

June 16, 2005

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Legal Services Corporation
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RE: Proposed 45 C. F. R. Part 1611

Dear Mr. Condray:

I am writing to comment on the proposed revisions to 45 C.F.R. Part 1611 published in the May 24, 2005 Federal Register. I am the Managing Attorney of the Health and Benefits section of the Nashville Legal Aid office. For several years, I have organized our annual review of eligibility guidelines. These comments are solely my own, but do follow consultation with my colleagues. I believe the proposed regulations represent substantial improvements over the current regulations and they clearly reflect extensive work and thoughtful preparation. Please consider my comments regarding relatively minor aspects of the proposed regulations in that context.

The Corporation may want to consider both expanding and restricting the permitted resource exclusion for "vehicles required for work." 45 C.F.R. § 1611.3(d)(1). Until very recently, the Supplemental Security Income (SSI) program permitted the exclusion of one automobile per household if the automobile was needed for work, education, or health care. On February 7, 2005, the SSI regulation was revised to permit the exclusion of one automobile regardless of its use. 70 Fed. Reg. 6345, 20 C.F.R. § 416.1218. The Social Security Administration determined that virtually every household was able to exclude one automobile under the prior rule and it was wasteful to require that each applicant be asked about the specific uses of one automobile. The SSI exclusion is broader than the proposed LSC exclusion in that it allows the exclusion of one automobile regardless of use and narrower than the proposed LSC exclusion in that it allows the exclusion of just one vehicle per household rather than an unlimited number of vehicles needed for work. I would urge LSC to follow the SSI regulation when final regulations are issued.

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benefits. I believe it is an unnecessary complication to create three categories of clients: (1) terminees for whom there is no income limit; (2) applicants who are subject to 150% of the national income limit; and (3) other clients with welfare issues subject to the normal income limit. I would urge that the final regulations either presume income eligibility for all clients seeking legal assistance regarding welfare benefits or that all such clients be subject to the same higher income limit.

Again, I applaud the Corporation for undertaking a rewrite and substantial improvement of the current financial eligibility regulations. I appreciate the opportunity to submit these comments.

Sincerely,

David A. Ettinger

DAE:lh

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