



## FOR IMMEDIATE RELEASE

### **Blind Retired Federal Employee Sues over Access to Health Benefits Information** *National Federation of the Blind Also Party to Lawsuit Against US and Blue Cross Blue Shield*

**Chicago (September 19, 2019):** Jamal Mazrui, a blind retired federal employee now living in the Seattle area, has filed a lawsuit against the federal Office of Personnel Management (OPM) and one of its major health insurance contractors, the Chicago-based Blue Cross and Blue Shield Association (BCBSA), because he cannot access or interact with information about his federal health benefits on [fepblue.org](http://fepblue.org), the website maintained by BCBSA for its federal employee program. The National Federation of the Blind, the oldest and largest nationwide organization of blind Americans, which has a division consisting of blind federal employees, is also a plaintiff. The plaintiffs are represented by Equip for Equality, the Protection and Advocacy System for people with disabilities for the state of Illinois, and the Baltimore law firm of Brown Goldstein & Levy, LLP.

The lawsuit, filed in federal court in the northern district of Illinois, alleges violations of the Patient Protection and Affordable Care Act, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (particularly Section 508, which requires equal access to websites and other electronic information), and the Washington (State) Law Against Discrimination.

Blind people access websites using screen reading technology that renders their content as spoken words or as Braille on a device called a refreshable Braille display. When websites are not properly coded, this technology cannot interpret their content. Mr. Mazrui was unable to access explanations of benefits and other documents or to make choices online about health benefits for himself and his family.

As of the end of Fiscal Year 2015, nearly 10 percent of federal employees were identified as having disabilities, with over 1 percent being individuals with targeted disabilities such as blindness or low vision. Additionally, over 10 percent of new hires were individuals with disabilities, approximately 1.3 percent of whom were individuals with targeted disabilities. BCBSA's federal employee program (FEP) is the most popular health benefit option available, covering approximately 5.3 million employees, former employees, retirees, family members, and former spouses. The OPM is responsible for, among other things, choosing and supervising benefit contractors like BCBS. Both BCBS and OPM are aware of the accessibility issues with [fepblue.org](http://fepblue.org) but have done nothing to resolve them.

"Online access to health benefit documents, forms, and records can allow blind people equal access to information that was once available only as print on paper," said Mark Riccobono, President of the National Federation of the Blind. "But the information must be accessible with the

technology that we use to access the Internet and other digital information. Federal agencies and contractors are aware of their legal obligations to blind employees and beneficiaries, so there is simply no excuse for the failure of OPM and BCBSA to follow those obligations, and the National Federation of the Blind will not tolerate it.”

“Like all Americans, blind people have the right to access their health benefits information independently and privately,” said Barry Taylor, VP for Civil Rights and Systemic Litigation at Equip for Equality. “We hope this lawsuit will result in removing barriers to this critical information for our clients, and that other health insurance companies will be motivated to ensure that their digital health benefits information is accessible to all of their customers.”

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### **About the National Federation of the Blind**

The National Federation of the Blind (NFB), headquartered in Baltimore, is the oldest and largest nationwide organization of blind Americans. Founded in 1940, the NFB consists of affiliates, chapters, and divisions in the fifty states, Washington DC, and Puerto Rico. The NFB defends the rights of blind people of all ages and provides information and support to families with blind children, older Americans who are losing vision, and more. We believe in the hopes and dreams of blind people and work together to transform them into reality. Learn more about our many programs and initiatives at [www.nfb.org](http://www.nfb.org).

### **About Equip for Equality**

Equip for Equality is a private, not-for-profit entity designated in 1985 by the Governor to administer the federally mandated Protection and Advocacy system for safeguarding the rights of people with disabilities in Illinois. EFE is dedicated to expanding opportunities for people with disabilities to live full and independent lives by providing self-advocacy assistance, legal services, disability rights education, public policy advocacy and abuse investigations. For more information, go to [www.equipforequality.org](http://www.equipforequality.org)

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