
Seizures on the Job are not Conducive to Work for Former Paterson Mechanic

PATERSON

Robert worked as a chef, mechanic, and caterer for many years until 2008, when his diabetes and seizures prevented him from continuing, and he had to apply for SSI.



Robert Vasko in Trenton after providing testimony about the need for Legal Services.

“A few times, I was downtown, I felt one coming on. All I remember is waking up in the hospital with no wallet, no keys, no nothing.”

By the time Robert was in his late forties, his diabetes had progressed to the point of causing complete blindness in one eye and partial blindness in the other. He began relying on a cane to get around. The limitations caused by the diabetes, combined with those of his seizures, prevented him from even being able to take public transportation to get to an appointment, for fear of a seizure-related injury or worse. “A few times, I was downtown, I felt one coming on. All I remember is waking up in the hospital with no wallet, no keys, no nothing. It’s a tough town, Paterson.”

Eventually, after suffering a seizure on the job, the car dealership where Robert had been working decided to let him go, and he began to work more sporadically for local gas stations. These smaller employers were somewhat more understanding and tolerant of Robert’s condition, but they did not offer any full-time or longer-term work, and so, at the age of 48, when he applied for Social Security disabil-

ity, he did not meet the recent earnings test required for eligibility, despite many years of recorded earnings. With funds dwindling, and facing the real threat of homelessness, Robert turned to the General Assistance (welfare) program to make ends meet. At the same time, he applied for Supplemental Security Income (SSI), the disability program for those without a work history.

“Four years ago, I applied for General Assistance, and they said, ‘For you to get any kind of rent assistance, you have to get a Legal Aid lawyer and apply for Social Security.’” He was referred to Legal Services of New Jersey for help with his application.

While waiting for his claim to be approved, Robert received rental assistance through the Board of Social Services, to keep him from becoming homeless, and a cash benefit of \$74 a month. He also received \$200 a month in food stamps. Unfortunately, there is a 12-month time limit on rental assistance, and he was unlikely to have his disability claim approved that quickly. Over 60% of applicants are denied SSI disability at the initial level, and most initial denials are upheld at the next level, called the *Reconsideration* level. After that, an applicant can appeal for a hearing before a judge, with the average time between an initial application and a hearing being 811 days.

Robert was no exception. His initial application was denied, as was his request for reconsideration. At this second, reconsideration level, there was apparently misinformation in the record as to the opinion of the treating physician—something Robert probably would never have learned on his own. He only became aware of the

problem when, after being referred to the SSI Project for help in appealing his denial, the LSNJ case handler reviewed his Social Security file and identified the source of the problem. Robert obtained signed statements from his treating physician attesting to the fact that the information in the file was, in fact, incorrect, and the



Mr. Vasko in his Paterson apartment.

doctor then went on to offer his opinion, and documentation to support it, that Robert did indeed meet the Social Security standard for disability.

The administrative law judge who heard Robert's case approved the claim right away—four years after his initial application was filed. As a result, he is entitled to receive SSI benefits, including \$705 a month, and medical coverage. But as he transitions from General Assistance to SSI, he also loses the rental assistance he received from the welfare office. In order to keep his \$840/month apartment, Robert took in a roommate—a

step that has helped him in other ways as well. His new friend and roommate keeps tabs on him when he goes out, so that he is not so vulnerable travelling around the neighborhood; cares for him after he has suffered a seizure; and helps share the household responsibilities. All in all, things are looking up for Robert.

Most important, he has the Medicaid coverage that comes with his SSI, without which he would still be living in fear that the welfare program would eventually cut him off due to the time limit or funding cuts, and without which he would be unable go to the doctor or get his medications. But he shudders to think of how things would have turned out if he didn't qualify for help from the welfare program, or benefit from a Legal Services attorney—both of which are subject to budget cuts and may not be available for people like Robert in the future. ❖

Interview completed February 15, 2011.



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Mr. Vasko.
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FOR HELP: Through its [statewide, toll-free hotline, 1-888-LSNJ-LAW \(1-888-576-5529\)](#), Legal Services offers telephone advice to people who have been unfairly denied cash benefits, food stamps, or rental assistance, as well as certain health programs, including Medicaid/NJ Family Care, Charity Care, and PAAD. You may also apply for services online at <https://lsnjlawhotline.org> or contact a [Regional Legal Services program](#) for help.

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