

OFFICE OF THE GOVERNOR

OMBUDSMAN REPORT

Oregon residents from every county have contacted the Ombudsman with their complaints, requests for assistance, and requests for information relating to state agencies and federal and local governments. By recorded statistics 4,723 such contacts were handled. It is noted that the number of recorded contacts during the eleven months of operations has exceeded the combined 1977 and 1978 year totals of 4,186.

No precise analysis has been made on the reason for the increase in the number of complaints and service requests. Certainly the Governor's travels and meetings with citizens around the state is an influencing factor. As the public perceives that there will be results in dealing with the bureaucracy and that the Governor's office is open to them, recourse to the Ombudsman's office is more frequent.

Other factors seem to be 1) law changes such as the Food Stamp Act, Property Tax Relief and Worth; 2) quicker reaction and response to complaints; 3) changes in governmental policies and programs such as Workers' Compensation.

Clearly not all complaints received by this office are valid although the citizen may believe they have a legitimate grievance, but the law or administrative rules may be the cause and not the agency. Neither are all inquiries state matters. In these situations we try to direct the citizen to the appropriate government that can assist him or her with their problems.

Frustration has not escaped the Ombudsman, particularly when the day isn't long enough to take care of the many concerns and problems, or where the red tape is so entangled that even the Ombudsman feels strangled by it.

The following information illustrates the three principal roles of the Ombudsman, cases, patterns and recommendations.

An attorney appealed to a state senator for assistance who referred the matter to the Ombudsman. The attorney's client an elderly 70 and 65 year old couple, both of whom are invalids, faced a \$14,000 tax lien on their property plus income tax liability. If the state collected on the tax lien, the elderly couple would have lost their home, forced to apply for welfare assistance to live at a greater cost to the state and would have to suffer a loss of self esteem. A review of their assets and liabilities statement from 1965 to 1974 suggested possible calculation problems. The Revenue Director was requested to conduct an income analysis, reassess the basis for the deficiency adjustments (penalty and interest charges). Revenue agreed and the long standing account was settled for \$2,000.00.

A woman called requesting assistance, her welfare case was transferred from Adult and Family Services office

in Klamath Falls to Salem, however, her file was mixed up in transit. She needed her check for rent and groceries, Adult and Family Services refused, insisting the check was sent to her personally. A call to the Klamath Falls office determined the check had not been sent to the woman, but rather to the Salem office. A check was issued immediately.

A veteran complained that Veterans Administration was refusing to pay his G.I. tuition. Upon investigation it turned out they (VA) had two files on him, one stating he was eligible, the other stating he was not. After repeated calls from this office, Veterans Administration combined the files, determined his eligibility and paid his schooling.

Two individuals came to the office complaining that their unemployment checks were sent to the wrong address through no fault of their own. A telephone call to the Employment Division assisted in getting the checks reissued. The individuals did not have to wait an additional 6 weeks.

An Adult and Family Services recipient complained he was cut off of partial assistance because he couldn't make an 8:30 case review appointment that conflicted with his

part-time work schedule, which AFS insisted he keep. He went to work and missed the meeting and was cut from the program. A call to AFS convinced them to arrange a new session for the man and provide him the aid he was eligible for.

A man complained that State Accident Insurance Fund had continued to send his compensation check to an old address even though he sent SAIF 3 changes of address notices. He had not received the check and SAIF refused to give him a new check because the old one was outstanding. In our contact with SAIF we were able to get them to cancel the original check, issue a new one and change the address on their computer.

A professor contacted the office and complained he had given sufficient notice to the Board of Higher Education that he was planning to retire, however, the Board failed to forward the proper documents to the Public Employees Retirement System office, hence, PERS advised the professor he would be unable to receive his monies on April 1, 1979. The professor due to an extreme family matter, was moving out of state, had earnest monies down on a duplex in the state where he was going to make his home,

and the sale was contingent upon his furnishing the monies from PERS. A contact to PERS explaining that the professor should not be penalized because of an error on the part of the Board of Higher Education. An exception was made by PERS and the professor was to receive a partial lump sum withdrawal on March 30, 1979 when PERS would deposit monies in his bank. He will start receiving his monthly checks on May 11, 1979.

A mother of a 13 year old son came to the office complaining she had spent 5 months trying to get Children's Services Division to send her son to counseling, as directed by the court. CSD's position had been, "if the son doesn't want to go he doesn't have to". The son was in foster care, a home that he found for himself. The mother had complained about the fitness of the first home, Children's Services Division failed to investigate. He was subsequently evicted from the foster home and again located his second foster home.

The Ombudsman can clearly appreciate the frustration of the mother, it took this office 6 months to reach an agreement with CSD that the young man be required to attend family counseling with his mother for the purpose of establishing communication and possible ^{re}union. While the Ombudsman was attempting to resolve the complaint,

the caseworker filed an inaccurate report with the court. Although the worker had never met with the Ombudsman nor had any conversation with her, he mentioned her in the report as though to substantiate his incorrect statements. A retraction request was made of CSD. A retraction was made, however, it did not clarify the inaccuracy to the satisfaction of the mother nor the Ombudsman. CSD is still working on this matter.

In handling a Workers' Compensation complaint it was discovered that the insurance carrier is under no obligation to inform an injured worker when his/her payment schedule changes.

EXAMPLE: If you were receiving payments (time loss) every two weeks under a temporary time loss determination, you would not receive notification when after a determination (settlement) you were to receive an award. This award for permanent partial disability would be paid on a monthly schedule. If you were unlucky enough to receive your TTD (temporary total disability) at the first of the month, you would not receive your PPD (permanent partial disability) for one full month. This could cause hardship on the family not aware that they would go two extra weeks without money. The problem was brought to the attention of Workers' Compensation and together we worked out a solution where the injured worker would be notified ahead of time of the upcoming changes.

Periodically the Ombudsman receives complaints about verbal responses to the public, offensive in style and terse and rude in language. A recommendation to the Personnel Administrator has led to the development of a training program to improve communication service and public relations.

A surge of phone calls and letters received in the spring of 1979 complaining about food stamp reduction. The complainers were primarily from the elderly and the handicapped or agencies who serve these groups. An investigation by the Ombudsman determined that immediate action was required to assure that these Oregonians would not experience hunger because of federal action.

A recommendation to the Governor led to the initiation of a volunteer program called "Oregon Food Share". The program focused attention on the problem, and encouraged our Congressional Delegation to act quickly to amend the act; and collected over 50,000 lbs of food for distribution while the act was being amended.

Complaints from ex-state employes regarding employe retaliation practices at Fairview resulted in meetings with several concerned and grieved individuals, led the Ombudsman to the conclusion that the "Pink Slip" can and probably has been used in a retaliatory manner. A recommendation has been made to the Superintendent of Fairview to revise the pink slip and establish concise clear procedures for its use. The Superintendent has agreed and will keep the Ombudsman informed of the revision development.

53 complaints in one day from citizens regarding their inability to reach Department of Motor Vehicle Suspension Unit, drew the investigatory attention of the Ombudsman. The Ombudsman learned that telephones were being placed off the hook during lunch and coffee breaks; and inadequate telephone lines and computer terminals to handle the increase in suspension notices. A meeting with Department of Motor Vehicles Administrator eliminated the cause of the off the hook problem and efforts are being made to obtain the necessary telephone and computer equipment.