

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Richmond Division**

COMMONWEALTH OF VIRGINIA	)
EX. REL. KENNETH T. CUCCINELLI, II,	)
in his official capacity as Attorney	)
General of Virginia,	)
	)
Plaintiff,	)
	)
	)
v.	)
	)
KATHLEEN SEBELIUS,	)
SECRETARY OF THE DEPARTMENT	)
OF HEALTH AND HUMAN SERVICES,	)
In her official capacity,	)
	)
Defendant.	)

**AFFIDAVIT OF MARCUS A. GRIMES**

1. My name is Marcus A. Grimes, and I am 39 years old. I live in Woodbridge, Virginia, with my wife and my step-daughters.

2. In the fall of 1989, I was an eighteen-year-old college freshman at Slippery Rock University in Pennsylvania. I was diagnosed with diabetes, and my blood sugar was more than ten times the normal level. Luckily, I was insured through my parents’ policy, and through a policy with the University. I took this diagnosis very seriously and moved home to my parents’ house in Washington, D.C. to address my diabetes through a commitment to medical care and weight loss.

3. After I moved from Pennsylvania to Washington, D.C., I transferred to a college close to my parents’ home, and continued my college education while focusing on my health. At this

time, I started weightlifting on a regular basis. I would go to the gym five or six days a week, sometimes twice a day, for 2-3 hours a day. I eliminated refined sugar from my diet. I went from 350 pounds to 195 pounds, and could bench press 350 pounds, squat 720 pounds, and curl 50 pounds. Through diet and exercise, I was able to go from becoming an insulin-dependent diabetic in 1989 to not needing any insulin at all today.

4. In 1998, I graduated from college. It took me longer than average to graduate because I lost credits when I transferred schools. I was also working while I was in school, and didn't carry a full-time schedule every semester. I started teaching high school English in Prince George's County, Maryland. I enjoyed teaching. I then had an opportunity to teach at the IDEA charter school in Washington, D.C. At both schools, I had a good relationship with my students and had employer-sponsored health insurance. I took a job at the federal Department of Education, where I also had employer-sponsored insurance. But I missed teaching and looked to return to the classroom.

5. My third year of teaching I joined the faculty of a charter school in Washington, D.C. – the New School For Enterprise And Development. The school did not offer regular group insurance. Instead, the business manager offered us a meeting with an insurance broker, where I could purchase an individual policy. Because I had a pre-existing condition, even though my diabetes no longer required insulin, the premiums would be more expensive than I could afford on my teacher's salary. The broker told me my premiums would be \$627 every two-week pay period. I decided reluctantly to decline the health insurance, and instead focus on keeping myself healthy with a sugar-free diet, regular workouts, and weightlifting. But I was worried about not having any health insurance, so I signed up for the DC HealthAlliance, which provided limited health insurance coverage.

6. As part of my fitness regimen, I took several nutritional supplements on the advice of people I met working out at the gym. This led to heart failure in 2004. I was admitted to the Washington Hospital Center for two weeks. I was worried about paying for the bill because I didn't have employer sponsored health insurance. They sent me home from the hospital before I felt ready to leave, but I didn't think I could do anything.

7. I also had a blurry spot, a spot that I couldn't see clearly, in my eye. While recovering from the heart problems, I decided to see an eye doctor about this. He told me my retina was detaching. I needed a \$50,000 surgical procedure to save my eyesight. It would cost more than I could afford to pay. The DC HealthAlliance plan would not cover any vision problems. I asked the doctor for a payment plan, and he said I needed a down payment of \$3,000, which I could not afford. My parents and I launched a letter writing campaign, asking for help from the mayor, city council members, even Eleanor Holmes Norton in Congress, and nobody could help me get the insurance company to pay for the surgery. I was totally depressed. I had made the "right" decisions all my life, and now I was losing my vision because I had taken a job teaching at a charter school without good health insurance.

8. Gradually, from 2002-2003, I progressively lost my eyesight in my left eye, then in my right eye. By 2004 I was legally blind. I was too depressed to ask people to help me raise money. I just gave up, and I felt like there was no hope.

9. Also in 2004, I was having problems teaching. My health problems meant I missed a lot of school, and the school fired me. I almost lost my apartment because I had no income. Several times, the landlord took me to court to evict me, and I was too scared to go to the courthouse. I sold my car to make the payments. I was an English teacher, and loved to read and write, only I

couldn't read anymore. I didn't know what would happen to me. I applied for Medicaid, and was approved for those benefits to pay my medical bills.

10. After I began to lose my eyesight, I quickly was approved for Social Security Disability Insurance (SSDI) payments, so that helped me pay my rent. I became dependent on Social Security Disability Insurance (SSDI). My check is about \$1100 a month. Once I started receiving those payments, I lost my eligibility for Medicaid because I was over-income. Once again, I turned to the DC Health Alliance, but worried about what other kinds of care I wouldn't get because I was using that insurance. After working so hard to become a teacher, I never thought this would happen to me.

11. I was taking medicine for my heart problems. My prescriptions were over \$700 a month, and I started skipping doses in order to save money. I learned there were some pharmacies that would give me medications for free, but they didn't always stock the medications my doctor prescribed, so I wasn't always taking the correct medications.

12. Now, I take medicine to control my blood pressure, for my heart, for fluid retention, and phosphate binders for my dialysis. I get dialysis three times a week because the protein in the nutritional supplements damaged my kidneys. Some of my medications make me drowsy, so it's hard to take care of my step-daughters when they get home from school.

13. I am now totally blind. I've never seen my wife's face, our daughters' faces, and I never will. It's hard to do basic things like quiz my kids with their spelling words. I can't drive, and I don't take the bus very easily, so I spend most of my days at home, alone. Instead of making a contribution to society, and helping students learn, I am dependent on a check from Social Security every month. I was a basketball coach, and now I can't do that. I was a tennis player,

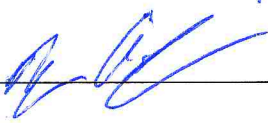
but I can't do that, either. I get audio-books from the library, but that's not the same as reading a book. I can't drive a car, and am totally dependent on others for my transportation.

14. I currently have Medicare, which I got after a two year waiting period. I also have a grant from the American Kidney Fund, a charity headquartered in Rockville, Maryland, to help pay for a supplemental Medicare plan. I am receiving dialysis treatments three times a week at a center near my home. Until recently, my wife took me to all of those appointments. Now that she's working, I don't know how I'm going to get to all of them. I've asked my Medicare plan to arrange for transportation, but that doesn't seem like it will work out. I am afraid to take the bus by myself because I am blind.

15. Despite having Medicare, I still have outstanding medical bills for two recent ambulance trips that were not covered by either insurance plan. I am trying to get insurance to pay them, because I don't have the extra money for those bills. I don't like being dependent on government programs, but I don't have any other choice.

17. If I'd been able to get good, affordable, health insurance I wouldn't be blind today. I didn't ask my family to help me get the money for health care, and I regret that every day. I was in such despair I didn't think it was possible to raise the money I needed. Despite my best efforts to stay healthy, I ended up losing my job, my vision, and my future as a teacher because I couldn't afford comprehensive health insurance. I support health care reform because I want to make sure I don't have to make future medical decisions based on what my health insurance company won't cover. My daughters have asthma, a pre-existing condition, and I don't want them to be denied health care due to a lack of good insurance like I was.

Executed this \_\_ day of September, 2010, in Woodbridge, Virginia.



Marcus Grimes

CITY OF WOODBRIDGE

COMMONWEALTH OF VIRGINIA

Subscribed and sworn before me this 30<sup>th</sup> day of September, 2010, by Marcus Grimes.



My commission expires: 1/31/2014

Notary Public

