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American Association of People with Disabilities v. Leland Dudek

by Grace Galligher



On April 2, 2025, Eve L. Hill of Brown, Goldstein and Levy, LLP and Regan Bailey of Justice in Aging filed the Complaint on behalf of Plaintiffs American Association of People with Disabilities, a national cross-disability rights organization, along with four other nonprofits, five blind individuals and two disabled individuals filed a lawsuit against Leland Dudek, in his official capacity as Acting Commissioner of Social Security at the Social Security Administration (SSA), Amy Gleason in her official capacity as Acting Administrator of Department of Government Efficiency Service (DOGE) and Elon Musk in his official capacity as De Facto Head of DOGE. The lawsuit was filed in the US District Court for the District of Columbia, Civil Action No. 1:25-cv-00977.

The seven-count complaint challenges the government reform which dismembers and disrupts the core function of the SSA and seeks injunctive relief to “revoke the elimination of the Office of Civil Rights and Equal Opportunity (OCREO) and the Office of Transformation, revoke the reduction of SSA offices, cease the mass termination of SSA employees, and roll back recent policies that increase applicants’ and beneficiaries’ need to seek services in person, until Defendants can ensure that doing so will not result in reduced access to SSA programs and services...”. In short, Plaintiffs are suing for denial of access in the name of DOGE efficiency.

In part, the complaint specifies:

1) The OCREO was the only designated department within SSA that oversaw discrimination complaints and civil rights enforcement, reasonable accommodation requests, and ensuring fair and equal treatment under federal law within SSA. On February 24 and 25, 2025, Defendant Dudek eliminated OCREO and the Office of Transformation. Press Release, SSA, Social Security Dissolves Duplicative Office, (Feb.25, 2025), <https://perma.cc/UZL3-7C5B>, Social Security Eliminates Wasteful Dept. (Feb. 24, 2025), <https://perma.cc/547Z-QY2B>.

Following its abrupt elimination, individuals attempting to file complaints, seek accommodations, or otherwise reach the civil rights office were met with an automated response simply stating that OCREO had been eliminated and to await further instructions. (See Chris Geidner, The Social Security Administration “eliminated its civil rights office LAW DORK (Feb 25, 2025), <https://perma.cc/TW8A-FT3P>.)

These activities have been transferred to the Occupational Medical Services (OMS) which oversees complaints about the very operations it controls which undermines the impartiality required for effective civil rights enforcement.

2) The Office of Transformation oversees the maintenance, functionality, and improvement of Social Security operations and digital services. The agency was created to modernize customer service, streamline operations, and improve the claimant experience. It included the Office of Customer Experience, the Office of Change Management, and the Office of Experience Design, each designed to facilitate efficiency and improve access for claimants. There is no designated replacement.

3) SSA' Implementation of Policy Changes to Prevent “Fraud” is not Legal. These policy changes include:

- Requiring in-person issuance of Social Security numbers for newly naturalized citizens and work-authorized non-citizens, ending automatic issuance and increasing weekly in-person visits by 60,000 to 75,000 per week. See Judd Legum, Secret policy Shift could overwhelm Social Security offices with Millions of People, POPULAR INFO. (Mar. 20, 2025), <https://perma.cc/8TGP-LMUJ>.
- Requiring in-person identity verification for retirement applicants unable to use web-based two-factor authentication. See Press Release, SSA, Social Security Announced Identity Proofing Requirements (Mar. 26, 2025), <https://perma.cc/74F5-5SPU>.
- Requiring in-person identity verification for all survivor and auxiliary applicants. Id.;
- Requiring in-person verification for any changes in banking for beneficiaries unable to use web-based two-factor authentication. See Press Release, SSA Correcting the Record about Social Security Direct Deposit and Telephone Services, (Mar. 12, 2025), <https://perma.cc/W6NT-T6LA>.

- Full clawback of overpayments-effectively terminating benefits for thousands of beneficiaries and requiring in-person adjustments for those needing modified payment plans-despite many overpayments being attributable to administrative errors. Press Release, SSA, Social Security to Reinstate Overpayment Recover Rate (Mar. 7, 2025), <https://perma.cc/M4Z3-MP4L>.

4) Reducing the SSA workforce by 7,000 employees that include field office staff and teleservices staff. SSA has imposed a hiring freeze, reduced overtime and consolidated regional offices from ten to four as well as reduced hearing centers. In place, SSA will outsource Social Security customer service.

The First Cause of Action challenges the elimination of the OCREO and Office of Transformation and policy changes reducing the ability of beneficiaries to access Social Security services and benefits via telephone as violating Section 504(a) of the Rehabilitation Act of 1973 by creating disparate impact discrimination.

The Second Cause of Action challenges the elimination of grievance and reasonable accommodation request mechanisms for Social Security because staff and office cuts have deprived individuals with disabilities of their Fifth Amendment procedure due process.

The Third Cause of Action challenges the elimination of OCREO and replacing it with OMS. Replacing OCREO with OMS, which oversees complaints about the very operations it controls, undermines the impartiality required for effective civil rights enforcement. This shift in autonomy compromised SSA's ability to address complaints impartially, thereby infringing upon individuals' constitutional right to seek redress. The termination of OCREO no longer operates independently of other agency functions which severely compromises the integrity of SSA's grievance system without providing a viable alternative. This action violates the First Amendment right to petition the government and deprived individuals of their fundamental right to petition for redress.

The Fourth Cause of Action challenges the elimination of OCREO and the firing of 7,000 employees, which constitutes a reviewable "final agency action" under the APA, id § 704, as it marks the consummation of the agency's decision-making process and is an action "by which rights or obligations have been determined or from which legal consequences will flow". The elimination of OCREO – the very office responsible for processing these complaints – removes this essential function without any clear replacement mechanism. These actions violate the Administrative Procedures Act by unlawfully withheld or unreasonably delayed agency action.

The Fifth Cause of Action challenges the elimination of the OCREA and Office of Transformation as critical offices that facilitated access of disability benefits and accommodation; and the failure to justify staff eliminations at the same time policies were adopted violated the Administrative Procedure Act as being arbitrary and capricious agency action.

The Sixth Cause of Action alleges that defendants contravened the Federal Vacancies Reform Act ("FVRA"), 5 U.S.C. §§ 3345 et seq. and the Appointments Clause of the U.S. Constitution, U.S. CONST. art. II, § 2, cl. 2, by failing to complying with the process of temporarily filling vacant executive position that requiring Senate confirmation, imposing clear limits on both who may serve in an acting capacity and the duration of such service.

The failure to obtain Senate approval for Defendants Gleason as Acting Administrator of DOGE and Elon Musk violates the Administrative Procedure Act because the agency action was not in accordance with the law.

The Seventh Cause of Action alleges that the elimination of OCREO diminishes the agency's ability to investigate, address, and resolve disability discrimination complaints without replacing it with an equitable and accessible process for requesting reasonable accommodation or filing discrimination complaints and constitutes a violation of the Administrative Procedure Act because the agency took action in excess of statutory authority.

Without this challenge, these changes would have decimated Social Security beneficiaries nationwide. SSI serves over 6.1 million people who have disabilities and more than 63,000 who are blind, with over half of the recipients with no other income other than SSI. (SSA, SSI Monthly Statistics, Feb 2025 (2025).) Approximately 7.3 million receive SSDI (Social Security Disability Insurance) to those no longer able to work (CTR. ON BUDGET & POLICY PRIORITIES, CHART BOOK: SOC. SEC. DISABILITY INS. 8 (2024), <https://www.cbpp.org/sites/default/files/7-21-14socsec-chartbook.pdf>.) Approximately 56 million over 65 receive Social Security retirement benefits. (S. CENSUS BUREAU, Disability Characteristics, <https://perma.cc/7NSQ-LT4V>.)

Plaintiffs also filed a motion for a Preliminary Injunction against all defendants to “revoke the elimination of the OCREO and the Office of Transformation, revoke the reduction of SSA offices cease the mass termination of SSA employees and roll back recent policies that increase applicants’ and beneficiaries’ need to seek services in person, until Defendants can ensure that doing so will not result in reduced access to SSA programs and services...”

On April 9th an unopposed motion for leave to file an amicus brief in support of Plaintiffs' motion for preliminary injunction was filed by the Center for Medicare Advocacy and Medicare Rights. In their brief, amici argued that disruption to the SSA system had negative effects on Medicare recipients, which disproportionately impacted disabled individuals.

On April 15, amici---the States of Connecticut, Arizona, California, Colorado, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia by state of Connecticut---also filed a brief in support of Plaintiffs' motion for preliminary injunction.

On April 16, Defendants filed a Memorandum in Opposition to Motion with Plaintiffs submitting a Reply to Opposition to Motion on April 21, 2025.

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Access to the pleadings in this case can be accessed at: <https://clearinghouse.net/case/46330/>

Bridging the Hunger Gap: Why California Must Support SB 411

by Heather Willoughby



SUN Bucks coming off an impressive inaugural year, helped to add nearly half a billion dollars to California's economy – serving a little over 4 million individual students in 2024, according to preliminary reports from California Department of Social Services. Now that the USDA has approved California's plan, CDSS and the California Department of Education must do some heavy lifting. Coordinating all the counties and timelines throughout California is a very complex task, made additionally challenging by the shifting federal landscape, so we are grateful for their hard work.

One aspect of the SUN Bucks program contributing to the complexity is the eligibility process. Needing a flow chart and a list of acronyms to find out if you should be looking for a card in the mail is not what a busy parent wants to navigate while preparing for all the changes that come with summer. Additionally, there is a very tight deadline to respond if you didn't receive the card through the streamlined eligibility route. Many schools and local education agencies have varied hours during summer months, which is an issue when they are the only places designated to receive completed Universal Benefits Applications for SUN Bucks.

These barriers to access, coupled with concerns about data privacy, could be part of the reason that this vital benefit isn't reaching all the students in California that it could. Senate Bill 411 (Pérez), the Stop Child Hunger Act of 2025, offers a vital solution.

SB 411 seeks to address hunger needs of students beyond summer breaks. It will provide for additional food benefits during spring and winter breaks, when many families struggle to afford extra childcare or have more mouths at home to feed. The bill would also give the state more agility in addressing student needs during state-declared disasters like wildfires, floods and other unforeseen school closures.

According to the factsheet for Senate Bill 411, 1.8 million students eligible for SUN Bucks have yet to apply. The confusion for many parents, who are not part of the streamlined certification process, stems from the fact that there are two different school meal programs that make school lunches free for every student in California. Students at schools with the federal program that are streamlined already will get cards sent to them automatically. For Community Eligibility Provision (CEP) or Provision 2 schools that are covered by the state's free meal program, parents that are not categorically eligible through participation in public benefits programs will have to submit an application to their local education agency (LEA) by September 1st, if they are income eligible. Many of the parents I spoke to last year said they didn't apply because they erroneously believed their child receiving a free meal at school automatically qualified them. Lack of familiarity with the program made them hesitant to follow up on how to receive a card. You can register here for California Association of Food Bank's webinar on May 29th to learn more about SUN Bucks for 2025.

SB 411 would create a web application for SUN Bucks in multiple languages, which is particularly helpful for families whose primary language is not English. It would take the pressure off of LEA's to coordinate and create collections of Universal Benefit Applications from their students and give working parents a way to submit when LEA offices are closed.

Additionally, SB 411 invests in our school nutrition professionals, as well as children. By providing opportunities for additional hours and ensuring on-site meal options during school breaks, we are supporting the very individuals who are on the frontlines of this fight against hunger. Many of these workers are part-time and struggle with reduced hours during student vacation periods. This bill is an investment in our communities. Joining Senator Pérez, the bill's author, are its sponsors, including the California Association of Food Banks (CAFB), GRACE/End Child Poverty and the SEIU. In this tight budget year, it is important to uplift this bill because of the positive multigenerational impact families experience when more federal dollars flow to our economy.

You can find more information about the bill, and once it (hopefully) moves through the Senate Appropriations Committee you can access an updated Letter of Support template, on CAFB's website here.



“Huge, Hideous Bill Passes House”: What It Means for California

By Bob Erlenbusch



5/22/2025

This federal update is devoted to the highlights. A comprehensive summary by the American Public Health Services Association [APHSA] is available [here](#).

The House passed their budget reconciliation package, H.R. 1, in the early morning hours today (5/22/2025) largely along party lines (215-214), with 2 Republicans voting no, one voting “present”, and one absent. The entire California Republican delegation voted yes.

This bill creates deep and devastating cuts to Medicaid, Supplemental Nutrition Assistance Program (SNAP) and guts the child tax credit for families where either adult or children are not citizens and do not have a Social Security number – all to pay for trillions in tax giveaways for wealthy individuals and corporations. This version also includes billions for the nation’s detention and deportation system to increase the ongoing mean-spirited harm to our communities.

Below are the highlights:

- **Medicaid**

- **Medicaid Work Requirements.** This bill requires that Medicaid recipients demonstrate compliance with 80 hours of work and/or community services as a condition of receiving health insurance, subject to various exemptions. These requirements are more stringent than in previous bills, making it easier to lose benefits and harder to re-enroll. Additionally, it would apply to a larger set of Medicaid recipients, including Americans previously determined too old to meet these requirements. The Congressional Budget Office (CBO) estimates that 7.6 million people would become uninsured, “saving” \$280 billion over 6years.
- In a concession to Republican holdouts, the start date of Medicaid work requirements was moved from 1/1/2029 to no later than 12/31/2026.

- **Changes the Federal Medical Assistance Percentage (FMAP).** The FMAP is the state's share of the cost for Medicaid. The bill changes the state's share of cost of care from 90% to 80% if the state offers coverage to undocumented people, which California does;
- **Semi-Annual Redetermination for Medicaid.** Requires redetermination twice a year instead of once a year leading to more administrative burden and costs.
- **Gender Transition Ban.** A ban on use of Medicaid funds for gender transition measures like puberty blockers, hormones and surgical procedures was expanded to include adults, not just children and teenagers as was included in the markup version.
- **Defunding Abortion Services.** The bill would defund providers that offer abortion services, like Planned Parenthood.
- **SNAP.** The House version would cut nearly \$300 billion from the SNAP program - the largest reduction in its history – meaning over 11 million children and adults may receive less food and nutrition assistance, or lose it entirely. SNAP state benefits cost sharing based on error rate remains, as does administrative cost shift to state from 50% to 75%, and harmful Able-Bodied-Adult with Dependent Children (ABAWD) changes.
- **Detention and Deportation.** This version would fund a \$45 billion increase in funding for Immigration and Customs Enforcement, putting millions of mixed-status immigrant families at risk of being detained and deported as part of this administration's devastating deportation plan.
- **Pell Grants and Student Aid.** This bill would increase funding for the Pell Grants Program by \$10.5 billion from Fiscal Year (FY) 26 to FY 28. However, the bill increases the number of credit hours a student must carry during a semester from 12 to 15 hours, resulting in fewer students being eligible for Pell Grants. Additionally, the bill changes how student loan programs would operate, including ending subsidized loans entirely and causing loan interest to accumulate immediately. Schools would be required to repay a portion of their student loans if the students miss a payment, and federal aid would be eliminated if the number of students who miss payments is considered too high.
- **Tax Breaks – Two-Thirds to the Rich.** The bill extends provisions of the 2017 Tax Cuts & Jobs Act and also expands it by adding new tax breaks for tips, overtime and seniors. It retains the fixed corporate tax rate of 21%, which was previously 35% to 21%. It is estimated that the top 20% of wage earners will get at least 68% of the benefits.
- **“Trump” Accounts.** This proposal would invest \$1,000 on behalf of every American baby born between 1/1/2025 and 1/1/2029 – the years in which Trump is the President. This money would be invested on their behalf in financial markets. Once they are adults, they could withdraw the proceeds to pay for certain expenses, including going to college or buying a house. However, the gains in the accounts would be taxed when the money is withdrawn, thus functioning much like a typical investment account rather than a tax advantage account, like an IRA or health savings account.

- **SALT (State & Local Taxes) Deductions Cap.** The bill raises the SALT deduction cap (which is currently at a \$10,000 limit) up from a previous version of the bill of \$30,000 to \$40,000 for joint filers earning under \$500,000.
- **Clean Energy.** A faster phaseout of existing tax credits for low-carbon electricity was added to the bill as another concession to Republican holdouts. Under the new language, companies building solar, wind, geothermal or battery-powered plants could only claim a tax credit if they started construction within 60 days of the bill being signed into law and putting the plant into service by the end of 2028. The one exception is for nuclear power: a company building a nuclear power plant could claim a significant tax break if they started construction by 2028.

Impact on National Debt and Medicare. The CBO projects this bill would add \$2.4 trillion to the national debt over 10 years, even after over \$1 trillion in basic needs cuts to Medicaid and SNAP. Per the CBO, the increase in the national debt will trigger automatic cuts in Medicare - as high as \$500 billion starting as soon as 2026, unless Congress adjusts spending caps.

Impact on California. Gov. Newsom recently projected a \$12 billion budget deficit, but he did not take into account the impact of H.R. 1 [above] on the budget of California. The CA Budget & Policy Center estimates that the proposed federal cuts would harm about 3 million people in California - 880,000 by cuts to SNAP and 910,000 children by changes to the Child Tax Credit, - amounting to \$30 billion in lost federal funding to California, which is unaccounted for in the current the May Revision to the Governor's Budget.

It is Not Over Yet! The Senate is Next. This week Congress is in recess, but the Senate is developing their own budget priorities, which could be similar or different from the House bill.

We need to contact the Senate between now and the final bill package to mitigate the harm of the House's bill. We must urge the Senate to reject the extremist House version.

