



Legal Aid Client Joins Class-Action Suit Against Social Security After Losing Disability Benefits

San Francisco, CA — Rosa Martinez couldn't believe what she was reading. The 52-year-old woman from Redwood City, CA had received a notice from the Social Security Administration informing her that she was losing her only source of income — her \$870 per month of disability benefits — because of a 1980 arrest warrant for a drug offense in Miami, Florida. Never mind that Ms. Martinez had never been to Miami, never been arrested and never used illegal drugs.

Unfortunately, Ms. Martinez is not alone. She is one of over 100,000 elderly and disabled Americans who have lost their Social Security and SSI retirement and disability benefits because of an arbitrary and unlawful Social Security Administration policy.

This morning a class-action lawsuit challenging the SSA policy was filed in U.S. District Court in San Francisco on behalf of Rosa Martinez and thousands of others who are losing the benefits they count on for survival in old age or incapacity because of this Social Security Administration policy.

SSA claims to be applying a 1996 law which prohibits payment of benefits to people who are “fleeing to avoid prosecution” for a felony. Yet the Social Security Administration, in its odd application of this provision, makes no attempt to determine if the individual is actually fleeing or even knows that criminal charges are pending. As long as they find a warrant with the person's first and last name and Social Security number, they suspend the benefits with no further inquiry. If there is no Social Security number on the warrant or it does not match the name, then they simply find someone receiving benefits who has the same first and last name and date of birth and suspend the benefits without even trying to ascertain whether this is really the individual named in the warrant.

After Rosa Martinez recovered from the shock, the fear and anxiety set in. A recipient of Supplemental Security Income with no savings who is too disabled to work, Ms. Martinez relies on her monthly disability check to pay her rent, groceries and utility bills. “Without my benefits, I don't know how I'll survive,” said Martinez. “How could they take away my only income without even taking the time to check to see if the person on the warrant was really me?”

Plaintiffs are represented by the Legal Aid Society of San Mateo County, National Senior Citizens Law Center, the law firm of Munger Tolles & Olson, LLP, Urban Justice Center, and Disability Rights California.

If you have had an experience similar to Rosa Martinez please contact the Legal Aid Society of San Mateo County at 650-558-0915.

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