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Ninth Circuit Court Preserves Opportunities for Blind Vendors

HONOLULU - In an opinion issued August 30, 2022, the United States Court of Appeals for the Ninth Circuit found in favor of the Ho`opono program of the Department of Human Services Division for Vocational Rehabilitation. The Ho`opono program sued the Army for failing to provide business opportunities for the blind at the Schofield Barracks under the Randolph-Sheppard Act, a federal law passed to insure that those business opportunities would be available. The unanimous decision by a panel of three judges preserves opportunities for small businesses owned and operated by the blind.

The Randolph-Sheppard Act requires federal programs, including the military, to give blind and visually impaired participants a preference in contracting when the federal program needs a vending facility or a cafeteria contract. The Ho`opono program provides comprehensive and specialized services for the blind and visually impaired. Those services include supporting blind or visually impaired individuals who own and operate vending facilities and cafeterias pursuant to the Randolph-Sheppard Act.

For many years, a blind vendor from the Ho`opono program ran the cafeteria at Schofield Barracks. In 2017, the Army decided to take that opportunity away from the blind vendor and award it to another small business. The Ho`opono program filed a federal lawsuit and the Ninth Circuit agreed that the Army did not have the authority to deny the blind vendor the opportunity to operate the cafeteria.

Special Deputy Attorneys General Dan Edwards and Ryan Goellner were lead counsel representing Ho`opono with the Department of the Attorney General. "The Special Deputies in this case have invaluable expertise in military contracting," said Attorney General Holly Shikada. "They helped us get some much-needed clarity in this area. The court's decision is an important affirmation for Ho`opono and similar blind vendor programs nationwide, that providing opportunities for economic advancement for the blind and visually impaired is not just the right thing to do, but a requirement of federal law. "

Lea Dias, Administrator for the Ho`opono program, reacted to the decision saying, "This victory brings us one step closer to providing an opportunity for a blind businessperson

to achieve the American dream of economic independence through persistence and hard work. We are deeply appreciative of the support, guidance, and tremendous hard work from our legal team.”

The Army can ask to appeal the decision to a full panel of the Ninth Circuit or to the United States Supreme Court.

A link to the decision can be found [here](#).

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