

AIDS Law Project Quality Assurance Review
Public and Private Benefits
July-September 2014

We are always concerned with the quality of our services, and proactively created a quality assurance team to internally monitor our performance. Given the attorney's duty of confidentiality to clients, and the sensitive nature of the attorney-client privilege, all quality reviews are done in-house.

To assess the quality of our work, we conduct a quality assurance review of cases we completed and closed in the 3rd quarter of the year (July 1-September 30). Every other year, we focus on public benefits cases. Benefits cases include cases involving: The Department of Public Welfare and the benefits it oversees (food stamps, cash assistance, medical assistance); the Social Security Administration and its benefits (Supplemental Security Insurance, Social Security Disability Insurance); and other public benefits programs. **In the third quarter of 2014, we closed 76 files of people who contacted the AIDS Law Project requesting legal assistance with public benefits. We provided direct representation, legal advice and/or referrals to 96% (73) of them.**

Each individual who calls with a legal question receives a thorough intake interview with a trained paralegal or certified legal intern who handles calls immediately and provides triage for persons in crisis. Each case is then reviewed by the Intake Team (comprised of attorneys, paralegals and legal interns), who determine an appropriate course of action. Sometimes staff will represent the client in administrative law judge hearings. Other times, staff will help by informally negotiating an agreement with another party, such as the Social Security Administration. Clients needing assistance in a practice area outside our scope of expertise (e.g., VA benefits) are referred to a volunteer attorney. Callers who simply want information on their legal rights receive follow-up phone calls, meetings, or written information.

This quality report examines the outcome of all public benefits cases that were closed in July, August, or September of 2014.

This survey was performed by interns Brent Jacobs and Laura Quinones, who reviewed the public benefits cases we closed in the third quarter of 2014. The interns pulled the files for those cases and reviewed each individually. Using the outcome section of our intake form as a guide along with the file notes, the interns determined the outcome of each of these cases, compiled the data, and created the following report.

In analyzing outcomes, three categories were used:

1. Represent/Advocate: This category covers any instance in which a staff member of the AIDS Law Project represented a person in a hearing or contacted any third party on behalf of a client.
2. Legal Advice/Information: this is the broadest outcome category and includes almost anytime a staff member spoke to a client whether it was to explain a

- person's rights regarding Medical Assistance or to advise a client to appeal an SSI denial.
3. Referral: AIDS Law Project sometimes refers clients to other agencies, organizations, and lawyers if it feels a client would be better served or if a case falls outside of its area of legal expertise.

Social Security and Medicare Benefits

41 Intakes

SSI/SSD Eligibility, Applications, and Appeals—33 Intakes

33 people contacted us because they had issues with or questions about applying for Social Security disability benefits. 29 of these people called with questions or issues about appealing denials, 3 had questions about eligibility for benefits, and 3 had questions about the application (four clients had issues with more than one of these). In addition, 2 clients had other issues with SSI/SSD, 1 of which was not a provided service.

Representation and/or Advocacy

We represented and/or advocated on behalf of 4 clients. We represented 4 clients at an Administrative Law Judge (ALJ) hearing, and successfully secured benefits for 3 of them. We withdrew representation from 1 case because the client was very physically active and unlikely to be found disabled.

Legal Advice

We successfully provided legal advice and/or information to 13 clients. 12 had questions about appeals, 3 had questions about eligibility for benefits, and 2 had questions about the application (three clients had issues with more than one of these).

Referrals

We referred 15 clients to private attorneys or other public interest law firms, as appropriate. All 15 were seeking to appeal or had already filed an appeal, and 1 also had questions about eligibility.

Not a Provided Service

We completed an intake for 1 person seeking to become a representative payee for a Social Security recipient, and informed her it was not a service we offer. If the recipient had contacted us with the request, we would have provided assistance. To avoid all conflicts, we take no actions affecting the rights of people living with HIV/AIDS, unless the request comes from the affected person.

Overpayments—6 Intakes

An individual's monthly Social Security disability benefit may be reduced if the Social Security Administration believes the recipient was overpaid the benefit amount. We received 6 calls from people whose monthly benefits were reduced because of an overpayment. We advised 3 clients on requesting reconsideration and/or obtaining a repayment plan. Of those 3 clients, 1 successfully remained on her repayment plan after

being threatened with wage garnishment and 1 was offered assistance but did not reply. We contacted a local SSA office on 1 client's behalf and advised the client on his situation. 1 client who was in a repayment plan believed he never received the overpayment in the first place, and we filed an appeal for him but he found different representation for the hearing. We referred 1 client to a local public interest law firm.

Medicare—2 Intakes

2 clients had Medicare-related problems. We successfully represented one in continuing his benefits, and successfully assisted the other in switching to the appropriate insurance plan.

Medical Assistance (MA), Special Pharmaceutical Benefits Program (SPBP), and Food Stamps (SNAP) 23 Intakes

Medical Assistance (MA)—8 Intakes

6 clients and 2 case managers called with questions about MA eligibility. We successfully represented 1 client in an MA denial appeal. We provided information and legal advice to 6 of the callers. 1 client became unreachable.

Medical Assistance for Workers with Disabilities (MAWD)—8 Intakes

7 clients called with issues about MAWD eligibility. 2 clients were denied MAWD, and we successfully appealed and obtained benefits for both. 3 clients' MAWD benefits were terminated, and we successfully appealed all 3 cases. We secured MAWD benefits for 1 client whose MA was terminated. Altogether, we successfully represented 6 appeals and gave advice to 1 client. In addition, 1 case manager called for assistance with an appeal, was given advice on the appeal, and was offered a referral for a service not provided.

Special Pharmaceutical Benefits Program (SPBP)—4 Intakes

3 clients contacted the AIDS Law Project because SPBP benefits were denied or terminated. Through direct representation, we successfully appealed all 3 cases. We gave advice to 1 client who contacted us with questions about reporting medical information to receive SPBP benefits.

Supplemental Nutrition Assistance Program (SNAP)—3 Intakes

We assisted 3 clients with issues related to SNAP. We successfully obtained replacement food stamps for 1 client who lost food due to an eviction. The other 2 clients contacted the AIDS Law Project with questions about SNAP eligibility. Both were given advice.

Back to Work

5 Intakes

5 clients contacted the AIDS Law Project with questions about how returning to work would affect their benefits. We provided all 5 of them with legal advice and/or information.

Marriage

4 Intakes

3 clients contacted the AIDS Law Project with questions about how getting married would affect their public benefits, including SSI, SSDI, Medicare, Medicaid, SPBP, and SNAP benefits. We provided 3 clients with advice and guidance. 1 client had questions about financial trusts and inheritance taxes, and was offered a referral.

Other Public Benefits

3 Intakes

3 clients contacted the AIDS Law Project with concerns about other public benefits. We informed 1 client about the Department of Public Welfare burial benefits. 1 client contacted us with questions about workers' compensation and immigration issues, and was advised about his eligibility for health insurance and urged to apply for Emergency Medical Assistance. 1 client called because his health aide was fired due to a criminal record, and was informed that this was not a provided service.

Total: 76 Intakes