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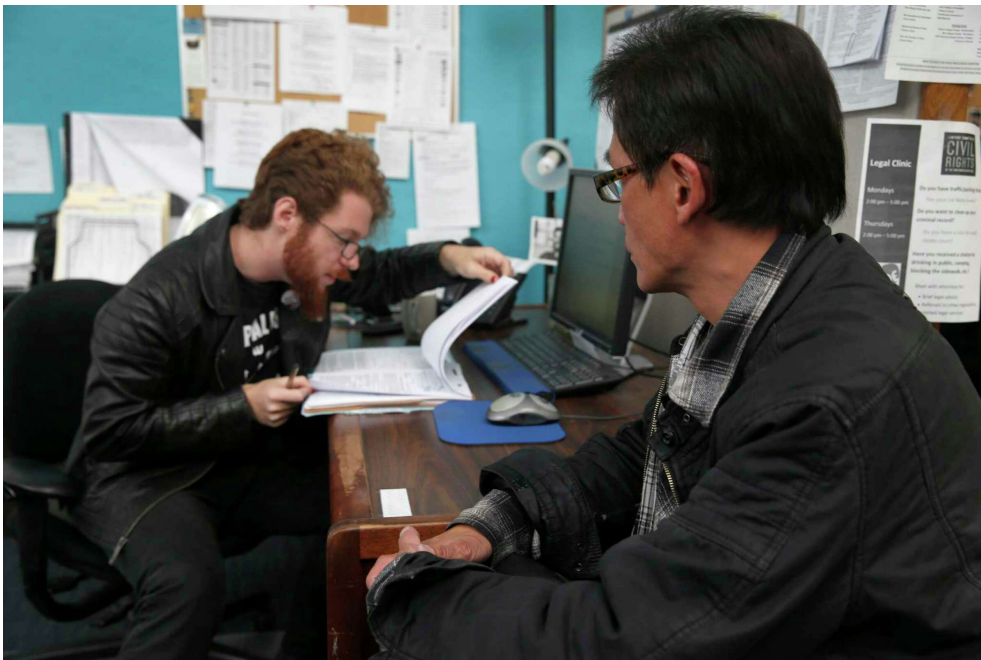
BAY AREA

Court orders officials to reconsider mentally ill homeless man's application for SSI benefits



Bob Egelko

Updated: Jan. 17, 2023 1:24 p.m.



Alexander James (left) with the Homeless Advocacy Project helps a client file for Social Security disability benefits on Nov. 18, 2016. A federal court recently ordered officials to reconsider their denial of benefits to a homeless, mentally ill man living in the East Bay.
Paul Chinn, Staff / The Chronicle

Thirty-one-year-old Darryl Finney has been homeless since age 19, living on the streets, and occasionally in shelters and jail cells, in Oakland and Berkeley. He has held a few jobs, but not for long, because of what his lawyer describes as severe mental illness, including bipolar disorder and depression. He tried to kill himself when he was 11 and again at 13, according to court filings.

But when Finney applied in 2018 for Supplemental Security Income, the federal benefit for poor people unable to work because of age or disability, the government said he should have gotten mental health treatment and then looked for work.

Now a federal appeals court has ordered officials to reconsider Finney's application, saying there were reasons — including his mental illness — that he has been either unable or unwilling to seek treatment. His case “is not at all unusual,” said his attorney, David Waggoner of the Homeless Action Center in Oakland.

“Anyone who’s had engagement with the federal bureaucracy knows it’s difficult to understand. Add poverty and mental illness, and it makes it essentially impossible,” Waggoner said. Especially for “someone who has no address, no ability to engage a massive bureaucracy,” he said.

The Chronicle [reported in 2016](#) that nearly 2,000 homeless people in San Francisco were potentially eligible for SSI but were not receiving it. The city’s health and human service agencies were recruiting doctors, lawyers and counselors to help people sign up for the federal benefit.

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About 1.15 million Californians are now receiving SSI benefits, 812,000 because they are blind or disabled, the rest because they are over 65. The maximum benefit is \$914 a month for adults living alone, \$1,371 for a couple, with slightly higher payments for the blind. SSI recipients are also eligible for state-subsidized health care under Medi-Cal, and most of them qualify for additional state supplemental benefits.

According to federal reports, many of the disabled recipients under 65 are mentally ill. But others who should be eligible for the benefits are deterred by the process of applying.

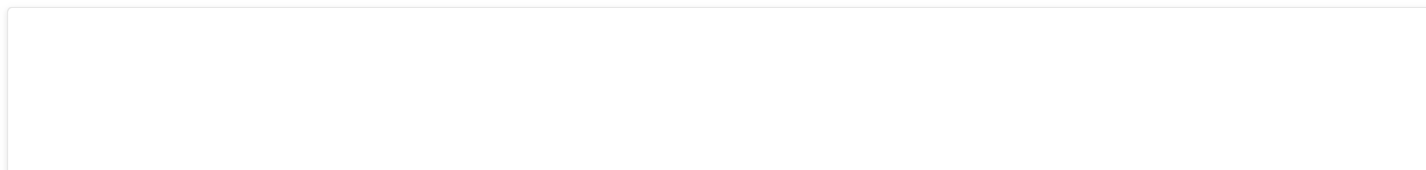
“There’s a whole level of humiliation involved in the whole thing, talking about personal matters, mental health issues,” Katie Danielson, senior supervising attorney for the Homeless Advocacy Project, told the newspaper in 2016. And the problems persist, Jennifer Friedenbach, executive director of the San Francisco-based Coalition on Homelessness, said in a recent interview.

“I think they need to look at the SSI application process and simplify it so that it is accessible to the very people it is supposed to be serving,” Friedenbach said. “People in the U.S. shouldn’t have to have an attorney to qualify for disability benefits. There’s ways both to protect against fraud and to make it simple for folks who have the disabilities — they’re trying to get benefits to survive.”

Finney managed to apply in 2018, describing a background of parental abuse, drug dependency and inability to hold a job or even remain in a shelter because of mental and emotional problems.

The Social Security Administration decided, and a hearing officer agreed, that Finney could have received treatment at a community mental health clinic. The hearing officer also cited assessments from three physicians that Finney was only moderately impaired and might be able to hold a job that consisted of “simple, repetitive tasks.”

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But the Ninth U.S. Circuit Court of Appeals in San Francisco said the assessments appeared to disregard testimony that Finney gave to the agency.

“Finney testified that the clinic at which he has begun treatment is severely backed up, and he once sought crisis care from another institution that turned him away,” the court said [in a ruling](#) last month that granted him a new hearing. The court also cited his testimony that he has not been able to take prescribed medication because the drugs “made him tired and hungry — side effects that are particularly difficult to manage as a homeless person.”

The court said the hearing officer, for unexplained reasons, disregarded a fourth physician — the only one who actually examined Finney, rather than just reviewing his records, and concluded he was unable to work. And the court said the federal agency and the hearing officer also failed to consider “a real possibility that Finney’s failure to obtain treatment was attributable to his mental illness.” in light of his testimony that he did not trust doctors and other authority figures and was unable to follow the rules at a homeless shelter.

The 3-0 ruling was issued by Judges Susan Graber, Ronald Gould and Paul Watford.

Waggoner, his lawyer, said he “can understand why (federal officials) might say, ‘We don’t want to get this young man on what might be a life of government assistance.’ “ But, he added, “getting access to these benefits is the first step to getting off the street.”

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Reach Bob on

Bob Egelko has been a reporter since June 1970. He spent 30 years with the Associated Press, covering news, politics and occasionally sports in Los Angeles, San Diego and Sacramento, and legal affairs in San Francisco from 1984 onward. He worked for the San Francisco Examiner for five months in 2000, then joined The Chronicle in November 2000.

His beat includes state and federal courts in California, the Supreme Court and the State Bar. He has a law degree from McGeorge School of Law in Sacramento and is a member of the bar. Coverage has included the passage of Proposition 13 in 1978, the appointment of Rose Bird to the state Supreme Court and her removal by the voters, the death penalty in California and the battles over gay rights and same-sex marriage.

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