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DISABILITY RIGHTS EDUCATION & DEFENSE FUND

*****PRESS RELEASE*****

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JUDGE RULES SOCIAL SECURITY ADMINISTRATION MUST ACCOMMODATE BLIND BENEFICIARIES

San Francisco, CA — April 24, 2008 On Wednesday, April 23, 2008, Judge William Alsup of the US District Court for the Northern District of California ruled that the US Social Security Administration (SSA) must accommodate the real and legitimate needs of people with visual impairments who receive benefits from SSA. The agency is required under the Rehabilitation Act and the due process clause, the ruling states, to provide communications in formats that are accessible to these beneficiaries.

The ruling came after SSA sought to dismiss a class action filed in federal court in 2005 by the American Council of the Blind and a group of individuals who are blind or have visual impairments filed a class action lawsuit against SSA, alleging that the agency fails to provide the most basic accommodations to its blind and visually impaired applicants and beneficiaries. To this day, the SSA communicates with blind and visually impaired applicants and beneficiaries in standard 12 point font print that they cannot read, and is unwilling to provide meaningful communication in alternative formats such as Braille, audio, large font or electronic text. "In the 21st century there is no reasonable explanation or excuse for the SSA to continue to ignore the needs and rights of the blind population, and we are committed to bringing about the necessary changes," explained Wondie Russell of Heller Ehrman LLP, an attorney for plaintiffs. "This decision has now set us on the path to securing reasonable accommodations."

Plaintiff attorneys argued successfully that the agency is subject to the jurisdiction of Section 504 of the Rehabilitation Act of 1973, which requires bars discrimination on the basis of disability in federal programs, including removing communication barriers by providing "auxiliary aids" that allow persons with disabilities an equal opportunity to participate. "The judge understood the callousness of SSA's insistence on sending notices that our clients cannot read," said Arlene Mayerson, Directing Attorney for Disability Rights Education and Defense Fund (DREDF), and an attorney for plaintiffs. "Sending standard print notices to blind individuals clearly denies due process, and it is amazing that this has ended up in federal court."

Plaintiffs in the lawsuit have gone without benefits as a result of SSA's failure to give them effective notice of its actions. "Blind people across the country have been trying for years to get SSA to send notices in a format we can read, and we have been resoundingly ignored," suggests American Council of the Blind Executive Director Melanie Brunson. Judge Alsup's ruling cites a concern about "the possibility that the agency [SSA] channeled the discrimination claims of plaintiffs into a black hole from which there is no escape."

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Attorneys for the plaintiffs include the Disability Rights Education and Defense Fund, Heller Ehrman LLP, the Oregon Advocacy Center, and the National Senior Citizens Law Center.

The **American Council of the Blind** is the nation's leading consumer based advocacy organization working on behalf of blind and visually impaired Americans and has more than 70 state and special-interest affiliates throughout the United States. The national office of the organization is located in Washington, D.C. For more information about the ACB, visit the web site at <http://www.acb.org>.

Founded in 1979 by people with disabilities and parents of children with disabilities, the **Disability Rights Education and Defense Fund (DREDF)** is a national law and policy center dedicated to protecting and advancing the civil rights of people with disabilities through legislation, litigation, advocacy, technical assistance, and education and training of attorneys, advocates, persons with disabilities, and parents of children with disabilities. For more information, go to www.dredf.org.

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The **National Senior Citizens Law Center** advocates nationwide to promote the independence and well-being of low-income elderly individuals and persons with disabilities. NSCLC provides technical assistance and training to attorneys and other advocates and is active in litigation and policy advocacy with a strong focus on income security and health care. For more information, go to the organization's website at www.nsclc.org.

The **Oregon Advocacy Center (OAC)** is an independent non-profit organization which provides legal advocacy services for people with disabilities anywhere in Oregon. OAC is designated under federal law as the protection and advocacy system for Oregon, but it is not a part of the state or federal government. OAC has attorneys and advocates who assist people with disabilities. For more information, go to www.oradvocacy.org.

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