

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

CV-94-2736 (CPS)

PHYLLIS SCIRICA, ARLEEN KANSA,
KOO FEE YEUNG, MARTINA GUZMAN VARGAS,
CRUZ VALLE BONILLA, BETH LONDON,
MARIA MORILLO, FRANCES MORIELLO,
JULIE UMERLE, ANN HOPE, GEORGIA ANAGNOSON,
and JOHN REED, on behalf of his three
minor children, Elias, Desiree, and
Gabriel Reed, individually and on behalf
of all others similarly situated,

Plaintiffs/
Intervenors

- against -

KENNETH S. APFEL, Commissioner of
Social Security,

Defendant.

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A Memorandum Decision and Order having been entered on
September 29, 1999 (the "Memorandum Decision and Order"), finding
for plaintiffs with respect to their claim that defendant's
notices to recipients of and applicants for Supplemental Security
Income ("SSI") benefits violate plaintiffs' rights under the Due
Process Clause of the Fifth Amendment to the United States
Constitution, and for defendant with respect to plaintiffs' claim
that such notices violate plaintiffs' equal protection rights,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

REC'D
CIVIL RIGHTS
DIVISION
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1. Defendant shall expeditiously prepare and implement a plan, consistent with the Memorandum Decision and Order, that modifies defendant's automated SSI financial eligibility notices so as to provide information required in order to understand the reasons for an award, modification, termination or denial of SSI benefits, in such detail as is necessary to permit a reasonable person to understand the basis for the agency's action on the following subjects

(a) information and explanations about the individual's living arrangement category;

(b) information about resources;

(c) benefit computations in worksheet form, including the federal benefit and state supplementation rates;

(d) the notice recipient's rights to review the claim; and

(e) the legal authority for the agency's action including either (i) the appropriate legal citations or (ii) information as to how the appropriate legal citations can be obtained from the Social Security Administration.

2. Plaintiffs' claim for violation of their equal protection rights is dismissed without prejudice.

3. The relief set forth in this Judgment constitutes full and final relief for all class members on all claims set forth in plaintiff's first amended complaint and the intervenor

complaint, or arising from the facts set forth in the complaint. Class members shall retain all rights to seek further administrative and judicial relief on individual SSI financial eligibility determinations in accordance with 42 U.S.C. § 405(g) and 20 C.F.R. Part 416.

4. Within 120 days of the date hereof defendant shall serve and file its plan together with its time line for the completion of the modification of its notices in the particulars set forth above. Thereafter, defendant shall serve and file a report setting forth its progress on the implementation of the plan every 120 days until the implementation of the modifications is completed.


5. The Court will retain jurisdiction for the purpose of enforcing compliance with this Judgment. If there is a claim of material breach of this Judgment, the parties shall attempt to resolve such claim through negotiations. Such attempt shall be a prerequisite to either party's request for relief from the Court for an alleged material breach of this Judgment. A material breach, for the purpose of this Judgment, is defined as the failure by either party, without substantial justification, to perform a specific duty imposed by this Judgment, including without limitation the obligation of the defendant to proceed expeditiously.

6. Any application by plaintiffs for their reasonable attorneys fees and expenses shall be served and filed within sixty days of the date hereof.

The Clerk is directed to furnish a filed copy of the
within to all parties.

SO ORDERED.

Dated : Brooklyn, New York
January 13, 2000



United States District Judge

E N T E R ,

Robert C. Heinemann,
Clerk of Court

By: Marilyn Allen
Deputy Clerk