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1995 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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2-2-1995

## Helen v DiDario

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 94-1243

HELEN L., BEVERLY D., FLORENCE H.,  
ILENE F., IDELL S., and AMERICAN DISABLED  
FOR ATTENDANT PROGRAMS TODAY ("A.D.A.P.T.")

Idell S., Appellant

v.

ALBERT L. DiDARIO, individually and in his  
official capacity as Superintendent of Norristown  
State Hospital, and KAREN F. SNIDER, in her capacity  
as Secretary, Pennsylvania Department of Public Welfare

Karen F. Snider, Appellee

Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 92-6054)

Argued September 13, 1994

Before: MANSMANN, COWEN and McKEE, Circuit Judges

ORDER AMENDING SLIP OPINION

IT IS HEREBY ORDERED that the following portion of the  
Slip Opinion at 15 filed in this case on January 31, 1995:  
"The prohibitions contained in the later  
regulations are under a regulation which  
states 'Discriminatory actions prohibited.'

45 U.S.C. § 84.4(b)(1). That regulation does not state that the actions set forth are prohibited per se. Rather, it states that recipients of federal funds may not engage in the enumerated acts 'on the basis of handicap.' 45 U.S.C. § 84.4(b)(1)."

be amended as follows:

"The prohibitions contained in the later regulations are under a regulation which states 'Discriminatory actions prohibited.' 45 C.F.R. § 84.4(b)(1). That regulation does not state that the actions set forth are prohibited per se. Rather, it states that recipients of federal funds may not engage in the enumerated acts 'on the basis of handicap.' 45 C.F.R. § 84.4(b)(1)."

BY THE COURT

/s/ Theodore A. McKee  
Circuit Judge

Dated: February 2, 1995