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Invest an additional \$500,000 in the State's Multi Million Dollar Stake in Maximizing Federal Dollars Flowing to New York: *Invest in the Disability Advocacy Program*

The Disability Advocacy Program (DAP) is a nationally recognized program that generates documented and ongoing savings for the state and for local governments. Through the DAP program, advocates provide low income disabled New Yorkers in every region of the state with legal assistance when their federal Supplemental Security Income (SSI) or Social Security Disability (SSD) applications have been denied or their benefits terminated. The vast majority of clients receive public assistance, with over 50% receiving state/locally funded Safety Net benefits while they await a decision about their application.

For each successful case, the Social Security Administration (SSA) provides a retroactive award to the client for benefits they would have received, beginning from the time of initial application. SSA also reimburses the state and local governments for the interim assistance (IA) benefits provided as Safety Net benefits. **Eighty-seven percent of the clients represented by DAP advocates prevail at the hearing level** as compared to the average national success rate of 63%. As a result, DAP annually generates federal reimbursement for the state that far exceeds the state and county funding used to provide the services.

As you can see in the attached charts, **in 2008 and 2009 alone, the DAP program generated over \$57 million in retroactive awards** to clients to be spent in communities around the state, and **almost \$19 million in interim assistance – cash back to our state and local governments**. In addition, the Office of Temporary and Disability Assistance also estimates that for the 2008-09 period, DAP generated **\$15 million in ongoing annual cost avoidance** by moving clients onto more secure and appropriate federal assistance.¹ We would anticipate a



Eugene W.

Eugene is disabled by AIDS, has learning disabilities and deformed feet that do not allow him to walk more than a few feet without a wheelchair. He has 2 small children. He applied for SSI in early 2005 and was denied. Empire Justice began working with him shortly thereafter and filed an appeal, but due to the huge backlog he waited until March 2008 for a hearing – where the appeal was denied. In mid 2008, Eugene was approved for benefits thanks to a subsequent application. Through the fall of 2011, we continued to pursue his original claim, appealing the unfavorable hearing decision to the Appeals Council for the back benefit amount and have just learned that we were successful. As a result of our representation of Eugene, Monroe County will be repaid for over three years worth of interim assistance from the retroactive benefits. This is expected to be approximately \$17,000. The client is expected to receive over \$8,000. He is very thankful and told us that he is very happy because for at least one Christmas, he will be able to get his children really good toys and warm clothes.

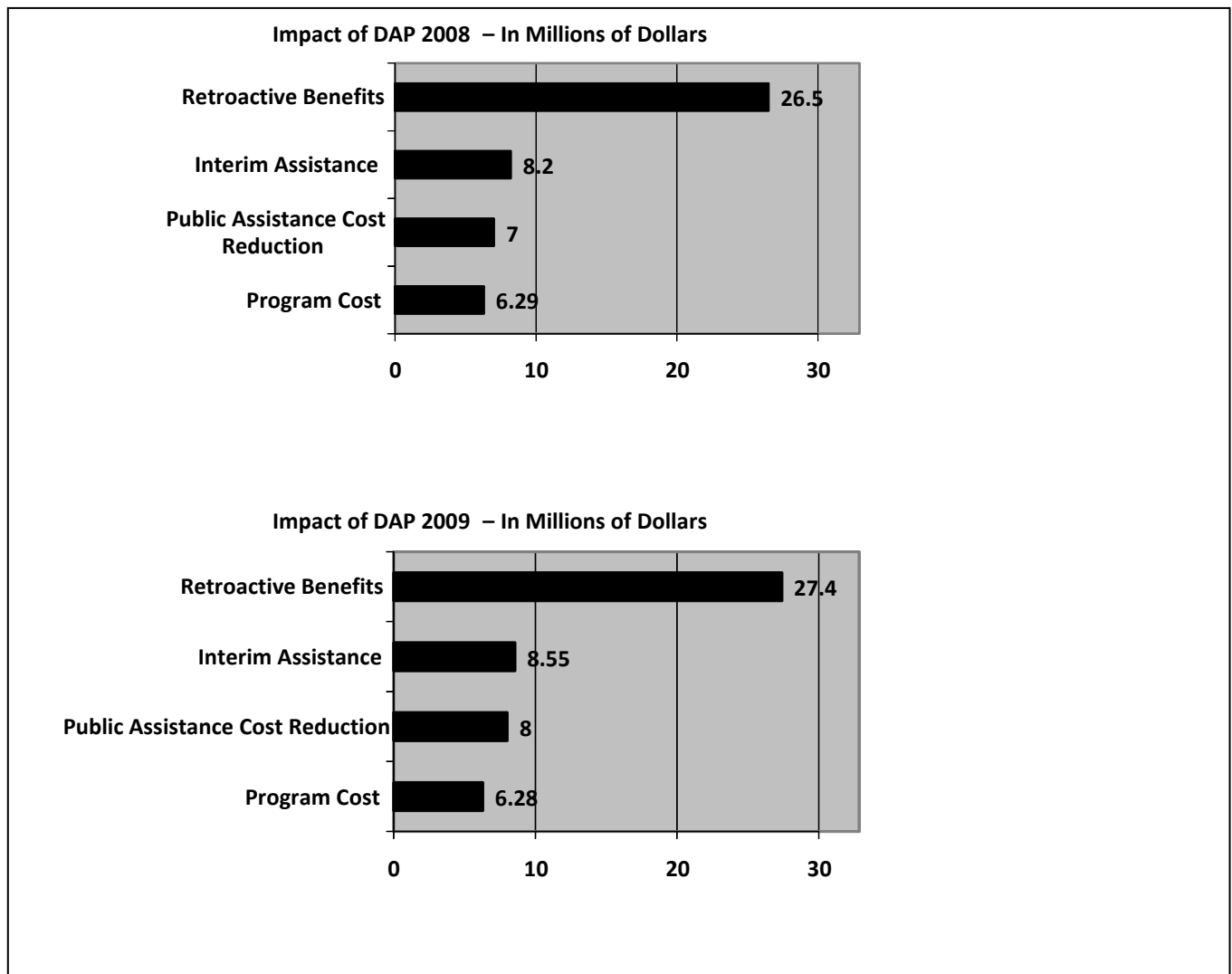
¹ New York State Office of Temporary and Disability Assistance, "Report to the Legislature, Disability Advocacy Program, January 1, 2008 -December 31, 2009", pages 7-9.

similar cost avoidance for the 2009-10 period. All of this was achieved with a **\$11.5 million investment for these two years**. \$1.5 million dollars of this funding was federal Temporary Assistance to Needy Families (TANF) funding, with the remaining \$10.6 million funded half by the state and half by the localities.

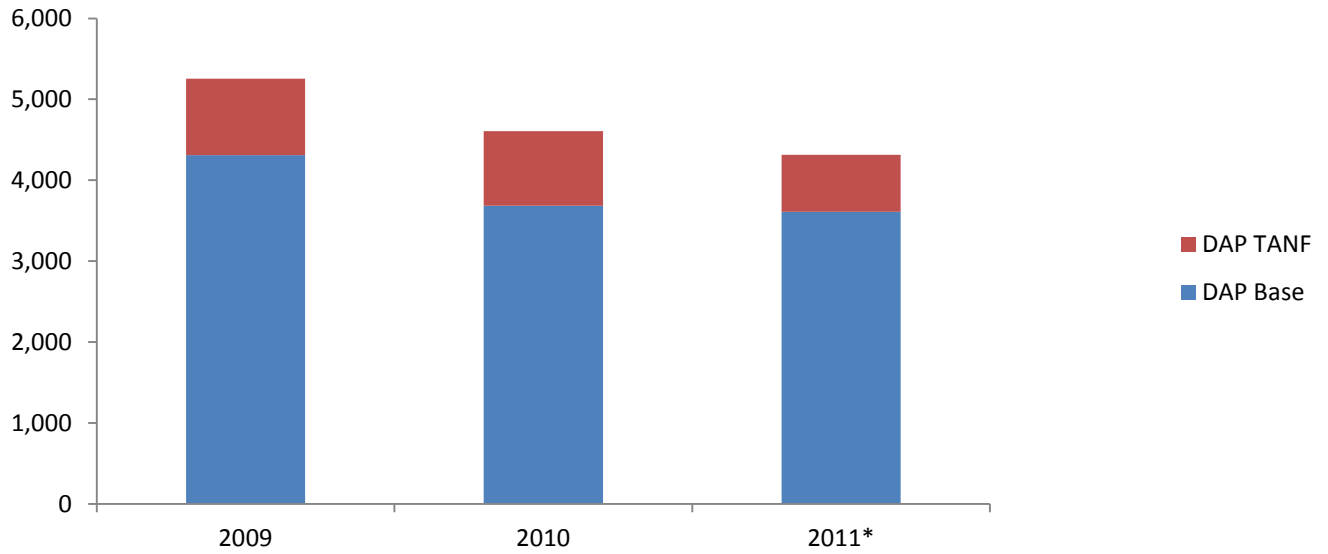
The green and blue chart on the next page shows how DAP funding has been cut repeatedly since 2008, with funding levels down 20% in 2010. **This year's virtual elimination of TANF funding brought the funding reduction to 30%.**

The red and blue chart illustrates the impact of funding reductions on DAP provider's ability to take on new clients. Case openings have declined steadily over the past three years since funding for the program has been reduced. To be able to maintain the caseload necessary to deliver the savings that are expected from the program there must be additional investments. **The Governor funded the program at a total of \$4.76 million – half state and half local dollars – in the 2012-13 Executive Budget – the same level as last year. To begin to build back from the 30% cut, we urge the Legislature to restore \$500,000 in state general fund dollars to bring total funding to \$5.76 million.**

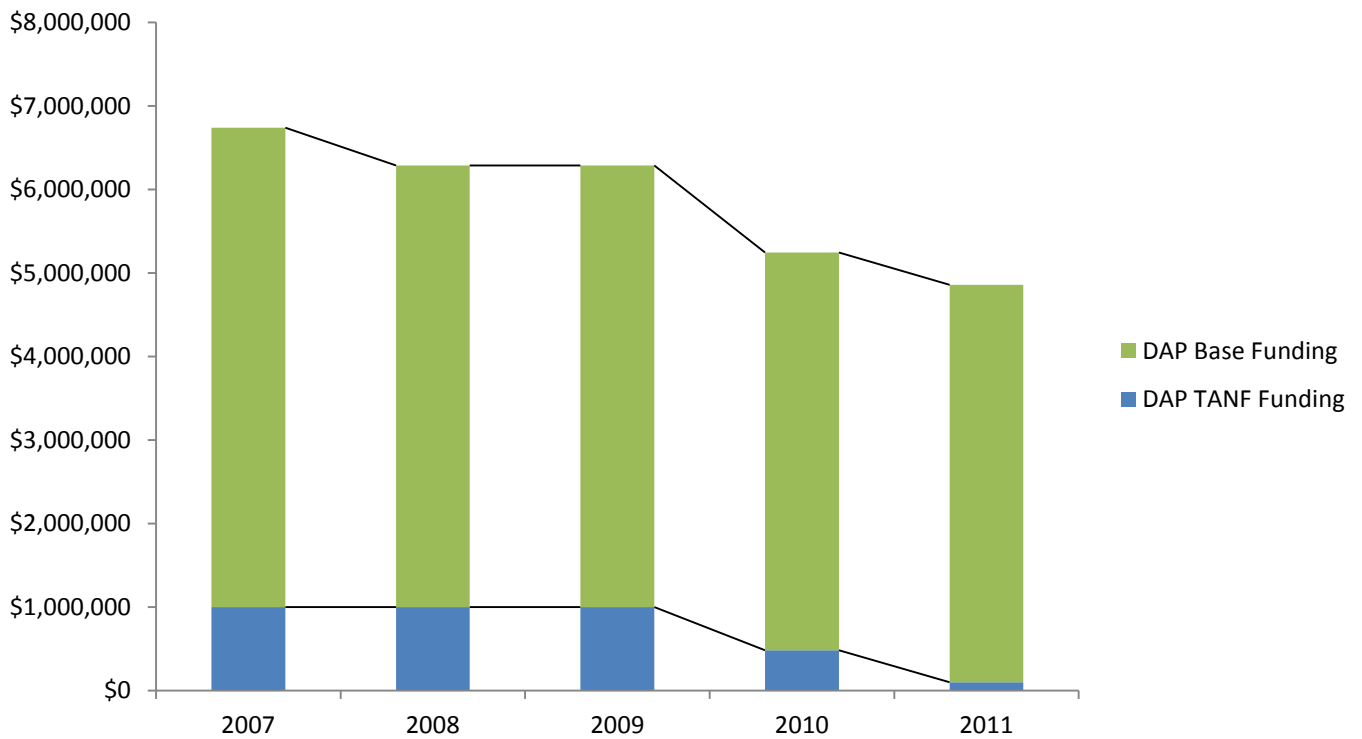
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Disability Advocacy Program Case Openings



Disability Advocacy Program Funding 2007-2011



*Extrapolated from first three quarters of 2011