

# DAP Facts:

## Delivering Over 35 Years of Successful Legal Assistance to Disabled New Yorkers



Recognized as a model across the nation, New York State's **Disability Advocacy Program (DAP)** has provided legal assistance to low income disabled New Yorkers seeking Supplemental Security Income (SSI) or Social Security Disability (SSD) since 1983, and returns millions of dollars to the State and local counties every year.

### DAP is a WIN - WIN - WIN for New York's Economy

DAP serves New Yorkers who are unable to work due to their medical problems. By helping disabled New Yorkers get off of public assistance and onto SSI or SSD, DAP has historically returned between \$2-3 for each dollar invested - over \$1.3 billion since the program's inception in:

- **Retroactive benefits** paid to the claimant from the date of the original application for benefits.
- **Federal dollars paid back to the State** as Interim Assistance for the Safety Net benefits provided while an SSI application is pending.
- **Savings for local counties** as DAP moves disabled people from locally funded Safety Net benefits programs onto longer-termed, federally-funded assistance.

In the **past contract year (2019-2020):**

**2,986 cases**  
opened

**4,311 cases**  
closed

**\$37,087,111**  
returned to NYS



DAP client achieves greater financial and housing stability



DAP client spends retroactive benefits in local economy



NYS/counties recover interim assistance, save with cost avoidance

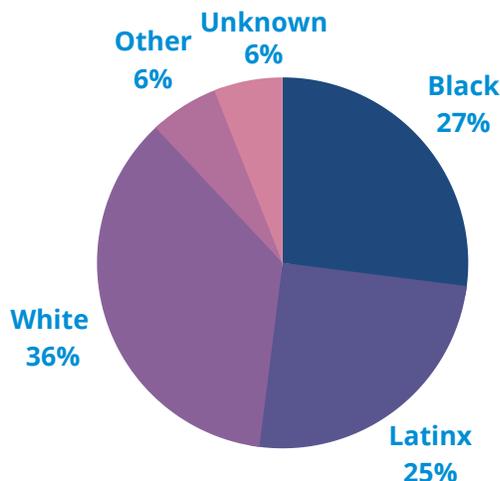
**DAPWorks**

Advances the Rights of Disabled New Yorkers

# DAP Clients Face Many Obstacles During COVID-19

DAP clients are uniquely disadvantaged and DAP services are crucial. Our clients suffer from poverty and health conditions that render them vulnerable to the virus. Many lack access to the technology – even basic tech like phones or minutes – that many of us rely on to stay safe and to navigate a new socially distanced world. Many are precariously housed, or homeless, and lack of privacy makes it nearly impossible to conduct remote hearings. Check out our factsheet, [DAP & COVID](#), to see how DAP is tackling the pandemic head on to continue to serve clients!

## Over half of DAP clients are People of Color (POC)



## Reintroduction of Reconsideration

in 2019 SSA re-instituted an additional step in the appeals process called **reconsideration**, which makes appeals even more lengthy and difficult. Without representation, many claimants are unable to make it past this step.

## New SSA rules making it more difficult to win cases

New rules introduced by the Social Security Administration (SSA) in 2017 have complicated the appeals process.

- **Treating Physician Rule Undercut** - patient's own medical provider(s) no longer given weight in determination of disability.
- **New Mental Impairment Listings** - complete overhaul of determining disability based on mental impairments.
- **75 Day Notice of Hearing** - Waiver of notice for pro se claimants results in not enough time to prepare case for hearing.
- **5 Day All Evidence Rule** - All evidence must be submitted 5 days before hearing or may be excluded, resulting in 1,000+ page records, difficulty in obtaining all necessary evidence, and difficulty in taking on clients who have waived 75 day notice.

We anticipate a flood of backlogged claims in the pipeline as New York begins to reopen. Experts also predict an increase in claims for disability benefits, as longterm-disabling effects to many, including lung scarring, heart damage, and neurological and mental health effects begin to manifest. **We can only meet these demands if DAP remains fully funded at \$8.26 million (\$5.26 million from the Executive and \$3 million from the Legislature, including a 50% county share).**

**DAP not only helps thousands of clients every year, it also makes sound fiscal sense. Please continue to invest in DAP!**

## **DAP**Works

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