

NEWSLETTER

FEATURED TOPIC THIS MONTH:

- *Social Security to Expand Access to SSI Program by Updating Definition of a Public Assistance Household*
- *Making Disability Rights History: HHS Announces Powerful Anti-Discrimination Protections*
- *Will a Special Needs Trust Impact Your Section 8 Voucher?*
- *2024 Guide: Are Personal Injury Settlements Taxable?*
- *Casey Introduces Bill to Promote Alternatives to Guardianship*
- *Step inside an award-winning library for people with disabilities*
- *Congress passes air travel accessibility reforms*



Photo via [SSA](#)

Social Security to Expand Access to SSI Program by Updating Definition of a Public Assistance Household

By [Social Security Matters](#)

The Social Security Administration recently published a final rule, "Expand the Definition of a Public Assistance Household." This final rule announces one of several updates to Supplemental Security Income (SSI) regulations that will help people receiving and applying for SSI. SSI provides monthly payments to adults and children with a disability or blindness, and to adults aged 65 and older. These benefits help pay for basic needs like rent, food, clothing, and medicine. People applying for and receiving SSI must meet eligibility requirements, including income and resource limits.

Under the final rule, beginning September 30, 2024, the agency will expand the definition of a public assistance household to include households receiving Supplemental Nutrition Assistance Program (SNAP) payments and households where not all members receive public assistance.

[CLICK HERE FOR MORE INFORMATION](#)

Patricia E. Kefalas Dudek & Associates

Long-Term Disability Benefits Restored

By [ASNP](#)



The United States District Court, District of Minnesota, holds that a life insurance plan improperly terminated a disabled worker's benefits. In *Lundberg v. UNUM Life Insurance Company of America* (D. Minn. No. 22-cv-2188, April 4, 2024).

Bradley J. Lundberg worked a desk job at Blue Cross Blue Shield of Minnesota that primarily involved computer work. He suffered from anterior ischemic optic neuropathy (AION) in his right eye.

The United States District Court, District of Minnesota, holds that a life insurance plan improperly terminated a disabled worker's benefits. In *Lundberg v. UNUM Life Insurance Company of America* (D. Minn. No. 22-cv-2188, April 4, 2024).

Bradley J. Lundberg worked a desk job at Blue Cross Blue Shield of Minnesota that primarily involved computer work. He suffered from anterior ischemic optic neuropathy (AION) in his right eye.

Unum Life Insurance Company of America provided long-term disability benefits from 2018 until it terminated benefits in 2021. The life insurance company determined that Mr. Lundberg was not disabled. He appealed.

The district court reviews whether a preponderance of the evidence supports his benefits claim.

Unum made several errors in its termination decision, overlooking evidence pointing to disability.

All the physicians confirmed that Mr. Lundberg had AION. The record shows that AION gave him ongoing functional impairments. He could not look at a computer for more than a few minutes.

The insurance company incorrectly emphasized his visual acuity. Even though he could see clearly for short periods, he could not look at a computer for long enough to do his work.

When Mr. Lundberg went on a road trip, Unum took that as indicating he was not disabled. However, there is not enough information about the trip to reach that conclusion. The record does not say whether he did all the driving on the trip. Even if he did drive, driving has nothing to do with his desk job work.

[CLICK HERE FOR MORE INFORMATION](#)

Patricia E. Kefalas Dudek & Associates

Making Disability Rights History: HHS Announces Powerful Anti-Discrimination Protections

Final Section 504 Rule will be a critical tool for fighting discrimination

By [Alisson Barkoff](#)

Earlier today, the U.S. Department of Health and Human Services (HHS) made disability rights history with the release of a long-awaited final rule implementing Section 504 of the Rehabilitation Act of 1973. This comprehensive update – the first since the initial regulation was put into place more than 40 years ago – creates one of the most powerful tools we have ever had to combat discrimination based on disability in health care and human services. The direct result of decades of advocacy by people with disabilities, the new 504 rule represents a giant step forward in the disability civil rights movement.

The Rehab Act was the first civil rights legislation protecting disabled people from discrimination. Section 504 of the Act prohibits discrimination on the basis of disability in programs receiving federal financial assistance, as well as those conducted by federal agencies, including in the areas of health care, public education, transportation, and more. For example, it covers all health and human services programs and activities funded by HHS, from hospitals and doctors that accept Medicaid or Medicare to states' child welfare programs. It protects people with all types of disabilities and disabled people of all ages – which includes older adults who need assistance with major life activities like walking, getting in and out of bed, hearing, or seeing, who may not even think of themselves as people with disabilities.

Although the law was passed in 1973, enforcement of the critical civil rights provisions in Section 504 stalled while people with disabilities pushed the federal government to issue regulations to implement it. After nearly four years of advocacy, legal action, and protests, the initial 504 regulations were signed.

More than four decades later, we have made a lot of progress thanks to Section 504 and other disability rights laws. However, the promise of Section 504 remains unfulfilled for many disabled people, who still face physical, technological, and attitudinal barriers to accessing critical health care and human services.

The COVID-19 pandemic shone a spotlight on the catastrophic consequences of the discrimination, inaccessibility, bias, and stereotypes in our health care and human service systems – from placing disabled people at the back of the line when ventilators were in short supply to people being unable to access the supports and services they needed to stay in their own homes and communities – forcing them into nursing homes and other congregate settings where COVID-19 was rampant.

COVID also created urgency and momentum for change, and from the first days of the Biden-Harris Administration, the disability community made clear that updating the 504 regs was a top priority – a “must do.”

[CLICK HERE FOR MORE INFORMATION](#)

Patricia E. Kefalas Dudek & Associates

Will a Special Needs Trust Impact Your Section 8 Voucher?

By [Clansy & Associates](#)

Half of Americans report that access to affordable housing is a problem in their community, according to the [Pew Research Center](#). For families affected by disability, housing costs can pose a particularly significant concern. According to the [Center on Budget and Policy Priorities](#) (CBPP), more than 4 million people with disabilities are part of families that put more than half of their household incomes toward rent and utilities. In the United States, 5 million people rely on Section 8 housing vouchers to help pay rent. This includes families affected by disability, the [CBPP](#) reports. Meanwhile, the [Urban Institute](#) estimates that 18 million people with disabilities may qualify for assistance that they do not receive.

Many low-income people with disabilities use special needs trusts (SNTs) to maintain eligibility for public assistance programs such as Medicaid and Supplemental Security Income (SSI). While you can qualify for the Section 8 voucher program with an SNT, it can affect how much housing assistance you receive.

What Is Section 8 Housing?

The Housing Choice Voucher Program, or [Section 8 Housing](#), is the nation's most significant source of rental assistance. The program aims to provide affordable, safe, sanitary housing to low-income families, seniors, and people with disabilities.

Section 8 of the United States Housing Act of 1937 established the program. The Housing Choice Voucher Program is the formal name. However, many people refer to it as Section 8 because of the legislation that created it.

A Section 8 housing voucher's amount varies. It can depend on household income and size, local housing costs, and the [Fair Market Rent](#) (FMR). (The Department of Housing and Urban Development (HUD) calculates new FMR rates each year; they differ by region.) Typically, when families pay [30 percent](#) of their income toward rent and utilities, the voucher covers the remainder up to the FMR's limit.

Special Needs Trusts

Many people with disabilities have [special needs trusts](#) (SNTs) in place. Some individuals who establish SNTs may, for example, have received a sizeable settlement in a personal injury lawsuit. Because these assets are in an SNT, they can still qualify for needs-based government assistance like Medicaid and SSI.

Special needs trusts typically pay for goods and services that Medicaid and SSI do not cover. This may include such expenses as education, recreation, hobbies, and transportation.

People with SNTs can also obtain Section 8 housing vouchers. However, withdrawals from a special needs trust can count as household income; in turn, this impacts how much one's housing voucher will cover. The more income a household receives in a particular location, the less the voucher covers. For example, if an individual receives \$200 monthly from a special needs trust, that is part of their household's income.

Often, [trustees](#) pay the beneficiary's bills directly from the trust. Distributions from a special needs trust count as income whether the trustee gives the money to the recipient or uses trust money to pay the beneficiary's bills.

[CLICK HERE FOR MORE INFORMATION](#)

Patricia E. Kefalas Dudek & Associates

2024 Guide: Are Personal Injury Settlements Taxable?

By [Christy Bieber, J.D.](#)



If you are harmed by someone's negligence or an intentional wrongful act, you can file a civil lawsuit to recover compensation for your losses. You may receive payment for monetary damages either as a result of prevailing in your lawsuit or from an out-of-court settlement.

When you receive compensation, you may be wondering, are personal injury settlements taxable? After all, typically you receive a large sum of money from an injury settlement—and usually the government takes a cut when you get paid.

This guide explains the rules for how taxes are handled when you get personal injury compensation.

What Is a Personal Injury Settlement?

If someone hurts you, you are entitled to make a claim to recover compensation so you can be "made whole" for your damages. You can pursue a civil case in court and the court will award you damages if you prove your claim. Or you can negotiate a settlement. A personal injury settlement is paid as a result of those negotiations. Most often, you negotiate with an insurer such as an auto insurer, homeowner's insurer or malpractice insurer representing the person or company that hurt you.

The insurer (or defendant who hurt you) will offer you a set amount of money in exchange for giving up any further claims. This money is your personal injury settlement. Your settlement (or the damages awarded in a lawsuit) typically compensates you for:

- Medical bills incurred to treat injuries
- Lost wages if you missed work or can't work due to your injuries
- Pain and suffering and emotional distress your injuries cause

[CLICK HERE FOR MORE INFORMATION](#)

CMS Toolkit: Updated Self-Administration Toolkit for Workers' Compensation Medicare Set-Asides

[CLICK HERE FOR MORE INFORMATION](#)

Patricia E. Kefalas Dudek & Associates

Casey Introduces Bill to Promote Alternatives to Guardianship

By [Bob Casey](#)

Washington, D.C. – Today, U.S. Senator Bob Casey (D-PA), Chairman of the U.S. Senate Special Committee on Aging, introduced the [Alternatives to Guardianship Education Act](#), which would protect older adults and people with disabilities from abuse by helping educators, health care providers, court workers, and family member learn about alternatives to guardianship. Guardianships are legal relationships created when a court determines that a person is incapable of making important decisions on their own. While unnecessary guardianship arrangements—which can strip older adults and people with disabilities of their independence—have often led to abuse, public awareness of potential alternatives is limited. Chairman Casey’s new bill would invest in educating people who frequently interact with older adults and people with disabilities about alternatives to guardianship, such as supported decision-making and advance directives, which may reduce the potential for abuse.

“While celebrity cases may have shone the national spotlight onto guardianships and the potential for abuse that they pose, we have a lot more work to do to increase public awareness of the alternative options that exist,” said Chairman Casey (D-PA). **“My legislation would provide resources for a public education campaign that ensures people know about alternatives to guardianship that protect Americans’ civil rights while getting them the support they need.”**

[CLICK HERE FOR MORE INFORMATION](#)

Step inside an award-winning library for people with disabilities

By [Bob Casey](#)

A familiar feeling overtakes me upon entering the [Library for the Visually Impaired and Physically Disabled](#) in Muskegon. It is the soothing, calmness of thousands of books on shelves and the sweet aroma that only libraries and old bookstores exude. It is a warm feeling, and there is nothing quite like it.

The library, part of the [Muskegon Area District Library](#), is a fully functioning library, complete with a children’s section, public computers, and many other materials. However, this library specializes in additional services for people with disabilities.

Last year, the National Library Service for the Blind and Print Disabled at the Library of Congress honored the Muskegon library with the [Sub-regional Library/Advisory and Outreach Center of the Year Award](#).

[CLICK HERE FOR MORE INFORMATION](#)

Patricia E. Kefalas Dudek & Associates

Congress passes air travel accessibility reforms

By [MDA Advocacy](#)



Big news out of Washington, D.C. Today, Congress passed Federal Aviation Administration (FAA) reauthorization! This major piece of legislation includes many reforms that will make air travel more accessible for people living with disabilities, including:

- Mandating regular training for airline and airport personnel who assist passengers with disabilities and load and stow wheelchairs for flights.
- Establishing a pathway for wheelchair spots on airplanes.
- Continuing to study wheelchair tie-down systems.
- Holding airlines accountable for reporting any damage to wheelchairs.
- Giving the disability community a seat at the table when the government makes future decisions about air travel, and
- Much more

This legislation is the most significant advancement in accessible air travel in nearly 40 years! We expect President Biden to sign the bill in the immediate future.

How'd we achieve this major accomplishment?

It's because advocates like you raised your voices and urged your lawmakers to pass this important and much-needed legislation. Over the last couple of years, MDA advocates have sent over 15,000 messages to lawmakers and attended hundreds of in-person and virtual meetings with members of Congress and staff, sharing their personal air travel stories. It's simple. The momentum we created was unstoppable and today's big news happened because of you!

Congress MUST protect vulnerable seniors

Seniors in nursing homes should get the most attentive care they can. That's why AARP advocates like you fought for and WON a new rule that sets minimum staffing levels in nursing homes. Following the nursing home staffing crisis in the pandemic, this is a big step forward.

But bad actors in the industry are now trying to reverse our hard work and pushing Congress to overturn this crucial nursing home staffing rule. Your lawmaker is critical to this fight, and we need your voice right now.

[CLICK HERE FOR MORE INFORMATION](#)