

IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI  
19<sup>th</sup> JUDICIAL CIRCUIT

LINDA GERKEN, <i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 06AC-CC00123-03
	)	Division IV
STEVE CORSI, <i>et al.</i> ,	)	
Defendants.	)	

Group 3 Client Name

Date:

Group 3 Client Address

Group 3 Client DCN

**NOTICE TO INELIGIBLE MEMBERS – Exhibit B**

**INTRODUCTION**

You received this letter because the records of the Department of Social Services show that you did not receive a blind pension payment<sup>1</sup> from the Department of Social Services until after June 30, 2010. You therefore are not part of a class certified by the Circuit Court of Cole County, Missouri, in connection with the settlement of a class action lawsuit. Pursuant to that settlement, the Department of Social Services must send this letter to you to tell you what happened in the case and to let you know what your legal rights in the case are. **This letter has important information about your legal rights. The Class Action Settlement Agreement that has been approved by a Judgment of the Court has set a deadline for you to respond if you disagree with this decision. Please read this letter carefully.**

**BACKGROUND**

On February 16, 2005, Linda Gerken filed a class action lawsuit against the Department of Social Services, Family Support Division on behalf of all individuals who received a Missouri blind pension payment from January 1, 1992, to the present. The lawsuit is now referred to as *Linda Gerken, et al. vs Steve Corsi et al*, Cole County Circuit Court Case Number 06AC-CC00123-03. The Court certified a class, and determined that the Department of Social Services incorrectly calculated the monthly blind pension payment due to blind pensioners at certain times. The Court also has determined that any claim for incorrect payments that was due prior to February 16, 2001, is barred by the statute of limitations. The State appealed the Court's ruling.

On March \_\_, 2018, the Cole County Circuit Court entered a Judgment approving a Class Action Settlement Agreement under which the blind pensioners who received at least one blind pension payment between February 1, 2001, and June 30, 2010 are entitled to file a claim for compensation for the amount that the Department underpaid their blind pension payment for that time period plus an agreed amount of

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<sup>1</sup> Blind pension payments include Supplemental Security Income payments, whether SAB or AB-Conversion payments. SAB refers to Supplemental Aid to the Blind, while AB-Conversion refers to Aid to the Blind Conversion.

interest on those underpayments. If you received any Blind Pension or Supplemental Aid to the Blind benefits during this time period, you are member of the class and are eligible to file a claim for payment of the amount that you were underpaid, plus interest on the underpayment, minus 25% of the total for payment of the attorneys' fee for the lawyers who represented the class in the case (Class Counsel).

If you would like to read the Class Action Settlement Agreement, and the Court's Judgment approving the Agreement, you may do so on the Department of Social Services website, along with a link to a copy of this notice and a claim form. The Department's website may be accessed at the following URL: [www.dss.mo.gov](http://www.dss.mo.gov)

## DECISION

The records of the Department of Social Services show that you did not receive a blind pension payment between February 1, 2001, and June 30, 2010. This means that you may be a member of the class but you are not eligible to file a claim or to receive compensation.

## RIGHT TO REQUEST ADMINISTRATIVE REVIEW OF DECISION

If you think that this decision is wrong because you did receive at least one blind pension payment between February 1, 2001, and June 30, 2010, you can ask an Administrative Hearing Officer to review our decision. **You have 90 days from the date of this letter to file your request for administrative review. If the Department does not receive your form requesting review within 90 days from the date of this letter, your request for administrative review will not be considered and the Department's decision will be final.**

Administrative review of this decision is limited to whether you are a member of the class, whether you are a proper claimant, and whether the Department's decision that you did not receive a blind pension payment between February 1, 2001, and June 30, 2010 is correct. **You may not ask the Hearing Officer or Court to reconsider the Class Action Settlement Agreement or any of the Court's prior rulings.**

The Hearing Officer will make a decision based solely on the written information you provide unless you specifically ask for a hearing by telephone conference call or an in-person hearing. The request for a hearing by telephone conference call or an in-person hearing shall be made in writing, shall specify the reasons therefore, and shall be part of the Request for Administrative Review. The Hearing Officer shall grant the request for a hearing by telephone conference call if the Member provides good cause. The Hearing Officer may grant an in-person hearing in the county where the Member is located if the Hearing Officer determines that there is good cause for an in-person hearing and the Member is reasonably unable to present his or her case for review by written submission or telephone conference call.

To ask the Hearing Officer to review the decision please follow the following steps:

- Complete the attached Request for Administrative Review form. You or your authorized representative must sign the Request.
- **If you believe that you received a blind pension payment between February 1, 2001, and June 30, 2010, you must attach copies of any documents or information that you have to prove that you received such payments. If you claim that you did receive pension payments between February 1, 2001, and June 30, 2010, but you do not include proof that you received payments during this time period your request for review will be denied.**
- Mail the original form and the supporting documents to:

Family Support Division  
Department of Social Services  
Attn: Blind Pension Claims Processing Unit  
PO Box 2320  
Jefferson City, MO 65102-2320

Or E-mail a completed PDF copy of the form to the Family Support Division at:

BPclaims@dss.mo.gov

### **WHO CAN FILE YOUR REQUEST FOR REVIEW**

Only you or your authorized representative may file a Request for Administrative Review on your behalf. An authorized representative is an individual, competent adult who is legally authorized to act on behalf of a Member of the Class. The following individuals can serve as an authorized representative of a member:

- the member's court appointed guardian;
- the member's attorney;
- an individual appointed by the member to handle his or her affairs through a valid Power of Attorney; or
- if the member is deceased, the personal representative of the member's estate, or the attorney for the estate.

If your Request for Administrative Review is submitted by your authorized representative the authorized representative must submit satisfactory documentation to prove that he or she is authorized to act on your behalf. Satisfactory documentation is limited to one of the following:

- a copy of letters of appointment of a Guardian or Court order;
- entry of appearance signed by the attorney,
- a notarized power of attorney executed by the member; or
- letters of appointment as personal representative.

You will be legally bound by the information provided by your personal representative.

### **CLASS COUNSEL AND QUESTIONS ABOUT THIS NOTICE**

When the Court certified the class the court appointed class counsel to represent the interests of the class. The lawyers for the class are:

John Greider  
Deborah S. Greider, LLC  
8000 Bonhomme Ave., #207  
St. Louis, MO. 63105  
Telephone: 314-727-8910  
E-mail: dgreider@greiderlaw.com

John Ammann,  
Legal Clinic, Saint Louis University School of Law  
100 North Tucker, #704  
St. Louis, MO. 63101  
Telephone: 314-977-2778  
E-mail: ammannjj@slu.edu

If you have any questions about this case, this notice and how to file a Request for Review please contact class counsel or your own lawyer.

The Court, the Department of Social Services and the Attorney General's office cannot give you advice about this notice. Please do not contact the Court, the Attorney General's Office, the Department of

Social Services, the Family Support Division or Rehabilitation Services for the Blind to seek advice concerning the claims process.