

# The homeless have no address

By Steve Adler

**WHAT DOES** a homeless person write as his address in an official government form? This case was an example of bureaucracies' limitations when administering social welfare programs.

Shimon Hasid, a homeless man, applied to the National Insurance Institute (NII) for benefits under the Income Support Law of 1980. This law guarantees Israeli residents a minimum income, and is part of Israel's comprehensive social security network, administered by the NII.

Shimon's first claim for benefits was denied because he owned a car. By 1992, he had no car and filed another claim. He gave his address as a synagogue and wrote that he lived in "the back row of the synagogue." The claim was approved, Shimon received benefits, but when letters returned "unknown," benefits were stopped and he didn't file a court case.

In 1996 Shimon submitted another claim to the NII, and left the address box empty. The claim was denied, and the refusal notice said "claim denied because of incorrect information. Please file a corrected claim" with your address. This time Shimon sued the NII in the Tel Aviv Regional Labor Court.

The homeless usually have a story, and Shimon's was sad. At the trial court hearing, he testified that his wife took their apartment, money and car. He had been a truck driver, but was unemployed, had no money, and had nowhere to sleep. Relatives refuse to have contact with him, and he wanders from place to place. For the last few months he slept in a synagogue but was robbed. The NII attorney was sympathetic, but argued that the law requires claimants to submit forms, which include an address. NII tried to overcome Shimon's lack of an "address" by suggesting that he write ad-

resses where he had slept for more than three months, but he refused. The regional court denied Shimon's case, seeing itself bound by the application form's "address" requirement in the law.

Shimon appealed the lower court's decision to the National Labor Court, and I wrote the judgment, accepting the appeal.

My reasoning was as follows. The Income Support Law's purpose is to provide residents a minimum standard of living. The Basic Law:

includes collecting eligibility information on claimants in a reasonable way. The regulations have a standard claim form, and it is reasonable to require applicants to state their address, to enable communication. However, there are special circumstances that require obtaining information in unusual ways. NII should take into account that "homeless" often means no address. Information can be obtained in alternative ways, such as having Shimon appear at an NII office.

This judgment involved a relatively small sum and only one person. However, it was an important judgment because at the time it was handed down, little had been written about homeless rights. It was cited in later cases and academic articles as applying constitutional rights to social welfare situations. It was also cited as an example of understanding the purposes of legislation when interpreting law and regulations. I spoke at international conferences about the protection of vulnerable groups, such as the homeless.

The media reported this judgment with great fanfare, including articles about Shimon. One reporter continued to publish articles about Shimon and the life of a homeless person. For a few months, the judgment and the follow-up newspaper articles seemed to be a happy ending to a sad story.

However, there was a sad ending to the story. An article on November 4, 1997, in *Globes* described Shimon's attempts to receive guaranteed income payments and his success in court. However, the report said that shortly after succeeding in court, Shimon had died sleeping in the street. May his memory be blessed. ■

[NLC case 04-265 *Shimon Tzadik v. NII*, handed down July 29, 1977]



A homeless man on Jerusalem's Jaffa Road (Illustrative photo).

Human Dignity and Liberty of 1992 grants people fundamental rights relating to dignity, freedom, the value of the human being and the sanctity of human life. It incorporates rights and values that ensure Israel will be a Jewish and democratic state. The Supreme Court and National Labor Court interpreted these laws as guaranteeing residents minimum living conditions, which include a minimum income that can assist people to live a minimum existence. A person without a place to sleep or food to eat loses much of his human dignity.

This is especially true of the homeless, who are a weak and vulnerable population. The NII administers the Income Support Law, and must make reasonable efforts to see that those eligible for benefits receive them. This

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