



National Senior Citizens Law Center

PROTECTING THE RIGHTS OF LOW-INCOME OLDER ADULTS

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NSCLC invites you to join us in protecting income security, health care and court access for low income older adults.

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Case consultation help for advocates

Nationwide Class Certified in *Clark v. Astrue*

A court in New York has certified a nationwide class in a successful challenge to the Social Security Administration's policy of suspending or denying Social Security and Supplemental Security Income (SSI) benefits whenever someone had an outstanding warrant for an alleged violation of probation or parole. *Clark v. Astrue*, 2011 U.S. Dist. LEXIS 28166 (S.D.N.Y. Mar. 18, 2011)

The merits of the case had already been decided in plaintiffs' favor a year ago by the U. S. Court of Appeals {*Clark v. Astrue*, 602 F.3d 140 (2nd Cir. 2010)}. What remains is for the court to spell out the relief to be awarded to the members of the plaintiff class.

The plaintiff class includes everyone whose Social Security or SSI benefits were suspended or denied on or after October 29, 2006, meaning many members are destitute and have been without benefits for more than four years. The class will easily number in the tens of thousands and includes those who have been deprived of hundreds of millions of dollars of needed benefits.

While the court ruled that individuals who suffered a suspension of benefits and did not protest or seek reinstatement failed to meet the presentment requirement for jurisdiction under the Social Security Act, 42 U.S.C. § 405 (g), it decided that it did have jurisdiction over those individuals under the Mandamus Act and thus included them in the plaintiff class.

The National Senior Citizens Law Center, the Mental Health Project of the Urban Justice Center, and pro bono law firm Proskauer Rose LLP represent the plaintiffs in the case.

To find out more about the status of this case, contact [Gerald McIntyre](#).

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