Complaint Accuses New York City of Bias Against Mentally Ill

By NINA BERNSTEIN

Lawyers for the poor filed a federal civil rights complaint yesterday, charging that New York City's welfare programs discriminate against people with psychiatric disabilities, leaving many mentally ill people without the public assistance they need for food and shelter.

The complaint, filed with the Office for Civil Rights in the Department of Health and Human Services, contends that the city's complex welfare application process and strict work requirements make no allowances for such disabilities, in violation of the Americans with Disabilities Act and the Rehabilitation Act.

The filing by four legal advocacy organizations in New York asks the government to investigate and to require the city to change its policies and practices.

Like other complaints filed recently in Wisconsin, Georgia and Oregon, it reflects emerging national concern about the impact of the 1996 welfare overhaul on people with chronic health impairments and severe learning disabilities.

Michael Carter, regional manager of the Office of Civil Rights, called the complaint "a serious matter" and said an investigation had begun. David Neustadt, a spokesman for the Human Resources Administration, said an internal review of welfare practices was under way.

"We are examining all our systems to ensure that we are appropriately meeting all clients where there are, including clients' mental disabilities," Mr. Neustadt said. "We will review the complaint when we receive it, to see if it can assist us in this process."

In one case cited in the complaint, a man who had a nervous disorder and claustrophobia who was subject to panic attacks could not attend an appointment for a disability assessment on an upper floor because he was unable to take the stairs and was told it was against the rules to use the stairs.

Later, after finally persuading a security guard to let him walk upstairs, he was given an evaluation that listed "elevator operator" as one of the jobs he could perform.

Another case concerned a woman whose psychiatrist wrote the city that she was psychotic, actively hallucinating, and was unable to work. But Health Services Systems, the private company that does disability assessments under contract for the city, found her "employable with limitations" and assigned her to the Work Experience Program, known as workfare. When she missed a few days because of the side effects of her antipsychotic medication, her benefits were stopped.

"The New York City Human Resources Administration has done little or nothing to address the needs of individuals with psychiatric disabilities," said Cary LaCheen, a lawyer at the Welfare Law Center, which filed the lawsuit together with the Urban Justice Center, MFY Legal Services and Brooklyn Legal Services Corporation A, all advocacy organizations.

William Lienhard, a lawyer with the Mental Health Project of the Urban Justice Center, says the problem begins with a daunting benefits application process requiring long waits and more than eight appointments, in locations across the city. No accommodation is made for applicants like J. V., a 57-year-old man with schizophrenia, bipolar disorder, a learning disability, memory blackouts and neurological symptoms that include visible twitching. J. V., the complaint said, repeatedly tried and failed to make it through to the end of the process.

"These are not minor, bureaucratic problems," Mr. Lienhard said. "Because of H.R.A.'s systemic failure to give people with psychiatric disabilities equal access to benefits, some of New York's neediest citizens are unnecessarily losing their homes and winding up in psychiatric wards or on the street."

In January of last year, the Office of Civil Rights in Washington issued guidelines to the states detailing the need to reconcile welfare-to-work rules with the "reasonable modifications" required by law for people with disabilities, including mental illness.

The same month, the Civil Rights Office found that Massachusetts had discriminated against people with severe learning disabilities in its welfare-to-work program by failing to provide the help they needed to become employable, and then denying them benefits.

Studies across the country have found high levels of mental and physical illness among long-term recipients left behind on the welfare rolls, and also among parents who were cut from welfare for failing to meet work requirements, and who remained unemployed.

"It's refreshing, to say the least, to finally see that there are organizations that are championing the cause of persons with special needs," Mr. Carter said. "Not to speak on the merits, but clearly this is an opportunity to right the wrongs, if that be the case."