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INNOCENT WOMAN CAUGHT IN SOCIAL SECURITY ADMINISTRATION DRAGNET, LOSES DISABILITY BENEFITS

NATIONWIDE CLASS ACTION LAWSUIT FILED

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.

The SSA knows that its policy violates the law. Individuals have challenged the policy in court several times, and each time courts have ruled that the policy is unlawful and ordered reinstatement of benefits of the disabled and elderly beneficiaries. Yet SSA continues to apply this policy without regard to the court rulings. Today's class action filing is the first attempt to end the policy altogether.

"The Social Security Administration knows its policy cannot be justified," said Gerald McIntyre, Directing Attorney at the National Senior Citizens Law Center in Los Angeles and one of the attorneys representing Ms. Martinez and the other plaintiffs in the lawsuit. "The policy does nothing to catch those who really are fleeing from justice, but instead concentrates on those in whom law enforcement has no interest. Time and again, when courts have examined this issue they have found that the SSA's policy violates the law."

"This unlawful policy has a devastating impact on some of the most vulnerable members of society — the disabled and the elderly," said David Fry, a partner at the law firm of Munger, Tolles & Olson, LLP, which has taken on the case pro bono. "Most of those affected have no savings and no other source of income. Without their benefits, they face the real and immediate threat of hunger and homelessness."

"Social Security should not be looking for excuses to deny benefits, particularly in such unlawful and devastating ways," said Bill Lienhard, project director of the Mental Health Project at the Urban Justice Center and co-author of a report on SSA's practice of suspending benefits called [Social Insecurity](#).

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

For further information and a copy of the complaint filed in court today, please call Gerald McIntyre at the National Senior Citizens Law Center (213-674-2900) or Emilia Sicilia at the Urban Justice Center (646-602-5668).

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