

Seeking justice at the food court

It was just a maintenance job, but for Aaron Pierce it meant the world.

After nine months of substance-abuse recovery and years of scrambling to make ends meet, he was gainfully employed in the food court of a Bucks County shopping mall. For the first time in his 37 years, Aaron had a photo ID, a checking account and a place to call home.

But then his co-workers began to harass him for having AIDS. "I like my job," he says. "I deserve this job. I deserve to come to work without being harassed."

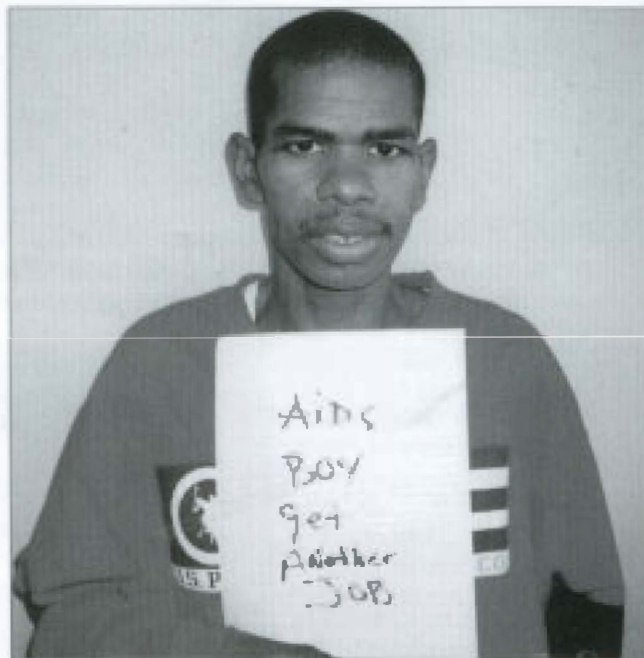
Aaron's story began in May, when he applied for the job with Kravco Maintenance Co. of King of Prussia, Montgomery County. The application asked if he had any medical issues that the company should know about. Despite initial reluctance, Aaron responded that he has AIDS. Because he was referred by a valued employee, Aaron was hired on the spot.

Aaron's first week on the job went well. His co-workers were friendly and welcoming. But during his second week, he says, a co-worker remarked: "Hey, I heard you have AIDS. I heard we should stay away from you." Other co-workers began making snide comments about him having AIDS.

Distressed, Aaron went to the union representative to report that a co-worker was spreading confidential information about his medical history. "Oh, you mean that you have AIDS?" the union man asked. "Everybody knows. I thought you told everybody."

The co-worker who first told others that Aaron had AIDS wanted to apologize, Aaron recalls, "but I said, 'No, because you've hurt me in this workplace.'"

Co-workers stopped talking to him. Many refused to work near him. In August, Aaron opened his locker and found a note that read: *AIDS boy, get another job.*



Aaron Pierce holds the sign he found in his locker at work. (Photo by Martha McDonald, AIDS Law Project of Pennsylvania)

Meanwhile, Aaron stays on at the mall, where no one has questioned the quality of his work. In fact, the only complaint has come from the AIDS Law Project of Pennsylvania — a complaint filed in September with the federal Equal Employment Opportunity Commission, alleging that Kravco violated the Americans with Disabilities Act by breaching Aaron's confidentiality in disclosing his AIDS status to co-workers.

The case could result in financial compensation for Aaron, training for Kravco employees, and new procedures for requesting and handling medical records.

"People with AIDS have the right to actively seek employment and disclose their HIV status without fear of co-worker harassment or intimidation," says AIDS Law Project Managing Attorney Yolanda French Lollis, who is handling the case. "Harassment of people with AIDS will not be tolerated."

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*This newsletter is lovingly dedicated
to the memory of AIDS Law Project
Board Members Michael Greenberg and
Jonathan Lax, Intake Advocate
Arnold Jackson and VISTA Volunteers
Gary Bailey and David Bertugli.*

*If you know someone who would like to
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an address change, please call
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MESSAGE FROM THE EXECUTIVE DIRECTOR

AIDS boy, get another job.

The words sting. They hurt. They sound like a slur from 20 years ago, when the AIDS epidemic began.

But as our cover story reveals, they were written only two months ago, by someone who works with Aaron Pierce, and placed inside Aaron's locker at work.

Struggling to keep their lives together, people with AIDS still encounter bigotry and prejudice. Attitudes like those of Aaron Pierce's co-workers are not rare, nor limited to maintenance workers at the food court in a shopping mall.

At the AIDS Law Project of Pennsylvania, we've seen clients experience hatred and bias from all areas of society. Much of it stems from ignorance and fear — fear of getting AIDS and of what it may say about the person who has AIDS.

For 15 years, our dual mission at the AIDS Law Project has been to seek justice for those who have been treated unfairly, and to educate the public so that the same type of harm won't be repeated. Change will occur only when we as a society no longer fear AIDS.

As we enter the third decade of AIDS, statistics show that more people now live with AIDS than have died from it. Since 1985 in Pennsylvania, for example, 14,072 people have died from AIDS, and 14,307 are living with it.

The task before us all is clear: We must continue to educate others about how AIDS is transmitted, and to emphasize that people with AIDS present no risk in the workplace, at the doctor's office or in the neighborhood.

I encourage you to disseminate accurate information, and to challenge bad information and AIDS phobia wherever you encounter it — at your job, at your family dinner table or out with your friends.

We applaud the courage of Aaron Pierce, who speaks out against unfairness and who refuses to silently accept harassment simply because he has an illness.

His battle is everyone's.



Good Counsel is published seasonally by the AIDS Law Project of Pennsylvania for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and AIDS. The AIDS Law Project provides free legal services to nearly 1,800 people with HIV/AIDS each year, many of whom have nowhere else to turn for help. We help people navigate the legal system, the welfare system, the housing system and the worlds of public and private insurance. We provide education and training to thousands of professionals who work with people with AIDS.



Housing attorney helps woman keep her apartment

Carlotta Radcliff's AIDS diagnosis last winter derailed her recovery from devastating substance abuse. "I stopped caring about what happened in my life," she recalls. "I didn't care who came into my apartment or what they did there. I was sick and ashamed of what was happening to me."

Then the eviction notices arrived. And when the letters from the Philadelphia Housing Authority (PHA) kept coming — sometimes twice a week — Carlotta realized she had to make a change in her life or she would be living on the street.

She turned to the AIDS Law Project of Pennsylvania for help. "Carlotta was in a tough place," recalls AIDS Law Project Housing Attorney Iraisia Orihuela-Reilly, who handled the case.

Because PHA suspected that Carlotta was using drugs, she was on a fast track for eviction from the Abbottsford Homes in North Philadelphia. She wanted to enroll in an outpatient drug treatment program, but she needed time, and a place to live, to begin recovery. She had lived in public housing for 17 years. If she got kicked out of her apartment, PHA regulations could ban her from public housing for life, Orihuela-Reilly explains. "With some extra time," says Orihuela-Reilly, "she could get the help she needed."

When Orihuela-Reilly reviewed Carlotta's PHA file, she found no evidence of criminal activity — no police report, no complaints from neighbors. Armed with this information, Orihuela-Reilly used some strategic lawyering to hold off the eviction proceedings for five months while Carlotta completed drug treatment. In July, PHA withdrew the eviction notice.

Today, Carlotta is thriving in recovery. She is training to become a peer counselor through Project TEACH at Philadelphia FIGHT. She hopes to work as a resource person for elderly people in her neighborhood.

She says getting the chance to stay in her apartment gave her the courage to go into drug treatment.

"If I hadn't found the AIDS Law Project, I probably would not be here today," Carlotta says. "Iraisia was there for me when I was really low and nobody wanted to be around me."



Carlotta Radcliff (right) savors her victory with attorney Iraisia Orihuela-Reilly of the AIDS Law Project of Pennsylvania

UPDATE

Activists settle complaint

Ten AIDS activists from the Phoenix II drug-recovery house in West Philadelphia have settled their AIDS - discrimination complaint against a bus company.

As reported in last issue's cover story, the activists' bus driver initially had refused to transport them because he believed they had AIDS. The bus company had been hired by ACT-UP Philadelphia to take passengers to a regulatory commission meeting on HIV reporting in Harrisburg.

Under the settlement, Krapf Bus Company of Exton, Chester County, is required to: pay an undisclosed amount to each passenger; refund ACT-UP Philadelphia's money; conduct anti-discrimination training with its staff, and issue a non-discrimination policy to be posted prominently on every charter bus.

The settlement was reached following a disability-discrimination complaint filed by the AIDS Law Project of Pennsylvania with the Pennsylvania Commission on Human Relations.

FREE SEMINARS

Seminars are held at 1211 Chestnut Street, Suite 600, in Center City Philadelphia.

To register, call 215.587.9377.

Back to Work

New medical treatments enable many people with AIDS to feel healthy enough to work. But many fear losing their benefits, particularly the health care that enabled them to feel well enough to work in the first place. The AIDS Law Project of Pennsylvania offers a seminar to help people with AIDS move back into the workforce without losing critical health coverage. Seminars are held on the second Thursday of each month:

October 9, 12-2pm

November 13, 6-8pm

December 11, 12-2pm

Debt Management

Many people with AIDS who are trying to regain financial independence by returning to work struggle with crushing debt from expenses related to their illness. Many who became sick and lost their jobs made desperate decisions about finances such as charging medications and doctor visits to their credit cards. Now, their unpaid debt and poor credit history make it impossible to rent an apartment and move on with their lives. This seminar helps people with AIDS understand their rights and responsibilities with creditors, and explores options to reduce or eliminate debt. Seminars take place on the second Tuesday of each month:

October 14, 12-2pm

November 11, 6-8pm

December 9, 12-2pm

Leaving Your Job

For people with HIV/AIDS who become too sick to work and are considering leaving their jobs, the AIDS Law Project offers a seminar to help make that transition smoothly. Seminar participants explore issues such as: applying for disability benefits; keeping insurance coverage after leaving a job; and the effect of an HIV diagnosis on an existing insurance policy. Seminars are held on the second Wednesday of every month:

October 8, 12-2pm

November 12, 6-8pm

December 10, 12-2pm

Next year's seminar schedules will be available in December from our office and on our web site: www.aidslawpa.org

New publications available from the AIDS Law Project

Returning to Work: A Helpful Guide

Answers commonly-asked questions about what to expect when re-entering the workforce and how to gauge the effect a return to work will have on your Social Security benefits. Designed specifically for people with AIDS and their advocates, the handbook provides clear, concise information about: how to avoid a disruption in benefits (including an easy-to-use SSI calculation sheet); your rights under the Americans with Disabilities Act and other federal state and local anti-discrimination laws. Free.

To order, call 215.587.9377

HIV Public Benefits Advocacy Manual

Our most popular publication, newly updated. A comprehensive resource for AIDS advocates in Pennsylvania to help clients obtain public benefits quickly and efficiently. Also a powerful tool for people with HIV/AIDS to understand what public benefits are available. Revised every two years, the manual includes up-to-date information on: Supplemental Security Income (SSI); Social Security Disability Income (SSDI); Medicare; Special Pharmaceutical Benefits Program (SPBP); Food Stamps; General Assistance, and Temporary Aid for Needy Families (TANF). Each chapter explains the program, its eligibility

requirements, how to apply and, if denied, how to appeal. Includes sample forms and advocacy tips. \$60; free to Ryan White-funded case managers.

AIDS and the Law: Your Rights in Pennsylvania

New edition of our consumer handbook designed for people with AIDS and their advocates. Answers commonly-asked questions about a range of AIDS-related legal issues including: anti-discrimination law; confidentiality and testing; wills; powers of attorney and living wills; immigration; housing; and debt management. \$15 for organizations; \$10 for individuals; free to low-income people living with HIV/AIDS.

New program will help those with outstanding warrants

Under the Federal Welfare Reform Act of 1996, people with outstanding criminal warrants cannot receive Supplemental Security Insurance (SSI) benefits. Because SSI includes cash assistance *and* Medical Assistance, unresolved criminal matters (such as bench warrants, arrest warrants and violations of probation or parole) can prevent people with HIV/AIDS from getting health care, drug treatment and behavioral health services.

The AIDS Law Project of Pennsylvania has responded to a steady stream of SSI terminations due to outstanding warrants since 1996 — but recently the calls for help have greatly increased because Pennsylvania law enforcement records are now available over the Internet.

The Social Security Administration (SSA) has hired companies to get this information for the express purpose of terminating benefits. This summer, SSA sent more than 700 suspension letters to SSI recipients in the Philadelphia area, ending their benefits due to outstanding criminal matters, some of which date back 20 years.

To help people with AIDS address this problem, the AIDS Law Project has launched the **Criminal Records Resolution Program**. A dedicated AIDS Law Project paralegal will work one-on-one with people facing SSI terminations to help them assess their criminal records, verify that the warrant is still current and assist them in resolving the outstanding issues.

Once the matter is resolved, the paralegal will help the person re-establish eligibility for public benefits. Working in collaboration with Prevention Point Philadelphia, our paralegal will conduct on-site intake at several Prevention Point needle-exchange sites throughout the city.

The AIDS Law Project hopes the program will help people with HIV/AIDS move forward with their lives, says AIDS Law Project Managing Attorney Yolanda French Lollis, who will oversee the program.

"Our clients are being denied benefits because of outstanding warrants from 10 or 20 years ago," Lollis says. "They are not the same people they used to be. Many of our clients have turned their lives around, and now their past is coming back to haunt them, cutting them off from health care they desperately need."



The AIDS Law Project of Pennsylvania thanks the following sub-teams for their support at the 17th annual AIDS Walk, which was held Sunday, Oct. 19. Each year, the AIDS Walk helps raise funds for the AIDS Law Project and other organizations in the Philadelphia region that provide direct services to people with HIV/AIDS and critical education and prevention services.

AIDS Law Project of Pennsylvania's sub-teams:

Dechert

Morgan Lewis

Ballard Spahr Andrews and Ingersoll

In Memory of Barry Turman

In Memory of Maria J. Santiago

Latasha Wrenwick

Defender Association of Philadelphia

State seeks AIDS waiver for Medicare recipients

The Pennsylvania Department of Public Welfare (DPW) has asked the federal government to let it extend the so-called "AIDS waiver" to people with AIDS on Medicare.

The state administers a federal Medical Assistance (MA) program for eligible people with AIDS. Those on Medicare, who otherwise are eligible for the program, currently are excluded.

People with AIDS who receive Social Security Disability benefits must wait two years to become eligible for Medicare coverage, which does not pay for prescriptions and includes a 20% co-pay. In the meantime, the AIDS waiver lets them receive MA, a complete package that includes prescription coverage.

When eligible for Medicare coverage after two years, however, they lose their MA prescription coverage and often must discontinue their treatment plan. The proposed change in the AIDS waiver would allow people to retain MA coverage and ensure a greater continuity of care. DPW does not anticipate opposition to the waiver change. Please check our web site for updates: www.aidslawpa.org.

In other public benefits news, DPW recently lifted the lifetime ban on General Assistance (GA) cash benefits for people convicted of drug-related felonies after August 22, 1996. This change comes as a result of the tireless efforts of Amy Hirsh of Community Legal Services. We encourage anyone who was denied GA because of a drug conviction to reapply for benefits.

Fourth annual movie benefit

The AIDS Law Project of Pennsylvania hosted its fourth Film at the Prince movie benefit party in August. This year's movie was the gripping courtroom drama *Compulsion*, based on the Leopold-Loeb murder case of the 1920s. Special thanks to Gretjen Clausing, Film at the Prince program director, for helping us organize the benefit, and to PECO Energy for sponsoring the event.



Pictured above (left to right) are: Amy Greer, senior trial counsel in the Philadelphia office of the U.S. Securities and Exchange Commission; John Domzalski, Philadelphia health commissioner; Kevin Conare, ActionAIDS executive director; Ronda Goldfein, AIDS Law Project executive director; Mark Murphy, Disabilities Law Project executive director.

Philadelphia area attorneys Peter Goldberger (at right) and Anna Durbin enjoy the festivities with their daughter Cecilia Durbin (bottom left) and her friend Liz Graves.



WELCOME NEW FACES



Joyce Hamilton, our newest Board member, works as a peer counselor for Circle of Care, which provides HIV/AIDS case management, prevention services, evaluation and continuous quality improvement. Joyce conducts outreach on HIV awareness, testing and counseling, and facilitates a five-week learning series to empower HIV-positive women to promote HIV awareness in their communities. Before joining Circle of Care, Joyce worked for Prevention Point Philadelphia's needle-exchange program. She began her outreach work as a peer educator for Project TEACH at Philadelphia FIGHT. Joyce received legal assistance from the AIDS Law Project of Pennsylvania and refers many of her clients for legal help. "The AIDS Law Project gave me the confidence to make changes in my life because I knew I had a lawyer on my side," says Joyce. "It helped reduce the stresses in my life. I want to make sure other people with the virus get that same kind of care."



Arlene Vasquez joins the AIDS Law Project of Pennsylvania as receptionist. Arlene, who is fluent in both English and Spanish, has been an administrative assistant at the Wyndham Franklin Plaza hotel, where she coordinated details for weddings, meetings and other special events. She also was receptionist at the Philadelphia law firm of Corson, Getson & Schatz. Arlene's commitment to people with AIDS comes from personal experience with a cousin who died from AIDS. Her mother was the primary caregiver, and Arlene witnessed the stigma and fear her cousin faced from friends and family. "I want to help people overcome the fear and get the help they need," Arlene says.

Welcome Benjamin Luke Miller-Wilson, born May 28 to AIDS Law Project Staff Attorney **Cathryn Miller-Wilson**.

AND BID FAREWELL

The AIDS Law Project extends its warmest thanks and best wishes to outgoing board members **Jim Dean, MD, Allen Howell** and **Rev. Jeffrey Jordan**.

And we bid a fond farewell to AIDS Law Project Associate Director **Larry Felzer**. After 10 years of service, Larry is moving on to new challenges as Development Coordinator for the Senior Law Center.

Remember us at workplace giving time

When you donor-designate in your workplace giving campaign, remember your neighbors served by the AIDS Law Project.

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*I cry the blues
like Nina Simone,
and dance in mud-soaked puddles
all alone.*

*We can sit and laugh
until our bellies ache,
or stare up into the night sky
until daybreak.*

*It matters, not to me
as long as we live
you see.*

*I'll take you on a trip
to the Carolina Banks,
where the smell of earth is strong
and you can feel the soil in your hands.
Or maybe you prefer the shore,
a long walk along the beach.
Always looking for that perfect seashell
just beyond your reach.*

*It matters, not to me
as long as we live
you see.*

*You can read me Chaucer,
everyone enjoys a good fairytale.
Or tell our life stories,
of how we made a heaven out of a hell.
I sometimes envy children, you know.
They only focus on today and yearn for joy.
Do you ever notice how they play,
jump, & shout
in spite of . . . and neither expect nor ask for
much more?*

*It matters, not to me
as long as we live
you see.*

*It is amazing how lessons of life
are relatively free.
You have access to wisdom at any age
however, the price is facing your own
mortality.
Some sleep through life,
others roam wild and free.
Some watch the clock - tick-tock, tick-tock,
and the world will pass them by indeed.*

*My season may end before
the first fall of the autumn leaves,
it matters not to me.
As long as I've lived you see.*

—Darrianna Proctor

(Editor's Note: AIDS Law Project of
Pennsylvania Paralegal Darrianna Proctor
wrote this poem for her clients.)