

PROPOSED SETTLEMENT OF CLASS ACTION REGARDING
ACCOMMODATING PEOPLE WITH DISABILITIES

Richards v. WVDHHR, 2:19-cv-00397

A proposed settlement has been reached in a federal civil rights class action lawsuit, brought on behalf of all people with disabilities who receive or are applying for benefits from the West Virginia Department of Health and Human Resources (DHHR), and who need a reasonable modification of a program, policy, or procedure in order to meaningfully access assistance, services, or activities. This lawsuit claims that people receiving or applying for benefits from DHHR have not been provided accommodations as required by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The lawsuit requests declaratory and injunctive relief to remedy the alleged statutory violations. **The lawsuit does not seek money damages.**

Key terms of the settlement include the following:

1. DHHR and its contractors will make reasonable modifications in programs, policies, and practices when needed to afford meaningful access or equal opportunity to people with disabilities, *unless* DHHR demonstrates that making the modification would fundamentally alter the nature of the service, program, or activity.
2. To ensure that such modifications are provided, DHHR has and will continue to:
 - a. Implement policies and procedures, including an appeal process, to ensure applicants and recipients of benefits who have disabilities and need reasonable modifications or accommodations receive them;
 - b. Train all staff within the Bureau for Family Assistance (BFA) of applicant/recipient's rights to request and receive reasonable modifications, and extend such training to other Bureaus;

- c. Notify all applicants and recipients of benefit programs of their right to request a reasonable modification, and of the process for appealing the denial of any such request;
- d. Implement an ADA/504 Coordinator within the BFA to ensure compliance with the ADA;
- e. Designate at least one department-wide Non-Discrimination coordinator that will, among other duties, ensure compliance with the ADA across the DHHR.

3. DHHR has agreed to pay Plaintiffs' counsel \$50,000.00 for their work on this case.

The Court will hold a hearing on the fairness of the settlement on **January 3, 2023**, at the United States Courthouse in Charleston, WV.

Class members (any qualified person with a disability receiving or applying for benefits from WV DHHR, who needs an accommodation or reasonable modification) can write to the federal court about whether any part of the settlement is fair. The federal court will consider written comments when deciding whether to approve the settlement. Comments regarding the fairness of the settlement must include at the top of the first page the case name (Richards v. DHHR) and the case number (Case No. 2:19-cv-00397). Comments must be received by **November 25, 2022**.

You can request a copy of the proposed terms of settlement, the motion to approve the settlement, and/or the motion for attorney fees; ask questions about the settlement; or file an objection to the settlement by contacting counsel for the Plaintiff Class:

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