

**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**



**David A. Paterson
Governor**

**David A. Hansell
Commissioner**

***REPORT TO THE
LEGISLATURE***



**Disability
Advocacy
Program**



January 1, 2006 – December 31, 2007

Preface

The Disability Advocacy Program (DAP) originally was established by Chapter 627 of the Laws of 1983, adding Section 35 of the Social Services Law, which provides for the legal representation of individuals whose federal disability benefits have been denied or may be discontinued. Pursuant to the statutory provisions, the New York State Commissioner of the Office of Temporary and Disability Assistance (OTDA) must make grants, within the amounts appropriated, to not-for-profit legal services corporations, not-for-profit agencies serving the disabled and social services districts to provide for such representation.

As last amended by Chapter 114 of the Laws of 1997 the program was made permanent, and the Commissioner required to submit a biennial report to the Chairman of the Senate Finance Committee and the Chairman of the Assembly Ways and Means Committee.

This Report to the Legislature focuses on program years 2006 and 2007, January 1, 2006-December 31, 2007. This Report was prepared by the Empire Justice Center under the direction of staff of OTDA's Center for Employment and Economic Supports. The information and data used in the Report was obtained from a database containing case closing information that DAP providers are required to submit on a monthly basis using a statistical collection report form prescribed by contract. Empire Justice Center is responsible for maintaining DAP case closing data in an Access computer program. Other information reflecting aggregate cost, contractual disbursement and funding allocation was obtained from OTDA records and data. The Report reflects information and data compiled through December 31, 2007, the end of the last complete program year.

OTDA determines annual grant awards for each DAP provider after the annual State Budget appropriations are made. The amount of the actual award that DAP providers will claim is determined after vouchers are submitted for all the quarters in the applicable program year, but is limited to their annual award.

Executive Summary

The Disability Advocacy Program (DAP) has served the State by providing legal assistance to disabled New Yorkers who need legal help in seeking federal disability benefits under the Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) programs. Significant savings have resulted from the transfer of thousands of disabled New Yorkers from State public assistance programs to federal disability programs. Additional savings accrue each year due to the avoidance of State public assistance costs that otherwise would have been paid for those individuals for whatever period they remained a part of the State's public assistance caseload. In addition, disabled New Yorkers served by the program have received retroactive federal disability payments of over \$25 million for 2006 and almost \$24.5 million for 2007; these retroactive awards have a positive effect as they are spent in local economies.

DAP is a successful and cost-effective component of the State's efforts to assist its disabled residents. DAP advocates were able to provide representation in 3,285 cases in 2006 and 2,874 cases in 2007. They prevailed in over 80% of the cases in which they provided representation in the most recent program years.

I. The Disability Advocacy Program: Legal Services for Disabled New Yorkers

DAP service providers represent eligible clients at appeal stages of the Social Security disability determinations process. Clients must have incomes at or below 125% of the federal poverty level in order to be eligible for representation by DAP contractors; TANF funding allows serving those up to 200% of poverty if other TANF eligibility requirements are met. The administrative steps in the appeal process include a hearing before an Administrative Law Judge (ALJ) and Appeals Council review. Judicial review of adverse administrative decisions is available in United States Federal District Courts, with appeals in New York going to the Court of Appeals for the Second Circuit and ultimately to the Supreme Court of the United States. DAP providers focus primarily on representing disabled clients at the ALJ hearing and onward in the appeals process.

II. Program Administration: Statewide DAP Providers

Every county of the State is served by one or more DAP providers (see Appendix A). Pursuant to a Request for Proposal (RFP) released by the Office of Temporary and Disability Assistance (OTDA) in June 2003, 11 contracts were awarded to provide legal services for the time span covered in this report, and one contract was awarded to provide administrative support. Contracts were executed for a three year period commencing January 1, 2004. These contracts were extended to include the period of January 1, 2007 – December 31, 2007 and a new RFP was issued in August of 2007 to select contractors for the three year period beginning January 1, 2008.

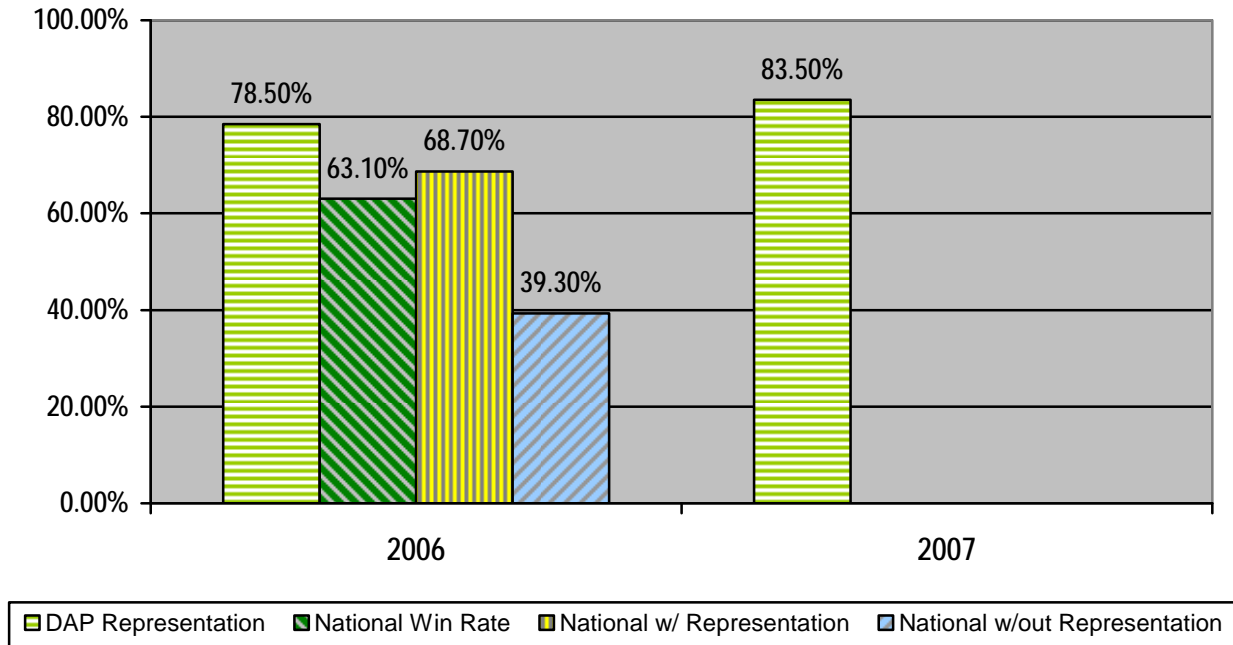
III. Program Administration: Statewide Operations

Section 35 of the Social Services Law gives the Commissioner of OTDA authority for the administration of the DAP. For the period covered in this Report, the OTDA Center for Employment and Economic Supports (CEES) is responsible for the administration of DAP including issuance of the RFP, contractor selection, contract negotiations and ongoing monitoring of the program. DAP contractors are required to submit annual budgets for approval by OTDA for each year included in the contract period. DAP contractors submit vouchers for approved DAP expenditures on a quarterly basis. On a monthly basis, DAP contractors transmit case opening and closing data to the Empire Justice Center State Support Unit, which provides statewide legal support and administrative services to the Program. The Empire Justice Center State Support Unit is responsible for providing comprehensive training and support to DAP attorneys and paralegal staff and for ensuring that DAP providers are kept informed about any changes in federal law, rule or regulations that will impact access to federal disability benefits. The Empire Justice Center State Support Unit is also responsible for maintaining monthly case closing data in a computer program approved by OTDA. As necessary, the Program Manager retrieves the data for reporting purposes, computation of county charge-back amounts and general oversight of the Program.

IV. Program Statistics: Winning Cases¹

As the following data from the Social Security Administration (SSA) illustrates, DAP providers surpass national rates for favorable outcomes at Social Security hearings. For example, in 2006 in New York, SSA denied approximately 57% of cases at initial application. Only about 20% of the denied cases go on to appeal, with a hearing before an Administrative Law Judge (ALJ). Claimants receiving representation from DAP contractors were more likely to obtain benefits on appeal. Out of 3,285 cases in which representation was provided for the period January 1, 2006 – December 31, 2006, DAP providers prevailed in 2,578 cases, a 78.5% success rate. For the period January 1, 2007- December 31, 2007, DAP providers won benefits in 2,397 cases, out of 2,874 where representation was provided, an 83.5% success rate. The breakdown of appeals and success rate for each local district is set forth in Appendix B1 and B2. Nationally, the success rate in 2006 for cases with representation was 68.7%; for unrepresented claimants the success rate was 39.3%. In 2006, overall the success rate nationally at an ALJ hearing was 63.1%. National data for 2007 is not available.

Percentage of Successful Cases

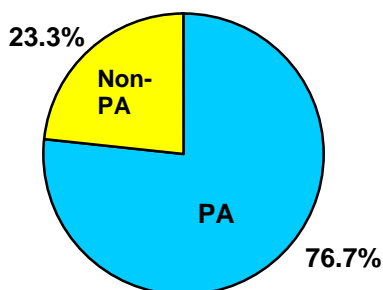


¹ DAP contractors are required to achieve a minimum of 65% successful outcomes. DAP contractors are also required to ensure that 30% of the population served are Safety Net recipients and required to achieve a minimum of 50% successful outcomes with this population. The 2006 Safety Net win rate for DAP contractors statewide was 81%. The 2007 Safety Net win rate was 87%.

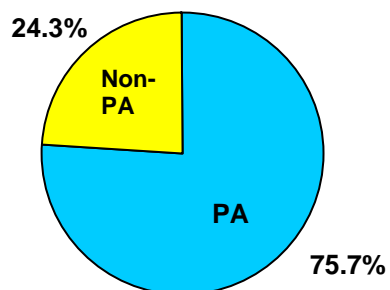
V. Program Statistics: Savings to the State and Localities

The Disability Advocacy Program saves both New York State and its 58 Social Services districts millions of dollars. The savings come about both through the recovery of public assistance dollars expended and through avoiding future public assistance costs. More than 4,500 or 76.7% of the total clients served from January 1, 2006 - December 31, 2006 were receiving some form of public assistance benefit. Of those receiving benefits, 53% received Safety Net benefits, 29.3% Temporary Assistance for Needy Families (TANF) benefits and 17.7% Medical Assistance only.

2006 Public Assistance/Non-Public Assistance

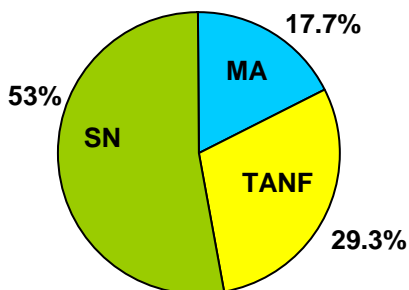


2007 Public Assistance/Non-Public Assistance

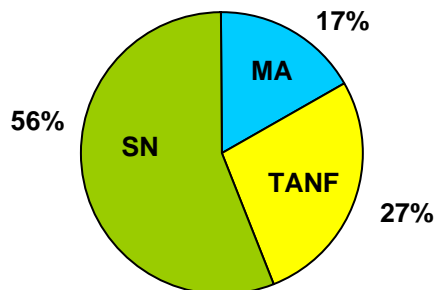


For January 1, 2007- December 31, 2007, 75.7% of the DAP clients served received public assistance benefits. Of those receiving benefits, 56% received Safety Net benefits, 27% TANF benefits and 17% Medical Assistance only.

2006 Public Assistance Breakdown



2007 Public Assistance Breakdown



For the two year time period covered in this report, January 1, 2006 through December 31, 2007, DAP was funded at an annual level of \$5.74 million² in funding (\$2.87 million in State funds and \$2.87 in matching county funds). Additionally, for this period, pursuant to Chapter 53 of the Laws of 2002, the New York State Legislature appropriated an additional \$1 million from federal TANF block grant funds for the DAP program.

² Charts setting out each local district's share of DAP funding for July 2005-June 2006, July 2006-December 2006, and January 2007-April 2007 are attached as Appendix C-1, C-2 and C-3.

During the years 2006 and 2007, the base allocation for the DAP program remained at \$5.74 million in New York State and local funding, as it had for over 15 years. Despite its flat funding, DAP continues to be an extremely positive investment for the State. For the period January–December 2006, over \$8.7 million in Interim Assistance was recovered, returning approximately \$2 million more in federal cash repayments to the State and its localities than the State and localities invested. In addition, during 2006, DAP advocates secured over \$25 million in retroactive benefits paid to successful claimants who in turn spend these federal dollars in their local communities, paying rent and buying basic necessities. As a further benefit to the State, in 2006 as a result of the DAP program, an estimated \$8.9 million Public Assistance cost reduction was realized by moving individuals from state/local public assistance onto more secure and more appropriate federal assistance.

January - December 2006

Number of Cases Closed (including brief service) ³	5,984
Number of Cases Where Representation Provided	3,285
Number of Cases Where Awards Were Made	2,578
Actual Interim Assistance Recovered	\$8,752,160
Retroactive Awards Recovered by Claimants	\$25,755,816

For the period January-December 2007, DAP advocates secured over \$7.6 million in Interim Assistance, returning almost \$1 million over its funding levels. Almost \$24.5 million in retroactive benefits was paid to successful claimants, infusing new--and on-going--federal funds into New York’s economy. DAP advocates also generated an estimated \$8.5 million in Public Assistance cost reduction by moving individuals from state/local cash assistance onto more appropriate federally funded disability benefits.

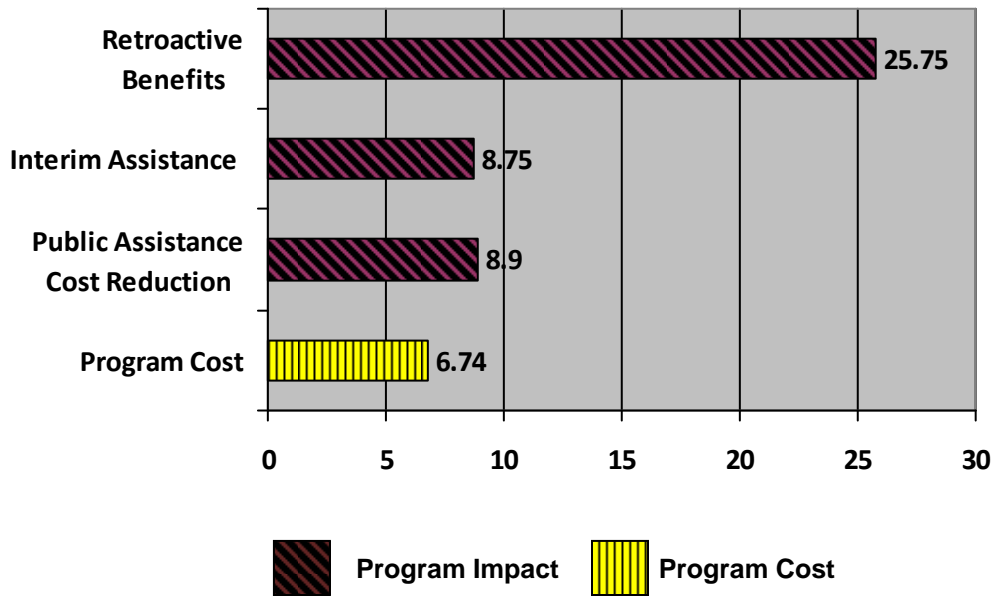
January - December 2007

Number of Cases Closed (including brief service)	5,278
Number of Cases Where Representation Provided	2,874

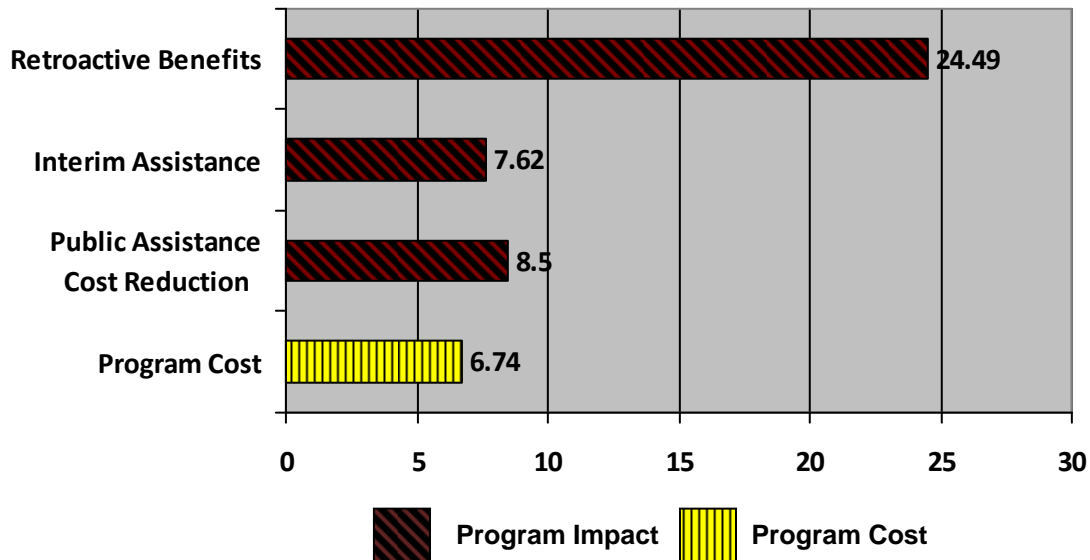
³ Under the DAP Contract, direct assistance or representation to individual clients includes advice and counsel, brief service, information, referral to another entity where appropriate, representation before the Social Security Administration or federal courts, and any other form of direct assistance to an individual disabled person. The assistance shall be provided in connection with not only a formal “case” opened by a Contractor but also contacts as to any other inquiry or request for advice or assistance regarding a disability related legal problem (thus, e.g., issues of overpayments, calculations or benefits, SSA procedures, case investigation, and applications for or denials of benefits are among the relevant problems addressed by DAP providers and may be counted as brief service).

Number of Cases Where Awards Were Made	2,397
Actual Interim Assistance Recovered	\$ 7,620,771
Retroactive Awards Recovered by Claimants	\$ 24,494,483

Impact of DAP 2006 – In Millions of Dollars



Impact of DAP 2007 – In Millions of Dollars



In addition to success in moving Temporary Assistance recipients to SSI and SSD, in 2006, DAP advocates also won benefits in more than 750 non-public assistance and Medical Assistance

cases. In 2007, they won almost 700 awards in these cases, resulting in additional savings such as a stable source of federal income and avoidance of future reliance on New York's Temporary Assistance programs.

VI. The Continuing Need for Legal Representation

Implementation of Current Class Action Court Orders

In addition to the individual victories, advocates in the Disability Advocacy Program have initiated class action litigation that has both addressed problems common to numerous claimants for disability benefits and saved New York State additional tax dollars. Disabled individuals are still becoming eligible for benefits as the result of the court orders secured by DAP advocates in major federal class actions including *Stieberger*, *Dixon* and *State of New York*. DAP advocates continue to handle claims for relief under these cases. Final resolution of several class action court orders provided many class members in these actions with an opportunity to receive additional SSI disability benefits. All of these cases require involvement from DAP advocates to ensure proper relief is obtained for the class members.

Core Representation Services

In addition to the positive results obtained through class action litigation, the Disability Advocacy Program has successfully handled almost 3,000 appeals and saved New York State \$8.5 million dollars in Public Assistance savings just in 2007 (i.e., without even considering any savings that will accrue in the future from these victories). These appeals include representation by DAP advocates at the ALJ hearing as well as the Appeals Council and U.S. District Court. The State Support Unit of the Empire Justice Center assists those advocates who do not practice in federal court with appeals, so that all claimants have access to the full panoply of appeal rights. The DAP anticipates similar numbers and savings during the program year 2008 and beyond.

VII. The Future of DAP and Changes to the Federal Disability Claims Process

SSA Proposed Rulemaking to Amend Hearing Procedures

In October 2007, SSA issued an NPRM (Notice of Proposed Rulemaking) proposing amendments to procedures at the ALJ Hearing levels and the Appeals Council (Review Board). While reinstating the claimant's right to seek Appeals Council/Review Board review and providing some protections for claimants, the proposed regulations also contained a number of provisions that would limit a claimant's right to submit evidence.

The Empire Justice Center commented on the NPRM letter of December 20, 2007, which is available at www.empirejustice.org. State Support attorneys from the Empire Justice Center also took part in a series of meetings with the Commissioner of SSA, which resulted in the Commissioner delaying the implementation of the proposed regulations, and agreeing to review and redraft them. While some of the proposed changes could be beneficial to claimants (i.e.,

notice of hearings issued 75 rather than 20 days prior to hearing dates), the over-all effect of the regulations, had they been implemented as proposed, would have been detrimental to claimants.

SSA's Electronic Files (eDib)

Throughout the past several years, SSA has been moving toward the creation of electronic evidence files and has been encouraging the use of internet applications. National implementation of eDib to all SSA components has been completed, including in New York. The Empire Justice Center has been in the forefront of working with advocates throughout the state to help them prepare for and make better use of these changes. For example, the Empire Justice Center State Support Unit has sponsored several trainings, including some co-sponsored by SSA, on the use of "eDib" files. These sessions have focused on how to convert the CDs that SSA now creates in lieu of paper files into PDF documents that are more accessible and useful to advocates. The Empire Justice Center is also working with the Western New York Law Center to develop recommendations for future software and hardware purchases so that local programs can use SSA's new procedures efficiently and effectively.

SSI Maximization Project

In 2004, the NYS Office of Temporary and Disability Assistance (OTDA) committed to an initiative aimed at improving local departments of social services (districts) processes in the identification of potential candidates for disability benefits [Supplemental Security Income (SSI), Social Security Disability (SSD), and Veterans Benefits (VA)] and facilitating the transition of applicants and recipients of Temporary Assistance to the appropriate federal disability program. The reason for this project is the significant financial benefit to the State, districts and individuals that occur when client eligibility for disability programs is established. In addition, this initiative assists the State and districts in meeting federal TANF work participation rates by identifying and moving those individuals who are unable to work due to the severity of their disability out of the TANF denominator and into more appropriate programs. In 2008, OTDA issued an Administrative Directive, 08-ADM-05, setting forth screening/identification, referral and tracking requirements for local districts to follow in moving clients from public assistance to SSI.

Coordination with Local Social Services Districts

It is clear that better coordination and cooperation between DAP contractors and local social services districts for representation of disabled public assistance recipients benefits our clients. Toward this end, OTDA surveyed both local districts and contractors to find suggestions for improving the administration of this program. In February 2005 a formal referral form to be used when local districts refer recipients to a DAP contractor was made available for use. 08-ADM-05 sets forth the process and forms for use by local districts in referring clients to DAP contractors for assistance with appeals. This referral process continues to work successfully in numerous counties across the State.

VIII. Continuation of the Disability Advocacy Program

There is a continuing and pressing need to provide legal representation to persons whose federal disability benefits may be denied or discontinued. In light of the significant and far-reaching changes in the disability claims process at every step of administrative review, disabled New Yorkers will need the services of trained, experienced DAP advocates to assist them in navigating SSA's new procedures and reaching a favorable outcome.

DAP has demonstrated its ability to generate federal benefits, secure on-going federal assistance to those they serve and to achieve a significantly higher success rate than the national average. Therefore, OTDA supports continued funding of the Disability Advocacy Program.

APPENDIX A

DAP LEGAL REPRESENTATION SERVICES

County	Contractor
Albany	Legal Aid Society of Northeastern New York
Allegany	Empire Justice Center
Broome	Legal Services of Central New York
Cattaraugus	Empire Justice Center
Cayuga	Legal Services of Central New York
Chautauqua	Empire Justice Center
Chemung	Empire Justice Center
Chenango	Legal Services of Central New York
Clinton	Legal Aid Society of Northeastern New York
Columbia	Legal Aid Society of Northeastern New York
Cortland	Legal Services of Central New York
Delaware	Delaware County DSS
Dutchess	Legal Services of the Hudson Valley
Erie	Erie County DSS/Empire Justice Center
Essex	Legal Aid Society of Northeastern New York
Franklin	Legal Aid Society of Northeastern New York
Fulton	Legal Aid Society of Northeastern New York
Genesee	Empire Justice Center
Greene	Legal Aid Society of Northeastern New York
Hamilton	Legal Aid Society of Northeastern New York
Herkimer	Legal Services of Central New York
Jefferson	Legal Services of Central New York
Lewis	Legal Services of Central New York
Livingston	Empire Justice Center
Madison	Legal Services of Central New York
Monroe	Empire Justice Center
Montgomery	Legal Aid Society of Northeastern New York
Nassau	Nassau/Suffolk Law Services
Niagara	Empire Justice Center
Oneida	Legal Services of Central New York
Onondaga	Legal Services of Central New York
Ontario	Public Interest Law Office of Rochester
Orange	Legal Services of the Hudson Valley
Orleans	Empire Justice Center
Oswego	Legal Services of Central New York
Otsego	Legal Services of Central New York
Putnam	Legal Services of the Hudson Valley
Rensselaer	Legal Aid Society of Northeastern New York
Rockland	Rockland County DSS
Saratoga	Legal Aid Society of Northeastern New York

County	Contractor
Schenectady	Legal Aid Society of Northeastern New York
Schoharie	Legal Aid Society of Northeastern New York
Schuyler	Empire Justice Center
Seneca	Empire Justice Center
Steuben	Empire Justice Center
St. Lawrence	Legal Aid Society of Northeastern New York
Suffolk	Nassau/Suffolk Law Services
Sullivan	Legal Services of the Hudson Valley
Tioga	Empire Justice Center
Tompkins	Empire Justice Center
Ulster	Legal Services of the Hudson Valley
Warren	Legal Aid Society of Northeastern New York
Washington	Legal Aid Society of Northeastern New York
Wayne	Empire Justice Center
Westchester	Legal Services of the Hudson Valley
Wyoming	Empire Justice Center
Yates	Empire Justice Center
New York City	<ul style="list-style-type: none"> ▪ Legal Services for New York City ▪ New York Legal Assistance Group ▪ Urban Justice Center

Statewide Administrative Support Services

Empire Justice Center
119 Washington Avenue, 2nd Floor
Albany, New York 12210

Empire Justice Center
Honorable Michael A. Telesca Center for Justice
One West Main Street, 2nd Floor
Rochester, New York 14614

APPENDIX B1

APPEALS BY COUNTY 2006

County District	Number of Appeals	Awards	Percent Successful
Albany	39	30	76.9%
Allegany	29	22	75.9%
Broome	16	15	93.8%
Cattaraugus	19	12	63.1%
Cayuga	10	8	80.0%
Chautauqua	155	128	82.6%
Chemung	26	24	92.3%
Chenango	6	5	83.3%
Clinton	35	31	88.6%
Columbia	4	4	100.0%
Delaware	24	22	91.7%
Dutchess	31	25	80.6%
Erie	764	507	66.4%
Essex	3	3	100.0%
Franklin	8	7	87.5%
Fulton	18	17	94.4%
Genesee	18	12	66.7%
Greene	3	3	100.0%
Herkimer	7	6	85.7%
Jefferson	5	4	80.0%
Lewis	2	1	50.0%
Livingston	6	5	83.3%
Madison	3	3	100.0%
Monroe	121	91	75.2%
Montgomery	10	10	100.0%
Nassau	97	89	91.8%
Niagara	51	38	74.5%
Oneida	36	32	88.9%
Onondaga	139	111	79.9%
Ontario	13	13	100.0%
Orange	16	14	87.5%
Orleans	15	9	60.0%
Oswego	1	1	100.0%
Otsego	11	9	81.8%
Putnam	1	1	100.0%
Rensselaer	13	10	76.9%
Rockland	14	14	100.0%
Saratoga	25	20	80.0%
Schenectady	18	14	77.8%
Schoharie	11	10	90.9%
Schuyler	3	3	100.0%
Seneca	5	5	100.0%
St. Lawrence	47	37	78.7%

County District	Number of Appeals	Awards	Percent Successful
Steuben	34	25	73.5%
Suffolk	84	75	89.3%
Sullivan	3	2	66.7%
Tioga	16	10	62.5%
Tompkins	27	24	88.9%
Ulster	9	8	88.9%
Warren	8	4	50.0%
Washington	10	7	70.0%
Wayne	10	10	100.0%
Westchester	81	57	70.4%
Wyoming	7	6	85.7%
Upstate Total	2173	1656	76.2%
New York City	1112	922	82.9%
Program Total	3285	2578	78.5%

APPENDIX B2

APPEALS BY COUNTY 2007

County District	Number of Appeals	Awards	Percent Successful
Albany	17	15	88.2%
Allegany	31	27	87.1%
Broome	19	19	100.0%
Cattaraugus	20	16	80.0%
Cayuga	6	5	83.3%
Chautauqua	86	70	81.4%
Chemung	18	17	94.4%
Chenango	6	5	83.3%
Clinton	40	36	90.0%
Columbia	2	2	100.0%
Cortland	7	7	100.0%
Delaware	41	31	75.6%
Dutchess	23	20	87.0%
Erie	569	472	83.0%
Essex	5	5	100.0%
Franklin	13	12	92.3%
Fulton	25	23	92.0%
Genesee	19	14	73.7%
Greene	1	1	100.0%
Herkimer	3	2	66.7%
Jefferson	3	2	66.7%
Livingston	5	5	100.0%
Madison	1	1	100.0%
Monroe	107	98	91.6%
Montgomery	17	16	94.1%
Nassau	67	61	91.0%
Niagara	20	14	70.0%
Oneida	27	23	85.2%
Onondaga	17	8	47.0%
Ontario	9	6	66.7%
Orange	8	4	50.0%
Orleans	9	6	66.7%
Oswego	2	1	50.0%
Otsego	18	14	77.8%
Putnam	3	3	100.0%
Rensselaer	9	8	88.9%
Rockland	34	26	76.5%
Saratoga	15	12	80.0%
Schenectady	9	8	88.9%
Schoharie	3	3	100.0%
Seneca	5	5	100.0%
St. Lawrence	27	22	81.5%
Steuben	23	17	73.9%
Suffolk	80	78	97.5%
Tioga	14	12	85.7%
Tompkins	31	21	67.7%

County District	Number of Appeals	Awards	Percent Successful
Ulster	24	23	95.8%
Warren	12	12	100.0%
Washington	12	10	83.3%
Wayne	5	5	100.0%
Westchester	99	61	61.6%
Wyoming	7	4	57.1%
Yates	1	1	100.0%
Upstate Total	1674	1389	83.0%
New York City	1200	1008	84.0%
Program Total	2874	2397	83.5%

Appendix C-1

DAP CHARGEBACK SCHEDULE #1 CONTRACT FISCAL YEAR July '05 - June '06	CONTRACT AWARD	JULY 2005 to JUNE 2006
New York Legal Assistance Group	\$50,000	\$25,000
Delaware County Dept. of Social Services	\$31,000	\$15,500
Erie County Dept. of Social Services	\$159,600	\$79,800
Legal Services of Central New York	\$419,500	\$209,750
Legal Services of the Hudson Valley	\$335,000	\$167,500
Legal Aid Society of Northeastern New York	\$430,000	\$215,000
Legal Services of New York City	\$2,410,600	\$1,205,300
Nassau / Suffolk Law Services Committee	\$560,000	\$280,000
Urban Justice Center	\$139,900	\$69,950
Public Interest Law Office of Rochester/GULP	\$1,156,900	\$578,450
Rockland County Dept. of Social Services	\$47,500	\$23,750
	<u>\$5,740,000</u>	<u>\$2,870,000</u>

SCHEDULE "C" pt. 1 (Int. # 0219595 003 6)	ALPHABETICAL by COUNTY	CFY 2005-2006 CHARGEBACK
	Albany	\$28,385
	Allegany	\$24,076
	Broome	\$22,252
	Cattaraugus	\$30,411
	Cayuga	\$6,593
	Chautauqua	\$161,561
	Chemung	\$16,473
	Chenango	\$6,181
	Clinton	\$30,197
	Columbia	\$4,831
	Cortland	\$11,950
	Delaware	\$15,500
	Dutchess	\$46,547
	Erie	\$79,800
	Essex	\$5,435
	Franklin	\$9,663
	Fulton	\$16,306
	Genesee	\$30,411
	Greene	\$1,812
	Hamilton	\$604
	Herkimer	\$3,297
	Jefferson	\$7,005
	Lewis	\$2,060
	Livingston	\$8,236
	Madison	\$1,236
	Monroe	\$119,111
	Montgomery	\$10,267
	Nassau	\$116,074
	New York City	\$1,300,250
	Niagara	\$63,991
	Oneida	\$16,483
	Onondaga	\$121,976
	Ontario	\$10,771
	Orange	\$20,453
	Orleans	\$16,473
	Oswego	\$0
	Otsego	\$10,714
	Putnam	\$1,763
	Rensselaer	\$10,871
	Rockland	\$23,750
	Saratoga	\$19,326
	Schenectady	\$18,722
	Schoharie	\$1,812
	Schuyler	\$634
	Seneca	\$4,435
	St. Lawrence	\$35,028
	Steuben	\$39,281
	Suffolk	\$163,926
	Sullivan	\$3,879
	Tioga	\$10,137
	Tompkins	\$22,175
	Ulster	\$19,747
	Warren	\$9,663
	Washington	\$12,079
	Wayne	\$8,870
	Westchester	\$75,111
	Wyoming	\$8,870
	Yates	\$2,534
	TOTAL CHARGEBACK >>>	\$2,870,000

COUNTIES by REGION	CASES CLOSED	PERCENT of REGION	CHARGE- BACK
Delaware County Dept. of Social Services			
Delaware	35	100.00%	\$15,500
Public Interest Law Office of Rochester/GULP			
Allegany	38	4.16%	\$24,076
Cattaraugus	48	5.26%	\$30,411
Chautauqua	255	27.93%	\$161,561
Chemung	26	2.85%	\$16,473
Genesee	48	5.26%	\$30,411
Livingston	13	1.42%	\$8,236
Monroe	188	20.59%	\$119,111
Niagara	101	11.05%	\$63,991
Ontario	17	1.86%	\$10,771
Orleans	26	2.85%	\$16,473
Schuyler	1	.11%	\$634
Seneca	7	.77%	\$4,435
Steuben	62	6.79%	\$39,281
Tioga	16	1.75%	\$10,137
Tompkins	35	3.83%	\$22,175
Wayne	14	1.53%	\$8,870
Wyoming	14	1.53%	\$8,870
Yates	4	.44%	\$2,534
	<u>913</u>	<u>100.00%</u>	<u>\$578,450</u>
Legal Services of Central New York			
Broome	54	10.61%	\$22,252
Cayuga	16	3.14%	\$6,593
Chenango	15	2.95%	\$6,181
Cortland	29	5.70%	\$11,950
Herkimer	8	1.57%	\$3,297
Jefferson	17	3.34%	\$7,005
Lewis	5	.98%	\$2,060
Madison	3	.59%	\$1,236
Oneida	40	7.86%	\$16,483
Onondaga	296	58.15%	\$121,976
Oswego	0	.00%	\$0
Otsego	26	5.11%	\$10,714
	<u>509</u>	<u>100.00%</u>	<u>\$209,750</u>
Legal Aid Society of Northeastern New York			
Albany	47	13.20%	\$28,385
Clinton	50	14.04%	\$30,197
Columbia	8	2.25%	\$4,831
Essex	9	2.53%	\$5,435
Franklin	16	4.49%	\$9,663
Fulton	27	7.58%	\$16,306
Greene	3	.84%	\$1,812
Hamilton	1	.28%	\$604
Montgomery	17	4.78%	\$10,267
Rensselaer	18	5.06%	\$10,871
Saratoga	32	8.99%	\$19,326
Schenectady	31	8.71%	\$18,722
Schoharie	3	.84%	\$1,812
St. Lawrence	58	16.29%	\$35,028
Warren	16	4.49%	\$9,663
Washington	20	5.62%	\$12,079
	<u>356</u>	<u>100.00%</u>	<u>\$215,000</u>
Erie County Dept. of Social Services			
Erie	1,130	100.00%	\$79,800
Nassau / Suffolk Law Services Committee			
Nassau	245	41.46%	\$116,074
Suffolk	346	58.54%	\$163,926
	<u>591</u>	<u>100.00%</u>	<u>\$280,000</u>
Rockland County Dept. of Social Services			
Rockland	54	100.00%	\$23,750
Legal Services of the Hudson Valley			
Dutchess	132	27.79%	\$46,547
Orange	58	12.21%	\$20,453
Putnam	5	1.05%	\$1,763
Sullivan	11	2.32%	\$3,879
Ulster	56	11.79%	\$19,747
Westchester	213	44.84%	\$75,111
	<u>475</u>	<u>100.00%</u>	<u>\$167,500</u>
New York City			
	<u>2,685</u>	<u>100.00%</u>	<u>\$1,300,250</u>

\$2,870,000

Appendix C-3

DAP CHARGEBACK SCHEDULE #1 CONTRACT FISCAL YEAR January '07 - April '07	CONTRACT AWARD	January 1 2007 to April 30 2007	COUNTIES by REGION	CASES CLOSED	PERCENT of REGION	CHARGE- BACK 1	COUNTIES by REGION	CASES CLOSED	PERCENT of REGION	CHARGE- BACK 2	CHARGE- BACK total	
New York Legal Assistance Group	\$50,000	\$7,840	Delaware County Dept. of Social Services				Public Interest Law Ofc of Rochester/GULP ADMIN					
Delaware County Dept. of Social Services	\$31,000	\$4,861	Delaware	16	100.00%	\$4,861	Delaware	16	1.20%	\$621	\$5,482	
Erie County Dept. of Social Services	\$159,600	\$25,024	Public Interest Law Office of Rochester/GULP Legal Rep				Public Interest Law Office of Rochester/GULP					
Legal Services of Central New York	\$419,500	\$65,775	Allegany			\$5,496	Allegany			\$272	\$5,767	
Legal Services of the Hudson Valley	\$335,000	\$52,526	Cattaraugus			\$4,711	Cattaraugus			\$233	\$4,944	
Legal Aid Society of Northeastern New York	\$430,000	\$67,422	Chautauqua			\$3,330	Chautauqua			\$1,747	\$3,077	
Legal Services of New York City	\$2,410,600	\$377,959	Chemung			\$3,140	Chemung			\$155	\$3,296	
Nassau / Suffolk Law Services Committee	\$560,000	\$87,805	Genesee			\$7,066	Genesee			\$349	\$7,415	
Urban Justice Center	\$139,900	\$21,936	Livingston			\$3,926	Livingston			\$194	\$4,120	
Public Interest Law Office of Rochester/GULP Legal I	\$826,200	\$129,544	Monroe			\$35,330	Monroe			\$1,747	\$37,077	
PI/LOR/GULP admin portion	\$330,700	\$51,852	Niagara			\$7,066	Niagara			\$349	\$7,415	
Rockland County Dept. of Social Services	\$47,500	\$7,448	Ontario			\$5,496	Ontario			\$272	\$5,767	
	\$5,740,000	\$900,000	Orleans			\$3,140	Orleans			\$155	\$3,296	
			Schuyler			\$0	Schuyler			\$0	\$0	
			Seneca			\$785	Seneca			\$39	\$824	
			Steuben			\$4,711	Steuben			\$233	\$4,944	
			Tioga			\$785	Tioga			\$39	\$824	
			Tompkins			\$6,281	Tompkins			\$310	\$6,591	
			Wayne			\$2,355	Wayne			\$116	\$2,472	
			Wyoming			\$2,355	Wyoming			\$116	\$2,472	
			Yates			\$1,570	Yates			\$78	\$1,648	
			165			100.00%	123.35%			\$6,404	\$135,947	
			Legal Services of Central New York				Legal Services of Central NY					
			Broome			\$22,423	Broome			\$582	\$23,006	
			Cayuga			\$7,474	Cayuga			\$194	\$7,669	
			Chenango			\$5,980	Chenango			\$155	\$6,135	
			Cortland			\$0	Cortland			\$0	\$0	
			Herkimer			\$0	Herkimer			\$0	\$0	
			Jefferson			\$0	Jefferson			\$0	\$0	
			Lewis			\$0	Lewis			\$0	\$0	
			Madison			\$4,485	Madison			\$116	\$4,601	
			Oneida			\$4,485	Oneida			\$116	\$4,601	
			Onondaga			\$11,559	Onondaga			\$310	\$12,270	
			Oswego			\$0	Oswego			\$0	\$0	
			Otsego			\$8,968	Otsego			\$233	\$9,202	
			44			100.00%	44			3.29%	\$1,708	\$67,483
			Legal Aid Society of Northeastern New York				Legal Aid Society of Northeastern NY					
			Albany			\$1,729	Albany			\$39	\$1,768	
			Clinton			\$13,830	Clinton			\$310	\$14,141	
			Columbia			\$1,729	Columbia			\$39	\$1,768	
			Essex			\$1,729	Essex			\$39	\$1,768	
			Franklin			\$3,458	Franklin			\$78	\$3,536	
			Fulton			\$6,915	Fulton			\$155	\$7,070	
			Greene			\$0	Greene			\$0	\$0	
			Hamilton			\$0	Hamilton			\$0	\$0	
			Montgomery			\$5,186	Montgomery			\$116	\$5,303	
			Rensselaer			\$0	Rensselaer			\$0	\$0	
			Saratoga			\$15,559	Saratoga			\$349	\$15,908	
			Schenectady			\$1,729	Schenectady			\$39	\$1,768	
			Schoharie			\$0	Schoharie			\$0	\$0	
			St. Lawrence			\$5,186	St. Lawrence			\$116	\$5,303	
			Warren			\$5,186	Warren			\$116	\$5,303	
			Washington			\$5,186	Washington			\$116	\$5,303	
			39			100.00%	39			2.92%	\$1,514	\$68,935
			Erie County Dept. of Social Services				Erie Co DSS					
			Erie	310	100.00%	\$25,024	Erie	310	23.20%	\$12,032	\$37,056	
			Nassau / Suffolk Law Services Committee				Nassau/Suffolk Law Services Committee					
			Nassau			\$37,570	Nassau			\$3,454	\$41,025	
			Suffolk			\$50,235	Suffolk			\$4,619	\$54,853	
			208			100.00%	208			15.37%	\$8,073	\$95,878
			Rockland County Dept. of Social Services				Rockland Co DSS					
			Rockland	40	100.00%	\$7,448	Rockland	40	2.99%	\$1,552	\$9,000	
			Legal Services of the Hudson Valley				Legal Services of the Hudson Valley					
			Dutchess			\$8,227	Dutchess			\$505	\$8,732	
			Orange			\$2,531	Orange			\$155	\$2,687	
			Putnam			\$2,531	Putnam			\$155	\$2,687	
			Sullivan			\$533	Sullivan			\$39	\$572	
			Ulster			\$8,227	Ulster			\$505	\$8,732	
			Westchester			\$30,377	Westchester			\$1,863	\$32,240	
			83			100.00%	83			6.21%	\$3,221	\$55,747
			New York City			\$407,744	New York City			32.25%	\$16,728	\$424,472
			Total cases:			1,336	Total cases:			1,336	100.00%	\$0
			1st part of \$900,000 chargeback:			\$848,148	2nd part of \$900,000 chargeback:			\$51,852	\$900,000	
			(Amount before adding Empire admin portion)				(Add GULP admin portion)					
			TOTAL CHARGEBACK >>>			\$900,000						

*Empire Justice admin
 s been broken out from rest of PI/LOR/GULP amount.
 s recalculation breaks out the \$51,852 4-month admin
 portion and distributes among all regions.