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**REPORT No. 16/24**  
**PETITION 2240-20**  
REPORT ON INADMISSIBILITY

LAWANDA COLLIER  
UNITED STATES OF AMERICA

Approved electronically by the Commission on April 29, 2024.

**Cite as:** IACHR, Report No. 16/24, Petition 2240-20. Inadmissibility. Lawanda Collier.  
United States of America. April 29, 2024.



**I. INFORMATION ABOUT THE PETITION**

<b>Petitioner:</b>	Dr. Monica Tate of Coosa Nation of North America (CNNA)
<b>Alleged victim:</b>	Lawanda Collier
<b>Respondent State:</b>	United States of America <sup>1</sup>
<b>Rights invoked:</b>	The petition did not specify any international instrument (such as the American Declaration); however, the Commission finds that petitioner refers among others to the right to equal protection, and the right to the progressive development of economic, social, and cultural rights.

**II. PROCEEDINGS BEFORE THE IACHR<sup>2</sup>**

<b>Filing of the petition:</b>	Nov 13, 2020
<b>Additional information received at the stage of initial review:</b>	February 9, 2022
<b>Notification of the petition to the State:</b>	October 3, 2022
<b>State's first response:</b>	May 19, 2023
<b>Additional observations from the petitioner:</b>	December 4, 2023

**III. COMPETENCE**

<b>Competence <i>Ratione personae</i>:</b>	Yes
<b>Competence <i>Ratione loci</i>:</b>	Yes
<b>Competence <i>Ratione temporis</i>:</b>	Yes
<b>Competence <i>Ratione materiae</i>:</b>	Yes, American Declaration on the Rights and Duties of Man <sup>3</sup> (ratification of OAS Charter on June 19, 1951).

**IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

<b>Duplication of procedures and International <i>res judicata</i>:</b>	No
<b>Rights declared admissible</b>	N/A
<b>Exhaustion of domestic remedies or applicability of an exception:</b>	No
<b>Timeliness of the petition:</b>	N/A

**V. ALLEGED FACTS***The petitioner*

1. The petition is presented on behalf of Lawanda Collier (or "the alleged victim"). According to the petition, LC has been wrongfully deprived of disability/social security benefits which allegedly gave rise to multiple human rights violations.

<sup>1</sup> Hereinafter "U.S.A", "U.S.", "United States" or "the State".

<sup>2</sup> The observations submitted by each party were duly transmitted to the opposing party.

<sup>3</sup> Hereinafter "the American Declaration" or "the Declaration".

2. By way of background, the petition indicates that the alleged victim is a native American Indian who resides in the city of Jackson, in the state of Georgia, USA. According to the petition, she was involved in a car accident on May 3, 2018, which caused her multiple debilitating injuries including a broken pelvic/hip. According to information provided by the petition, it appears at the time of the accident, the alleged victim was employed. However, it appears that the nature of her job required her to do a lot of standing and lifting. It appears that the injuries she suffered physically impaired her ability to continue working, and that she subsequently had to stop working. –According to the petition, it appears that the alleged victim’s employment was terminated in May 2018. Generally, the petition seems to have gaps in information/chronology which makes it difficult to follow–.

3. According to the petition, in July 2018, the alleged victim applied for disability/ social security benefits.<sup>4</sup> However, the petition indicates that this application was denied stating there was not "*sufficient vocational information*" to determine whether the alleged victim could perform any of her past relevant work. According to the petition an appeal was filed in December 2018, but was denied<sup>5</sup>. The petition indicates that the alleged victim then procured the services of a law firm to take her case before an administrative law judge<sup>6</sup>. The petition further states that the administrative law judge dismissed the alleged victim’s case<sup>7</sup>. It appears that Lawanda Collier then appealed the ruling to the “Appeals Council”<sup>8</sup>, which rejected the appeal on September 16, 2020. According to the petition, the law firm representing Lawanda Collier advised her that: (a) she could appeal to the Federal District Court, but that based on the ruling, it was unlikely that an appeal would be successful; and that appeal must be done within sixty days of Appeals Council ruling, in the alternative, she could file a new application for social security benefits. Based on the information provided by the petitioner, it does not appear that any further steps were taken to appeal to the Federal District Court (or any other tribunal).

4. According to the petition, the denial of disability/social security benefits has meant that the alleged victim has generally impediments to adequate healthcare or the necessary prescribed therapies (post pelvic/hip surgery). The petition adds that the alleged victim previously had her employment health benefits, but these expired shortly after she was hospitalized when she lost her job. The petition indicates that Lawanda Collier has received some assistance from the Coosa Nation of North America (CNNA) in terms of dealing with daily tasks and managing her medical and health needs. According to the petition, the CNNA was only able to get one charitable physical therapy appointment for the alleged victim; and that given the nature of her injuries, this was not and remains insufficient for her health and wellbeing.

#### *The State*

5. The United States rejects the petition as inadmissible principally because of: (a) failure to exhaust domestic remedies; and (b) failure to state facts that tend to establish a violation of the American Declaration.

6. As a preliminary observation, the State submits that the petition does not provide a clear account of the fact or situation denounced, specifying the place and date of alleged violations, as required under Article 28(4) of the Commission’s Rules of Procedure. In this regard, the State notes that while the petition complains of denial of social security benefits, that the claims made in this regard are too vague and conclusory to support violation of the American Declaration and therefore do not meet the requirements of Article 28 (4) of the Commission’s Rules of Procedure. The State further submits that the Commission is ill-equipped to undertake the sort of evidentiary investigation that would be necessary to resolve the questions of fact raised by the petition’s vague allegations; and that such investigation is appropriately left to domestic authorities.

7. Regarding the issue of exhaustion of domestic remedies, the State submits that prior to the initiation of international proceedings, an alleged victim must firstly, pursue and exhaust judicial remedies. The State notes that this provides an opportunity for the State to correct alleged violation of rights. The State further

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<sup>4</sup> It appears that this application was made to the federal Social Security Administration (SSA).

<sup>5</sup> It appears that this appeal was made to a body within the SSA, but it is not clear from the petition.

<sup>6</sup> It appears that the administrative law judge is a functionary within the SSA, though the petition is not clear on this.

<sup>7</sup> The petitioner does not supply a copy of the ruling of the administrative law judge, nor a date of this ruling.

<sup>8</sup> This body appears to be part of the SSA’s adjudicatory structure (though not clearly stated as such by the petition).

submits that Commission has repeatedly made clear that in order to give the State the opportunity to correct alleged violation of rights before an international proceeding is brought, judicial remedies pursued by alleged victims must meet reasonable procedural requirements established under domestic law. The State further asserts that these reasonable requirements may include both administrative and judicial remedies.

8. Regarding the petition, the State submits that it is difficult to determine with precision what domestic remedies were pursued by the alleged victim. It notes that the attorneys representing the alleged victim notified her that she had a right to appeal the Administrative Law Judge's decision in her case and advised her regarding relevant deadlines. The State further notes that there is no evidence that the alleged victim pursued an appeal to the Federal District Court. The State also indicates that there is also no evidence that the alleged victim pursued the other alternative presented by her attorneys of submitting a new application for social security. Given the foregoing, the State concludes that the petition is inadmissible for failure to pursue and exhaust domestic remedies.

9. Additionally, the State submits that the petition is also inadmissible under Article 34(a) and (b) of the Rules because it does not state facts that tend to establish a violation of the American Declaration and the information provided by the petitioner indicates that it is manifestly groundless. The State further indicates that the extensive materials submitted by the petitioner do not establish violations or otherwise implicate rights set forth in the American Declaration.

## **VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

10. Article 31 (1) of the Commission's Rules of Procedure provides that for a petition to be admissible the Commission shall verify whether the remedies of the domestic legal system have been pursued and exhausted in accordance with the generally recognized principles of international law. This requirement ensures the State the opportunity to hear the alleged violation of a protected right and, if applicable, settle the issue before it is brought before an international body settle human rights complaints within its own system of justice before being addressed by an international body.

11. This petition revolves around the alleged denial of federal disability/social security benefits to the alleged victim. Based on the record, it appears that the alleged victim initially applied for these benefits from the federal Social Security Administration in July 2018 after suffering injuries in a major car accident. Ultimately, her application was denied, following which appealed unsuccessfully to an administrative judge and then to an Appeals Council. The last decision of the Appeals Council was issued on September 16, 2020. Based on the information available, it was open to the alleged victim to appeal further to the Federal District Court. However, it appears that this step was never taken; and further, there is no clear indication that the alleged victim was prevented from invoking or exhausting this domestic remedy. The Commission takes note of the State's submission that the alleged victim was obliged to pursue and exhaust available judicial remedies, to provide an opportunity for the State to correct the alleged violation of rights. In this matter, it appears that the procedures pursued before the administrative judge and the Appeals Council were purely administrative and were subject to judicial review by the Federal District Court. Unless prevented from doing so, the Commission considers the alleged victim was obliged to pursue available (federal) judicial remedies, particularly given that disability/social security benefits refused were federal in nature. As previously noted, there is no evidence that the alleged victim pursued this federal remedy or was prevented from doing so.

12. Given the foregoing, the Commission is unable to verify that the alleged victim has exhausted judicial domestic remedies in relation to the alleged claims. Accordingly, the Commission considers that the petition is inadmissible for failure to comply with the requirements of Article 31 (1) of the Commission's Rules of Procedure.

13. Whereas the foregoing conclusion on the issue of domestic remedies is sufficient to dismiss of this petition, the Commission nevertheless wishes to make some observations regarding the applicability of the fourth instance doctrine to this matter. In this respect, the IACHR notes that the interpretation of the law, the relevant proceeding, and the weighing of evidence, is among others, a function to be exercised by the

domestic jurisdiction, which cannot be replaced by the IACHR; unless it finds that a violation of one of the rights protected by the American Declaration might have been committed. In the instant case, based on the information submitted by both parties in the proceedings, the Commission deems that the petitioner has not provided sufficient evidence or grounds to consider, at least *prima facie*, any violations of her rights as guaranteed by the American Declaration.

**VII. DECISION**

1. To find the instant petition inadmissible; and
2. To notify the parties of this decision; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 29<sup>th</sup> day of the month of April, 2024. (Signed:) Roberta Clarke, President; Arif Bulkan, Andrea Pochak, and Gloria Monique de Mees, Commissioners.