



**Submitted Testimony regarding “Encouraging Work Through the Social Security Disability Insurance Program”**  
**House Ways and Means Committee, Social Security Subcommittee**  
**Wednesday, June 19, 2013, 10:00 am**

As the nonprofit membership organization for the federally mandated Protection and Advocacy Systems (P&As) and Client Assistance Programs (CAPs) for people with disabilities, the National Disability Rights Network (NDRN) would like to thank Chairman Johnson, Ranking Member Becerra and the House Social Security Subcommittee for holding a hearing to explore avenues to encourage work through the Social Security Disability Insurance (SSDI) Program. NDRN would specifically like to comment on the role Protection and Advocacy (P&A) agencies, particularly through the Protection and Advocacy for Individual Rights (PAIR), Protection and Advocacy for Beneficiaries of Social Security (PABSS) and the Client Assistance Program (CAP) play in helping Social Security recipients return to work. Although these programs are small, they have provided a critical bridge for thousands of Social Security beneficiaries to cross from reliance on Social Security benefits to obtain an income through employment.

The P&A / CAP Network was established by the United States Congress through eight separate programs to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navaho and Piute Nations in the Four Corners region of the Southwest. Collectively, the P&A / CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States. These services include assistance for people with disabilities wishing to return to work, such as helping Social Security beneficiaries overcome barriers to employment such as discrimination, obtain necessary accommodations, and understand how employment effects the receipt of benefits.

The obstacles facing people with disabilities who wish to return to work are great. People with disabilities continue to face high unemployment, even as the country works its way out of a recession, nearly twice that of the general population. Also, the workforce participation rate for people with a disability is nearly 3.5 times less than for people without a disability. The complex network of Employment Networks, Ticket to Work, Workforce Investment, and Vocational Rehabilitation programs that are meant to help SSDI recipients return to work are often difficult to navigate. There are many barriers to application for and use of these programs that can ultimately discourage people with disabilities from applying.

The P&A and CAP programs provide critical assistance in navigating these and other employment programs. The PAIR program lets people with disabilities know what their rights are in terms of obtaining employment and helps them obtain accommodations from employers, while the CAP program assists them with obtaining services from Vocational Rehabilitation programs. The PABSS program provides assistance and awareness to Social Security beneficiaries of their legal rights when navigating the federal return to work programs. Collectively, these programs provide people with disabilities access to the services, skills, and information necessary to enable them to return to work. Returning to work helps make the Social Security Trust Fund viable in the long-run by enabling people to get off of benefits and begin paying into the payroll tax system. It also benefits both the Social Security recipients who are able to become independent and enter the workforce, as well as the employers who are able to obtain quality employees.

Specific examples of how the PABSS program has helped people with disabilities return to work or maintain employment include the following:

- In Illinois, a person with an intellectual disability contacted Equip for Equality (the Illinois P&A agency) after she found out that the job coaching services that she received from the Department of Rehabilitation Services (DRS) were about to end. DRS planned to terminate the client's assistance based on the client's alleged inability to perform the work, even with assistance from a job coach. The PABSS staff investigated and found that the level of services provided by the job coaches varied and that any perceived performance issues were related to poor job coach performance, not due to the client's ability to work. The advocate provided extended assistance and ensured that the client's job coaching services would continue. In addition, Equip for Equality advised the client to request that only the more qualified job coaches continue working with the client, and DRS agreed. Due to PABSS advocacy, the client was able to maintain her employment.
- A client contacted Michigan Protection and Advocacy Systems (MPAS) with concerns about a small business he was working on starting up, a private law practice. Michigan Rehabilitation Services had been working with him on starting the business. The individual was struggling to get clients, to attend meetings due to lack of transportation, and needed affordable mental health treatment. MPAS assisted the individual in discussing his concerns about his business with his counselor at Michigan Rehabilitation Services. The individual needed assistance from a business consultant about marketing. MPAS negotiated with the counselor who agreed to provide additional sessions with the small business consultant. The individual is still a practicing attorney in Michigan.
- PABSS staff with the Wyoming Protection and Advocacy System represented a 57-year-old female SSDI beneficiary located in an urban county in Wyoming. The beneficiary was diagnosed with bilateral blindness and orthopedic disabilities, and had not been employed for several years, since she lost her eyesight. She sought to return to work and applied for services from the Division

of Vocational Rehabilitation (DVR). DVR took her application, disregarded statutory presumptive eligibility, and sent her a letter finding that she was ineligible for DVR services because of "transferable job skills." As a direct result of PABSS advocacy, DVR reopened the beneficiary's case, found her presumptively eligible, conducted an appropriate Comprehensive Assessment of Rehabilitation Needs, and negotiated with the beneficiary's former employer to allow her to return to her longtime previous part-time position. DVR purchased assistive technology devices and services, trained the employer on use of the devices, and trained the beneficiary on the devices. As a result, the client has returned to part-time employment, and is gradually taking steps toward regaining full-time employment.

Unfortunately, PABSS funding has not been consistent over the past year. The authorization of appropriations for the PABSS program expired on September 30, 2011, and based on the opinion that it lacked the authority to continue WIPA and PABSS without an authorized appropriation, the Social Security Administration stopped funding the PABSS program as of September 30, 2012. Thankfully, Congress restored funding for the PABSS program in the second Fiscal Year 2013 Continuing Resolution passed earlier this year. However, the time in which funding was not available to the PABSS program hurt the P&A agencies, which had to lay off many highly-trained employees and terminate vital supports for people with disabilities for a number of months. The suspension in funding resulted in an incredible loss of knowledge and expertise that has delayed and hindered the delivery of assistance to individuals seeking employment. Although the PABSS agencies have resumed their work, Congress should reauthorize the PABSS program to ensure that such a break does not occur again and that stable funding continues for the indefinite future.

We are grateful for the opportunity to submit testify and discuss ways to encourage the employment of beneficiaries of Social Security. If you would like to discuss these issues further or have any questions, please do not hesitate to contact Patrick Wojahn at [Patrick.Wojahn@ndrn.org](mailto:Patrick.Wojahn@ndrn.org).