SSI/ SSDI Overview

Retirement, Survivors, and Disability Insurance

- Federal equivalent of State assistance programs
- A.K.A. RSDI, SSDI or Title II
- For the:
  - Retired (62 or older)
  - Blind and Disabled
  - Dependents of Retired, Blind, Disabled, and Deceased Workers (spouses, children, widow(er)s, ex-spouses)

Supplemental Security Income a.k.a. SSI or Title XVI

- Aged (elderly individuals 65 and older)
- Blind adults and children (20/200 in best eye after correction)
- Disabled adults and children

Non-Medical Eligibility

SSI Eligibility

- ✓ Based upon financial need
- ✓ If eligible for welfare, most likely eligible for SSI
- ✓ Mostly for people with little or no work history
- ✓ Only some noncitizens eligible

SSDI Eligibility

- ✓ Based upon a person's work history and FICA taxes paid
- ✓ Must be "insured" for benefits
- ✓ Finances is normally not a consideration
- ✓ Noncitizens eligible

SSI Financial Eligibility

Income Limits

Income must be less than the federal benefit rate. The maximum a person can receive is:

$735-individual*

$1,103-couple*

*2017 figures

SSI Financial Eligibility

Unearned Income

Sally received a $100 gift from her mother. Her SSI will be reduced:

Step 1:

$100 amount of gift

-$20 exempt amount

$80 countable unearned $

Step 2:

$735 max. SSI benefit

-$80 countable $

$655 Sally's SSI benefit

SSI Financial Eligibility

Earned Income

Sally works part-time. She earns $305 gross per month. Her SSI will be reduced:

Step #1:

$305 wages

-$85 exempt amount

$220

÷ 2

$110 countable earned income

Step #2

$735 max. SSI benefit

$110 countable $

$625 Sally's SSI

SSI Financial Eligibility

Deemed Income

SSA counts income from certain individuals as available to recipients

*From spouse to spouse

*From parent to child

*From sponsor to alien

SSI Financial Eligibility

In-Kind Support And Maintenance (ISM)

- SSA will reduce a person's SSI benefits for any food or shelter given that is free or at a reduced charge
- Usually 1/3 reduction

SSI Financial Eligibility

Resource Limits

Assets and resources must be less than the limits:

Individual--$2000

Couple--$3000

SSI Financial Eligibility

Exempt Resources

- ✓ Home that recipient lives in
- ✓ Household goods and personal effects
- ✓ A car

  *totally exempt if used for transportation for claimant or a member of claimant's household
- ✓ Life insurance if face value of polici(es) less than $1500
- ✓ Burial plot and burial funds of up to $1500

SSI Financial Eligibility

Exempt Income

Not all income counts:

- ✓ First $20 of income (either earned or unearned)
- ✓ First $65 of earned income and ½ of remainder (wages, tips)
- ✓ Earned Income Tax Credit (EITC)
- ✓ Loan proceeds
- ✓ SNAP
- ✓ Housing assistance
- ✓ Bills paid by a third party which is not food or shelter
- ✓ Infrequent (no more than once per calendar qtr.) or irregular (not reasonable expected) income ($30 earned; $60 unearned)

SSI Financial Eligibility

Transfer of Assets

- ✓ A penalty for disposal of resources for less than fair market value
- ✓ Look back period is 36 months
- ✓ Can lose SSI benefits for no more than 36 months
- ✓ Penalty calculated by dividing unpaid value by the federal benefit rate plus state supplement
- ✓ Certain circumstances where no penalty

SSI Alien Eligibility

- August 22, 1996
- Many immigrants do not qualify for SSI.
- They may qualify for SSDI, provided they have enough work history.

SSDI Worker Eligibility

Fully Insured

- ✓ Must have 40 quarters or at least one quarter a year between age 21 and the year disability begins
- ✓ $1,300 gross earnings in 2017 = 1quarter
- ✓ A max of 4 quarters a year may be earned

20/40 Rule

- ✓ Must have at least 20 quarters in the 40 calendar quarters preceding disability onset
- ✓ Basically, must have worked 5 out of last 10 years

Medical Eligibility

- ✓ Same for both SSI and SSDI
- ✓ An inability to engage in any substantial gainful activity by reason of any medically determinable physical and/or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months
- ✓ Use the Sequential Evaluation Process

Sequential Evaluation Process

Non-Medical Eligibility AND Durational Requirement

YES Go to Step #1

NO Denied

YES Denied

Step #1
Is the person engaged in SGA?

NO

YES

Step #2
Does the person have a severe impairment?

NO Denied

YES Awarded

Step #3
Does the impairment meet or equal a listing?

NO

NO

Step #4
Is the person able to return to past relevant work?

YES Denied

YES Denied

Step #5
Is the person able to perform other work?

NO Awarded

Better Cases

- Person has been unable to work over an extended period of time due to disability (one year or more)
- Person is age 50 or over (at age 55 and 62, the odds get even better)
- Person has less than a high school education and no GED (< 7th grade or illiterate even better)
- Person has not worked in the last 15 years or only worked in unskilled or very physically strenuous jobs

Drug and Alcohol Abuse

WOULD THE INDIVIDUAL STILL BE DISABLED IF HE OR SHE STOPPED USING DRUGS OR ALCOHOL?

NO → DENIED

YES → AWARDED

Once Approved

- Might be eligible for SNAP and other benefits
- 24 month wait to obtain Medicare for SSDI recipients
- SSI recipients are eligible for Medicaid through a State run program
- If Medicare premiums not covered by Medicaid or other program, then they will be taken from benefits.

SSI/SSDI Appeal Process

Notice of Application Denial

↓ 60+5 days

Reconsideration

↓ 60+5 days

Administrative Hearing

↓ 60+5 days

Appeals Council

↓ 60+5 days

Judicial Review

SSI/SSDI Appeal Process

Reconsideration

- ✓Initial disability=paper review
- ✓Initial non-medical=a paper review or informal conference
- ✓New evidence may be presented

SSI/SSDI Appeal Process

Administrative Hearing

- ✓Hearing with an administrative law judge (ALJ)
- ✓Can review SSA file prior to hearing
- ✓New evidence can be presented
- ✓Vocational expert may testify on work skills and transferability to other work
- ✓Medical advisor may present expert opinion

SSI/SSDI Appeal Process

Appeals Council

- ✓ May refuse to review the hearing decision
- ✓ May affirm, reverse, or modify the decision
- ✓ May also remand the case back down to the ALJ for additional proceedings
- ✓ Scope of review is limited
- ✓ Additional evidence relating to relevant period may be submitted

SSI/SSDI Appeal Process

Termination/Suspension/Reduction Appeals

- ✓Request continued benefits pending appeal
- ✓Appeal must be filed 10 + 5 days after date on notice
- ✓Can receive benefits through hearing appeal
- ✓If lose appeal, SSA will ask for repayment
- ✓If 10 days passed, can still appeal in 60 + 5 days from date of termination letter

SSI/SSDI Appeal Process

Late Appeal Filings

- ✓ File for a good cause exception
- ✓ Examples:
  - *letter lost in mail
  - *letter received late in mail
  - *being unavailable during appeal period
  - *illiteracy or poor English skills
  - *mental illness

SSI/SSDI Overpayments

SSA will issue an "overpayment" or debt when that individual has been alleged to have been paid too much benefits such as when there has been a change in eligibility or benefit level

SSI/SSDI Overpayments

Overpayment Collection

- If get SSI—SSA can take 10% of individual's monthly income
- If get SSDI—SSA can take entire benefit, unless another arrangement is worked out
- If not of SSI or SSDI—SSA will send bills
- SSA may use other methods to recoup the overpayment, such as tax refund, civil suit, compromise settlement, and cross-program recovery

SSI/SSDI Overpayments

ASK THREE QUESTIONS:

1. WAS THE INDIVIDUAL ACTUALLY OVERPAID?
2. HAS THE OVERPAYMENT AMOUNT BEEN CORRECTLY COMPUTED?
3. IS THE INDIVIDUAL ENTITLED TO A WAIVER OF THE RECOVERY OF THE OVERPAYMENT?

SSI/SSDI Overpayments

Overpayment Notice

Overpayment Appeal

Overpayment Waiver

SSI/SSDI Overpayments

Overpayment Appeal

- ✓File a Request for Reconsideration
- ✓Must file within 60 + 5 days
- ✓If file within 30 days, can prevent recoupment
- ✓Further appeals can be made if reconsideration is denied

SSI/SSDI Overpayments

Overpayment Waiver

A waiver request asks to be relieved of the obligation to repay the overpayment regardless of whether the overpayment exists

SSI/SSDI Overpayments

Overpayment Waiver

- ✓ A waiver may be requested at any time
- ✓ If request made within 30 days of overpayment notice, can prevent recoupment
- ✓ If waiver request denied, may file a request for reconsideration within 60 + 5 days
- ✓ If reconsideration filed within 30 days, can continue to prevent recoupment
- ✓ Both an overpayment appeal and a waiver request may be made at the same time

SSI/SSDI Overpayments

Waiver Requirements

1. Individual is without fault, AND
2. Recovery of the overpayment would:
    a. cause too much financial hardship, OR
    b. be against equity and good conscience, OR
    c. impede the efficient SSI/SSDI administration

SSI/SSDI Overpayments

Overpayment Notice

Overpayment Appeal

Reconsideration

Overpayment Waiver

Waiver Request

Reconsideration

Administrative Hearing

Appeals Council

Judicial Review

APPEAL DEADLINES:

60 + 5 days

30 days to prevent recoupment

Fugitive Felons

- ✓ Fugitive felons are not eligible for both SSDI and SSI benefits
- ✓ SSA is cracking down by suspending benefits of those they consider fugitive felons both with current recipients and new applicants

Fugitive Felons

What To Do

- ✓ Have one year to clear up the matter
- ✓ If not cleared up, suspension becomes a termination and person must re-apply for benefits
- ✓ Benefits will resume as of date the criminal problem is cleared
- ✓ File a reconsideration appealing the suspension notice
- ✓ Can get continued benefit payment if appeal within 10 days

Fugitive Felons

Issues to Consider

- ✓ Allege good cause (effective 1/1/05):
  - ✓ If charges dismissed or warrant vacated (mandatory)
  - ✓ Identity fraud occurred (mandatory)
  - ✓ Crime(s) nonviolent and not drug-related and "mitigating factors" exist, such as time passed since warrant issued, mental capacity, and whether subsequent crimes committed
- ✓ Some courts have suggested that if individual can be eligible for benefits if he or she did not "intend" to flee to avoid prosecution

Fugitive Felon: *Martinez* Settlement

- Effective April 1, 2009
- Suspension only for
  - Flight to avoid prosecution or confinement
  - Escape from custody
  - Flight-escape
  - Parole/probation violation
- Overpayments waived for claims prior to effective date
- Lump sums granted for claims prior to effective date

Social Security Information

NOLO Guides: www.nolo.com

SSA's website: www.ssa.gov

National Organization of Social Security Claimants' Representatives: www.nosscr.org

Apply for SSI and SSDI

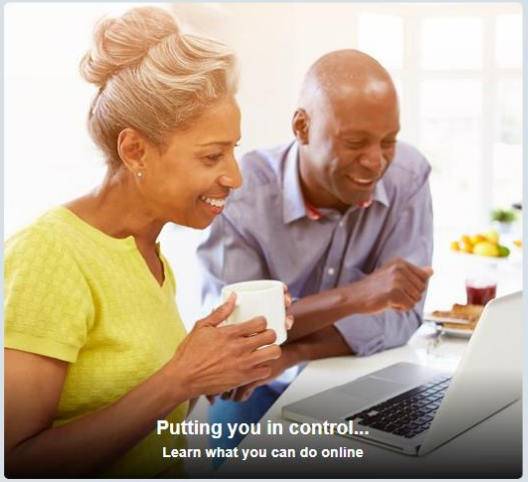
- www.ssa.gov
- SSDI: apply online
- SSI: call the office for an appointment (1-800-772-1213)

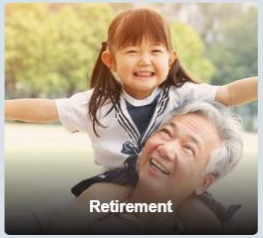
The United States Social

Social Security Administration [US] | https://www.ssa.gov

Social Security

SEARCH MENU LANGUAGES SIGN IN / UP





my Social Security

Check out your *Social Security Statement*, change your address & manage your benefits online today.

Social Security Number

Your Social Security number remains your first and continuous link with Social Security.

Retirement Estimator

Calculate your benefits based on your actual Social Security earnings record.

FAQs

Get answers to frequently asked questions about Social Security.

Posted June 10, 2017: An Important Message for *my* Social Security Users: Please read this important notice about changes to your account.

2:03 PM
7/21/2017

Disability Benefits

Social Security Administration [US] | https://www.ssa.gov/disabilityssi/

Social Security

SEARCH MENU LANGUAGES SIGN IN / UP

Disability Benefits

Learn about Disability Benefits

Social Security pays disability benefits to people who can't work because they have a medical condition that's expected to last at least one year or result in death. Find out if you qualify and how Social Security can help you.

USE OUR DISABILITY PLANNER

Already Receiving Benefits

If you receive Social Security disability benefits, you can get information and services for managing your benefits online.

MANAGE YOUR BENEFITS

Social Security offers an online disability application you can complete from the comfort of your home or office at a time most convenient for you. There's no need to drive to a local Social Security office or make an appointment with a representative. Once you submit your application electronically, Social Security will process it and contact you if any further information is needed.

To apply for a child, please go to Applying for Disability Benefits-Child (Under Age 18).

Apply for Disability | Return to a Saved Application

Check Application or Appeal Status

If you prefer to complete your application in a language other than English, the

Related Information

Faces and Facts of Disability

Publications

Disability Benefits

Other Disability Publications

Related Information

Benefits for People with Disabilities

Information for Representatives

Helping Someone Apply Online

What You Need to Know About The Online Disability Application

Adults Disabled Before Age 22

Social Security Disability Claims Process

Research

Appeal a Decision

Healthcare Information

Health Information from Department of Health and Human Services

2:05 PM
7/21/2017

Apply for Benefits, Social

Social Security Administration [US] | https://secure.ssa.gov/iClaim/dib

Español | Text Size | Accessibility Help

Social Security

The Official Website of the U.S. Social Security Administration

Apply for Benefits

OMB No. 0960-0618
Paperwork Reduction Act

Apply Online for Disability Benefits

Getting Ready

Before you start your application, we recommend that you take a moment to prepare yourself by reviewing a few items:

1. Make sure you meet the requirements to apply online for Disability;
2. Gather the information you need to complete the application process

Apply & Complete

Applying for disability is a multi-step process that may take between **one to two hours** to complete depending on your situation. You can save your application as you go, so you can take a break at any time.

Start a New Application **or** Return to Saved Application Process

Follow Up

After you're finished, we will contact you with any updates or questions we may have about your information. You can go to www.socialsecurity.gov and sign in or create a *my* Social Security account to check the status of your completed application.

Video Introduction
Helpful hints for applying online
1 minute

More Information

- Information About Social Security Disability Programs
- Other Ways To Apply for Benefits
- Your Right to Representation

Your privacy is important.

For details about our use of your information, we encourage you to read our Privacy Act Statement.

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7/21/2017