

# The U.S. Supreme Court Cases

## Federal Question

*Americans with Disabilities Act 1990, U.S. Code § 12101*

Discrimination & Prejudice for a protected Disability (TBI) Traumatic Brain Injury

*ADA 1990* is about ACCESS in the USA: In this case its ACCESS to TBI Medical/Rehabilitation Care.

- Correct Medical Care for a TBI.
- Employment Opportunities with a TBI v. Mental Illness. Disability is seen differently than mental illness by most employers. Employers can accommodate a disability, whereas a mental illness gives them a fear of lack of reliability, and potential problems with co-workers. Discrimination is different in employment in the private sector than employment in the public sector. (Federal jobs – USA.jobs). There is discrimination regarding the representation of organizations overseas (NGOs), or obtaining a “Working VISA” for entry into a foreign nation. (Also true for foreign organization IGOs).
- Discrimination for housing availability: Mental Illness is covered for Affordable Housing programs such as HUD, “Low-Cost Housing”, and Permanent & Supportive Housing. A Traumatic Brain Injury (TBI) a disability is not listed as eligible. Some states require the TBI survivor to be eligible for housing only upon release from a Jail or Mental Hospital.

## Causes of Action:

FEDERAL MEDICAL FRAUD (Malpractice) *42 CFR § 431.5242, CFR §447.15*

FEDERAL MEDICAL NEGLIGENCE *28 U.S. Code § 7316 (Malpractice)* -Disregard of Traumatic Brain Injury evaluations tools in favor of mental illness tools. *28 U.S. Code § 7316 (b)(1)* Failure to meet Federal requirements for “*Medical Necessity*” for Acute Care Hospital.

FEDERAL HEALTH CARE FRAUD -*Social Security Act §1900, Social Security Act §1936*

INDEPENDENT LIVING - *Social Security Act §1929, §477, §470*

FEDERAL FAIR HOUSING ACT -*Disability housing*

RELIGIOUS FREEDOM – Constitutional 1<sup>st</sup> Amendment Right

CHARACTER DEFEMATION

Disparate Impact DISCRIMINATION – Neurological Impairment.

## Discrimination:

Isolation as Discrimination

Mental Illness care v. Traumatic Brain Injury Care (Malpractice)

Discrimination against a Protected Disability “Intellectual Disability”

Discrimination in Employment under a Protected Disability

Discrimination in Housing under a Protected Disability

Discrimination in Religious Freedom – To reject Health Care not in keeping with your religious beliefs.

## Constitutional Issues:

1<sup>st</sup> Amendment – Religious Practice Freedom

5<sup>th</sup> Amendment – Right to Due Process; Personal Liberty, Freedom of Movement, Independent Living

9<sup>th</sup> Amendment – Right to be free from DISCRIMINATION, Right to Medical Care

14<sup>th</sup> Amendment – Right to EQUAL PROTECTION under the Law; Color of Law, Protected Disability – Right to Refuse Mental Illness Care; Right to Access TBI Medical Care, Right to Fair Housing with a protected TBI Disability, Americans with Disabilities Act of 1990 – Disability Rights

### Statute of Limitations:

2019 filed Writ of Certiorari

12/03/19 – Letter from U.S. Supreme Court not filed on time. Case #1

11/18/19 - Letter from U.S. Supreme Court not filed on time. Case #2

05/2024 – U.S. Supreme Court Clerk said, “If you have proof of mailing, the Court will accept the case and reopen it.”

### Federal Grounds for (Federal) State Actors

5.1.A.2.b.i. Delegation of a Traditional State Function

5.1.A.2.b.ii Joint Activity and Pervasive Entwinement

5.1.A.2.b.iii Governmental Creation of a Legal or Procedural Framework

5.1.A.2.b.iv Government Compulsion or Significant Encouragement to Act in a Particular Way

5.1.A.2.b.v The Symbiotic Relationship Test

5.1.A.2.b.vii The Special Relationship Test

### TBI Diagnosis

1/7/2011 – Pedestrian Accident – Moderate/Severe Front Left Temporal Lobe. Santa Fe, NM.

### Mental Health Hospital

“Involuntary Commitment”- Unable to care for self. DANGER to SELF. Given a ‘Mental Illness’ diagnosis instead of disability TBI. 9/2011-4/2012

“Involuntary Commitment”- False report to Magistrate Office – Bizarre Behavior. DANGER to SELF. Given a ‘Mental Illness’ diagnosis instead of disability TBI. Threatened with LONG TERM Commitment. 9/2014-452015

There have been various other Mental Health Hospitalizations after an arrest for “Trespassing”, which was dismissed. NO CRIMINAL HISTORY. These hospitalizations have been for 2-3 months due to TDO (Temporary Detaining Order) by Police. Intake showed prior mental health history and chose to claim ‘Mentally ill’. Intake always claimed “if found on the street, there must be a mental illness.” Once you have a record, the cycle repeats.

These cases have a bearing on my “Mental Health” Record; When I have a verified Disability “Intellectual Disability” – TBI. “Mental Health” Record can affect: employment eligibility: Federal employment, Security Clearance, and Foreign Working VISA.

### Economic Damage:

- Loss of Real Property 1.5 million-dollar house due to false institutionalism.
- Loss of Income – Unable to work while in Institution. (Previous Income).
- ARREST RECORDS Prohibit Employment: without arrest record, I was able to work part/full time with TBI accommodation
- Past ‘MENTAL HEALTH’ Record Prohibit Employment. There is discrimination against a mental illness instead, while a disability is accepted and accommodated.
- Presently live on Social Security Retirement.
- 60% of Traumatic Brain Injured Survivors live under the Poverty level.

### Punitive Damages:

- Institutionalism has caused lack of knowledge in technology, knowledge of profession, and current events.
- Medical health damage due to dental work never performed because it was not covered by Medicaid.
- No Physical Therapy for accident injuries in Institutional setting. Physical health and recovery from muscular and skeletal systems were sacrificed for ‘mental illness institutionalization.

- The Mental Hospital discharged TBI Survivor to a rural town. Population 5,000: No jobs. No quality medical care for TBI. No TBI Rehabilitation.
- Unable to return to education: Due to the accident, TBI Survivor lost income and assets. The school loan went into default. TBI Survivor submitted 'Loan Forgiveness' to Department of Education 4/2013, 5/2016. They never forgave my loan. Finally LOAN FORGIVEN 12/2023. (U.S. Department of Education requires 3 years to elapse before offering FASFA funds for tuition.)
- Job UNEMPLOYMENT: Over-qualified on resume for simple jobs to return to work. No TBI accommodation given. Arrest record prevents employment (In process of expungements. Arrest cases were dismissed but still show on FBI Criminal Background check.
- Mental Health Record may prevent Working VISA overseas formerly performing international consulting. Some countries will not accept mental illness record for admission to their nation.

We must win this case to prove that the TBI Survivor has a legitimate Permanent Disability, not a "mental illness".

We can't let the psychiatry, who has had the domain of the brain; overstep neurology who have studied the physiological aspect of the brain function to the body and the mind. Neuropsychologist are the experts at Traumatic Brain Injury. We can't let the Mental Health Community which has dominated the 'thinking' aspect of the brain since the 3<sup>rd</sup> Century BCE in India and Greece, continue its hold on Brain Health. Neurology was founded by 18th century by Jean Martin Charcot. Charcot is a French neurologist, also who helped distinguish organic diseases from those of hysteria or other psychiatric origin.

All of America's Brain Health services are managed by the Mental Health Community. We must fight for modern science under Neurology with Neuropsychs for TBI survivors to gain cognitive care, memory care, mental and brain function stimulation, learning experiences, ability to recall acquired memories.

Best Regards,

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