

# Key rulings benefit mentally ill

■ **Suit could net millions** for group home residents

■ **Claimants sue over** cuts in food stamps

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Impoverished mentally ill group home residents could reap thousands of dollars each in food stamps thanks to a Long Island lawsuit that could net up to \$58 million, one of the most lucrative public benefits cases ever, attorneys say.

The class-action suit, filed by four mentally disabled Long Islanders in 2006, recently won two key rulings, though the state is appealing.

First, a State Supreme Court justice ruled in March that the state wrongly cut benefits in 2005 to some group home residents whose income came from federal Supplemental Security Income payments, instead of welfare. Then on May 19, a four-judge appellate panel gave the lawsuit class-action status, making all 20,000 mentally ill group



PHOTO BY JOEL CAIRO

**From left, Kevin Slabin and Maria Hochstrasser with attorney John Castellano lead efforts to recoup food stamp cuts.**

home residents statewide eligible for retroactive payment of their cut benefits.

John Castellano, attorney for Islip Terrace nonprofit Mercy Haven, which houses some plaintiffs and filed the lawsuit, said residents who receive SSI should get more than \$2,000 on their electronic food stamp cards, a total of \$58 million — unless the state wins its appeal or another settlement is reached.

Anthony Farmer, a spokesman for the state Office of Temporary and Disability Assistance, which administers food stamps, declined to comment extensively, citing continuing appeals. “We are carefully considering our next steps in this case,” Farmer said.

A \$58-million award would be paid for by the U.S. Department of Agriculture, which funds the federal food stamp

## Lawsuit timeline

**2006.** Mercy Haven, an Islip Terrace nonprofit that provides housing and advocacy for disabled and homeless, filed a lawsuit.

**2007.** Nassau Supreme Court Judge Michele Woodard ruled against the state on a technicality, saying it failed to hold a public comment period.

**May 19.** A panel of the Appellate Division certifies the lawsuit as a class-action, making all 18,000 group home residents who receive disability eligible for retroactive payments.

program, said Peter Vollmer, a Sea Cliff attorney assisting Mercy Haven with the lawsuit.

Don Friedman, managing attorney at the Empire Justice Center in Central Islip, which had no role in the suit, said the suit was one of the biggest public benefits cases in recent memory. “There are not a whole lot of cases involving poor people’s rights that involve more money,” he said.

The lawsuit stems from a 2005 state plan designed to make it easier and faster for mentally ill group home residents to get food stamps. Instead of analyzing each person’s needs, the state set a standard rate based on income source: those on welfare got \$82 monthly while those on federal Supplemental Security Income, which typically pays more, would get \$32 monthly.

For most on SSI, the plan meant less money for food.

Maria Hochstrasser remembers when her monthly food stamps suddenly shrank in 2005 from about \$45 to \$32.

“I couldn’t afford healthy foods,” said Hochstrasser, 53, who lives in a West Babylon group home for the mentally ill.

On March 31, State Supreme Court Justice Michele Woodard ruled that the plan had “no reasonable basis” and violated the U.S. Constitution’s equal protection guarantee.

“The state may not reduce its administrative costs by arbitrarily denying publicly funded food stamps to SSI recipients living in group homes,” wrote Woodard.