

\* Your First Name: **Anne** \* Your Last Name: **Zachry**

Phone:

Phone Number	Usage
(805) 861-6607	Work

Street Address Line 1:\* **2390-C Las Posas Rd #482**

Street Address Line 2:

\* City: **Camarillo**

\* State:**California** Country:**USA** \* ZIP: **93010** Email Address (If available): **azachry@kps4parents.org**

**Are you filing this complaint for someone else?:** **Yes**

If Yes, whose civil rights do you believe were violated

\* First Name: [REDACTED] \* Last Name: [REDACTED]

**\* I believe that I have been (or someone else has been) discriminated against on the basis of::**

**Disability**

**Who or what agency or organization do you believe discriminated against you (or someone else)?**

\* Person or Agency/Organization?: **Agency/Organization**

Agency/Organization: **Ventura County Human Services Agency**

\* Street Address Line 1: **855 Partridge Drive**

Street Address Line 2:

\* City: **Ventura**

\* State:**California** Country:**USA** ZIP: **93003**

ZIP:

Phone Number	Usage
(805) 654-5288	Work

**\* When do you believe that the civil right discrimination occurred?**

Date(s) Selected:

Violation Date
09/17/2013

**Describe briefly what happened. How and why do you believe that you have been (or someone else has been) discriminated against? Please be as specific as possible.. (Attach additional pages as needed)**

Please see the attached PDF version of our complaint that we attempted to serve by Certified mail. It was returned to us by USPS as undeliverable to the address posted on your website for mailed-in complaints.

Filing a complaint with OCR is voluntary. However, without the information requested above, OCR may be unable to proceed with your complaint. We collect this information under authority of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and other civil rights statutes. We will use the information you provide to determine if we have jurisdiction and, if so, how we will process your complaint. Information submitted on this form is treated confidentially and is protected under the provisions of the Privacy Act of 1974. Names or other identifying information about individuals are disclosed when it is necessary for investigation of possible discrimination, for internal systems operations, or for routine uses, which include disclosure of information outside the Department of Health and Human Services (HHS) for purposes associated with civil rights compliance and as permitted by law. It is illegal for a recipient of Federal financial assistance from HHS to intimidate, threaten, coerce, or discriminate or retaliate against you for filing this complaint or for taking any other action to enforce your rights under Federal civil rights laws.

You are not required to use this format. You may write a letter or mail a complaint with the same information. To mail a complaint, please send to HHS Office for Civil Rights, Central Intake Unit, 200 Independence Avenue, S.W., Room 509 F, Washington, D.C. 20201.

\* **AGREE: I have read, understand, and agree to**  
**Signature: the above.**

**Do you need special accommodations for us to communicate with you about this complaint?**

**No entries**

**If we cannot reach you directly, is there someone we can contact to help us reach you?**

First Name : **Daniella** Last Name : **Garcia**

Phone :

Phone Number	Usage
(805) 308-0694	Work

Street Address Line 1 : **2390-C Las Posas Rd #482**

Street Address Line 2 :

City : **Camarillo**

State : **California** Country: **USA** ZIP : **93010** Email Address (If available ) : **dgarcia@kps4parents.org**

**Have you filed your complaint anywhere else? If so, please provide the following . (Attach additional pages as needed )**

Filed Elsewheres:	Person/Agency/Organization/Court Name	Date Filed	Case Number (If known)
	No records found		

**To help us better serve the public, please provide the following information for the person you believe was discriminated against (you or the person on whose behalf you are filing).**

Ethnicity: **Not Hispanic or Latino**

Race: **American Indian or Alaska Native**  
**White**

Primary Language Spoken (if other than English):

**How did you learn about the Office for Civil Rights?**

**HHS Website/Internet Search**  
**Other (specify)**

Please specify: **I work in special education advocacy and am aware of ADA and 504 protections for disabled.**

## COMPLAINANT CONSENT FORM

The Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) has the authority to collect and receive material and information about you, including personnel and medical records, which are relevant to its investigation of your complaint.

To investigate your complaint, OCR may need to reveal your identity or identifying information about you to persons at the entity or agency under investigation or to other persons, agencies, or entities.

The Privacy Act of 1974 protects certain federal records that contain personally identifiable information about you and, with your consent, allows OCR to use your name or other personal information, if necessary, to investigate your complaint.

Consent is voluntary, and it is not always needed in order to investigate your complaint; however, failure to give consent is likely to impede the investigation of your complaint and may result in the closure of your case.

Additionally, OCR may disclose information, including medical records and other personal information, which it has gathered during the course of its investigation in order to comply with a request under the Freedom of Information Act (FOIA) and may refer your complaint to another appropriate agency.

Under FOIA, OCR may be required to release information regarding the investigation of your complaint; however, we will make every effort, as permitted by law, to protect information that identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy.

Please read and review the documents entitled, [Notice to Complainants and Other Individuals Asked to Supply Information to the Office for Civil Rights](#) and [Protecting Personal Informations in Complaint Investigations](#) for further information regarding how OCR may obtain, use, and disclose your information while investigating your complaint.

**In order to expedite the investigation of your complaint if it is accepted by OCR, please read, sign, and return one copy of this consent form to OCR with your complaint. Please make one copy for your records.**

- As a complainant, I understand that in the course of the investigation of my complaint it may become necessary for OCR to reveal my identity or identifying information about me to persons at the entity or agency under investigation or to other persons, agencies, or entities.
- I am also aware of the obligations of OCR to honor requests under the Freedom of Information Act (FOIA). I understand that it may be necessary for OCR to disclose information, including personally identifying information, which it has gathered as part of its investigation of my complaint.
- In addition, I understand that as a complainant I am covered by the Department of Health and Human Services' (HHS) regulations which protect any individual from being intimidated, threatened, coerced, retaliated against, or discriminated against because he/she has made a complaint, testified, assisted, or participated in any manner in any mediation, investigation, hearing, proceeding, or other part of HHS' investigation, conciliation, or enforcement process.

**\* Consent Selection:**

**CONSENT: I have read, understand, and agree to the above and give permission to OCR to reveal my identity or identifying information about me in my case file to persons at the entity or agency under investigation or to other relevant persons, agencies, or entities during any part of HHS' investigation, conciliation, or enforcement process.**

**File**

**Uploaded:**

File Name	Size (Byte)	File Type
2013 1006 OCR complaint against HSA.pdf	3153139	Complaint Description



Knowledge Powers Solutions for Parents  
2390-C Las Posas Rd., #482, Camarillo, CA 93010  
Phone: 805-861-6607 \* Fax: 877-536-5940 \* [info@kps4parents.org](mailto:info@kps4parents.org)

October 6, 2013

U.S. Department of Health & Human Services  
Office of Civil Rights  
50 United Nations Plaza  
San Francisco, CA 94102

Re: American with Disabilities Act Complaint  
[REDACTED] vs. Ventura County Human Services Agency

Gentle persons:

KPS4Parents represents the complainant, [REDACTED] in this matter against Ventura County Human Services Agency (hereinafter, "HSA") in a lay advocacy, non-attorney capacity. A signed authorization is attached for your reference.

[REDACTED] has been challenged by a lifetime of hardship and, over the years, has suffered multiple head injuries resulting in traumatic brain injury ("TBI"). Thankfully, [REDACTED] remains largely intact, though his TBIs do interfere with his activities of daily living ("ADLs"). At the time that our organization began representing [REDACTED], he was homeless. Our agency assisted him in availing himself of a number of resources and ultimately applied for General Relief benefits for [REDACTED] through HSA on May 14, 2013 [Exhibit A]. [REDACTED] participated in a General Relief orientation and intake interview on May 22, 2013 [Exhibit B] and was ultimately found eligible for benefits on August 5, 2013 [Exhibit C].

General Relief benefits are made available to eligible recipients and are used towards the payment of rent for each recipient, with payment made by HSA directly to landlords on behalf of their tenants who are General Relief recipients. General Relief is not an entitlement, it is a loan. [REDACTED] is responsible for repaying the County of Ventura for its expenditures on his behalf under the General Relief program once he reestablishes his financial independence.

[REDACTED] has been stabilized in a housing situation since June 15, 2013. During the same time that we were assisting [REDACTED] with his General Relief matters, we were also assisting him with his matters involving the California Department of Rehabilitation ("DOR"). The function of DOR is to assist persons challenged by disability to become and remain employed, which includes vocational training assistance and supports. We were also assisting [REDACTED] at this same time with his enrollment matters at Ventura College, where he wished to pursue a degree.

A domino-effect of intra- and interagency failures then occurred in which DOR failed to comply with a critical mandated timeline. This timeline violation delayed [REDACTED] assessment and plan development by DOR; without a plan, DOR could not fund services for [REDACTED] as the plan dictated what it would fund, but without assessment, DOR did not know what to put into the plan or if [REDACTED] stated goals were even reasonable. [REDACTED] required a General Education Development ("GED") diploma in order to qualify for federal financial aid benefits as well as enroll in his chosen degree program, but DOR could not fund the GED courses and exam fees unless [REDACTED] plan called for such and, as stated before. The plan was not timely developed due to

DOR's timeline violation. As such, [REDACTED] ability to enroll at Ventura College for the Fall 2013 semester, and thus receive financial aid benefits that would have then been used instead of General Relief to pay his rent, as well as give him the funds to repay the County of Ventura for his General Relief debt, was compromised.

[REDACTED] General Relief benefits were intact through the end of September 2013. Neither KPS4Parents nor [REDACTED] were provided with any documentation that described the renewal process in the event that [REDACTED] needed to extend his General Relief benefits beyond September 2013, and lack of proper written notice is an important aspect of the complaint made against HSA herein. At the time that [REDACTED] was found eligible for General Relief, it was still our expectation that DOR would fund [REDACTED] GED exam in time for him to earn his GED and collect his financial aid benefits in a timely manner, so the renewal process was not discussed in our meetings with HSA. Nothing in writing about extensions or renewals was provided by HSA to [REDACTED] or KPS4Parents.

Throughout the period during which KPS4Parents has assisted [REDACTED] with his General Relief case, as with all the other agencies involved with [REDACTED] we have requested on his behalf that all written communications be sent to KPS4Parents as his designated, authorized representative. The purpose in us doing this was two-fold: 1) in the beginning, [REDACTED] was homeless and had no other address to which mail could be sent, so KPS4Parents accepted mail on his behalf to ensure it was received; and 2) [REDACTED] TBIs compromise his ability to understand and interact with government bureaucracy and regulatory procedures, including the documents that are generated by these processes (he has compromised executive functioning and short-term memory, among other issues).

It is this latter concern that is the most important consideration because it is here that [REDACTED] disabilities compromise his ADLs. [REDACTED] ability to avail himself of the benefits of many programs has historically been compromised by his utter lack of understanding of how to do so. He struggles to keep up with multiple deadlines, doesn't understand the information on many of the documents generated in all of his cases, and becomes emotionally overwhelmed and anxious when having to deal with these types of matters, which is typical of frontal lobe TBIs like [REDACTED]. His frustration tolerance is low. He has historically dealt with bureaucracy by avoiding it. It has only been with our support that he has been able to access these programs at all.

Every agency we have engaged, with the exception of HSA, has been understanding of the need to honor [REDACTED] request that all written correspondence be sent to our agency on his behalf. [REDACTED] situation is still very fragile and any error that costs him benefits stands to put him out on the street again. There is a very legitimate reason why we have repeatedly requested HSA to honor this request, yet it has failed to do so, violating [REDACTED] right under the ADA to have his preferences considered regarding how communications will occur between him and HSA, as well as his right to reasonable accommodation.

HSA was first given our address for [REDACTED] when he initially applied for benefits on May 14, 2013 [Exhibit A]. However, when he finally found a landlord willing to accept General Relief for rent and moved in, HSA changed his mailing address to his new residence rather than keeping his mailing address as that of KPS4Parents, as evidenced by its notice of eligibility of August 5, 2013 found at Exhibit C.

Prior to the receipt of the August 5, 2013 notice, [REDACTED] and I met with Monica Lopez-Florez of HSA and her supervisor and advised them verbally that [REDACTED] mail still needed to be sent to KPS4Parents. Ms. Lopez-Florez's supervisor advised that HSA does not send communications to designated representatives and only sends them to consumers. My efforts to explain [REDACTED]

right under the ADA to have his preferences regarding communications considered by HSA as well as his right to reasonable accommodation fell on deaf ears; I was casting pearls before swine.

Therefore, on August 12, 2013, [REDACTED] and I sent a letter to Ms. Lopez-Florez advising that [REDACTED] was exercising his right pursuant to 28 CFR § 35.160(a)-(b) to have his preferences considered with respect to written communications from HSA and that his preference was for all written communications to be sent to KPS4Parents on his behalf [Exhibit D]. Subsequent to sending the letter, we met with Jose Moncada of HSA and again verbally advised that all mail needed to be sent to KPS4Parents on [REDACTED] behalf. Mr. Moncada gave a non-committal response about “looking into it.” At that point, HSA was more than sufficiently on notice regarding [REDACTED] communication preferences and his need for reasonable accommodation.

Since meeting with Mr. Moncada in August 2013, KPS4Parents has received nothing in writing from HSA on [REDACTED] behalf. However, [REDACTED] received two pieces of mail from HSA at his residence, which he set aside to share with me later and about which he then promptly forgot. This is *exactly* the kind of thing we were trying to avoid by requesting HSA to accommodate [REDACTED] TBI-related organizational and task management challenges by sending his mail to us on his behalf. Not only has HSA utterly disregarded our representative capacity, they have ignored [REDACTED] repeated requests that HSA send all written communications to KPS4Parents on his behalf, which is his communication preference as a person challenged by disability engaged in discourse with HSA.

[REDACTED] just handed me these two unopened pieces of correspondence from HSA *today*, which I have now opened and read. The first is a September 17, 2013 notice advising [REDACTED] that his General Relief benefits would be terminated effective September 30, 2013 [Exhibit E]. The second is a notice that presumably pertains to [REDACTED] food stamps benefits in which he is advised that his case has been transferred to a new worker and includes a flyer describing upcoming changes in the food stamp disbursement scheme; it is not dated and is also addressed to [REDACTED] at his home address rather than care of KPS4Parents [Exhibit F].

My understanding of how HSA automates its various cases through its various programs is that there are shared computer resources that link some cases together. I take the second undated notice found at Exhibit F to mean that [REDACTED] General Relief and food stamps cases were bifurcated the moment his General Relief case was closed, thus triggering a change in case workers in his still-standing food stamps case. Presumably, this undated notice was generated on or shortly after September 30, 2013.

More to the point, [REDACTED] General Relief case was closed and the only indication as to why is a box checked next to a line in the form that reads: “You failed to fulfill the terms of your Personal Responsibility and Services Contract.” There is no language that identifies exactly what terms [REDACTED] allegedly failed to fulfill. As stated previously, we have not been provided with guidance as to how to apply for an extension; the only communication from HSA about [REDACTED] General Relief benefits since he was found eligible has been the cryptic notice of termination dated September 17, 2013 found at Exhibit E.

It should be noted that HSA’s computer-generated notices often fail to state what type of case to which they each respectively pertain and are sometimes not dated, which makes it very confusing for program recipients participating in more than one HSA program to keep their paperwork organized. [REDACTED] is not challenged to understand these documents simply because of his brain impairments; many times the documents are difficult to impossible to understand because they often do not specify the matters to which they pertain, are very generic in their language, fail to offer detailed explanations of decisions, are sometimes undated, and are produced on similar-looking computer-based forms and, thus, often look alike.



The upshot of all of this is that [REDACTED] unwittingly missed the deadline to extend his General Relief benefits before they expired on September 30, 2013, which he should have done once he realized that his financial aid benefits would be delayed until beyond then, and KPS4Parents received no communications from HSA that would have made us aware that any of this situation required our attention. I cannot even begin to describe the amount of work it takes to clean up a mistake like this after it has occurred compared to what it takes to prevent it and, frankly, resent the imposition on my workload by HSA's failure to simply honor [REDACTED] repeatedly requests to send all written communications to KPS4Parents on his behalf.

If I had received proper notice of what was going on in my client's case, I could have prevented [REDACTED] from now finding himself at risk of losing his housing situation and ending up back on the street, again. He is two-thirds of the way through the GED exam, which is administered in sections over several dates, and is currently enrolled in three courses at Ventura College at DOR's expense (as remedy to costing him timely access to his financial aid and, thus access to enrollment in courses, for the semester due to its aforementioned timeline violation). He is being successful in many things right now and to face homelessness again at this juncture stands to jeopardize all the progress he has made.

KPS4Parents is in the process of helping uplift this individual from poverty and homelessness that are the consequences in large part of his disabilities, and helping him become a productive member of society. HSA plays a critical role of supporting individuals with needs such as [REDACTED] throughout Ventura County and has been entirely insensitive to the needs created by his handicapping conditions.

I shudder to think of what happens to unrepresented people with cognitive impairments attempting to avail themselves of HSA's programs or not even attempting to avail themselves of them because they are too overwhelmed and confused by the administrative processes used by HSA. Where HSA stands to be a key player in the war against poverty, which disproportionately affects people with disabilities, it has been entirely insensitive to the significant segment of its target service population that has cognitive impairments of some kind.

As remedy, we are requesting that the Office of Civil Rights ("OCR") order HSA to implement policies and procedures that ensure that HSA's consumers with disabilities receive clear, understandable communications that are reasonably according to their communication preferences and needs for reasonable accommodation, as well as frequent notice of these rights. We are also requesting that HSA be ordered to provide us with copies of the policies, procedures, or regulations regarding the process for requesting and receiving an extension of General Relief benefits and that it adopt and enact the policy of sending General Relief recipients notices of their right to an extension and the procedures by which to apply for it by no later than 30 days prior to the scheduled termination dates of their respective General Relief benefits.

We are also requesting that [REDACTED] General Relief benefits be extended through the end of December 2013 as compensatory remedy for HSA's failure to communicate with KPS4Parents on his behalf per his documented preference and his need for reasonable accommodation, in violation of the ADA. The request that all mail be sent to KPS4Parents on [REDACTED] behalf was not unreasonable; it was and is necessary to ensure that his case was actively and accurately managed on his end.

HSA's failure to honor [REDACTED] request that all written communications regarding his cases be sent to KPS4Parents has resulted in his loss of the ability to pay his rent in the midst of an already stressful situation involving DOR, the GED program, and Ventura College. This was the last

additional stressor [REDACTED] needed. Until he completes his GED and presumably passes, he cannot access his financial aid. He has to get this resolved by November 27, 2013, or he will lose the ability to access the current semester's financial aid altogether. Once he gets the GED done and submits his paperwork to the financial aid office at Ventura College, it will take approximately 30 days before the funds are disbursed.

The loss of General Relief at this time would be catastrophic for [REDACTED] and, had his requests been honored and KPS4Parents had received proper notice of what was going on, it could have been prevented. The loss of his General Relief is the result of HSA's violation of the ADA. As a compensatory remedy, reinstating [REDACTED] General Relief (which we are separately requesting of HSA via its Administrative Review process) and extending his benefits through December 2013 is reasonable and fair. Further, this remedy is not anything to which [REDACTED] is not already entitled. Had proper notice been given to KPS4Parents and an extension timely requested on [REDACTED] behalf, on the basis that he continued to satisfy the eligibility criteria for General Relief at the time that the extension would have been requested, he would have been granted the extension anyway.

In reinstating his General Relief case, we further request that HSA update its system so that all written correspondence regarding [REDACTED] General Relief and food stamps cases are sent to KPS4Parents on his behalf rather than directly to him. In the alternate, HSA can send all notices to both [REDACTED] at his home address *and* to KPS4Parents as his designated representatives. We will accept courtesy copies if HSA cannot bring itself to send us [REDACTED] mail directly.

Plus, any influence that OCR can have on the quality and clarity of the documents produced by HSA's various programs, as well as on the frequent provision of notices to clients of their rights with respect to individual program timelines and procedures, would be appreciated. These problems impact all consumers who may be eligible for HSA's programs but present particular challenges for those challenged by cognitive disabilities, which creates a systemic problem that impacts a specific class of consumers who make up a fair number of those who qualify for HSA's programs.

We respectfully request the remedies sought herein and/or any remedies deemed appropriate by OCR. We look forward to your timely response to this complaint.

Respectfully submitted,



Anne M. Zachry, Chief Executive Officer  
KPS4Parents, Inc.

- \* *Special Education & Disability Resource Advocate*
- \* *Paralegal Services Coordinator*

Cc: [REDACTED], consumer  
Jose Moncada, HSA  
file