

## DECLARATION OF ADRIAN MCGONIGAL

1. My name is Adrian McGonigal. I am competent and making this declaration on my own behalf. If called as a witness, I would testify consistent with the following:

2. I am 40 years old and currently live with my brother in Pea Ridge, Arkansas. I was paying \$300 per month in rent and contributing to other household expenses, but I will not be able to continue paying this with my recent job loss. I have been with my brother for around two months. Before that, I lived with different family members. I am not married and have no dependent children living with me.

3. I have spent most of my time working in the foodservice industry. In 2016, I started working for McDonald's. I worked there until August 2018 when I started my current job at Southwest Poultry in Rogers, Arkansas. I started in the processing department, but the chemicals were causing me problems because I suffer from chronic obstructive pulmonary disease (COPD). When my COPD flares up, I experience tightness in my chest, shortness of breath, and fatigue and can't do physical activity. My employer transferred me to the shipping department so that the chemicals would not affect me as much. I still sometimes had problems and had to take breaks, but I could do my job and did not miss much work as long as I had my medications. When I lost my insurance due to the work requirements, I could not get my medications and had to miss work. On October 22, 2018, I was fired.

4. Before I ran out of medicine, I usually worked between 30 and 40 hours per week, and my gross income was approximately \$1200 per month.

5. I do not have a driver's license, so I depend on my family or co-workers for rides to and from work or anywhere else I need to go. There is no public transportation where I live that conveniently gets me where I need to go.

6. I have been covered by Medicaid through Arkansas Works since some time in 2014. A medical emergency forced me to go to the hospital. I did not have insurance, so the hospital helped sign me up for Arkansas Works. I go to the Department of Human Services office in Benton County or call them when I have questions or need to renew my coverage.

7. I have several medical conditions that need to be monitored and treated. I have been diagnosed with COPD, degenerative disc disease, depression, and anxiety disorder. With Medicaid coverage through Arkansas Works, I have been able to get the treatment and services I need. This includes visits to my primary care doctor, visits to my pulmonologist, and all of the prescription medications that I need to treat my conditions. I am currently prescribed Trazodone, Risperidone, Tramadol, Methocarbamol, Symbicort, Spiriva, Albuterol, and Singulair.

8. I received a notice from DHS stating that the work requirements would start applying to me in June 2018. I had trouble understanding what this notice was telling me to do. I tried to call and report my work activity to the local DHS office, but they would not help me and told me I could only report online. I am not comfortable with computers, do not own a computer, have very little experience with going online, do not own a smartphone, and have no reliable way to get to the nearest library other than asking family for rides. My family helped me report that I have a job and met the work requirement in June 2018. It was my understanding that this one report was all I needed to do to maintain my coverage.

9. On October 5, 2018, I went to the pharmacy to get my medications refilled. To my surprise, the pharmacist told me that I no longer have coverage and it was going to cost me \$800 to fill just my COPD medications. I did not have money to buy these medications. This caused me a great deal of stress. Missing my medicine also caused me to experience a flare-up in my COPD. Since I no longer had coverage, I had to go to the emergency room for treatment and

miss several days of work. The hospital said they could not keep me without insurance, so I had to recover at home. I believe the hospital will be sending me a bill.

10. My employer has an absence policy where they count missed days as points and where you can only have a certain number of points before they fire you. As a result of my flare-up, I received several points against me for missing work, and my supervisor previously told me they might not be able to hold the position open for me if I miss any more days. On Monday, October 22, my employer told me that they had to let me go because of my absences.

11. Somewhere around October 10, 2018, I tried calling DHS, but DHS could not tell me why my insurance stopped. DHS told me to call my insurance company. My insurance company told me to call DHS. After all of these calls, I still did not know why I was terminated.

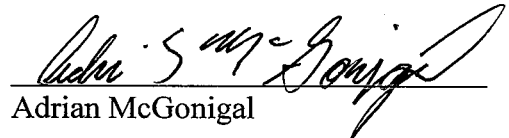
12. On October 19, 2018, with help from Legal Aid, I called Benton County DHS to see what was going on with my coverage. After spending almost an hour on hold, the DHS worker informed me that I lost my coverage because I was non-compliant with the work requirements for three months and that I would not be eligible for coverage until January 2019. I tried to explain that I thought I was in compliance and even received a letter confirming that I reported. That was when I learned that I was required to go online and report each month. I tried to explain that I was not good with computers and had trouble understanding the website, but the DHS worker was unsympathetic. She told me the only way I could get a good cause exemption was if I was in the hospital and could not report.

13. Now that I have lost coverage and my job, I do not know how I will pay for my medications or doctor visits. Losing my coverage caused my health conditions to worsen. Even off work, I struggle with the COPD. Also, since losing coverage, my anxiety has worsened. I can now sleep only two to three hours per night, much less than before. And, I have more back pain.

14. I am joining this lawsuit because I want to work and need my Medicaid coverage so that I can work. Without coverage, my conditions will worsen and cause me to need even more medical care. There is no way that myself or others in my situation can continue to be productive without the assistance that Medicaid provides us for necessary medications and medical care.

**I declare under penalty of perjury that the above information is true and correct.**

**Dated:** October 24, 2018

  
Adrian McGonigal