

Ask a Lawyer

By Steven Leskin

Q~ My husband and I have a daughter together. He pays me child support. I believe that he hid his income in order to pay less support. What can I do?

A~ If your husband hid his income and assets during a divorce proceeding, Oregon law provides that you can reopen your dissolution case if the assets were existing at the time of the divorce and were not discovered until later. The court can then distribute them in a just and proper manner in the circumstances. If the concealment is intentional, the court could award the entire value of the hidden assets to the spouse and award attorney's fees. If the non-disclosure was inadvertent, the court can distribute the assets in a manner which is just and proper under all the circumstances.

If your husband hid income in a subsequent hearing to modify spousal support, you can go back to court within a year based on an allegation of fraud and move to set aside the judgment.

Q~ I was in a car accident. My car was rear ended. The insurance adjuster will not return my calls. What can I do?

A~ These cases are different from

just poor customer service. If this was someone you were doing business with directly, you could in the future elect not to do business with the company. However, you did not choose to get rear ended nor to do business with this insurance company.

Like with any poor customer service issue, you can choose to contact the person's supervisor. And, in fact, some insurance adjusters outgoing messages give the name and phone number of their supervisors. You can choose to file a complaint with the Oregon Insurance Division. You can contact the person who rear ended you and ask them to intercede on your behalf in order to avoid you hiring an attorney and suing them. Finally, you can file a lawsuit against the adverse driver. Once a lawsuit is filed, the case file goes to the company's attorneys. They may or may not be better, but it at least moves the claim along to a resolution on the court schedule.

Q~ I applied for Social Security Disability benefits based on my bad back and chronic heart condition. I was a farm hand for 30 years. The constant pain in my back limits my ability to lift, bend, squat and concentrate. My heart condition limits my ability to exert myself. I

get winded very quickly. I filed for Social Security and after a two year wait, I finally appeared before a federal administrative judge.

The judge was rude to me. From the moment I walked into the hearing room, it was clear to me that she had decided against me. She asked me a few questions and lectured me the rest of the time. I had a misdemeanor more than 15 years ago and she lectured me about that. What can I do?

A~ In my experience, the federal judges at Social Security are a mixed bag. There are some who are outstanding, scholarly and compassionate, and there are others who just don't get it. The average approval rate for claims at the hearing level is 65%. There are judges who approve cases at less than 30% and some less than that. It is fair to question the competency of the judges who are so far from the mainstream in terms of their approvals.

If your application for benefits has already been denied by the judge, your only recourse is to file an appeal with the Appeals Council in Falls Church, Virginia. There, a new judge will review your case and make an inde-

pendent decision. You can submit additional evidence related to your disability.

If the judge has not issued a decision, your best course may be to withdraw your application and file a new application for benefits. If the judge issues a decision, you may not be able to receive your back benefits after the date of the decision. By withdrawing your application, you preserve a greater period of retroactive benefits.

Finally, every person deserves to be treated with respect and dignity by the federal government. Even if the judge did not like you or your claim, she was obligated by the Judicial Code of Conduct to treat you impartially. Unfortunately, you do not have a lot of recourse. The judge may not be subject to the Oregon Judicial Code because she is licensed in another jurisdiction. Your only option may be to file a complaint with the Social Security Chief Administrative Law Judge and request that the hearing tape be reviewed.

Steven Leskin is an attorney in North Portland. He has been in practice since 1992. You can submit questions to him through www.StevenLeskin.com or through the Vernonia's Voice website.

Creature Comforts: Feeling Thankful

By Michal Smith

This month is all about being thankful and there's an abundance of gratitude at Creatures!

We've continued our efforts with several folks in the community to find homes for kittens of feral cats in the area. We're graced almost every day with stories from new kitten owners about the connection, affection, and entertainment their kitten(s) has afforded them. Some of these kittens have become therapy/companions for both a human and/or another beloved pet in the household; best friends with a troubled child; a working hunter with a job; and most important, we hear about how the kitten has become a member of the family.

One such kitten is "Vern" purchased during this year's Jamboree and now living in the Tacoma area. You can see his endearing photos on our Face-

book page (Creatures-Pet-Shop).

We wish we were all sold out of kittens, but to no avail. They are still abundant-AND affordable! For just under \$60 your new friend is spayed/neutered; dewormed; defleaded; had first vaccinations; and is healthy. Please consider adopting and/or at least sharing this opportunity with your friends and co-workers out of the area.

Another point of gratitude is Baily's Pantry inside the Vernonia Cares food bank which stocks dog and cat food for needy families with pets. To assist, we're kicking off our 3rd annual fundraising efforts to help stock their shelves. This year we're going to try and fill an animal carrier with the sale of paper puppies and kittens for \$1 each. On Dec. 31st, one lucky winner will be drawn from the carrier full of puppies and kitties to win the carrier!

Speaking of December, MIKE'S CHRIST-

MAS TREES will be back at the store this year! Shortly after Thanksgiving plan on picking out a locally grown, beautiful tree for your holiday! (We're told the Blue Spruce is looking amazing for the season...).

New this month is the opportunity to receive deep discounts through our pre-purchase promotions driven through Facebook (Creatures-Pet-Shop) and in the store. This is all in preparation for holiday gift giving and it's not too early to begin making your lists! Things like horse blankets and select tack, dog crates and houses; cat furniture; large Melissa and Doug toy sets for children, as well as customized gift baskets in all departments will be included.

As always, we know we wouldn't be here without you, our loyal, local customers. Thank you for your support and patronage! Open 7 Days a Week! Mon-Fri 10-6; Sat 10-5; Sun noon-4; 503-429-PETS(7387).

Ford Named Administrator of Public Health Foundation

The Public Health Foundation of Columbia County is pleased to announce Sherrie Ford has accepted the position of Administrator effective October 1, 2014. Sherrie has been serving as Interim Director since April 19, 2014. Ford brings a knowledge, familiarity,

and understanding of Columbia County as a long-time resident but also provides a fresh perspective on ways to improve, grow, and develop services.

Ford is a St. Helens High School graduate. She attended Oregon State University, earning a Bachelor's degree

in Nutrition and a Master's degree in Public Health. "I came back to my home community and was fortunate enough to start my Public Health career in Columbia County. My six years with the agency have provided me with an opportunity to serve, build relationships, and improve access to care. I am proud and fortunate to invest my time right here at home," explains Ford.

In 2008, Ford was hired to Public Health in Columbia County to coordinate the school-based health center program. During her tenure, two additional school-based health centers were opened in Rainier and Vernonia, with planning underway in Scappoose and Clatskanie. Ford has successfully sought, been awarded and managed nearly \$2 million in grant funds to the agency.

The Foundation is the legal authority regarding Public Health in Columbia County, responsible for many different programs such as Women, Infant, Children (WIC) nutrition program, Tobacco Prevention and Education, Environmental Health including water, as well as restaurant



Sherrie Ford, the new administrator for the Public Health Foundation of Columbia County attended the grand opening of the Vernonia Health Center.

and pool licenses and inspections. The agency also employs skilled nurses who come to a family's home as they get ready to have a new baby and after baby has arrived to help the family get the best start. Staff provides assistance to people who have questions about Cover Oregon and health insurance, and can

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