

LEGAL AID SOCIETY OF SAN MATEO COUNTY

CELEBRATING 50 YEARS

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Contacts: Chris Douglas
Staff Attorney

Legal Aid Society of San Mateo County

Office: 650.375.0185 x3302

Cellular: 415.244.3558

cdouglas@legalaidsmc.org

Hope Nakamura

Directing Attorney

Legal Aid Society of San Mateo County

650.375.0185 x3317

hnakamura@legalaidsmc.org

Homeless San Mateo County Resident with Disabilities Fights for Her Rights-And Wins

New Program Focuses on Helping Disabled Community Find Its Legal Voice

When Deirdre Miner, a disabled mother with three small children, learned this week that she won her case against the Social Security Administration and would be receiving over a year's worth of past due benefits, she was elated. Deirdre applied for disability benefits in 2007 when she could no longer work. Her sister, Sari, helped as her much as she could by loaning money to Deidre while she waited for Social Security to process her application. Eventually, Deidre was found disabled by the Social Security Administration, but she was told that she was not eligible for benefits because they believed that the money her sister had given her was a gift rather than a loan. When Deirdre attempted to appeal her denial, she was told that an appeal was unnecessary.

"They completely misled her," said her sister Sari. "They delayed so long, asking for more and more documents, that she missed her appeal deadline." After Social Security told her to re-apply for benefits, Deirdre came to the Legal Aid Society of San Mateo County.

Chris Douglas, Legal Aid's Clients' Rights Advocate Program attorney, filed an appeal with Social Security on Deirdre's behalf. "The Social Security Administration failed to apply its own rules regarding gifts and loans to Deirdre's case," said Douglas. Deirdre's application was denied again on appeal, forcing Douglas to request a hearing with an Administrative Law Judge. In the meantime, Douglas recommended that Deirdre file a new application for benefits. This application was approved and Deirdre began to receive benefits in April 2008. Without income in the meantime, Deirdre and her children had become homeless.

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Douglas represented Deirdre at her hearing, and won. Because she was willing to take on Social Security, despite her own limitations, Deirdre will receive retroactive benefits from the time of her original application, and she and her children will be able to afford housing.

Deirdre is among the many disabled adults who experience legal problems with Social Security. Over the past few years there has been a dramatic increase in the problems facing beneficiaries in the form of overpayments and reductions or suspensions of benefits. Each issue presents its own unique challenges to resolve. "It's truly a labyrinth of legal issues and the problems can quickly lead to dire consequences for a person who depends on these benefits to survive," says Douglas. Members of the mental health community, in particular, face significant obstacles when it comes to Social Security and have borne the brunt of the problems seen by the Legal Aid Society. Something must be done.

In a new attempt to address these types of legal problems and reach as many disabled residents of San Mateo County as possible, the Legal Aid Society is partnering with San Mateo County Behavioral Health and Recovery Services (BHRS) in an innovative initiative: "The Mental Health SSA Project." This project has three goals: to educate Social Security beneficiaries about their rights and avenues for assistance, to provide community agencies with trainings on Social Security rules, and to gather information about problems faced by beneficiaries in order to collaborate on reform of Social Security's processes.

Chris Douglas will be making the initial project presentation, entitled "How to Navigate the Social Security Administration," to the San Mateo County Mental Health Board on Wednesday, January 7, 2009 from 3:00-5:00 at the San Mateo County Health Department, Room 100, 225 West 37th Avenue in San Mateo. For more information please call 650-573-2544 or visit <http://www.smhealth.org/BHRS>.