

SAMPLE- On the Record Review- Annie Farnsworth- child (place on agency letterhead)

Re: Annie Farnsworth
DOB: 1/1/12
SSN: XXX-XX-XXXX

1/1/19

VIA Electronic Records Express

The Honorable Mary Martin
Office of Hearings and Appeals
Chief Administrative Law Judge

Dear Judge Martin:

I am respectfully requesting on the record review with regard to Annie Farnsworth's claim for Title XVI benefits. In support of this request the following medical and school documentation has been uploaded to the applicant's electronic folder via Electronic Records Express on this date.

- Teacher Questionnaire dated 12/27/18
- Hospital Admission dated 1/5/19
- IEP Plan dated 12/20/18

Annie is 7 years old who is currently in first grade which is one grade below her expected level. She has been diagnosed with Epilepsy, Attention Deficit Hyperactivity Disorder, Oppositional Defiant Disorder, Fetal Alcohol Syndrome, Cognitive and Intellectual Disability. Annie has been experiencing homelessness, living in Some Town Family Shelter with her mother, Annette Farnsworth and brother. She has been hospitalized multiple times and school attendance is poor due to the severity of her symptoms and inability to function at home, school and community.

It is our belief that Annie Farnsworth should be found disabled at the third step of the Sequential Evaluation process because her impairment satisfies the requirements of Listing 112.05 for Intellectual Disability, Listing 112.02 for Organic Mental Disorders and Listing 112.11 for Attention Deficit Hyperactivity Disorder. Annie has several behavioral and developmental problems that stem from Fetal Alcohol Syndrome, prenatal exposure to a parent who drank during pregnancy. In the alternative, Annie meets Listing 111.02 for Seizure Disorders. Please review the attached *Teacher Questionnaire* recently completed by Ms. Nancy Nice, special education teacher, which indicates marked limitations on two functional areas, and extreme limitations in one functional area. The updated annual IEP shows Annie's declining academic performance. Also, hospital records show Annie has experienced uncontrolled seizures which required one additional in-patient hospitalization since records were submitted.

In order to meet 112.02, it is required that there be abnormalities in perception, cognition, affect, or behavior associated with a dysfunction of the brain. As stated above, Dr. Betty Brain, diagnosed a neurological dysfunction. Moreover, Annie certainly suffers from both behavioral

and cognitive abnormalities. For example, when Annie was nearly four years old she underwent Fetal Alcohol Syndrome testing which confirmed diagnosis. The IEP attached includes updated cognitive testing which shows 5 year old cognitive functioning. More recently, Dr. Sara Stanley, school psychologist noted, "Annie had difficulty with comprehension and use of language, she was unable to produce a triangle."

With respect to behavioral abnormalities, Annie's problems are well document in a recent report, Dr. Stanley not that, despite medication, Annie "continues to have the same behavioral problems." She is extremely demanding especially when other children are around. She has extremely frequent tempt tantrums. She becomes angry and curses and may become aggressive. She is not able to play well with other children at any time. . All of the forgoing indicate hat Annie meets 112.02A.

Annie shows marked impairment in all areas of functioning. Her last Full Scale IQ test showed an IQ of 69. She also has "weak expressive and receptive language skill." As stated above, she is unable to ply with other children and is aggressive to the point of violence. Of the, this is without respect to her own safety. Since Annie show marked impairment in both age-appropriate cognitive and social function, she therefore meets 112.02B2.

Finally, Annie meets 112.11 for ADHD. Annie has "severe associated behavioral problems with extreme symptoms of attention deficit hyperactivity disorder," Dr. Stanley noted. In her updated IEP report, Ms. Nice noted, "In her first grade class, Annie "was kicking and biting at the other students and was out of control." By March 2018, Annie had already been "dismissed from two other first grade classes and also from an after school program because of severe disruptive behavior." These reports clearly demonstrate marked inattention, impulsiveness and hyperactivity, satisfying 112.11A. Since Annie as stated above satisfies 112.2, she meets this listing.

We respectfully request that her application be reviewed on the record so that Annie can begin receiving benefits and access the intensive, 24/7 supportive housing and treatment services that she needs to end her homelessness.

If you have any questions, please do not hesitate to contact me at (444) 444-4444.

Respectfully submitted,

Harriett Jones
SOAR Benefits Specialist