



LEGAL SERVICES FUNDING ALLIANCE

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Hiscock Legal Aid Society — Susan Horn

Legal Aid Society of Rockland County — Alex Bursztein

Legal Aid Society of Mid-New York — Paul Lupia

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Legal Services of Central New York — Dennis Kaufman

Legal Services of the Hudson Valley — Barbara Finkelstein

Nassau Suffolk Law Services — Jeffrey Seigel

Neighborhood Legal Services — William Hawkes

Volunteer Legal Services Project of Monroe County — Sheila Gaddis

Western New York Law Ctr. — Joseph Kelemen

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DAPWorks: 30 Years...And Counting!

Testimony of the Legal Services Funding Alliance

Presented by Keith McCafferty
Managing Attorney
Legal Assistance of Western New York, Inc.®

Before the Joint Legislative Public Hearing on 2013-2014
Executive Budget Proposal: Topic "Human Services"

February 5, 2013



Introduction

The Legal Services Funding Alliance (LSFA) welcomes this opportunity to testify about New York's Disability Advocacy Program (DAP). The Legal Services Funding Alliance represents the providers of core comprehensive civil legal services to the poor and needy throughout New York State (outside of New York City). Our 15 members are, in each of their communities, the primary providers of such services in a broad variety of areas, all of them designed to meet the essential needs of our clients. A list of the LSFA members is attached.

My name is Keith McCafferty and I am the Managing Attorney of the Geneva office of Legal Assistance of Western New York, Inc.[®] (LawNY[®]). LawNY[®] is a member of the LSFA.

LSFA programs form a network of free civil legal help for poor and low-income people outside of New York City. Our members include large, multi-county organizations with federal and state funding as well as smaller programs dedicated to representing particular counties. We leverage significant amounts of pro bono volunteer service as well as provide back-up services to local human services and legal providers. We provide advice, brief service and representation in court and before administrative agencies to ensure income, health care, safety, stability and housing. In addition to individual representation, LSFA members provide training and litigation back-up to pro bono attorneys throughout the state, preventative educational training for clients and community groups in areas including disability, domestic violence, special education, workplace safety, human trafficking, housing and consumer, and engage in legislative and administrative advocacy on behalf of those impacted by poverty and discrimination.

The LSFA has worked together for many years to support policy initiatives, coordinate direct legal services to low income residents and seek adequate funding to meet our clients' needs. LSFA members serve urban, rural and suburban communities efficiently and effectively. Our network of more than 30 offices ensures that our services are physically accessible; our sophisticated use of technology ensures that we are virtually available throughout the state. Nevertheless, there has never been adequate funding to meet the legal needs of our low income clients. As the Task Force to Expand Access to Civil Legal Services in New York recently documented, at best, only 20 percent of the need for civil legal services is being met.

The LSFA Client Community

Over 1.2 million people live below the federal poverty guidelines in upstate and suburban New York State, which is \$23,050 for a family of four. More than twice as many (2,668,064) live at incomes which are at or below 200% of poverty, which is \$46,100 for a family of four. In 2010, LSFA members closed more than 58,287 individual civil matters.

More than 2/3 of legal services clients are woman, many mothers with young children. Others are elderly, disabled and marginalized. The issues they need legal representation for involve their essential needs for shelter, food, safety and health. The recent economic crisis intensified the need for civil legal assistance. LSFA members throughout the state have seen a surge of vulnerable people looking for representation to save homes, gain safety and access benefits and health care.

New York's Disability Advocacy Program (DAP)

DAP is a nationally recognized program developed here in New York State. In 2013 we are celebrating the 30th birthday of the program, which helps our most vulnerable and disabled New Yorkers access federal disability benefits from the Social Security Administration. DAP generates significant savings for New York State and local governments while also providing disabled New Yorkers with a stable income stream. Through the program, local advocates provide low-income disabled New Yorkers in every county with legal assistance when their federal Supplemental Security Income (SSI) or Social Security Disability (SSD) applications have been denied or benefits terminated. These disabled New Yorkers are generally in receipt of public assistance benefits from their local county department of social services when they come to us for help. DAP clients are among New York's most severely disabled adults and children; they are simply unable to navigate the complicated appeals process without legal assistance. DAP providers help these disabled New Yorkers get off the state and county welfare rolls and onto federal disability benefits. The clients are better off with a higher, more stable source of income, and New York is better off by no longer paying benefits to these clients.

DAP Returns More to NYS Than the Program Costs

DAP cases can take years to resolve and may involve a number of appeals. For most successful DAP cases, the Social Security Administration (SSA) provides (1) a retroactive award to a DAP client for benefits they should have received, retroactive to their initial application, (2) reimbursement to New York State and local governments for

the interim assistance benefits provided in the form of Safety Net Assistance, and (3) an ongoing monthly benefit to the DAP client that is significantly higher than the monthly Safety Net grant.

In the 2010 and 2011 budget years, New York State invested a total of \$10.1 million in DAP statewide. In return, the program generated over \$52 million in retroactive awards to clients - money that was spent in local communities around the state, and an additional \$15 million in interim assistance - money that was paid back to New York State and our local governments. In addition, NYS OTDA reports that DAP generated an additional \$15 million in ongoing public assistance savings by moving disabled people from welfare to federal disability benefits.

DAP is a tremendous investment for New York State, yielding a return of at least \$6 for every \$1 spent.

What's in the Executive Budget for DAP?

DAP is funded at the same level as it was in last year's executive budget - \$4.76 million statewide. Last year, the New York State legislature added \$250,000 for a total of \$5.01 million. We thank you very much for that recognition of the important work we're doing. DAP funding had been constant at \$6.74 million per year from 2004 through 2007, when it began declining to its current level. As I will point out in a few moments, the decline in funding has resulted in a decline in cases handled by DAP providers and a decline in the benefits reaped for state and local government.

The DAPWorks Campaign

DAP providers around the state launched the DAPWorks campaign with a press conference on January 29, 2013. Our goal is to educate lawmakers and their staff about the incredible benefits of the DAP program. We are asking the legislature to invest a total of \$7 million in DAP, an increase of \$2.24 million over the amount included in this year's executive budget.

DAP providers are primarily free civil legal aid offices. DAP services are available in every county throughout New York State. We work with local departments of social services and community based organizations to move severely disabled New Yorkers from state and locally-funded public assistance programs onto federal disability benefits.

DAP advocates prepare administrative and federal court appeals on behalf of our clients. It is extremely difficult for a pro se claimant to win a Social Security appeal without a legal advocate. The win rate without counsel is 65% nationally, and significantly lower in many New York districts. With a DAP advocate, the win rate is 85% or higher.

DAP clients are New York's most vulnerable residents, including the mentally ill, veterans, domestic violence survivors, the formerly incarcerated, and immigrants. Some of our clients were able to find some marginal employment when the economy was stronger. They are first to be fired, last to be hired. Many are homeless and in the shelter system. The majority of these clients are receiving public assistance, and are referred to DAP providers by local departments of social services.

The DAP Program has the support of many local officials who directly see the benefits that DAP is bringing to their communities. The DAPWorks Campaign is actively seeking written support from these officials. Thus far, county officials in Steuben, Warren, St. Lawrence, and Albany Counties have written letters in support of increased funding. Mark Alger, current president of the New York State Association of Counties, has also expressed his support.

The DAP Program in Crisis

DAP funding has been steadily reduced over the years, and drastically reduced since 2007 – from \$6.74 million in the early 2000's to \$4.9 million in 2011.

Reduced funding and other pressures on the non-profit sector have resulted in a critical loss of services. We are collectively turning away thousands of eligible New Yorkers every year. The LawNY[®] office in Geneva that I manage covers a five county area in the Finger Lakes – Livingston, Ontario, Seneca, Wayne and Yates. We offer a total of 3 intake appointments for new DAP claimants each week. These appointments are booked up several months in advance. Often, we are forced to tell potential clients that we have no appointments available and they should try calling us back in a few months. These types of restrictions on new intakes are typical at DAP providers all over the state. I have attached the results of a recent DAP Survey conducted by the Empire Justice Center, which analyses the impact of funding reductions.

While services are being cut, it has become increasingly difficult to get federal disability benefits cases approved in some New York jurisdictions. Queens County, for example, has one of the highest application rejection rates in the United States.

The funds generated by the DAP program continue to outstrip the funds invested by New York State. However, funding cuts to DAP have clearly caused an erosion of the program's ability to leverage savings. I have attached several charts which help illustrate this point. The data referenced in the charts is all taken from reports issued by the New York State Office of Temporary & Disability Assistance. The charts were prepared by the Empire Justice Center, and are also available on the EJC's website at www.empirejustice.org.

This first chart is labeled "State and Local Funds Invested in the Disability Advocacy Program vs. Total Funds Generated by DAP 2004-2011." Based simply on OTDA's cost avoidance estimates (an estimate of public assistance costs saved) and interim assistance (public assistance recovered from the federal government), the dollars generated by DAP far outstrip the state funding invested.

The second chart is entitled "DAP Program Benefit New York State and Counties: 2004-2011." Combining clients' federal retroactive awards, federal interim assistance recovered, and state and county public assistance costs avoided, DAP generated over \$60 million in benefits in 2004. That number declined to about \$35 million in 2011. The decline is very significant, but that \$35 million was returned on a state investment of \$4.9 million.

The third chart shows DAP's public assistance costs avoided per year from 2004 through 2011. In 2011 OTDA estimates \$7 million in public assistance costs avoided. That figure alone is more than the \$4.9 million invested. But it is down from a high of \$10.5 million in costs avoided back in 2005.

The fourth chart shows DAP generated federal disability benefit retroactive awards per year from 2004 through 2011. OTDA reported a total of \$22 million in 2011, money that is quickly pumped into local economies by DAP clients. That figure is down from a high of \$41 million in 2004.

The fifth chart shows DAP generated federal interim assistance recovered. These are the payments made by the federal government back to the state and local government to cover public assistance paid during the time that the DAP client's federal disability application was pending. OTDA reported a total \$7.1 million in 2011, a number that is again well-above the \$4.9 million invested by New York State in DAP. This number is down from a high of \$11.3 million in 2004.

The sixth chart shows the decline in New York's investment in DAP from 2004 through 2012. The seventh and final chart shows the corresponding decline in the number of cases closed by DAP advocates as state funding has decreased.

Without an additional investment this year, DAP providers around the state are anticipating a continued decline in case closings and a continued decline in benefits reaped for clients and the state.

DAP Clients

I have attached a flyer with a few stories about the typical clients that LSFA providers represent through our DAP programs. One of those stories was about a client represented by LawNY[®]'s Elmira office. I will leave you with this. Mr. C. was referred to LawNY[®] by the Chemung County Department of Social Services. A local Elmira native, Mr. C. had been lost to his family and was homeless for several years due to his mental

deficiencies. Despite being diagnosed with learning disabilities, anxiety disorder and a low IQ, Mr. C. was turned down for federal disability benefits and lived on public assistance. DAP advocates worked closely with a network of social services agencies in both Chemung and Broome Counties – obtaining Mr. C’s medical records, rebuilding his medical history, and assessing his current condition. As a result, Mr. C was approved for federal disability benefits retroactive to 2008, resulting in a significant award for Mr. C, and in both Chemung and Broome Counties recovering interim assistance payments.

Conclusion

Thank you once again for this opportunity to testify on behalf of the Legal Services Funding Alliance in support of increased funding for New York’s Disability Advocacy Program. Given the substantial return on investment of at least \$6 for every \$1 invested by New York State, we believe that a total investment of \$7 million (a \$2 million increase over last year) is fiscally sound, critically important, and simply the right thing to do. Thank you.

New York Legal Services Funding Alliance

Chautauqua County Legal Services —Serving Chautauqua County with offices in Dunkirk and Jamestown

Erie County Bar Association Volunteer Lawyers Project —Serving Erie, Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans, and Wyoming Counties with an office in Buffalo

Frank H. Hiscock Legal Aid Society—Serving Onondaga County with an office in Syracuse

Legal Aid Society of Rockland County—Serving Rockland County with an office in New City

Legal Aid Society of Mid-New York—Serving Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego and Otsego Counties with offices in Oneonta, Binghamton, Cortland, Oswego, Utica, Watertown, New Paltz, Syracuse

Legal Aid Society of Northeastern New York—Serving Albany, Clinton, Columbia, Essex, Fulton, Greene, Hamilton, Franklin, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, St. Lawrence, St. Regis Mohawk Reservation, Warren and Washington Counties with offices in Albany, Amsterdam, Canton, Plattsburgh and Saratoga Springs

Legal Aid Society of Rochester—Serving Genesee, Livingston, Monroe, Orleans and Wayne Counties with offices in Batavia, Geneseo, Rochester and Wayne

Legal Aid Bureau of Buffalo—Serving Erie County with an office in Buffalo

Legal Assistance of Western New York —Serving Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties with offices in Bath, Elmira, Geneva, Ithaca, Jamestown, Olean and Rochester

Legal Services of Central New York—Serving Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Otsego, and Oswego Counties with offices in Syracuse, Utica, Binghamton, and Cortland.

Legal Services of the Hudson Valley—Serving Dutchess, Orange, Putnam, Sullivan, Ulster and Westchester Counties with offices in Kingston, Mount Vernon, Newburgh, Poughkeepsie, White Plains and Yonkers

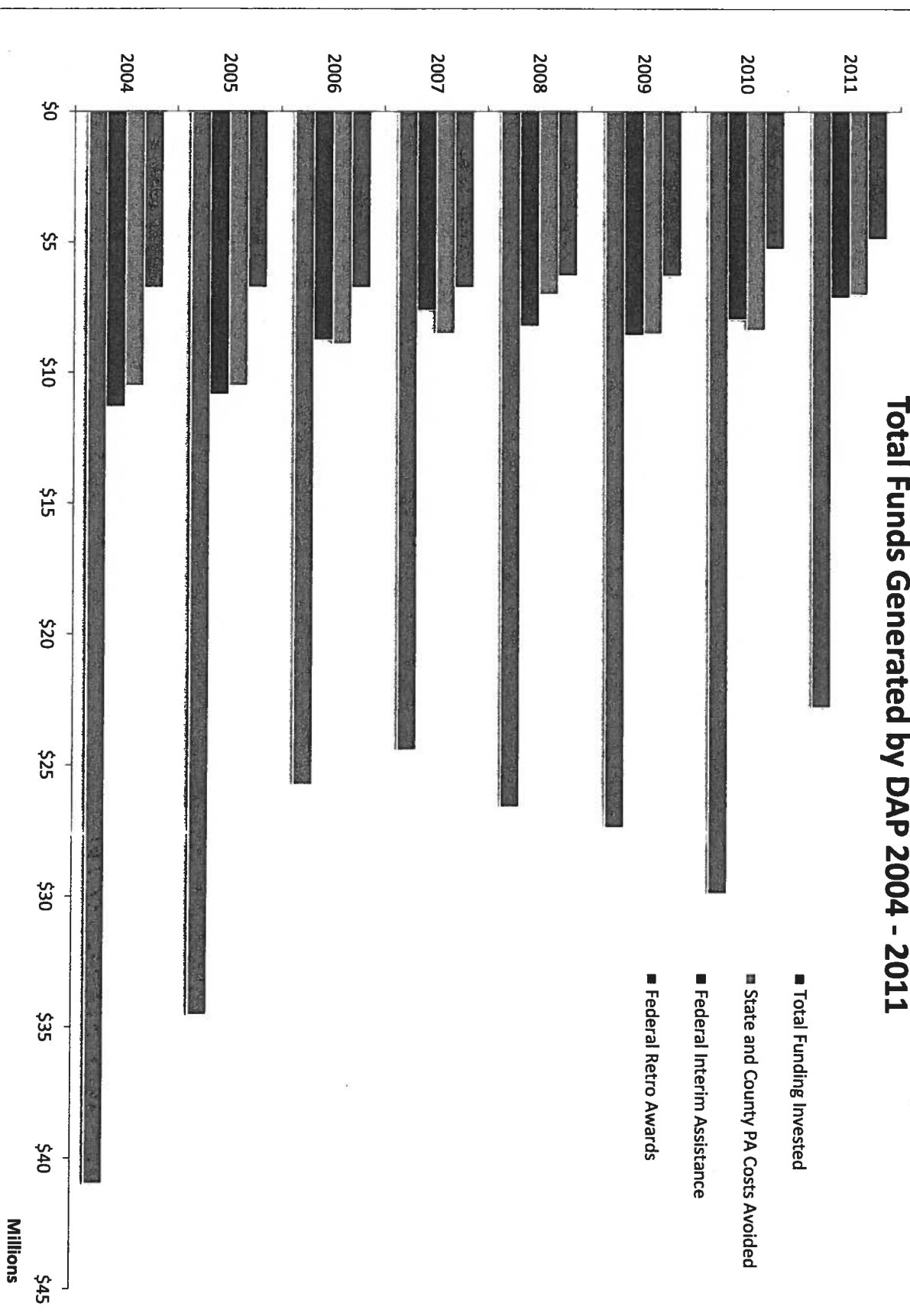
Nassau/Suffolk Law Services—Serving Nassau and Suffolk Counties with offices in Hempstead, Islandia and Riverhead

Neighborhood Legal Services—Serving Erie, Genesee, Orleans, Niagara and Wyoming Counties with offices in Batavia, Buffalo and Niagara Falls

Volunteer Legal Services Project of Monroe County—Serving Monroe County with an office in Rochester

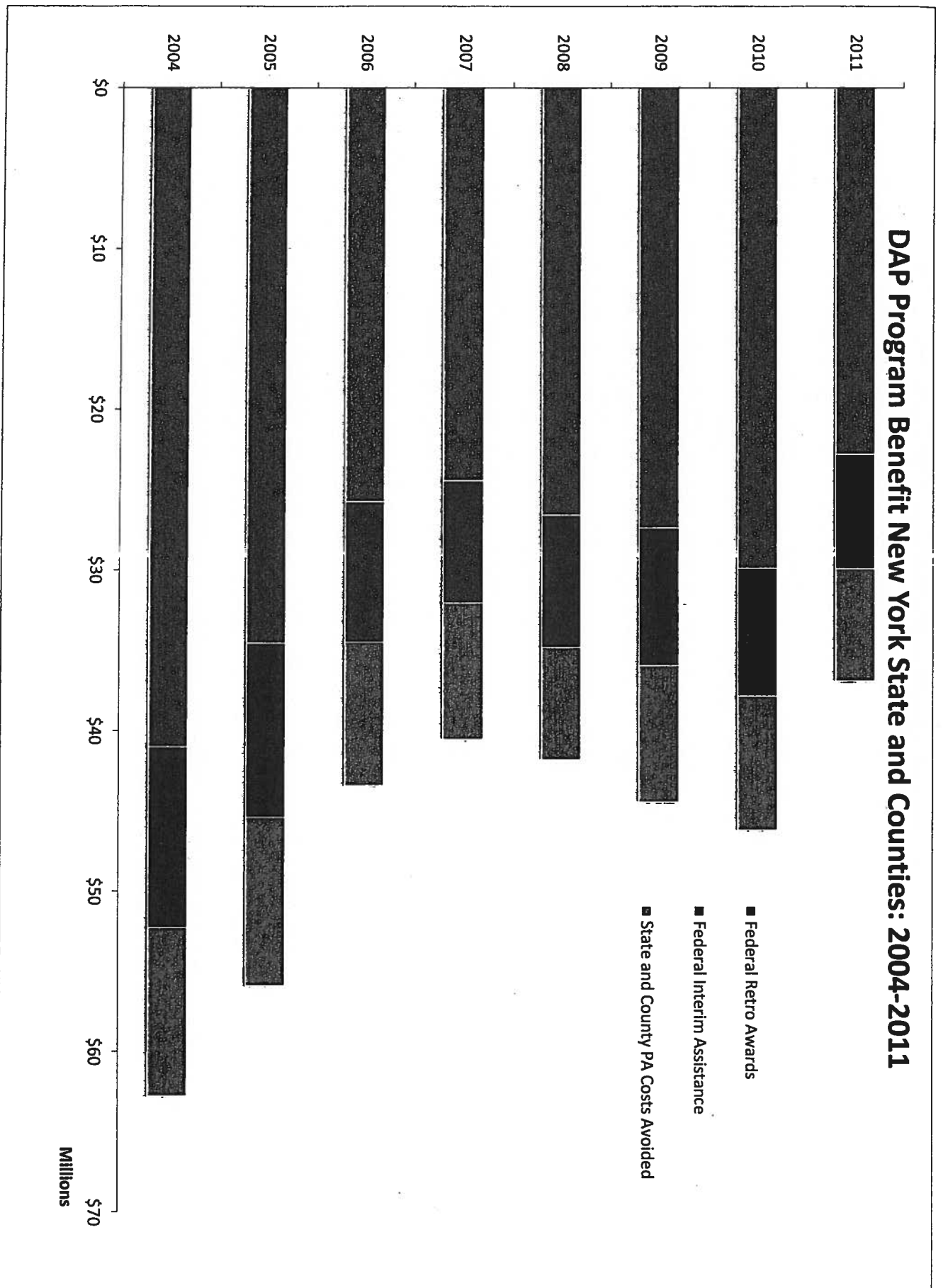
Western New York Law Center—Serving Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Niagara, Orleans, Schuyler, Steuben, Tioga, Tompkins, Wyoming, Counties and providing statewide technology support with an office in Buffalo

State and Local Funds Invested in the Disability Advocacy Program vs. Total Funds Generated by DAP 2004 - 2011



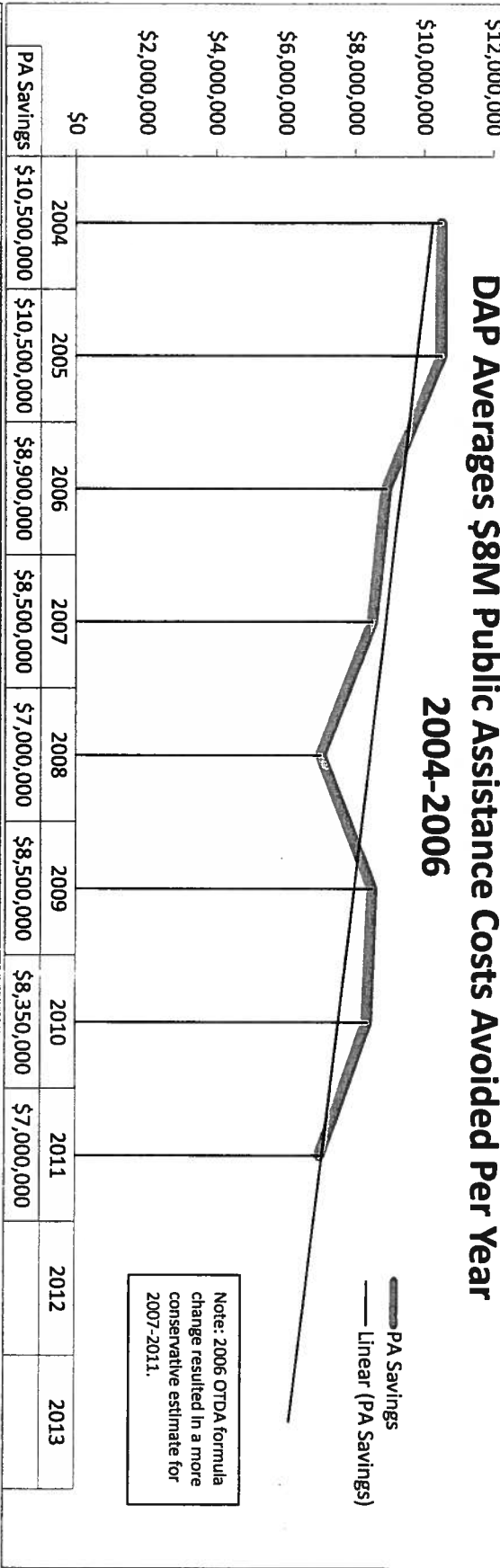
Source: NYS OTDA Disability Advocacy Program Reports to the NYS Legislature 2004-2009, and pending Report for 2010-2011.
 For more information contact the DAPWorks for NYS Campaign: kbrown@empirejustice.org

DAP Program Benefit New York State and Counties: 2004-2011



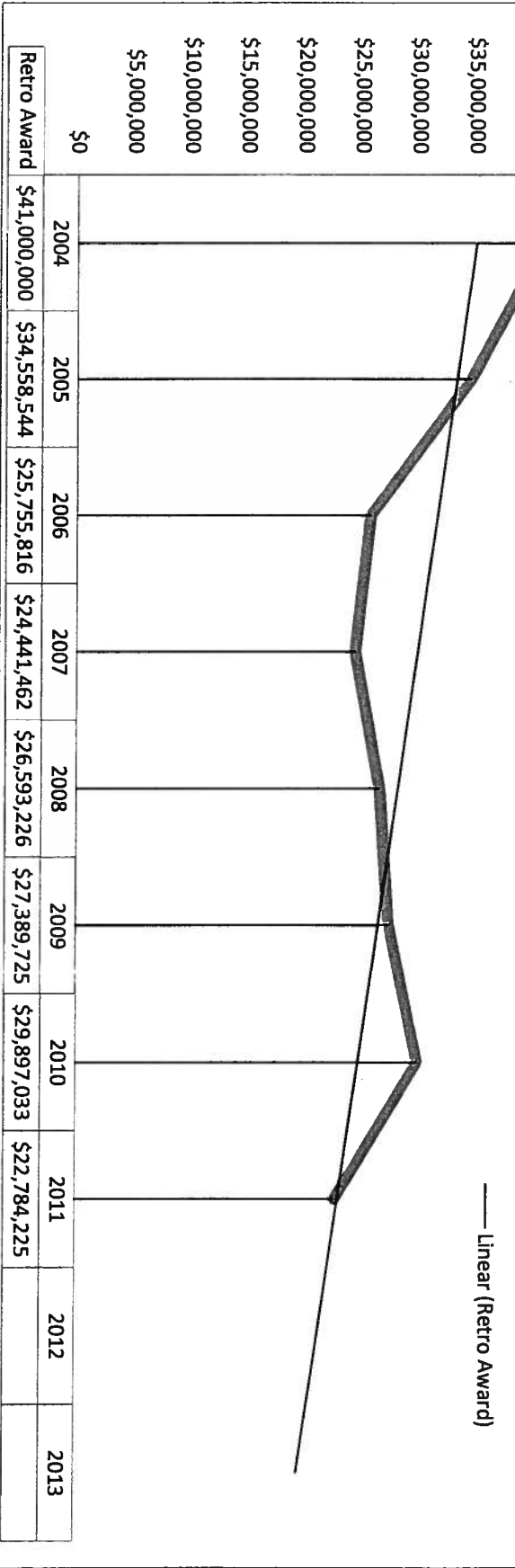
Source: NYS OTDA Disability Advocacy Program Reports to the NYS Legislature 2004-2009, and pending Report for 2010-2011.
 For more information contact the DAPWorks for NYS Campaign: kbrown@empirejustice.org

DAP Averages \$8M Public Assistance Costs Avoided Per Year 2004-2006



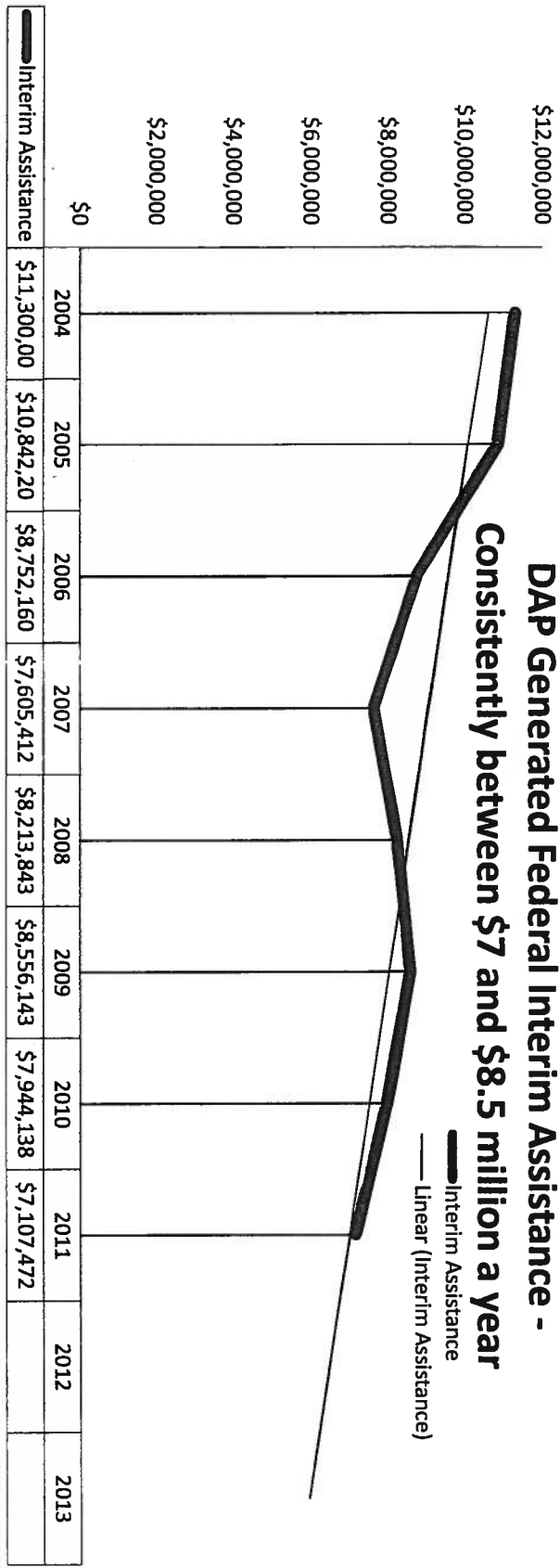
Note: 2006 OTDA formula change resulted in a more conservative estimate for 2007-2011.

DAP Generated Federal Retroactive Awards 2004-2011: Over \$22M a Year into Local Economies

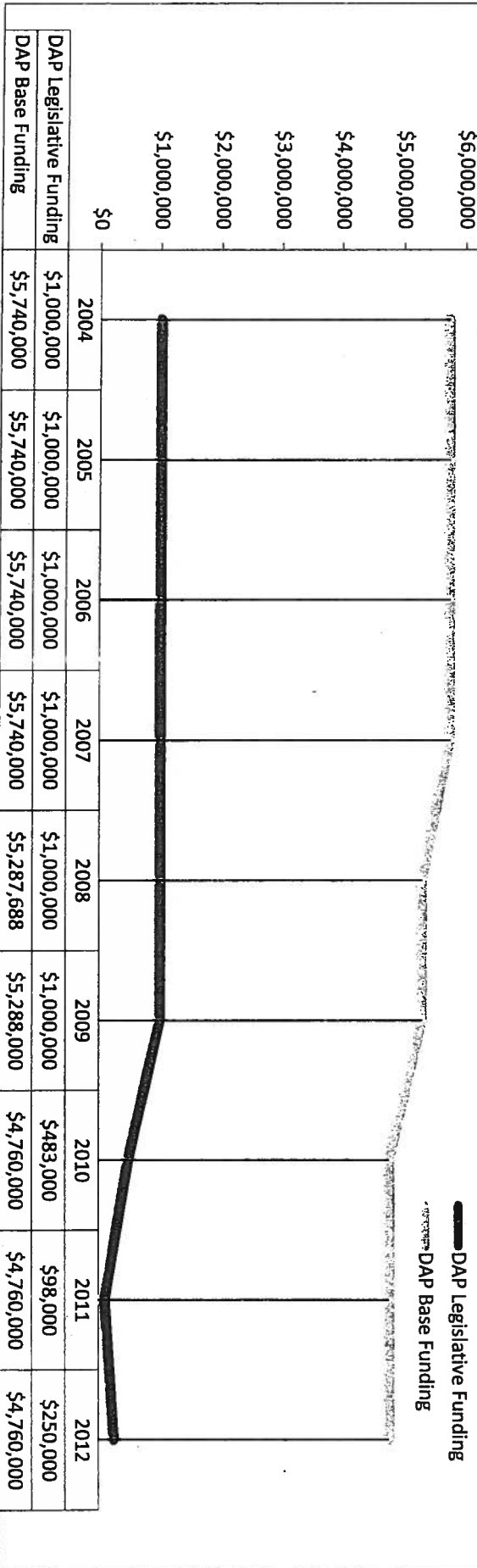


Source: NYS OTDA Disability Advocacy Program Reports to the NYS Legislature 2004-2009, and pending Report for 2010-2011.
For more information contact the DAPWorks for NYS Campaign: kbrown@empirejustice.org

DAP Generated Federal Interim Assistance - Consistently between \$7 and \$8.5 million a year

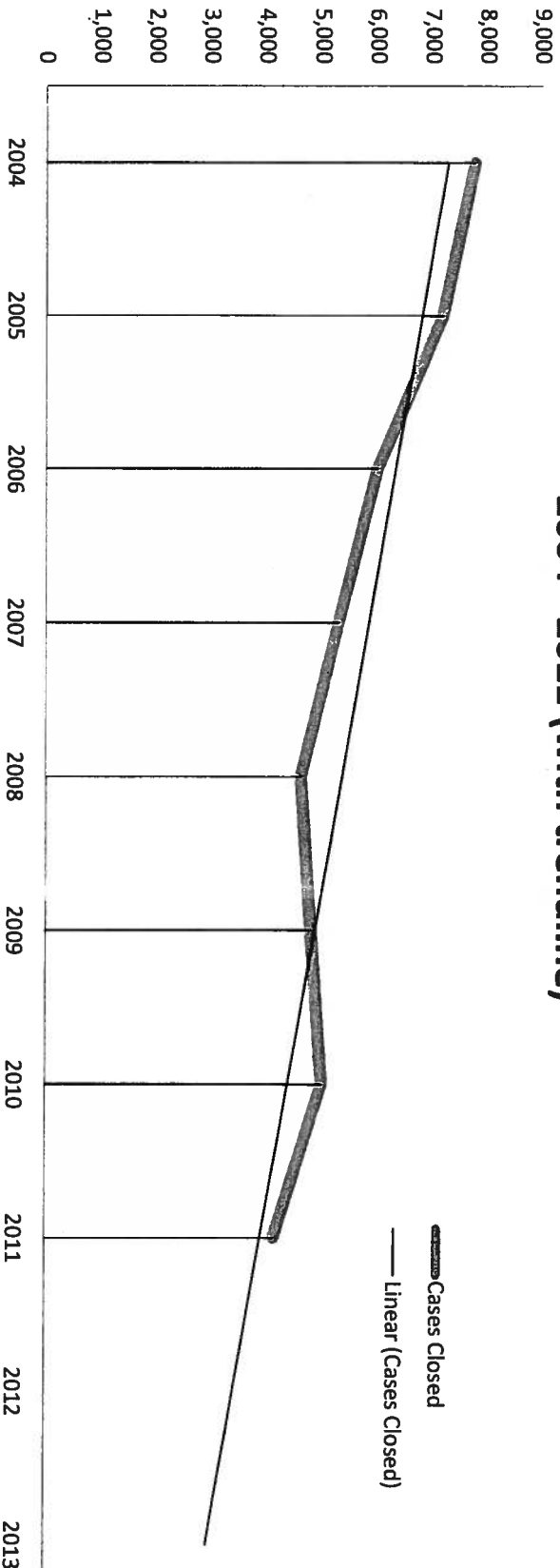


DAP Base and Legislative Funding 2004-2012



Source: NYS OTDA Disability Advocacy Program Reports to the NYS Legislature 2004-2009, and pending Report for 2010-2011.
For more information contact the DAPWorks for NYS Campaign: kbrown@empirejustice.org

DAP Cases Closed Have Declined Significantly Due to Lack of Funding 2004 - 2011 (with trendline)



→ To allow the DAP program to reverse this downward trend in clients served, which translates directly to fewer dollars generated, we urge the Governor to include a total of \$7 million statewide in the Executive Budget for DAP.

Source: NYS OTDA Disability Advocacy Program Reports to the NYS Legislature 2004-2009, and pending Report for 2010-2011.
For more information contact the DAPWorks for NYS Campaign: kbrown@empirejustice.org

DAP Facts: An Investment That Works for NY

New York's Disability Advocacy Program is a Sound Investment in Stabilizing Disabled New Yorkers and Generates as much as \$6 for Every \$1 Invested.

New York's Disability Advocacy Program (DAP) is a nationally recognized program that generates significant savings for New York State and local governments while also providing disabled New Yorkers with a stable income stream. Through the DAP program, local advocates provide low-income disabled New Yorkers in every county with legal assistance when their federal Supplemental Security Income (SSI) or Social Security Disability (SSD) applications have been denied or benefits terminated. DAP clients are among New York's *most severely disabled adults and children*—they are simply unable to navigate the complicated legal process without assistance. Many are mentally ill or homebound and cannot obtain assistance in the private sector through other volunteer counsel programs.

**DAP returns MORE to NYS than it costs:
DAP generates real dollars for NYS and local governments, and provides disabled New Yorkers with critical funds needed to spend on essentials - helping families and stimulating local economies.**

Most DAP cases take years to resolve and involve numerous appeals. For most successful DAP cases, the Social Security Administration (SSA) provides (1) a retroactive award to a DAP client for benefits they would have received, beginning from the time of initial application; and (2) reimbursement to NYS and local governments for the interim assistance (IA) benefits provided as Safety Net benefits (public assistance).

In 2010 and 2011, for a total investment of \$10.1 million, DAP generated over \$52 million in retroactive awards to clients to be spent in communities around the state, and \$15 million in interim assistance – cash back to our state and local governments. In the previous two years, DAP generated \$15 million in ongoing savings by moving disabled people onto more secure and appropriate federal assistance. (Source: OTDA) The current DAP return on investment (ROI) analysis conservatively credits 2 years of state public assistance savings for every new SSI recipient, but the SSA reports an average 9 years of federal benefits. DAP returns public assistance cost savings to New York State for almost a decade for every successful case it handles.

The Governor's Executive Budget maintained flat funding of \$4.7M for FY 2013. To allow DAP to continue to yield savings for New York State, funding must be increased.

We urge NY lawmakers to include \$7M in the FY 2013 budget.



Ms. S.

After falling down a flight of stairs at her longtime store, Ms. S., a Brooklyn resident, became permanently disabled. After she was denied disability benefits, Ms. S. because of her brain injury did not understand that she could pursue an appeal. Years later, living in poverty, Ms. S. once again applied for disability benefits and was once again denied. She sought help from a local DAP program, and a DAP advocate represented Ms. S. in her 2004 appeal, while also advocating for benefits stemming back to Ms. S.'s initial application. After numerous appeals, Ms. S. was awarded retroactive SSD benefits totaling over \$57,000 and an additional \$22,000 in SSD benefits. And the State and Kings County were reimbursed for all the public assistance provided to her.

DAP Works for NYS
For 30 Years... And Counting

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DAPWorks for NYS

Campaign Supporters (list in formation)

Bedford-Stuyvesant Community Legal Services
Chautauqua County Legal Services
Empire Justice Center
Erie County Bar Association Volunteer Lawyers Project, Inc.
Frank H. Hiscock Legal Aid Society
Legal Aid Bureau of Buffalo
Legal Aid of Rockland County
Legal Aid Society of Mid-New York
Legal Aid Society of New York City
Legal Aid Society of Northeastern New York
Legal Aid Society of Rochester
Legal Assistance of Western New York
Legal Services of Central New York
Legal Services Funding Alliance
Legal Services of the Hudson Valley
Legal Services NYC – Bronx (LS-NYC)
Manhattan Legal Services (LS-NYC)
South Brooklyn Legal Services
Nassau/Suffolk Law Services, Inc.
Neighborhood Legal Services
New York Legal Assistance Group (NYLAG)
Queens Legal Services (LS-NYC)
Staten Island Legal Services (LS-NYC)
Urban Justice Center
Volunteer Legal Services Project of Monroe County, Inc.
Western New York Law Center

DAP Survey: We Can't Respond to Overwhelming Need

In December 2012, the DAPWorks for NY Campaign conducted a quick snapshot survey of DAP providers to get a sense of how the program has been affected by funding reductions over the past several years. In total, over 60% of providers from across the state responded.

The overwhelming majority of providers reported that their DAP unit was unable to provide services for all participants who are in need of assistance. Most responses pointed to a lack of funding, subsequent scarcity of staff to handle the lengthy appeal process, and the amount of time and effort needed for adequate screening, investigation and representation. One organization reported that it receives numerous inquiries from individuals with hearings scheduled in the near future, but there is insufficient time to investigate and prepare for a case. Providers also report an uptick in claim denials over the last two years (2010-2012).

While some providers received other outside funding from non-profits and county Departments of Social Services to serve more clients, 70% of providers surveyed are unable to provide full DAP services in their area based upon current funding levels.¹

Based on this survey, lack of resources forces providers to turn away at least an estimated 3,000 to 3,500 residents yearly, statewide. One upstate provider noted that due to the multitude of referrals from Social Security, Office of Disability Adjudication and Review (ODAR) offices and social service providers, its agency alone turns away between **750 to 1,000 applicants** a year. In the New York City area, the demand for services is so great that one provider is able provide assistance to just **one (1) individual for every fourteen requests** for assistance. Providers simply do not have the staffing resources to do more.

Due to a declining investment over the years, providers have developed a variety of strategies to achieve a basic level of assistance and to avoid turning away clients. One service provider developed an “**DAP Intake Package**” that is sent to all potential clients to assist them with the collection of any Social Security notices and medical evidence. This helps to inform DAP advocates when they determine what clients will most benefit from their assistance at case acceptance meetings. Other providers reported the following issues related to intake of clients:

- In one county intake is limited to two (2) days a week. Periodically, intake is closed completely due to reduced staff.
- Currently one provider has 83 pending cases on the waiting list. Advocates are assigning cases that have been on the list since July 2012.

¹ One NYC-based provider was unable to provide accurate numbers due to post-Sandy displacement. The numbers provided include DAP and DAP-TANF opening numbers.

DAP Survey: We Can't Respond to Overwhelming Need

- Another provider schedules intake days for once or twice a month, with the ability to see just five to six clients per intake day.

All providers across the state have reported a negative effect on their ability to serve clients due to reduced funding. Many providers have fewer case handlers, attorneys, paralegals and other necessary staff members to handle all aspects of the appeal process. Others point to new Social Security Administration (SSA) initiatives, such as the bar against new applications while appeals are pending, as a factor affecting clients' access to benefits. Another provider was forced to close intake for a 3 month period (February 2012 – May 2012) due to the loss of one of its DAP advocates. Even with the use of streamlined intake practices, providers believe the reduction of DAP services has undoubtedly caused many potential clients to turn to welfare, to the detriment of New York State and a local district's ability to achieve savings through the DAP program.

REQUEST: New York's Disability Advocacy Program generates as much as \$6 for every \$1 invested. During the last two years, DAP has generated \$15 million in ongoing savings for disabled New Yorkers. To avoid further erosion of this critical program, provide \$7 million in the New York State budget for DAP.

DAPData: Stabilizing Lives, Stabilizing Economies

Retroactive Benefits – funds paid to the disabled individual for the federal benefits they would have received, beginning from the date of original application.

- Between 2004 and 2011 retroactive benefits dropped by almost 50%, from a high of \$41 million in 2004 to a low of \$22.8 million in 2011.

Interim Assistance – funds paid by SSA to the State and Counties to cover the cost of benefits provided to the disabled individual from the date of original application.

- Between 2004 and 2011, interim assistance ranged from a high of \$11.3 million in 2004 to a low of \$7.1 million in 2011.

Public Assistance Cost Reduction – Based on a formula developed by OTDA – each successful DAP case results in a reduction in future costs that the State and Counties will no longer have to pay to our client.

- For 2008 and 2009 combined, OTDA estimated a total of \$15 million in cost avoidance – estimating that individuals would remain off public assistance for 2 years. SSA estimates that the time period is closer to 10 years. Using a conservative 6 year calculation instead, the cost reduction estimate would increase to \$45 million.

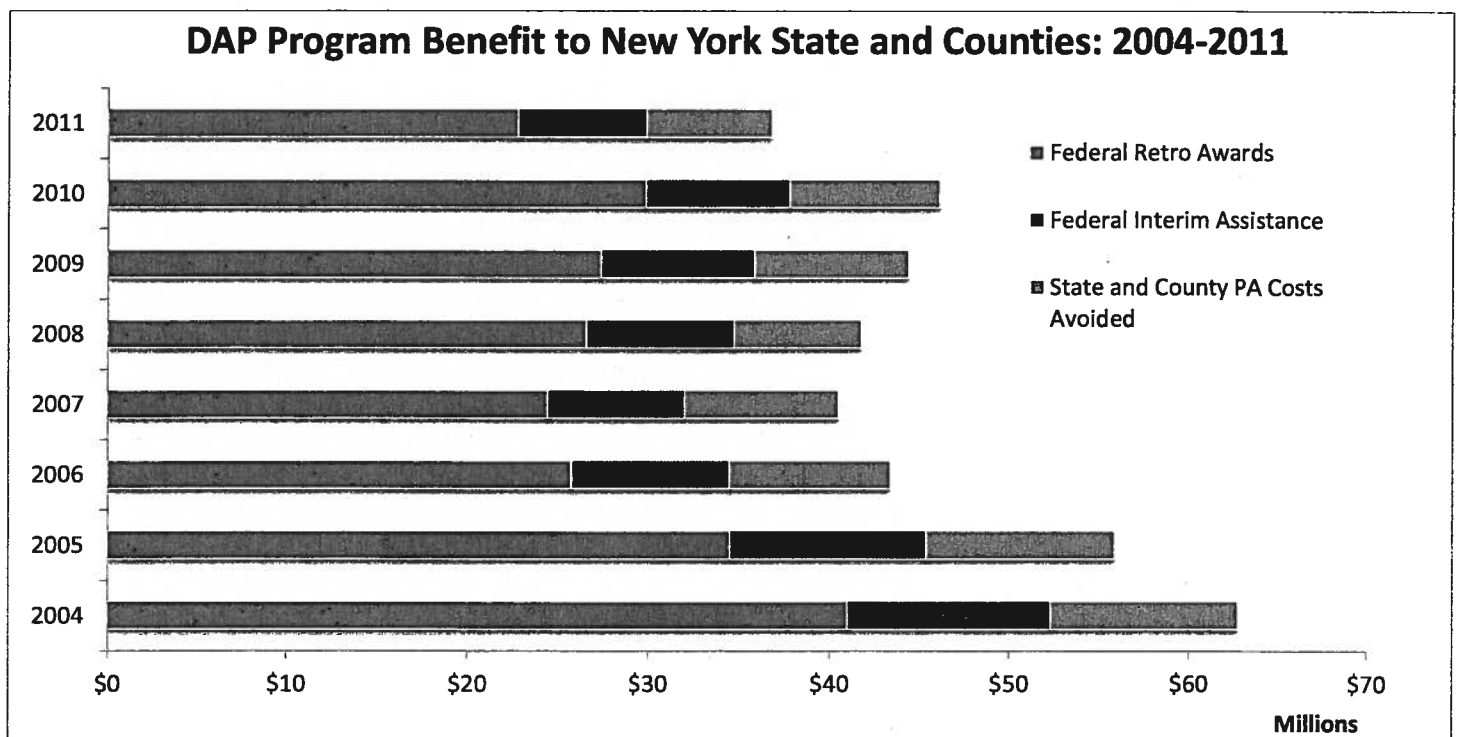
Program Cost – The amount of funds paid by the State and Counties to support the DAP program.

- DAP funding has declined from a high of \$6.74 million to a low of \$4.9 million in 2011.

Cases Closed – the number of DAP cases closed in a given year.

- Between 2004 and 2011, the number of cases closed ranged from a high of 7,768 in 2004 to a low of 4,128 in 2011.

This chart uses OTDA data to show the annual economic impact generated by DAP for an investment of between \$4.86M and \$6.74M, illustrating how the small investment in DAP reaps substantial benefits to government, disabled individuals and local economies.



DAPClients: Every Day New Yorkers in Need

DAPWorks is a human investment for New Yorkers. Our statewide DAP advocates work every day to advance the rights of disabled New Yorkers and to ensure DAP clients are on the path to economic stability. Here are just a few stories—from disabled workers, veterans, immigrants, seniors and children—from every corner of the State.

Support for Our Veterans. Mr. A. is a 35 year-old veteran and **Queens County** resident who served in the United States military from 2000-2011, including a tour of duty in Iraq, during which time Mr. A. was wounded by an IED (Improvised Explosive Device). Mr. A. suffers from traumatic brain injuries, cognitive disorder, adjustment disorder and post-traumatic stress disorder. He also has cervical disc disease and is largely homebound. On appeal from a denial of his initial disabilities application, a DAP advocate worked closely with the Veterans Administration and community support agency to assemble voluminous records demonstrating Mr. A.'s profound disabilities. An Administrative Law Judge (ALJ) recently awarded Mr. A. full benefits, as well as a retroactive award that has enabled Mr. A. to obtain stable housing.

Monroe County resident Mr. F. is a veteran of the first Gulf War. Upon returning from his tour of duty, he was honorably discharged and enrolled in college. He obtained a BS in history and began a career as a teacher. He got married and started a family. Tragically, he experienced the loss of his oldest child. Shortly thereafter, he began having mental health difficulties, evidenced by bizarre behavior and angry outbursts. He admitted to hearing voices and seeing things that other people did not see. Doctors gave him a diagnosis of depression and schizo-affective disorder. Despite treatment, Mr. F.'s condition worsened and he was unable to work. His marriage broke up and he became homeless. He applied for SSD and SSI several times, but was denied and, due to his mental illness and lack of resources, was unable to pursue an appeal. A local community agency referred Mr. F. to a DAP program, and DAP advocates successfully obtained a retroactive award stemming back to his earlier applications, as well as interim assistance payments to Monroe County. Mr. F. is now in a supported housing program and is receiving intensive mental health treatment.

A Rural Lifeline in Crisis Times. Ms. G. is a Native American who lives on a **Genesee County** reservation. Her home had no indoor plumbing and no central heat. Severe arthritis, chronic pancreatitis and chronic obstructive pulmonary disease forced her to stop working. She ended up on public assistance and despite Medicaid eligibility, received only spotty medical treatment. After Ms. G.'s disability claim was denied, a DAP advocate represented her in the appeals process. Genesee County received interim assistance reimbursement and Ms. G. received \$15,340 in retroactive disability benefits. With her award, Ms. G. was able to have indoor plumbing and a modern propane heating system installed in her home for the first time. In addition, she now has ongoing medical benefits which enable her to receive regular and appropriate medical care.

Otsego County resident Ms. R. suffers from severe mental disabilities. Physically and sexually abused as a child in the foster care system, Ms. R. lived by herself in abandoned houses as a teenager. Unable to read and write, and without shelter or family, Ms. R. was often found eating out of garbage cans. DAP advocates represented Ms. R. in disability appeals and helped her

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obtain necessary mental health services, healthcare and medications. Otsego County received \$7,358 in reimbursement and Ms. R. received \$7,292 in back benefits. Ms. R. is now living in her own apartment and receives social services support from a DAP community partner. She receives mental health treatment and is able to maintain independence in the community for the first time in her life.

Rebuilding a Life in America. Everyone agreed that 55-year old Mr. P. could never work. The Cuban government imprisoned him in a psychiatric ward and then exiled him in the Mariel Boat lift. Once in the U.S., he became homeless. Despite his disabilities, Mr. P. was denied \$700 in SSI benefits. Consequently, **Kings County** paid for all of Mr. P.'s needs. A local DAP advocate obtained over 500 pages of federal records to prove to the SSA appellate board that Mr. P. in fact qualified for SSI. The county received over \$25,000 in interim assistance payments and Mr. P. no longer needs to live at a congregate care facility—he maintains his own home.

Mr. A., an Iraqi refugee, settled in **Oneida County** with his wife and two children. Mr. A. suffers from post-traumatic stress disorder, anxiety, profound hearing loss and other physical and mental disabilities stemming from his family's kidnapping and detention in Iraq. Mr. A. is limited English proficient, and was denied disability benefits in 2010. A local DAP program represented Mr. A. in his appeal hearing, and he was awarded over \$10,000 in retroactive benefits. With monthly SSI benefits, Mr. A. and his family's finances have stabilized and they are rebuilding their lives in the United States.

Critical Support for Children and Families. **New York County** resident J.L. was born with Goldenhar Syndrome (a rare congenital defect which involves deformities of eye, ear, lip, soft palate and nose and results in visual and muscular impairments, as well as severe cognitive delays). After undergoing heart surgery, J.L. was deemed disabled as an infant and experienced significant developmental delays as a child. At 18, J.L. received notice that his benefits would be terminated. J.L.'s family was facing homelessness when they sought help from a Manhattan DAP program. DAP advocates represented J.L. and his family in his appeal process and succeeded in obtaining full benefits, as well as erasing a previous \$21,000 overpayment order, which would have financially devastated the family. Their more stable financial condition has enabled J.L.'s family to seek educational development opportunities for him, with the hope that he someday will join the workforce, as is his dream.

Niagara County resident M.J. suffers from neurological and mental health disabilities and was only ten years old when a local soup kitchen referred M.J.'s family to a DAP program after he was denied disability benefits. M.J. lives with his disabled aunt and grandmother, both of whom require assistance to support his medical needs. DAP advocates, supported by the soup kitchen's social work program, were successful in obtaining over \$10,000 in retroactive awards for M.J., which he can access when he turns 18. His monthly benefits have helped stabilize his family finances, allowing M.J. to obtain needed care.

Help for Disabled Workers. Buffalo resident Mr. E. worked in human services before undergoing a dental procedure that resulted in a rare condition associated with chronic pain. Unable to

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work, Mr. E. lost his car, his health insurance and access to the care he needs. He was denied disability benefits, and sought the local DAP program's assistance. DAP advocates presented an exhaustive record of treatment, medication, and mental health therapy and succeeded in obtaining more than \$8,000 in retroactive benefits. **Erie County** received thousands of dollars in interim assistance payments and Mr. E. was able to purchase a car and seek vocational rehabilitation.

Ms. S. lives in **Brooklyn**, New York. After falling down a flight of stairs at her longtime store in 1997, Ms. S. became permanently disabled. After she was denied disability benefits, Ms. S.—because of her brain injury—did not understand she could pursue an appeal. Years later, living in poverty, Ms. S. once again applied for disability benefits and was once again denied. She sought help from a local DAP program, and a DAP advocate represented Ms. S. in her 2004 appeal, while also advocating for benefits stemming back to Ms. S.'s initial 1999 application. After numerous appeals, Ms. S. was awarded retroactive SSD benefits totaling over \$57,000 and an additional \$22,000 in SSD benefits.

Another New Yorker and longtime resident of **Harlem**, Ms. S. received SSI benefits after her significant physical impairments—including arthritis, residual effects from her stroke, and diabetes—prevented her from working. When she turned 65, SSA informed her that monthly retirement benefits would be nearly double the amount of her SSI benefits. Accordingly, Ms. applied for retirement benefits. Only then did she learn that her proof of birth was not acceptable. Ms. S was born in a home in the South and did not have a birth certificate. She lost her benefits and was forced onto public assistance. DAP advocates represented Ms. S. on her appeal, and presented evidence through witness testimony and reconstructed documentary records. The ALJ approved both her SSI and retirement benefit claims, and Ms. S. received a retroactive award of over \$15,000, while **New York County** was reimbursed with interim assistance payments.

Mr. C. was referred to a local DAP program by **Chemung County** Department of Social Services. An Elmira native, Mr. C. had been lost to his family and was homeless for several years due to his mental deficiencies. Despite being diagnosed with learning disabilities, anxiety disorder and a low IQ finding, Mr. C. was unable to obtain disability benefits and lived on public assistance. DAP advocates worked closely with a network of social services agencies in both Chemung and Broome Counties, rebuilding Mr. C.'s medical history, to assess Mr. C. and to obtain his records resulting in a victory for benefits extending to 2008, with both counties getting interim assistance payments.

DAP advocates in **Queens County** obtained \$53,785 dollars in retroactive benefits, interim assistance payments to the county and \$1,769 in monthly benefits for an insured worker who was forced to live on welfare benefits after his seizure disorder, dementia and diabetes rendered him disabled in 2004. Referred to DAP by the local county social services program, DAP advocates conducted a complicated hearing process to demonstrate Mr. W.'s disability history and moved him off of local public assistance.