

# PRESS RELEASE

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**September 7, 2021**

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**For media inquires, call 608-841-2150**

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*A press conference will be held at the offices of Gingras, Thomsen & Wachs, LLP, 8150 Excelsior Drive, Madison, WI 53717 at 2:30 p.m. (CDT) today (September 7, 2021) to discuss the filing.*

Multiple disabled Wisconsin workers filed a class action complaint to undo the discriminatory eligibility ban that prevents disabled Wisconsin workers who receive SSDI benefits from collecting unemployment benefits when they lose work through no fault of their own.

Approximately 157,000 SSDI recipients work in Wisconsin, meaning that one out of every 17 workers in this state is disabled. Starting in 2013 and then revised in 2015, this eligibility ban prevents these workers from collecting unemployment benefits when laid off from their jobs, in contrast to their non-disabled co-workers.

The eligibility ban means that the plaintiffs in the class action and disabled workers like them are being treated differently from non-disabled workers in Wisconsin. *Because of their disability*, these SSDI recipients are presently ineligible for unemployment benefits. This different treatment because of their disability status is *de jure* discrimination against the disabled, in violation of federal laws that prohibit discrimination based on disability.

Specifically, the class action and the motion for a preliminary injunction asks the Court to stop the current enforcement of the law and instead permit otherwise eligible disabled workers to receive benefits. The lawsuit also asks the court to provide plaintiffs with the opportunity to apply for benefits at any point over the past six years during which they would have been eligible but for their receipt of SSDI benefits. Finally, some class members received benefits but were compelled by the state to repay those benefits, usually with a penalty, because they were receiving SSDI benefits. The lawsuit seeks reimbursement for

the benefits and penalties. This relief is required by the Americans with Disabilities Act, the Rehabilitation Act and the Due Process Clause of the United States Constitution.

SSDI recipients who may have questions about this case can call 608-841-2150.