary is no longer receiving SSI and hopes to be able to terminate her SSDI benefits in the near future.

Issue III: Medicaid

DRNY assisted a beneficiary with quadriplegia who receives 1619B Medicaid and had been told by SSA that her Medicaid would be terminated due to the consideration of her New York State pension as a resource. DRNY contacted SSA and it was agreed that the beneficiary's state pension would be exempt for the purposes of 1619B Medicaid. The beneficiary has continued to work and maintain her Medicaid.

2. Outreach Statistics:

Total Number of Outreach/Presentations	37
Total Number of Persons Reached by Outreach/ Presentation Events	820

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	0
4. Reports disseminated	0
5. Publications/Booklets/Brochures disseminated	700
6. Number of Website hits	0
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 PABSS staff conducted outreach activities at or with: Queens Legal Services, MFY Legal Services, Dutchess County Community College, Resource Center for Independent Living, VA Medical Center, Albany Medical Center Renal Transplant Support Group, Central Association for the Blind and Visually Impaired, Disabled Persons Action Organization, NYSARC, the ARC Otsego, COARC, Toe Patch Industries, Division of Continuing Education & Workforce Development, Goodwill NY/NJ, Unlimited Potential, North East Career Center, Center for Disability Services, Community, Work & Independence, Inc., Gateway Community Industries, Inc., Taconic Developmental Disabilities Service Office, New York City Commission on Human Rights, Helping Hands for the Disabled, the Guild for Exceptional Children, Inc., Developmental Disabilities Institute, Brooklyn Community Services, AHRC New York City, Seymour Public Library, Helping Hands for the Disabled of NYC, U.S. Senate, Office of Compliance, Cornell School of Industrial Relations, Nassau-Suffolk Legal Services, Job Path, Gender Equality Law Center, Disability Rights Advocates, Access to Independence of Cortland County, and Make the Road NY. These presentations focused on the services provided by the PABSS program.

DRNY staff distributed brochures in English, Spanish and Braille.

DRNY PABSS staff also presented at an American Bar Association conference about Americans with Disabilities Act employment discrimination litigation and conducted an interview with a student from the Columbia School of Journalism.

DRNY PABSS engaged in outreach to New York Waterways, which was using inaccessible buses to transport passengers to and from its ferry terminal. After correspondence and a meeting, New York Waterways agreed to replace all its buses with those that are fully accessible.

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.]

None.

Section D: Planned Future Activities

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

DRNY's matched pair testing project will conclude in the upcoming months, and a public report will be issued.

DRNY is completing its state-wide review of sheltered workshops. To date, PABSS staff have visited 16 workshops throughout the state.

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 PABSS staff have engaged in outreach efforts toward the Hispanic community, and have distributed the PABSS brochure in Spanish to individuals and organizations. The PABSS brochure has also been translated into sixteen other foreign languages and future outreach will be focused on those communities. This fiscal year, PABSS clients lived in 48 of New York's 62 counties, and PABSS staff conducted outreach in 20 counties. DRNY staff conducted outreach in all of New York's 62 counties, and included mention of PABSS services in every activity. DRNY PABSS will plan further targeted outreach in different counties in fiscal year 2016 so as to ensure PABSS has maximum state-wide presence.