

The Bridge to Work:

Supplemental Security Income (SSI)

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This curriculum was developed under a grant awarded by the U.S. Department of Labor’s Employment and Training Administration awarded to the Minnesota Department of Employment and Economic Development.

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Overview of Training

Planning for the future, including future employment, for youth with disabilities during the transition years can be a challenging for families. This training will help families understand the importance of benefit planning while setting high expectations for future employment. Work goals are center to the transition plans of many transition age youth. Families can begin taking steps toward a meaningful, adult life filled with success well before graduation from high school.

Intended Audience

This training is intended for parents of youth with disabilities in middle school or high school. All information presented in this curriculum may not be appropriate for all audiences. The facilitator is encouraged to focus on specific sections as needed. Most parents need more information about the application process. This is the core content of the curriculum for many parents. This information is presented from a parents advocate's viewpoint and may not be appropriate for Social Security professionals. SSA has curriculums available for this purpose.

Purpose and Goal of Training

The purpose of this workshop is for parents learn about the application process for Supplemental Security Income, employment training programs and how to link benefits and work after youth turn 18. It is designed to make families aware that there are work incentives that allow students to continue working toward their career goals while receiving some SSI benefits.

Workshop Objectives

1. Parents will understand the importance of benefit planning.
2. Parents will learn how to apply for Supplemental Security Benefits.
3. Parents will learn that youth can continue to earn money and work towards their future employment goals while receiving SSI.

4. Parents will understand how employment programs (i.e., Ticket to Work, Employment networks and Vocational Rehabilitation Services) can help their youth achieve his or her future living, learning and working goals.
5. Parents will learn about additional resources to help them work with benefit planning and Federal and State programs.

Supplies Needed for This Training

1. Easel and easel paper or whiteboard to record input from participants during interactive portions of the training.
2. Copies of the handouts and activities that accompany the presentation.
3. Copies of the presentation.
4. Projector access to the internet is helpful but not required.

Specific to this Curriculum

- Be prepared to spend more time on topics that audiences want to know about.
- Know your content. SSI and Ticket to Work requires strong knowledge of the subject.
- Make sure to never give out false information. It's ok to say "I don't know" or "I'll have to get back to you on that." SSI is especially complex and many questions families ask will not have simple answers and may depend on information that you or the participant does not have.

Evaluations

Participant evaluations are an important component of any training. Please distribute and collect evaluation forms from all workshop participants.

Tips for Trainers

As the trainer, you are the key to making this presentation a success. Knowing your community and drawing on your own experiences and stories will make this curriculum more relevant for families. It is important to actively think about the audience you will be reaching. Parents of transition age youth often have little knowledge of benefit planning or how work and Supplemental Security Income (SSI) complement each other.

It is important to help participants understand the information step-by-step. Many parents will feel overwhelmed simply by the introduction of materials and the terminology. Too much information during one session will be difficult for families to comprehend, to utilize or to transfer to their own son or daughter's needs. It is critical to know your audience or to take a brief survey at the beginning of the workshop to determine how familiar participants are with the topic and to adapt the information appropriately.

These materials can be easily divided into a 2 or 3 part training series. This will provide time for parents to process the information, study the handouts, begin the application process and to ask questions as they proceed.

Presenting

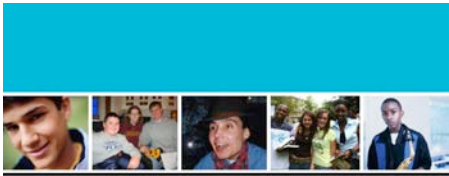
This curriculum is not meant to be read as a script. Instead, it should be used as a basis of content knowledge that you can build upon and revise to make more appropriate for your audience.

Vary the way you convey information by:

- Building in time for discussion and group activity;
- Incorporating stories to demonstrate a point, process or benefit;
- Including a guest speaker such as a local SSI representative, vocational rehabilitation counselor, benefit planner, or other service provider.

Preparation

- Know your material: Information is provided for each slide as a way to prepare your own remarks and examples for the training. Notes provided in this curriculum are not meant to be a script.
- Read your audience and check in with them often to see if you need to slow down or change course.
- Personalize your PowerPoint presentation: Slides are left open for you to edit and revise as you feel necessary. This includes eliminating or adding slides and using different words or images to reflect your organization.
- Add your own examples and stories: Examples and stories allow people to relate information to their own lives and understand how they can apply what they learn.
- Rehearse and time your presentation: It's better to be short than rushed. SSI information is especially difficult for many to comprehend. Provide time for participants to ask questions and to absorb a concept before moving on to the next section.
- Know your audience: Will you be speaking to parents, teachers, professionals, or a mix? Will the participants have already started the application process or are just beginning to consider applying for benefits on behalf of their son or daughter?
- Have handouts and resources: Use related resources, handouts and lists of local, community supports. The resources provided are a starting point for creating your own information packets.



The Bridge to Work:
Supplemental Security Income (SSI)



SLIDE 1

The Bridge to Work: Supplemental Security Income (SSI)

PACER receives many questions related to Social Security Benefits from parents and advocates for individuals with disabilities. We have attempted to answer the most common questions and present complex Social Security information in a way that is understandable to someone unfamiliar with the system.

The intended audience for this training is parents of youth with disabilities in middle school or high school. When parents understand Supplemental Security Income eligibility, the application process, benefits, and work incentives, they can participate from a position of knowledge and understanding. The intended result is improved outcomes for youth with disabilities, so that they can ultimately reach their employment goals.

Agenda

- The Bridge to Work:**
- Employment Programs
 - What is SSI?
 - The Application Process
 - Appeal if Denied
 - Related Resources

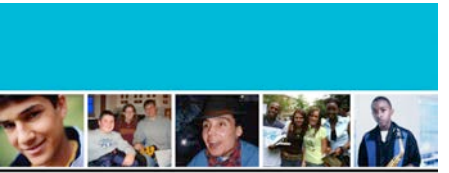


SLIDE 2

Agenda

The content of this workshop includes:

- Bridge to Work
- Intro to Supplemental Security Income (SSI)
- Application Process
- Appeal if Denied
- Related Resources



Employment Programs
Career Exploration



SLIDE 3

Employment Programs/Career Exploration

Important programs include:

- Ticket to Work
- Social Security Work Incentives
- Workforce Center Employment Networks
- Vocational Rehabilitation Services

Misconceptions (About SSI)



If you work or want to work you will **NOT** be eligible for benefits

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SLIDE 4

Myths and Misconceptions of Working While on SSI

Parents often fear that their young adult will lose benefits if he or she takes part in employment experiences at school or in the community. They seldom hear about the policies and services that can help transition-age youth reach their educational and work goals while receiving SSI benefits.

Social Security Work Incentives to help individuals who receive benefits to work while keeping their benefits and medical coverage. Once a person is receiving disability benefits, there are options for career exploration, education, and training.

Don't give up your dreams!

There are federal and state training programs and

The Ticket to Work Program

- The **Ticket** program helps participants:
 - Chose and complete training programs
 - Gain work experience
 - Begin a part-time or full-time job
- Is **NOT** an actual “ticket”—it is a program

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SLIDE 5

The Ticket to Work (TTW) program

Ticket to Work (TTW) Program is an innovative program for individuals with disabilities who want to work and participate in planning their employment. The Program increases available choices when obtaining employment services, vocational rehabilitation (VR) services, and other support services the recipient may need to get or keep a job.

or for TTY call **1-866-833-2967** between 8 a.m. to 8 p.m. Eastern time (Monday through Friday).

Presenters can find more information about the TTW Program online at **socialsecurity.gov/work**

and at:

<http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=7>

For more information on the TTW Program, including a list of approved Employment Networks (EN), call **1-866-YOURTICKET (1-866-968-7842)**

The Ticket to Work

The Ticket:

- Is free and voluntary
- Offers choice of approved providers
- Suspends the *Continuing Disability Review*

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SLIDE 6

The Ticket to Work (TTW) program continued

Ticket to Work is a free and voluntary service. While working with an Employment Network or Vocational Rehabilitation Services, and meeting the timely progress requirements, the Continuing Disability Review will be suspended. It is required that the individual make progress with the employment plan that was agreed to (Vocational Rehabilitation or the Employment Network).

Work is the Goal

The ultimate goal of the *Ticket* program is for participants to:

- Become and stay employed
- Reduce SSI or SSDI payments
- When possible, become financially independent



SLIDE 7

Work is the Goal

The ultimate goal of the Ticket program is for participants to:

- Become and stay employed
- Reduce SSI or SSDI payments
- When possible, become financially independent.

The Continuing Disability Review

- Social Security benefits are generally reviewed every 3 to 7 years
- Confirms disability per SSA's definition
- Reviews are suspended while on the "Ticket"



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The Continuing Disability Review

It is required by law to periodically review the case of every person who is receiving SSI or SSDI benefits. If it is determined that the individual's disability no longer meets the criteria, disability benefits will end. The frequency of CDR's vary. The majority of parents are surprised when this takes place and become very concerned. It is often helpful to mention these reviews in a matter-of-fact way. Suspension of reviews, while taking advantage of the Ticket program, is usually reassuring to families.

Basic Information: Most adults are reviewed every three or seven years depending on the likelihood of improvement but reviews can be more or less frequent. Even individuals with permanent disabilities are reviewed.

An individual's medical condition is reviewed to be sure the 'disability' is continuing. The frequency of reviews is based on expectation of recovery:

- If recovery is 'expected', case review is within 6 to 18 months,
- If recovery is 'possible', case review is within 3 to 5 years,
- If recovery is 'not expected,' case review occurs about every 7 years.
- Children receiving SSI are reviewed every 3 years and at age 18.

Because individuals receiving SSI also receive Medicaid health coverage (Medical Assistance or MA in Minnesota), medical coverage is possible even when no payments are being made. Medical review can occur at any time.

For more information: <http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=8>

TTW Approved Service Providers

- Employment Network (EN)
 - Provides career counseling, job placement, short-term training, and ongoing support services
- Vocational Rehabilitation agency (VR)
 - Provides longer-term rehabilitation or training services compared than an EN
- Provider Listings: choosework.net



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Ticket to Work Approved Service Provides include Vocational Rehabilitation Services

Employment networks are available to provide vocational training, job readiness training, resume writing classes, and other vocational services. Employment Networks offer alternatives to the state's department of vocational rehabilitation services.

It is the consumers choice to sign up with either an Employment Network or with Vocational Rehabilitation Services. These services are free of charge.

To find local, regional and national providers go to: chooseworkttw.net

Work Incentive Programs

Programs that allow recipients to continue receiving **cash** and/or **medical benefits** while working. Examples include:

- Student Work Incentives
- PASS Plan
- Impairment-related Work Expenses



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Work Incentive Programs

The Social Security Administration has many work incentive programs for individuals on Supplemental Security Income and Social Security Disability Insurance (these incentives are not the same in both programs). Incentives are available to individuals whether they take part in the Ticket to Work program or not. It is helpful to discuss a few of the most useful work incentives for transition-age youth. Parents do not need to fully understand the programs, but it is important to know they are available and how to find additional information when appropriate.

Some Helpful Work Incentives:

- Student Work Incentive
- Plan for Achieving Self Support (PASS)
- Impairment-Related Work Expenses
- Extension of Medicare and Medicaid coverage while working

Student Work Incentives



- Exclude up to **\$1,780** each month (2015)
- Total annual exclusion of **\$7,180** (2015)

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What is the Student Earned Income Exclusion?

This provision allows a person who is under age 22 and regularly attending school to exclude earnings from income.

- \$1,780 monthly up to a yearly maximum of \$7,180 (2015).
- The amount is usually adjusted annually based on the cost-of-living index.

Example:

Jim is a student who earns \$1,800 a month in June, July, and August of 2015. In September, he returns to school and continues working part-time. He

earns \$900 a month in September through December 2015. Using the student earned income exclusion, Jim can exclude \$1,780 of his earnings in June, July, and August, and can exclude all of his \$900 earnings in September and October. In November he will use up his \$40 balance. Jim's remaining wages, after deducting monthly and yearly limits, will still be subject to the earned income exclusion of \$65 per month and one-half of the remaining earned income.

For more information see: <http://www.socialsecurity.gov/ssi/spotlights/spot-student-earned-income.htm>

Student is defined as:

- Grades 7 to 12 for at least 12 hours a week
- Postsecondary classes for 8 hours a week
- Training course for employment for 12 hours a week (15 if it involves shop practice)
- Less time than above if it is for reasons beyond the student's control (e.g. medically fragile)

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What Does 'Regularly Attending School' Mean?

"Regularly attending school" means that the person takes one or more courses of study and attends classes:

- At a college or university, for at least 8 hours a week; or
- In grades 7–12, for at least 12 hours a week; or
- In a training course to prepare for employment, for at least 12 hours a week (15 hours if the course involves shop practice); or
- In a home school situation, for at least 12 hours per week and in accordance with the home school law of the state or jurisdiction where the student resides; or

- For less time than indicated above for reasons beyond the student's control, such as illness.

A person who is homebound because of a disability may be a student when he or she:

- Studies a course or courses given by a school (grades 7–12), college, university, or government agency; and
- Has a home visitor or tutor from school who directs the study or training.

What is a PASS?

Plan for Achieving Self Support

A written plan for reaching a work goal



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What is a Plan to Achieve Self Support (PASS)?

A PASS is a written plan of action for getting a particular kind of job or starting a business. It is necessary to identify:

- Work goal
- Steps and requirements needed to achieve the work goal (e.g., education or training, transportation, child care, assistive technology)
- Source of funds used to pay for these items or services. It may be any income (other than SSI benefits) or assets such as wages from a current job or savings.
- Timetable for achieving the work goal

Who May Have a PASS?

An individual may have a PASS if:

- He or she would be eligible for SSI based on disability if not for income and/or assets; or
- Individual is already eligible for SSI and has income that reduces the amount of SSI received; and is
- Using a PASS to reach an employment goal that will ultimately help reduce or eliminate benefits received from SSI, social security, or both.

For more information see: <http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=4>

How can a PASS help?

Plan for Achieving Self Support (PASS)

- Allows a paycheck or other income or resources to be set aside for a work-related goal
- The set-aside income **does not reduce** the SSI payment.

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How can a PASS help?

A PASS allows for the set-aside of income (other than the SSI benefit and/or resources) for a specified period of time so that a work goal may be pursued that will likely reduce or eliminate the SSA benefit in the future due to increased work opportunity. For example, wages, or other income or resources, could be set aside to pay expenses for education, vocational training, or starting a business as long as the expenses are related to achieving a feasible work goal.

SSA does not count this set-aside income when calculating the SSI payment amount. SSA does not count the resources set aside when determining initial and continuing eligibility for SSI. A PASS can help establish or maintain SSI eligibility and may increase the SSI payment amount.

Example: Ali receives an SSI benefit and also earns \$300 a month by working. Without a PASS plan, his SSI payment would be reduced, but Ali has an approved work-related goal of buying a car so he doesn't have to rely on local bus service which has limited hours. Ali is saving his earnings for this goal and her SSI payment is not reduced.

In addition, other agencies may not count income that SSA has excluded for a PASS when they determine eligibility for housing assistance or the Supplemental Nutrition Assistance Program (also known as 'food stamps').

For more information see: <http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=4>

A PASS might pay for:

- Assistive technology
- Job coaching
- Postsecondary education
- Training
- Transportation
- Self-employment

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How to Set up a PASS?

Anybody may help write a PASS including a vocational counselor, support person, or relative. SSA can also help with a PASS or refer the individual to someone who can help write a plan.

A copy of the PASS application Form SSA-545-BK can be received from the Social Security office

or online at socialsecurity.gov/online/ssa-545.html.

For more information see: <http://www.socialsecurity.gov/ssi/spotlights/spot-plans-self-support.htm>

Funding a PASS

Must have income or resources to set aside:

- Wages (current or future)
- SSDI or other benefits
- Inheritance or settlement
- Self-employment business equipment

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A Sample PASS (SSI ONLY)

Example 1 – Wages being excluded under an approved PASS

- Bill wants to go to school to become a social worker.
- Bill works part time and earns \$665 per month.
- SSA figures Bill's countable income using the earned income formula:
$$\$665 - \$20 = \$645 - \$65 = \$580$$
$$\$580 \div 2 = \$290 \text{ in countable income.}$$

Bill's earned income reduces his SSI benefit of \$721 by \$290 per month to \$431.

He agrees to spend the \$290 in countable income on his education expenses (e.g., tuition, books) and SSA approves a PASS.

Bill's SSI increases by \$290/month for the PASS time frame. Bill receives \$721 in SSI benefits, and has \$290 to use for approved PASS expenses.

For more information see: <http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=6>

The IRWE:

Impairment Related Work Expenses (IRWE)

- Disability related expenses necessary to work, to be disregarded from the individual's income.
- Has the effect of reducing one's earned income
- Allows a higher SSI payment than if no IRWE existed.

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Impairment Related Work Expenses (IRWE)

An IRWE expense must be:

- Paid for by the individual
- Related to the disability
- Necessary in order to work
- Paid in a month in which work is performed or earnings are recorded

An IRWE allows disability related expenses necessary to work to be disregarded from the individual's earned income. In most cases, SSA can deduct the out-of-pocket costs of items needed to

work from the amount of earnings used to calculate the SSI benefit.

Generally, it doesn't matter if the individual also needs the item or service for daily living. For example, the cost of a wheelchair can usually be deducted from earnings even though the wheelchair is used for both daily living and work.

For more information see: <http://www.socialsecurity.gov/ssi/spotlights/spot-impairment-relatedwork.htm>

IRWE Examples

- Adaptive equipment – for a van, work station, or specialized software
- Additional help – interpreters, readers, personal care attendants
- Special transportation – beyond what a non-disabled employee uses to get to work

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What are some examples of IRWE that can be deducted?

If working, SSA may deduct out-of-pocket expenses when calculating the amount of earned income for items such as medicine, medical supplies, medical devices, service animals, and disposable items such as bandages and syringes.

SSA may also deduct out-of-pocket expenses for medical services such as counseling; doctors visits; and some attendant care services charged for preparing the individual for work, attending to the individual while at work, or getting the individual to and from work. SSA may also deduct certain out-of-pocket expenses for transportation and modifications to home, car, or van to allow the individual to work.

The expense must not be reimbursed by any other source, and must be related to the individual's

disabling impairment(s) and needed in order to work.

IRWE Example:

Ellen receives SSI because she is disabled. She works and earns \$1,025 a month, which is the only income she receives. She has the following work expenses:

- She pays \$125 a month for union dues and insurance; and
- She pays \$250 a month to a special transportation service that she needs to get to and from work because of her disabling impairment.

IRWE Examples

- Adaptive equipment – for a van, work station, or specialized software
- Additional help – interpreters, readers, personal care attendants
- Special transportation – beyond what a non-disabled employee uses to get to work

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Although Ellen has work expenses of \$375 a month, only the \$250 of her earnings which she uses to pay for the special transportation service are related to her impairment and not counted in determining the amount of her SSI benefit as follows:

\$ 1,025 - \$20 (general exclusion) = \$1,005

\$ 1,005 - \$65 (work exclusion) = \$940

\$ 940 - \$250 (impairment-related work expense) = \$690

\$ 690 ÷ 2 = \$345

\$ 345 = countable earnings.

Note: Normally, public transportation is not an IRWE.

For more information see: <http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=2>

Expedited Reinstatement

With all work incentives, if the work attempt is unsuccessful, reinstatement is possible without a new application. You must still meet:

- SSA's definition of being disabled
- SSI's financial resource criteria

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Expedited Reinstatement (EXR)

Expedited reinstatement is reassuring to families as it lowers the risk of a failed work attempt and potential loss of benefits. If the individual is unable to continue working due to disability, benefits can be reinstated for up to 5 years. A new application doesn't need to be submitted.

Who can be reinstated?

An individual is eligible to request EXR if he or she meets all the following requirements:

- The previous SSI disability/blindness eligibility terminated because of excess earned income or a combination of earned and unearned income; or the previous entitlement to SSDI benefits terminated due to performance of substantial gainful activity (SGA)

- The individual is not performing SGA in the month applying for EXR
- The individual is unable to work at the SGA level due to his or her medical condition
- The current medical impairment(s) is the same as, or related to, the original disabling impairment(s)
- The request for EXR is within 5 years from the month benefits stopped.

For more information see: <http://www.socialsecurity.gov/redbook/eng/ssdi-and-ssi-employments-supports.htm#7=&a0=9>



Self Employment

Self employment is a great way for a young adult to build up a resume, begin a lifelong career in a creative endeavor or to learn how to earn and manage money. Businesses can range from family supported community services such as yard work, to more formal enterprises with business plans and dedicated resources.

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PASS plans can be set up for self employment goals. Vocational Rehabilitation Services will also support self-employment goals when an appropriate business plan is provided. Many young adults are exploring self-employment enterprises. Examples range from web design and social media business consultation, food services, neighborhood services, raising and selling produce at a farmers market or roadside stand, to raising chickens or goats. Consider providing examples from young adults in your community or requesting examples from workshop participants.

SSA treats small business and self-employment in basically the same way the as the Internal Revenue Service (IRS). Gross income is not considered your net income. Your net income equals gross sales minus your expenses.

Example: if a business in one year sells \$5,000 in products or services, and has \$3,000 in business expenses that are allowed by the IRS, then the net income from self-employment is \$2,000. SSA and the IRS consider the net earnings from self-employment of \$2,000 as the owner's income for the year not the amount of gross sales or earnings.

Self-employment provides powerful resource exclusions to liquid property used in a small business (cash), and resources used in the small business (such as computers, equipment, land) with no upper limit on the value of the small business operating account nor any of the business resources.

For more information see: **Social Security Considerations for Small Business Owners with Disabilities**, <http://www.griffinhammis.com/images/SSAConsiderations.pdf>

The USDA Farm Service Agency (FSA) makes loans of up to \$5,000 to individual youths to establish and operate income-producing projects of modest size. For more information see the local FSA office or: <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=fmlp&topic=ryl>

Summary

While employment may not be possible for all youth:

- The **Ticket** Program allows career exploration with less risk of losing benefits
- Participation in the **Ticket** or other **Work Incentives** improves the likelihood of becoming less dependent on or eliminating SSI cash benefits

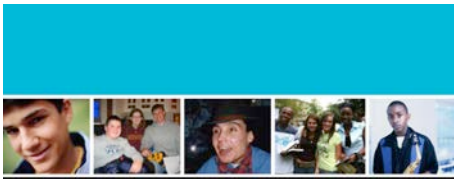
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Work Incentives, a Bridge to Work, and Independent Living

Parents, with the best intentions, often prevent their adult child from exploring work options and setting work goals. The fear of losing benefits and eliminating their adult child's safety net (monthly cash benefits and Medicaid coverage) is a very real fear. It is important that parents of youth who qualify for Social Security Benefits understand the connections between monthly financial assistance and Medicaid healthcare services, education, work incentives, and employment.

Many adults with disabilities are isolated at home and living in poverty. Parents need to know that Supplemental Security Income benefits can help their youth become more independent and reach more satisfactory outcomes that include competitive employment when possible. It is important to encourage economic self-sufficiency and independent living to the greatest extent possible for a young adult with a disability.



What is SSI?

Supplemental Security Income (SSI)



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Supplemental Security Income (SSI)

While many people do not distinguish between SSI (Supplemental Security Income) and SSDI (Social Security Disability Insurance), they are two completely different government programs and it is easy for families to become confused between the two.

Parents do not need to know the difference between the two programs to apply on behalf of their youth, but that lack of knowledge will leave them at a disadvantage if they don't. If parents do

not know the program their youth is applying for or qualifies for, it is very easy to be confused and to misinterpret the information. This also makes it difficult for families to obtain accurate information online or from advocates. One goal of this workshop is for parents to learn that there are two programs and the eligibility and work incentive rules of each program are different. Knowing this information will empower parents throughout the process.

What is SSI ?

- SSI stands for Supplemental Security Income
- One of the most important Federal programs for people with disabilities
- Provides monthly cash assistance to people with limited income and resources
- Is a "means-tested" program – eligibility is based on financial need



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What is SSI ?

It is helpful to remind parents that Social Security Disability Insurance (SSDI) is paid for through an applicant's FICA Social Security taxes. This is the same tax that pays Social Security retirement benefits for most working people. If an individual becomes disabled before retirement, it is possible to qualify for SSDI. If so, the applicant's spouse and child dependents would also be eligible to receive partial benefits. Benefits are also paid as survivor benefits to widows or widowers. All of these benefits are paid as an "earned right" from the Social Security Trust fund.

Supplemental Security Income (SSI) is paid through general revenues appropriated by Congress. SSI benefits are available to individuals with low-income and low-resources who have either never worked or who haven't earned enough work credits to qualify for SSDI. This also includes persons over 65 who are not disabled. As funds are paid through

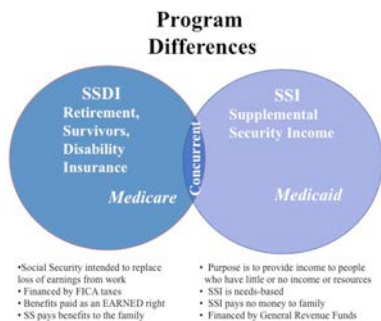
General Revenues, and not as an "earned right" from the Social Security Trust fund, qualifying on the basis of "need" is a key requirement of the program.

Who is Eligible for SSI?

Anyone who is age 65 or older; blind or disabled, has limited income, limited resources, and is a U.S. citizen or national, or in one of certain categories of aliens.

What Does "Disabled" Mean For an Adult?

If the applicant is 18 or older, there must be a medically determinable physical or mental impairment (including an emotional or learning problem) which results in the inability to do any Substantial Gainful Activity (SGA), has lasted or can be expected to last for a continuous period of not less than 12 months, or can be expected to result in death.



SLIDE 24

Program Similarities and Differences

Both programs:

- Overseen and managed by the Social Security Administration
- Pay monthly benefits (although the amounts differ)
- Determine medical eligibility by the same process
- Offer work incentives (some are the same and some unique to each program)
- Use Substantial Gainful Activity (SGA) as part of the eligibility requirement (but use SGA differently within each program)
- Have the same basic medical standards for disability for individuals age 18 or older based on the severity of the disability

How is SSI Different From Social Security Benefits (SSDI)?

- SSDI benefits may be paid if the individual is “insured” meaning he or she has worked long enough and paid Social Security taxes. Unlike SSDI benefits, SSI benefits are not based on prior work or a family member’s prior work.
- SSI is financed by general funds of the U.S. Treasury such as personal income taxes, corporate taxes, and other taxes. Social Security taxes collected under the Federal Insurance Contributions Act (FICA) or the Self Employment Contributions Act (SECA) do not fund the SSI program.
- In most states, SSI beneficiaries also can receive Medicaid (Medical Assistance in MN) to pay for hospital stays, doctor bills, prescription drugs, and other health costs.
- Many states also provide a supplemental payment to certain SSI beneficiaries.
- SSI beneficiaries may also be eligible for food assistance.

SOURCE: Understanding Supplemental Security Income, 2014 Edition. www.socialsecurity.gov/ssi/text-understanding-ssi.htm

SSI & SSDI - Similarities & Differences

- Definition of disability is generally the same
- Application process is similar
- Need for work history differs
- Resource rules differ
- Benefit amount differs
- Work incentives differ

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SLIDE 25

SSI & SSDI Differences

SSDI Benefits are received when:

- Recipient has paid into the insurance system through FICA and then became disabled and unemployed or unable to earn SGA. The benefit amount varies based on lifetime earnings and work credits earned. Young people require fewer work credits to qualify than older adults and, if they have worked, often qualify for at least minimal benefits
- A parent paid into the system and then became disabled, died, or retired under the Social Security Disability for Adult Child program
- A Disabled Adult Child incurred his or her disability before age 22, is unmarried, or is dependent on the parent.

There are no limits on resources or unearned income under the SSDI program.

Either all of the benefit is received or nothing (in contrast to SSI payments which are reduced by earned income)

Differences in SSI Program:

- No work credits are needed to qualify.
- Payment is based on the type and amount of earned and unearned income, living arrangements, and marital status.
- Contribution from others towards shelter or food (but not other types of support such as household items, gifts, clothing) will reduce the benefit.
- If married, a portion of the spouse's income and assets are considered to be available to the SSI recipient.

Why Apply for SSI at Age 18?

- Parents' income and resources are no longer considered in determining eligibility
- Financial benefit of up to \$733/month (2015)
– A State Supplement is usually added
- Medicaid (Medical Assistance)
– Apply separately in Minnesota through the county

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SLIDE 26

SSI Benefits at Age 18 and over

Why apply at age 18? When the youth is under 18 years of age, SSI eligibility includes the family's income and resources in the calculation. At age 18, only the youth's income and resources are counted.

The monthly payment is based on the federal benefit rate (FBR) and is adjusted annually with the Social Security cost-of-living adjustment. The FBR is the maximum federal payment allowed. The starting point for calculating the SSI benefit amount is \$733 per month (2015). SSA subtracts countable income to determine the actual payment.

The majority of states also add a State Supplement and the amount varies by state. In Minnesota the SSI state supplement depends on the living arrangement. An SSI recipient who lives independently would

receive a supplement of \$81 (2014). If the person lives in the home of another person, the supplement would be \$112 (2014). Minnesota's Welfare and Human Services Agencies administers these payments under the Minnesota Supplemental Aid Program. These amounts differ if the individual is residing in a Medicaid or non-Medicaid residential care facility or is married.

Note to facilitators: Substitute information above with information on your state's own SSI program.

Individuals will likely also qualify for Medicaid (Medical Assistance) and food stamps through the federal Supplemental Nutrition Assistance Program (SNAP). In Minnesota, there are separate application processes to follow.

Advantages for Transition-Age Youth

SSI benefits are especially helpful when:

- Transitioning from school to work
- Attending postsecondary school or training
- Working at low-paying or part-time employment

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SLIDE 27

Some advantages of SSI for transition-age youth

There are three main advantages to receiving SSI as a young adult:

- A variety of work incentives are available to help individuals succeed at school, explore employment opportunities, and develop careers.
- The financial support can help pay basic living expenses.
- Medicaid or Medical Assistance can pay health care expenses, therapy, prescription drugs, and personal care attendants.

Consistent health coverage is critical for young adults with disabilities. Medicaid covers many medical services that are not available in basic or even premium health insurance plans. In 46 states that have a Medicaid Buy-In Program, an individual can continue to qualify for Medicaid, if needed, until earning over the threshold amount which is \$51,268 in Minnesota (2014).

SSA Definition of Disability

Both SSI and SSDI require a physical and/or mental impairment which:

- Prevents a person from doing **Substantial Gainful Activity (SGA)** of **\$1,090** (2015)
- Is expected to last at least a year or result in death
- Differs from other disability programs

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SLIDE 28

Definition of Disability

Note: It is important as a workshop facilitator not to imply that all youth with diagnosed disabilities, or who have received special education services in school, will qualify for SSI. Different government programs and agencies define disability differently. Youth may qualify for disability related services and accommodations under the Americans with Disability Act (ADA) or the Rehabilitation Act at work and in postsecondary education but still not meet Social Security's criteria for disability.

Why might individuals with significant disabilities not meet Social Security's criteria? The disability must have a significant impact on the ability to work and/or do activities of daily living. Consideration of the availability of appropriate work options, lack of transportation, or matching of employment interests

are not factors in the decision process. SSA's criteria, as set by Congress, is very specific. They do not have the option to be flexible or to vary from the regulations.

To meet Social Security's definition of disability (SSDI and SSI) the individual must not be able to engage in any substantial gainful activity because of a medically-determinable physical or mental impairment(s) that:

- Has lasted, or is expected to last, for a continuous period of at least 12 months
- Is expected to result in death.

(See next slide for definition of SGA)

Note: Individuals who qualify for Social Security benefits will automatically qualify for Vocational Rehabilitation Services.

What is Limited Income or SGA?

Substantial Gainful Activity (SGA)

- Limited Income – SGA is defined as \$1,080 (2015) or more per month **minus**:
 - Cost of items needed to work (IRWE)
 - Value of support needed at work
- Once on SSI, income of more than \$1,080 reduces the benefit amount **BUT** does not affect continuing eligibility by itself.

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SLIDE 29

Substantial Gainful Activity (SGA)

As part of its definition of disability, the SSA requires that a disability applicant be unable to perform what it calls Substantial Gainful Activity (SGA).

Substantial gainful activity is generally work that brings in over a certain dollar amount per month. In 2015, that amount is \$1,080 for non-blind disabled applicants, and \$1,820 for blind applicants. Individuals who earn gross monthly income exceeding the SGA threshold are considered “able to engage in competitive employment in the national economy.” Income from non-work sources, such as interest, investments, or gifts is not counted.

SGA is one of the first eligibility criteria that applicants need to meet. If the applicant makes over SGA the claim will generally be denied without a medical review (medical records will not be requested or evaluated). If, however, it is determined that an applicant’s work activity does not amount to substantial gainful activity, the application will then be evaluated on the basis of disability.

There are exceptions to this rule such as when the individual is:

- Allowed special assistance from other employees in performing the work
- Allowed to work irregular hours or take frequent rest breaks
- Provided with special equipment or assigned work especially suited to his or her impairment
- Permitted to work at a lower standard of productivity or efficiency than other employees

In these cases, even if the individual makes over SGA, they still might qualify for SSI.

This is an important exception for families to know and point out if the SSA representative does not consider this in their evaluation.

Note: For SSI purposes, the SGA provision in initial eligibility cases does not apply to blind individuals. The SGA amount is \$1,820 for blind applicants.

What are Limited Resources?

- Resource Limits – \$2,000 per individual or \$3,000 per couple
- Examples – cash, stocks, bonds, bank accounts, real estate, personal property
- SSI doesn't count some assets – house, one vehicle, up to \$1,500 in burial funds, household goods, personal items.

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SLIDE 30

What are “Resources”?

Resources are things owned such as:

- Cash
- Bank accounts, stocks, U.S. savings bonds
- Land
- Life insurance
- Personal property
- Vehicles
- Anything else which could be changed to cash and used for food or shelter
- Deemed resources.

What are Deemed Resources?

SSA may “deem” a portion of the resources of a spouse, parent, parent’s spouse, sponsor of an alien, or sponsor’s spouse as belonging to the person who applies for SSI. If a child ***under age 18*** lives with one parent, \$2,000 of the parent’s total countable resources are not included in the calculations. If the child lives with two parents, \$3,000 does not count. SSA counts the amount over the parents’ limit as part of the child’s \$2,000 resource limit.

At age 18 the parent’s resources are not counted or “deemed.”

Why are Resources Important in the SSI Program?

The value of the applicant’s resources is one of the factors that determine eligibility for SSI benefits. However, SSI doesn’t count some assets such as a house, a single vehicle, and up to \$1,500 in burial funds, household goods, and personal items. The next slide provides additional examples.

If the value of the applicant’s resources is over the allowable limit, the individual will not qualify for benefits. If the individual receives SSI benefits and resources over the allowable limit at the beginning of the month, the individual will not receive SSI benefits for that month. If the over-amount is not noticed by SSA, an overpayment will occur and the individual will be required to return the overpayment amount.

What is the Resource Limit? The limit for countable resources is \$2,000 for an individual and \$3,000 for a couple.

SOURCE: Understanding Supplemental Security Income, 2014 Edition www.socialsecurity.gov/ssi/text-understanding-ssi.htm

What Resources Do Not Count?

- Home one lives in and land it is on
- Household goods and personal effects
- One vehicle regardless of value
- Retroactive SSI payments
- Grants, scholarships, gifts to pay for education
- New ABLE Act Accounts

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SLIDE 31

What Resources Do Not Count for SSI?

- Home lived in and land it is on
- Household goods and personal effects (e.g., wedding and engagement rings)
- Burial spaces or funds valued at \$1,500 or less
- Life insurance policies with a combined face value of \$1,500 or less
- One vehicle, regardless of value, if it is used for needed transportation
- Retroactive SSI or Social Security benefits for up to nine months after receipt (including payments received in installments)
- Grants, scholarships, fellowships, or gifts set aside to pay educational expenses for 9 months after receipt

Other Resources That Do Not Count for SSI?

- Property essential for self-support such as “tools-of-the-trade” equipment
- Resources that a blind or disabled person needs for an approved Plan for Achieving Self-Support (PASS)
- Money saved in an Individual Development Account (IDA) (IDAs are matched savings accounts that help people with modest means to save toward the purchase of a lifelong asset, such as postsecondary education, a home, or ownership of a small business)
- Support and maintenance assistance and home energy assistance
- Cash received for medical or social services is not a resource for one month
- Money saved in an Achieving Better Life Experience (ABLE) Act account

ABLE accounts are a new type of tax-exempt savings account that can be used by some individuals with disabilities for maintaining health, independence, and quality of life. Only individuals whose disability was established before

age 26 can set up ABLE Act accounts, and only individuals living in a state that has authorized ABLE Act accounts can participate. The law was enacted in December 2014 and regulations are still under development. Each state must put its own regulations in place before making the accounts available. According to the National Down Syndrome Society, 42 states were working out details related to administering ABLE Account programs as of mid-August 2015.

Note to Facilitators: Keep up to date on the status of your state’s ABLE Act program and inform families how they can start an ABLE account to set aside more than \$2,000 (SSI’s resource limit) for their child’s future.

Other Exceptions:

- Health flexible spending arrangements (FSAs)
- State or local relocation assistance payments are not counted for 12 months
- Crime victim’s assistance is not counted for 9 months
- Earned income tax credit payments are not counted for 9 months
- Disaster relief assistance
- Cash received for the purpose of replacing an excluded resource (e.g., house) that is lost, damaged, or stolen is not counted for nine months
- All Federal tax refunds and advanced tax credits received are not counted for 12 months
- Certain trusts (**see Slide 35**).

SOURCE: Understanding Supplemental Security Income, 2014 Edition www.socialsecurity.gov/ssi/text-understanding-ssi.htm

When Living with Parents

The SSI benefit of \$733 (2015)

- Reduced by 1/3 to **\$488.67** (2015)
 - If living with parents or others
 - Unless paying fair share of rent & food

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SLIDE 32

Cash Benefit Rules for Living with Parents or Others

The SSI payment may be reduced by one-third if an individual is living in another person's household throughout a month and does not pay for food and shelter.

Example: SSI reduced by one-third – On January 10, 2015, Alice lived with her parents and received both food and shelter from within the household. She did not help pay for household expenses. Because she received food and shelter from her parents, the monthly SSI benefits were reduced by one-third. If she does not have any other countable income, her SSI payment would be reduced to \$488.67.

When the One-third Reduction Does Not Apply

The one-third reduction does not apply if the individual lives with his or her parents, or in another person's household, but pays a share of the food and shelter expense.

Example: One-third Reduction No Longer Applies – Alice (or her parents) notifies Social Security that she started paying her share of the household expense for food and shelter. In this example there are five people in the household: Alice, her two sisters, and two parents. The household expenses for food, rent, and utilities are \$1,500 per month. Alice pays her parents \$300 per month, which is her pro rata share. Based on Alice paying her pro rata share and not having any other countable income, she would receive the full SSI amount of \$733 per month.

The one-third reduction also does not apply if the individual lives in his or her own home or apartment and pays for food and shelter expenses.

See SSI Spotlight: <http://www.ssa.gov/ssi/spotlights/spot-one-third-reduction.htm>

Qualifying for Both SSI & SSDI

- When youth work and pay FICA tax they may earn enough work credits to receive SSDI.
- While the SSDI financial benefit is less than the SSI benefit, both might be received.
- Eligibility and work rules for both programs must be met.

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SLIDE 33

Concurrent Benefits – when youth qualify for both SSI and SSDI

Work is measured in “work credits.” Up to four work credits per year can be earned based on annual earnings. The amount of earnings required for a work credit increases each year as general wage levels rise. To be eligible for SSDI or retirement benefits, the individual must have earned an average of one work credit for each calendar year between age 21 and the year in which he or she reaches age 62 (or becomes disabled or blind) up to a maximum of 40 credits. A minimum of six work credits is required, regardless of age.

To be eligible for SSDI benefits based on a disability other than blindness, the applicant must have worked long enough and recently enough to qualify. The number of work credits needed for disability benefits depends on age. In general, 20 work credits need to be earned in the last 10 years ending with the year the individual becomes disabled. Younger workers can qualify with fewer credits.

The rules are as follows:

Before age 24 – The applicant may qualify with six work credits earned in the three-year period ending when the disability starts.

Age 24 to 31 – The applicant may qualify if he or she has worked half the time between age 21 and when the disability starts.

EXAMPLE: If at age 27 a young adult becomes disabled, he or she would need 12 work credits in the past six years (between age 21 and 27).

SOURCE: *Understanding Supplemental Security Income, 2014 Edition* www.socialsecurity.gov/ssi/text-understanding-ssi.htm

Concurrent Benefits

- Individual receives both SSI and SSDI
- SSI amount must be below amount of SSI payment
- SSI will supplement income up to \$733 (2015)
 - Combination of SSI + SSDI for a person who is concurrent and not working equals \$733 (2015).
- Resource limits do not apply if individual has enough work credits to replace SSI benefit amount.
- SSDI benefits can fund PASS plans (allowing full SSI benefit with no deductions)

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SLIDE 34

Concurrent Benefits

Receiving concurrent benefits is not a choice. If an individual works and becomes eligible for SSDI benefits, the **SSI benefit will be reduced accordingly** so that the total amount received between the two benefit payments will remain the same. This can be confusing as the rules for both programs must be followed. **The individual will qualify for both Medicaid and Medicare.**

Advantages:

- If the individual earns enough work credits to totally replace the SSI benefit amount, resource limits will no longer apply.
- The Plan to Achieve Self Support (PASS) work incentive (See Slide 13) can be funded by the SSDI benefit allowing the full SSI benefit to be received with no deductions (see note).
- The SSDI program is more secure because it is a funded program versus the SSI program that relies on general funds and Congressional appropriations.

Note: Plans to Achieve Self Support (“PASS plans”) allow SSI recipients to set aside funds received from sources other than SSI (including earned income from work and SSDI benefits) to purchase items or services that will allow the SSI recipient to achieve a work goal and become self-sufficient or less dependent on SSI benefits.

- Funds set aside in a PASS plan are not counted in determining the amount of SSI benefits available each month (funds are not counted against the SSI income or asset limits).
- Substantial amounts of income can be saved while still receiving the full SSI benefit amount.
- PASS plan funds may be used to pay for high-cost, lump-sum work-related items or expenses such as college tuition, computers, and automobiles, or tools such as drill presses or chef’s knives.
- PASS plan work goals and proposed purchases must be in writing and pre-approved by a Social Security-designated PASS representative.

Trust Funds

- Special Needs Trust
 - Funded by the beneficiary from sources such as injury compensation, inheritance, or employment
- Supplemental Needs Trusts
 - Funded by parents, grandparents, or others for an individual with a disability
- Pooled Trusts
 - Combined funds to benefit from management, investment opportunities

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FUNDATION FOR CHILDREN WITH DISABILITIES

SLIDE 35

Trust Funds

What is a Trust?

A trust is a legal arrangement, regulated by state law, in which one party holds property for the benefit of another.

It is possible for SSI recipients to have resources set aside in a trust but these must be set up carefully. Only certain types of trust funds are allowed. Congress has very specific rules regarding Supplemental, Special Needs, or pooled trusts.

These trusts can contain cash or other liquid assets, and real or personal property, that could be turned into cash that provides for supplemental care over and above that provided by government. Trusts must be irrevocable, and cannot be registered under either the Grantor's or the Beneficiary's Social Security Number.

It is important to remember that these trusts are a living legal document that is meant to not only maintain benefit eligibility but also bring enjoyment and new, positive experiences to the beneficiary.

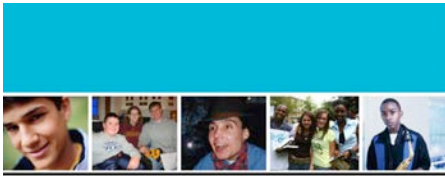
(As of January 1, 2000, the Supplemental Security Income (SSI) law on trusts changed. This information applies to trusts established on or after January 1, 2000.)

How Does a Non-approved Trust Affect SSI Benefits?

If assets are used to establish a trust on or after January 1, 2000, the trust will generally count as a resource for SSI purposes.

- In the case of a **revocable** trust, the whole trust is the resource.
- In the case of an **irrevocable** trust, if there are any circumstances under which payment could be made to the individual or for the individual's benefit, the portion of the trust from which payment could be made is the resource.

For more information see: SSI Spotlight on trusts: <http://www.ssa.gov/ssi/spotlights/spot-trusts.htm>



Application Process

Get it right the first time

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SLIDE 36

The SSI Application Process

The SSI application process can seem daunting to families. Although most of the information requested initially is general, it is more detailed than families may expect. Some of the sections include living arrangements, resources, income, and citizenship. Many questions are directed at uncovering income and assets so that Social Security can determine whether the applicant qualifies financially for SSI.

Step 1: Starting the Process

- Phone appointments need to be scheduled at 1-800-772-1213
- In-person appointments must be scheduled
- Locate a Social Security office at: socialsecurity.gov/locator

Note: The full SSI Application is not available online but other helpful information is at: www.socialsecurity.gov/disabilityssi/apply.html

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SLIDE 37

How to Apply for SSI Benefits

The SSI application is not designed for self-completion. An SSA claims representative will interview the applicant or the person acting on the applicants behalf. Families can initiate an SSI application online at socialsecurity.gov/disabilityssi/apply.html, by telephone, or in person at a local Social Security office. Parents or others can call and make the appointment or assist with the application process. Visiting an SSA office without an appointment is allowed but there will likely be a significant wait. Contact information for local offices can be found at socialsecurity.gov/locator.

The easiest way to get started is to call 1-800-772-1213 or TTY 1-800-325-0778 and make an appointment to apply. The number for telecommunications relay services (TRS) is 1-800-772-1213. A representative will help with the application process and mail the applicant an information packet.

The SSA representative will arrange an appointment, either by telephone or in person. Phone appointments are often more convenient than going to a Social Security office but some families prefer to do the interview in person. To avoid long wait times it is best to arrange an early-morning appointment and avoid scheduling appointments at the beginning of the month.

Note to Facilitator: If Internet is available, go to the SSA website and point out some of the information tutorials available: <https://secure.ssa.gov/iClaim/dib> and <https://www.socialsecurity.gov/disabilityssi/apply.html>

A pdf of the application form for use as a handout can be found at: http://www.socialsecurity.gov/legislation/Attachment%20for%20SSA%20Testimony%207_25_12%20Human%20Resources%20Sub%20Hearing.pdf

Application Interview

- Birth certificate or proof of age
- Social Security number
- Proof of income and resources
- List all employers and job duties
- Medical information
 - Doctors' names, addresses
 - List of all medications

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FOR THE COURT REPORTING INDUSTRY

SLIDE 38

The SSI Application Interview

Prepare for the application interview by gathering the following information or documentation:

- Social Security card or number if available, or a number will be assigned
- Proof of age (public or religious birth record or other documents)
- Citizenship status (birth certificate, naturalization certificate, or Permanent Resident Card)
- Documentation of living situation to determine if the applicant is receiving free room or board (lease, rent receipts, information on household costs for rent, mortgage, food, and utilities)
- Assets (information about cash, bank accounts, stocks, vehicles, real estate, and life insurance)
- Income (payroll stubs or receipts; information on other benefits such as food stamps may also be requested)
- Proof of resources (bank statements for savings and checking accounts, saving bonds and certificates of deposits, titles or registration for vehicles)

- Medical information sources (names, addresses, and telephone numbers of doctors and medical providers with approximate treatment dates; names of prescription and non-prescription medications)
- Work history (job titles, type of business, name of employers, dates)
- Other information sources (Names and addresses of teachers or caregivers who can provide information on the medical condition and how it affects daily activities or work; a copy of the Individualized Education Program (IEP) is helpful)

SOURCE: Understanding Supplemental Security Income, 2014 Edition www.socialsecurity.gov/ssi/text-understanding-ssi.htm

What Parents Can Do

- Do not wait to apply
- Keep a copy of everything
- Record all meetings and conversations
- Be sure medical files are up to date
- Consider the best contacts (teachers, caretakers, employers, relatives) who can provide more information to SSA's medical consultants
- Inform medical professionals and contacts of process

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FOR CHILDREN AND YOUTH

SLIDE 39

What Parents Can Do

Do not wait to apply. The soonest that benefits will be paid is the month after the filing date of the application, or the month after all of the eligibility requirements are met, whichever is later. The filing date is usually the date of contact. If all of the information is not initially available, time will be given to obtain and submit these.

Original documents are required. If the original document is not available, a certified copy is acceptable. Photocopies are not accepted. The original documents will be returned.

Keep a copy of everything sent. Keep track of the dates and information submitted.

Record all meetings and conversations. Take notes of all contacts including the name of the Social Security representative.

Consider the best individuals to list as contacts who can provide additional disability related information to the SSA's medical consultants. An **Activities of Daily Living (ADLs)** questionnaire will usually be sent to the contacts listed. The information requested will help SSA medical

consultants understand the full impact of the applicant's disability on daily living and work. This information is not usually detailed in medical reports and is best reported by those who know the individual well.

The information on ADLs is required for the medical consultants to make a well-documented determination. It is important for parents to choose the contacts carefully and follow up with them individually to explain the importance of the ADL questionnaire. Parents might want to review the daily living and employment challenges their son or daughter experiences and give permission for these contacts to report frankly and completely on the child's challenges and limitations. Because strength-based thinking is key to transition planning, it is frequently difficult for education professionals and others to focus on a young person's weaknesses and limitations. In this process, however, it is critical for the consulting doctors to have the information to make an accurate decision.

For more information see slides 41-50.

Step 2: Medical Review

If **income** and **resource** criteria are met, the file will be sent on to **Disability Determination Services (DDS)**

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SLIDE 40

Application Review

Disability applications are filed at the local Social Security office where they are reviewed for income and resource eligibility. That is not where the decision on disability eligibility will be made, however. Completed applications will be

sent to state disability agencies called Disability Determination Services (DDS) where they are reviewed by a disability claims examiner who makes the initial decision on the application.

DDS Examiners

Medical consultants will review file and:

- Make a decision immediately, *or*
- Request additional information, *or*
- Schedule a physical or mental examination at SSA's expense

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SLIDE 41

Disability Determination Service Examiners

How long the application stays at DDS depends on how many cases the examiner has and how long it takes to gather the medical information. The DDS examiner may send letters to the applicant's medical sources such as doctors, hospitals, and clinics to request medical records.

Parents should not be surprised if a face-to-face meeting with an independent, consulting doctor is requested. This often occurs if the applicant's file as originally submitted is lacking enough medical

evidence. These examinations are not for medical treatment but to provide more information about an applicant's condition and functional limitation.

It is generally best for the applicant to see his or her own doctor prior to the application process so that the medical information submitted is current and the physician is aware of the upcoming request for records. Doing so may prevent a consultation by a SSA medical consultant and can speed up the application process.

How Decisions are Made

- Medical Evidence
 - Medical doctors, psychologist, psychiatrist, speech pathologist
- Functional Limitations
 - Activities of Daily Living Questionnaire
 - Individualized Education Program (IEP) records
 - Individuals who know the applicant well

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SLIDE 42

How Decisions Are Made

1. Medical Evidence

The medical doctor, psychologist, psychiatrist, qualified speech and language pathologist, or school psychologist provide medical evidence. Evidence provided by professionals directly providing treatment to the applicant generally carries the most weight in a decision. If this information is insufficient, DDS will arrange for further examination from an SSA medical consultant.

2. Evidence of Functional Limitation

DDS considers how the disability keeps the applicant from working by looking at the areas of functioning. This information is gathered on the ADL questionnaire from the applicant, family members, teachers, employers, counselors, therapists, or anyone else who is familiar with the

applicant's limitations or restrictions. Individualized Education Program (IEP) records are also consulted if these are current and available.

The people who provide information on the ADL questionnaire are selected by the applicant or the applicant's representative and it is important to choose individuals who understand the applicant's challenges and functional limitations.

Anyone who knows the person with a disability well can write a report or attend the hearing to explain any challenges that are due to the disability. Thorough reports are very important. This can include information about all different types of support provided by family members, friends, school staff, and others.

Step 3: The Activities of Daily Living (ADL) Form

- The ADL form is **very important**, but is often incomplete or too brief when submitted.
- This form is the best opportunity for the applicant's family, friends, and teachers to detail challenges and needed supports
- Form remains in the file to the end of the appeal process and is reviewed by the judge if the appeal is initially denied

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FOR THE COURTS AND JUSTICE

SLIDE 43

The Activities of Daily Living (ADL) Questionnaire

Social Security representatives use the Activities of Daily Living (ADL) questionnaire (also called the Function Report) to help evaluate how severely a disability or medical condition affects a person's life and work. Families are sometimes surprised by the questions on this form and may not take them seriously. The questions can seem irrelevant and the space provided for answers is minimal making it challenging to provide substantial detail on the affect of a disability on the applicant's daily life or work.) The questionnaire requests information on common activities such as feeding a pet, mowing the lawn, grocery shopping, dressing, and going to work. It asks for a description of what the applicants does from the time he or she wakes up in the morning until bedtime yet the form provides minimal space to answer the questions.

It is vital to stress to families that this form is very important and will remain in the applicant's file throughout the application and appeal process. The Disability Determination examiner will use this form to judge how the disability affects an individual's

behavior and to determine if that individual is capable of participating in Substantial Gainful Activity (see Slide 29). In the appeal process, the Administrative Law Judge may refer to this questionnaire to help determine how the applicant's disability impacts his or her ability to work and may ask questions about the responses.

This form is an opportunity for the applicant, family, friends, or possibly employers to describe the reality and challenges of the disability or medical condition. Parents and friends who know the applicant well are the best source of this information. The medical documents contain disability details that parents are not qualified to provide and are an important part of the eligibility evaluation. But the Daily Activity Questionnaire is also critically important as it contains all the pertinent day-to-day details that will influence the likelihood of successful employment outcomes.

The ADL form can be found at: **[socialsecurity.gov/online/ssa-3373-bk.pdf](https://www.socialsecurity.gov/online/ssa-3373-bk.pdf)**

Functional Limitations

After years of emphasizing an individual's strengths, NOW is the time to focus on

"functional limitations" and how they **impact** the ability to work.

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TRANSITION SERVICES AND SUPPORTS

SLIDE 44

Functional Limitations

To the extent possible, families must document and report on how the disability significantly limits the ability of their son or daughter to do basic work activities. The Disability Determination examiner will look for activities the applicant is NOT able to do. If this information is not provided it may be assumed that the applicant does not have significant limitations. This information may be missing from or minimized in the medical documents submitted. It is more likely that additional information will be requested and considered if it is reported on the ADL questionnaire.

It is important to describe how the disability affects employment and the supports required to maintain employment. Current transition programs provide many supports that enable students with disabilities to work and have positive learning experiences, as well as develop good career goals. Reports from teachers, work-experience counselors, employers, and parents usually emphasize the individual's strengths without describing any of the limitations and necessary supports. Information about all of the assistance being provided to a person with a disability and the employer should be noted on the SSI application.

Built-in supports, or job coaches who provide services to the applicant on a regular basis, need to be listed in detail. For example, the form should include information about interpreters, assistive technology, flexible hours, work-behavior guidance, co-worker and/or employer support, limited duties, rest periods, special transportation, adapted equipment and devices, alternative communication methods, and other strategies and supports.

If the applicant and others who fill out the form indicate that he or she needs significant support to participate in common activities, it may be concluded that the ability to work would also be challenging. Answers should be well thought out and include all supports provided. This may mean noting that the applicant cannot be safely left home alone, or needs reminders to watch for traffic when crossing a street. If he or she has "meltdowns" over minor events (e.g., a specific cereal is not available at breakfast), or will undress in public if a label is not "properly" removed from an item of clothing, that needs to be noted.

Activities of Daily Living (ADL)

- Detail your youth's *worst day* scenario
- Detail ALL supports received from family, friends, and school
- Include pain and medication side effects

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SLIDE 45

Document All Supports Provided by Family, School, and Employers

Parents may adjust their lives to minimize changes to a daily routine, or structure their home environment so that it is safe for their son or daughter with a disability. It is likely that parents automatically provide many supports without even thinking about the importance of these actions. Stress the importance of documenting the structure and accommodations parents make on a daily basis.

The Disability Determination examiner will not be able to consider these types of supports if they aren't included when answering the questionnaire.

Parents should discuss the importance of providing detailed accounts about how the disability negatively impacts their son or daughter's daily activities or work activities. It is OK – even

desirable – to meet and discuss answers to these questions. Do not assume that others will be comfortable providing information that might be interpreted negatively. Employers and supervisors may be especially hesitant to provide specific work and behavior details without permission from the applicant. This is not the time to focus on strengths. This is the time to focus on the supports required to enable participation in daily living activities and work.

- Detail worst day scenarios
- Include ALL supports that parents and others provide
- Are there side effects from pain or medication?
- Are there mental health issues such as anxiety, depression, or behavioral challenges

Gather Detailed Information on Supports

- Ask others how well your youth is able to:
- Understand instructions
 - Concentrate on & remember procedures
 - Carry out tasks with reasonable persistence
 - Respond appropriately to peers, supervisors
 - Tolerate stress in the workplace
 - Perform simple, routine, unskilled tasks

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SLIDE 46

Document Support Needs

There is often a great deal of support provided to youth on a regular basis that their families may not realize or remember. Families are encouraged to gather information not only about the supports they provide to their son or daughter, but to discuss the supports their child receives with the Individualized Education Program (IEP) team, teachers, family, and friends. Behaviors at home, school, work, and in community settings may vary significantly. A variety of perspectives will provide more accuracy and detail.

Mental Health Issues

- Don't forget to document mental health issues (i.e., anxiety or depression) if appropriate.
- Mental health issues can impact the ability to focus, get along with others, and consistently attend a full-time job.
- Prescribed medication may interfere with the ability to focus and concentrate.

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SLIDE 47

Document Mental Health Needs

Even if mental health issues (e.g., anxiety, depression) are not the applicant's primary disability, it is important to provide information on these challenges. If these are mentioned in the Activities of Daily Living questionnaire or doctor's report, the examiner must consider whether psychiatric or psychological issues affect the applicant's ability to work.

ADL Report Sections

- A. General Information
- B. Information about illness, injury, or condition
- C. Information on daily activities
- D. Information on abilities
- E. Remarks

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LIFE CENTER FOR JUSTICE

SLIDE 48

ADL Report Sections

This slide lists the various sections of the ADL Report. Workshop facilitators may want to share some sample questions from the ADL:

- How do your illnesses, injuries, or conditions limit your ability to work?
- Describe what you do from the time you wake up until going to bed.
- Do you take care of pets or other animals?
- Do you need any special reminders to take care of personal needs and grooming?
- Do you prepare your own meals? Yes or No. If the answer is "Yes," what kind of food do you

prepare? (Examples: sandwiches, frozen meals, or complete meals with several courses)

- List household chores, both indoors and outdoors, that you are able to do. (Examples: cleaning, laundry, household repairs, ironing, mowing, etc.)
- What are your hobbies and interests? (Examples: reading, watching TV, sewing, playing sports, etc.)
- How well do you get along with authority figures? (Examples: police, bosses, landlords, or teachers.)

Sample Questions Section B

B. How does the disability limit ability to work?

This is the only question in Section B

Answer in detail and add pages if necessary.

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SLIDE 49

How does the disability limit ability to work?

The Social Security Administration's definition of disability, unlike definitions for disability used by other agencies, considers the individual's ability to perform significant work activities. It is particularly important for families to provide adequate information in this section or an accurate assessment cannot be made. Parents, teachers, and job coaches may be the best source of this information.

Employers may hesitate to report anything negative about an employee or past employee. If the employer has important information, consider meeting with the supervisor and the human resource manager to discuss the need for this information.

Sample Questions Section C

1. Describe activities from waking to bedtime

Complete with specific details

2. Samples of other questions:

- Does he/she take care of pets or animals?
- How does disability affect ability to dress, bathe, care for hair, shave, feed self, use the toilet, etc.
- Special reminders for personal care and grooming
- Does he/she prepare own meals? What?

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FOR CHILDREN AND YOUTH

SLIDE 50

Sample Questions Section C

- List household and yard chores. If he/she doesn't do these activities, why?
- Does he/she shop (stores, phone, mail, online)?
- Is he/she able to pay bills, count change, have a bank account?
- Does he/she have hobbies & interests? List these
- Does he/she spend time with others?

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FOR CHILDREN AND YOUTH

SLIDE 51

Sample Questions Section D

How long can he/she focus or pay attention?

- Does the youth finish what he/she starts such as reading, chores, or movies?
- How well can he/she follow instructions?
- How well does he/she do with authority?
- How well can he/she handle stress or changes in routine?

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FOR CHILDREN AND YOUTH

SLIDE 52

“The Devil is in the Details”

Provide a comparison of two examples, such as the following:

Version 1 might be how a parent describes their son or daughter's day. The facilitator can point out that the description is clear but perhaps not complete. This description will fit into the space allowed by the form.

Sam gets up in the morning to his alarm clock. Eats breakfast. Takes the bus to school. Returns home. Has dinner with the family and then goes to his room to complete homework.

Version 2 might also be clear but provides more details. This description is unlikely to fit into the space allowed by the form. The additional information will need to be added on the last page of the form or a page added.

Sam alarm goes off. He turns it off and goes back to sleep. A parent goes into the bedroom to remind Sam it is a school day and he needs to get up. He sits up on the side of the bed. The parent returns in 10 minutes to be sure Sam has gone to the bathroom and washed up and brushed his teeth. If the parent is distracted and doesn't return in a timely way, Sam

The facilitator may want participants to consider how they might answer these questions and the functional limitation details they could include.

Additional questions to consider exploring with participants.

may begin dressing in weekend clothes instead of the school clothes they laid out together the night before. If his dressing is interrupted, Sam often has a blow-up and returns to bed facing the wall or returns to the bathroom and locks the door. If Sam dresses successfully, he enters the kitchen for breakfast. The parent takes a quick glance to make sure Sam is wearing socks and the clean clothes. Sam helps himself to milk and cereal. The parent makes certain that the brand of milk with the Happy Cow emblem is available. If a different brand replaces Sam's milk choice, or if his favorite cereal is gone, he will have a blow-up and return to his room. The parent makes certain extra boxes of his favorite cereal are always available in the cupboard. If Sam's morning goes smoothly, he is usually ready for the bus on time. If not, the parent will drive him to school. The parent makes certain all labels are carefully removed from his clothing. If a thread from a label remains, Sam is likely to start undressing on the bus or at school.

Both versions are true, but the second version provides the functional limitation details needed by the consulting doctors. This information will not likely be found in the medical reports but is critical to the understanding of Sam's challenges at work, home, and in the community.

The Blue Book

SSA's Blue Book provides information on disability criteria used by DDS examiners.

Find it at

ssa.gov/disability/professionals/bluebook

Or enter "SSA blue book" into a search engine

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SLIDE 53

The Blue Book

Most families do not know the disability criteria used to determine eligibility. One of the tools DDS examiners use is the "Blue Book" which is only available online. It is divided into two parts: childhood disabilities and adult disabilities. The book lists the most common medical conditions considered to be severe enough to prevent or severely impact successful employment. The adult disability section is divided into 14 categories.

If Internet is easily available during the presentation, go online and show parents how to navigate the Social Security website. If not, screen shots can be helpful to show the information available.

The Mental Disorder, category 12, contains disability assessment information on many disabilities common for transition-age youth including; intellectual, affective, anxiety-related, personality, autistic, pervasive developmental, mental illness, and substance addiction disabilities. The Blue Book sets out the requirements for symptoms, clinical findings, and laboratory tests required. If the disability matches the set criteria in the Blue Book, the determination examiner is more likely to find the applicant eligible in a timely manner.

The Blue Book Is an important guide and can be found at www.ssa.gov/disability/professionals/bluebook



SLIDE 54

Social Security Disability Standard Categories

Each category is divided into multiple subcategories. See some of the examples for category 12, Mental Disorders.

Categories:

1. Musculoskeletal
2. Special Senses (vision and hearing)
3. Respiratory System
4. Cardiovascular System
5. Digestive System
6. Genitourinary System
7. Hematological Disorders

8. Skin Disorders
9. Endocrine Disorders
10. Multiple Body Systems
11. Neurological
12. Mental Disorders Subcategories:
schizophrenia, affective, intellectual, anxiety related, somatoform, personality, substance addiction, autistic
13. Neoplastic Diseases (Cancer)
14. Immune System Disorders

“My young adult has many less severe difficulties that interfere with work...”

When No Single Disability meets SSA criteria

- Provide details on how the combination of disabilities influences daily activities.
- Provide data and examples to show how this combination impacts work.
- The consultant doctor will not make assumptions.
 - Be detailed and provide examples.

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SLIDE 55

When No Single Disability Meets SSA Criteria

When no single disability meets SSA criteria, but the youth has more than one less severe disability that together have a greater impact, families should document how the combination of disabilities influence ADL and work activities. It is important to provide as many details in these areas as possible. Medical documents are often not the best source of this information but families, employers, teachers, and friends can provide the details because they actually see the impact and sometimes provide support to youth in these activities.

Functional Limitations

Resulting in at least two:

- Marked restriction of activities of daily living
- Marked difficulties in maintaining social functioning
- Marked difficulties in maintaining concentration, persistence, or pace
- Repeated episodes of decompensation, each of extended duration.

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SLIDE 56

Two or More Functional Limitations

The functional limitations listed here are what SSA’s consultant doctors are required to consider. Families should consider how to include this information in their answers when completing the ADL questionnaire.

- Marked restriction of activities of daily living
- Marked difficulties in maintaining social functioning
- Marked difficulties in maintaining concentration, persistence, or pace
- Repeated episodes of decompensation, each of extended duration

What Parents Can Do

- Make certain medical information is recent, complete and submitted in a timely fashion
 - Some parents collect files and submit themselves
 - Schedule medical appointments to update file and applicant's doctor
- Fill out the ADL form completely
 - Meet with others who will be completing the form to emphasize its importance

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SLIDE 57

Parents Can Take an Active Role

Encourage parents to take an active role in the gathering of medical information. Incomplete medical information is often the cause of decision delays and first-level denials. When the medical information is out of date or incomplete, the examiner will schedule consultative medical examinations. It is generally to the applicant's advantage to have their own doctors' up-to-date information.

Meet with Individuals Completing the ADL Form

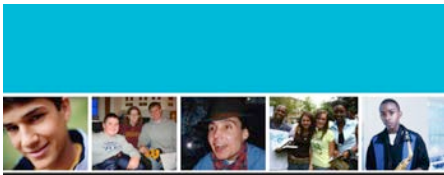
Remind parents that in the application process they have provided the names and contact information of others who understand their son or daughter's disability. This may include teachers, employers, caretakers, or family members. This information is provided for the DDS examiner to receive more detail about the daily and functional limitations than is usually provided in the medical reports. This information is required for the examiner to make a determination. If it is incomplete and the applicant does not exactly meet the medical criteria, the claim is likely to be denied.

Example: A young adult with an IQ of 55 is likely to meet the medical criteria (see below) to be eligible for benefits without the ADL data whereas a young adult with an IQ of 69 may not meet the medical criteria without consideration of the ADL data. (See ADL criteria D below and slides 50-53 on the SSA's medical criteria.)

SSA Criteria for Intellectual disability (12.05)

- A. Mental incapacity evidenced by dependence upon others for personal needs (e.g., toileting, eating, dressing, or bathing) and inability to follow directions, such that the use of standardized measures of intellectual functioning is precluded; OR
- B. A valid verbal, performance, or full scale IQ of 59 or less; OR
- C. A valid verbal, performance, or full scale IQ of 60 through 70 and a physical or other mental impairment imposing an additional and significant work-related limitation of function; OR
- D. A valid verbal, performance, or full scale IQ of 60 through 70, resulting in at least two of the following:
 1. Marked restriction of activities of daily living
 2. Marked difficulties in maintaining social functioning
 3. Marked difficulties in maintaining concentration, persistence, or pace
 4. Repeated episodes of decompensation, each of extended duration

For more information see: http://www.ssa.gov/disability/professionals/bluebook/12.00-MentalDisorders-Adult.htm#12_05



Appeal Process

If the appeal is denied

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FOR THE COURTS AND THE PEOPLE

SLIDE 58

The Appeal Process

It is advantageous to pursue the appeals process if an application is denied. The process has benefited many people who have initially been denied. It is also important to understand that even if an application and appeal are denied, anyone can reapply for SSI at any time in the future if the SSI income and disability eligibility requirements are met.

If you receive a notice of denial, directions on how to appeal will be included.

- The first step is to state in writing that the applicant plans to appeal the decision. A brief statement of the reason for the appeal is required. It needs to be only a sentence or two long and can be stated in general terms. “I disagree with the decision because the

information used to make the decision was not complete.” Mail the form and statement to the address on the denial letter. Additional information on the disability can be added at any level of the appeals process and it is recommended to do so.

- Do not wait to submit the form. The appeal must be initiated within 60 days from the date the letter is received. If the applicant decides to use a representative or attorney, this person can be selected after the appeal is started. Additional information can also be submitted at a later date. Do not wait for these activities to be completed!

Remember, if the SSI application is denied, individuals have the right to appeal. The process is set up to protect applicants – USE IT!

Step 4: **APPEAL**

- Within the 60-day time period
- Review file and add appropriate information
- Don't start over by reapplying
 - Payments go back to the original application date and those monthly benefits will be lost.
 - A hearing with the Administrative Law Judge is an advantage for some disabilities

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FOR THE COURTS AND THE PEOPLE

SLIDE 59

Many Appeals are Successful

Encourage parents to appeal if their application is denied. It is not uncommon for an initial application to be denied, and many claims are approved at the next levels of appeal. For some disabilities, the hearing with the Administrative Law Judge is an advantage.

Parents need to appeal within 60 days after the notice of denial. It is a common mistake for applicants to start over but they are likely to be denied again. If an appeal is successful, payments will be calculated based on the original application date. Those monthly benefits will be lost if a new application is started. Instead of starting over, parents should review the information in the file

to make sure all of the medical information was reported. Medical files or other information is often missing.

Applicants Have the Right to Examine Their File

The individual or representative may examine and receive a copy of the information in the case file, upon request. The individual or representative also may review and copy the laws, regulations, and policy statements used in deciding the case. www.socialsecurity.gov/ssi/ssi-law-regs.htm

Common Reasons for Denial

- Incomplete medical information
- Under-diagnosed disability (e.g., mental illness)
- Information provided does not show an impact on the ability to work
- Difficult and complicated system

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SLIDE 60

Common Reasons for Denial

The first three reasons listed on this slide are issues that parents can do something about. The application forms are lengthy and call for many details. If the application sent to Disability Determination Services (DDS) was incomplete, it is likely to be denied. If this is the case, the appeals process allows applicants the opportunity to provide more detailed information. Some common reasons for denial include:

- The information was not complete: The Social Security Administration (SSA) will request information about the work and daily living limitations and restrictions due to a disability from doctors and other people who are familiar with the applicant. SSA needs all of the doctors' names, addresses, and telephone numbers as well as the contact information from other people who know about the disability and limitations. These may include teachers, job coaches, employers, and friends.
- The ADL questionnaire requests a detailed description of day-to-day activities. This should stress how the disability limits and restricts the applicant's ability to work. It is important for the people sending information to DDS to understand the need to provide information that

fully describes the limitations or restrictions for work and not focus on strengths. This may be difficult for people to do as it is always easier to speak about strengths versus limitations.

- The doctors' information was not specific to the disability and work limitations: The medical information must provide specific information about the disability and how it limits the ability to participate in the workplace. This may be lacking from the medical notes.
- The information about work experience did not adequately describe the limitations in performing work tasks: DDS will need a detailed description of all the equipment, assistive technology, services, supports, and accommodations the applicant needs, as well as detailed information specifying the ways that the disability affects his or her ability to perform tasks at work.

For more information see: **Understanding Supplemental Security Income, 2014 Edition**
www.socialsecurity.gov/ssi/text-understanding-ssi.htm

Case Study - A Consultative Examination

A consultative examination is requested only when there is insufficient evidence to decide a claim.

- Therapist was reluctant to “label” Chad with severe depression.
- SSA arranged a medical consultation for Chad to provide more information.
- As a result, he received a favorable decision and did not have to go through the appeals process.

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FOR THE COURTS AND COMMUNITY

SLIDE 61

Consultative Examination Case Study

SSA requests a Consultative Examination Case Study (CE) only when there is insufficient evidence to decide a claim. It is very important to go to a CE when one is requested. If you do not go, the claim may be denied due to insufficient evidence.

Chad did some assembly of paper products while still in school. He found the part-time work enjoyable and liked earning his own spending money. Since he was good with his hands, the work coordinator at his school suggested that assembly work would be a good place to start when he graduated from high school. Chad was hired as a full-time worker at a local manufacturer a short distance from home.

He was not on the job long before his supervisor took him aside and warned him about his lack of attention on the job. Chad said he would try harder. However, he continued to have trouble and found it hard to focus. Often his mind would wander while waiting for the bus. He would not see the bus go by, or he would ride past his bus stop and fail to get off for work or home. He did not participate with co-workers during break periods or keep up with old friends. When in a group, Chad sat to the side and faced away from the activity. At his supervisor’s request, Chad consulted with his family doctor, Dr. Stevens.

Dr. Stevens noted Chad’s withdrawal and anxiety but did not relate this to Chad’s difficulty at work or diagnose this as depression. He believed a depression or mental illness label might discourage and depress Chad even more. Instead, Dr. Stevens urged Chad to go out with friends and join groups that share his interests. He believed Chad could break out of his depression by finding more enjoyable activities.

Chad received three warnings from his supervisor because of tardiness, absences, and poor attention to details. After each warning, Chad would improve for a few days but lacked the ability to sustain the improvement. Chad’s problems kept expanding in his mind, and he became totally engrossed in his problems.

His supervisor again took him aside and stated he had no choice but to terminate him.

At home, Chad stayed in his bedroom, seldom dressing, bathing, or coming out to eat. His parents could not cheer him up. They were worried and knew Chad’s problems were more than losing his job. They feared that his current emotional state would interfere with any future employment opportunities.

Chad’s parents helped him apply for SSI. The SSA requested medical reports from Dr. Stevens. Soon after, Chad received notice from SSA explaining that they did not have complete medical information concerning his disability and how it interfered with his ability to work. At SSA’s expense, a consultative examination (CE) was scheduled with a psychiatrist, Dr. Forest.

Chad’s parents accompanied him to the scheduled appointment and participated in the meeting. It was difficult for Chad to articulate his feelings to the doctor. He told Dr. Forest that he saw no point in living. His parents added some details about Chad’s difficulties in keeping a job and his behavior at home. Dr. Forest said that he would submit his report to SSA. Three months later, Chad learned that he was eligible for SSI. With additional medical information provided by Dr. Forest, Chad’s application for SSI benefits was approved.

In the meantime, Chad saw a private psychiatrist who diagnosed him with severe depression and began a treatment plan. During the period when Chad could not work because of his disability, SSI benefits provided him with some financial security and medical treatment for his depression (Medicaid). When Chad returned to work almost two years later, his financial benefits from SSA were reduced. He continued to receive Medicaid, necessary to pay for his prescription drugs, as well as therapy appointments and other medical needs. His family supported him during reoccurring periods of depression. Chad also developed strategies for keeping his job by requesting accommodations.

Sequence of Appeals

- **Reconsideration** – File is reviewed by a different SSA representative
- **Hearing** – Before an Administrative Law Judge (ALJ)
- **Appeals Council** – Reviews a transcript and can uphold a decision or remand to ALJ
- **Federal District Court**

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SLIDE 62

Sequence of Appeals

After an application is completed and filed, SSA will mail a written determination. The time it takes to determine an applicant's eligibility can vary depending on the complexity of the case. If the decision is not favorable, an appeal is possible. The request to appeal must be done in writing within 60 days of the date the notice is received. The notice will provide instructions on how to appeal.

How to Appeal Social Security Determinations and Decisions.

There is an established appeals procedure for individuals who disagree with the determination(s) or decision(s) SSA makes. Most people who appeal are granted reversals at the first and second levels of appeal. The levels of appeal are:

1. Reconsideration – The file is returned to Disability Determination Services. The information in the file will be looked at by a new reviewer.
2. Hearing before an administrative law judge (ALJ)
3. Appeals Council review – The Council carefully reviews the case or returns it to the same or a different ALJ for further action, which could include another hearing and a new decision.
4. Federal Court action – Appeals are rarely pursued at this level because of the cost involved.

For more information see: **Understanding Supplemental Security Income, 2014 Edition**
www.socialsecurity.gov/ssi/text-understanding-ssi.htm

Appeal Level 1: Reconsideration

- The file is reviewed by a different SSA representative
- Additional information may be added to the file
- It can be done online
- An attorney is not necessary

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SLIDE 63

Reconsideration

If the application is denied, the first step in the appeal process is reconsideration. The request reconsideration can be made by contacting SSA – information on who to contact is provided in the determination letter, or by completing:

- Form SSA–561 (Request for Reconsideration); or,
- Form SSA–789 (Request for Reconsideration – Disability Cessation).

The applicant or representative must ask in writing for reconsideration within 60 days of the date written notice of the denial is

received. Reception of the determination is expected to have been received five days after the date on the notice. All of the documentation will be reevaluated by a disability examiner who was not part of the initial determination.

In some states, SSA is using a revised appeals process that may replace these steps. If the applicant lives in one of these states, the notice of determination will provide specific instructions about how to appeal.

Reconsideration Case Study

Reconsideration is the first level of appeal.

- Kara was denied SSI benefits when she first applied.
- Her parents notified SSA of their intent to appeal.
- They submitted more information on how her disabilities affect her ability to work, and on the supports she needs to succeed in the workplace.
- Kara's new determination was favorable.

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SLIDE 64

Case study of a Denial

Reconsideration is the first level of appeal. The file will be sent back to the Disability Determination Services and the information in the file will be looked at by a new reviewer.

During Kara's school transition program at age 17, she had the opportunity to work at a fast-food restaurant. She could perform preparatory duties such as mixing coleslaw, dispensing foods into appropriate containers, and labeling the containers. Kara voluntarily assisted her co-workers by cleaning up and sanitizing areas when they fell behind on their work. She was good at helping out when things got busy and liked to keep the work areas clean.

Kara has a brain injury that affects her speech, learning, and balance. Her speech is not easily understood. Despite an uneven gait, she can walk short distances. She has short-term memory problems that make it difficult for her to follow a series of instructions. Kara was afraid of the stove and could not carry or lift heavy objects. The manager of the fast-food restaurant was familiar with disability issues and worked with Kara's job coach to structure Kara's work activities, simplify instructions, and use pictures on index cards to remind her of tasks and the order they needed to be done. Kara's co-workers also helped. They noticed when Kara needed assistance, and frequently joked and talked to her as they learned to understand her speech.

Six months after Kara began working at the restaurant the manager was transferred. The new manager liked Kara but could not understand her speech. He was concerned about her balance and feared she might hurt herself by bumping into something hot. If he felt she was too close to the stove, he would grab Kara by the shoulders and physically move her. Kara was uncomfortable with the physical intervention and started to fear his presence. She became withdrawn at work and stopped interacting with her co-workers. Kara sensed her supervisor's disapproval of her work, and this increased her anxiety, making it even more difficult for her to talk.

The manager attempted to communicate with Kara about her performance, but Kara started to cry when he interrupted her reply. She pushed a tray of prepared food to the floor and retreated to the storage room. Her job coach

tried to resolve the misunderstanding between the manager and Kara, but Kara refused to return to work.

Kara had not received SSI as a child because her parents' income was too high to meet the criteria. Now that she was almost 18, her parents decided to complete the application on her behalf.

*Kara's doctor described her range of motion as "better than might be expected" for her disability. He noted limitations for work regarding lifting and heights, but did not describe additional difficulties she might experience if employed. He alluded to her communication problems, but because he had known her for many years and understood her adequately, he did not go into any detail. **Kara's application was denied because it did not contain adequate information about how her disability affected her ability to work.***

*After the denial, Kara's parents decided to appeal for **reconsideration**. They submitted additional information from their observations of Kara concerning her communication difficulties and behaviors, such as tantrums and crying when she was feeling stressed. They included information on her short-term memory loss which made it difficult for her to follow oral or written directions. Her parents also contacted Kara's job coach who wrote a description of the supports Kara needed at work and explained her difficulties in staying motivated on a job without structured, positive reinforcement from her employer.*

Since Kara was planning to remain in the school transition program through age 21, her job coach was confident that other jobs could be found for her. He emphasized that Kara would require continued supports from employers, co-workers, and job coaches in order for her to succeed. Kara's parents also gave SSA permission to contact her former supervisor. Although he did not have time to give a lot of details, what he shared with SSA helped further explain Kara's limitations in the workplace.

This additional information on Kara's work behavior was submitted and she received a favorable determination at the reconsideration level.

- Hearing with an Administrative Law Judge (ALJ).
- Applicant or representative may submit new evidence.
- An attorney is usually helpful.
- Earlier denials are often overturned at hearing.
- Can be a positive experience for the applicant

Hearing Before an Administrative Law Judge

If the reconsideration is denied, the next step is a hearing before an Administrative Law Judge (ALJ).

A request for a hearing must be made within 60 days after receiving the notice of reconsideration determination. The applicant or representative may review the file before the hearing and can submit new evidence. Form HA-501 (Request for Hearing) should be completed. It can be completed online at [socialsecurity.gov](https://www.socialsecurity.gov).

The ALJ may want more medical exams or tests and SSA will pay for these. The ALJ may ask other witnesses, such as medical experts, to come to the hearing. The applicant or representative may request the ALJ to order certain witnesses to attend.

It is in the best interest of the applicant to appear before the ALJ. If the applicant does not want to appear in person at a hearing, a request can be made for the ALJ to make a decision based on the evidence in the file. It is very important that the applicant or representative appear either in person, by video conferencing, or by telephone (in extraordinary circumstances) at the scheduled hearing if at all possible.

It may take from six months to a year to have a hearing. This hearing can be postponed due to

illness, transportation, or availability of witnesses. Anyone can bring an advocate, witnesses, family members, or have a representative such as an attorney at the hearing. A witness can be a co-worker, physician, or anyone who can explain the effect of the disability on work. Before the hearing, make sure that all medical records are complete and up-to-date.

During the hearing, the ALJ may ask the applicant and witnesses questions. The applicant or representative may also ask any witnesses questions and present new evidence. Other people at the hearing will include the court reporter who will record the proceedings, and medical or vocational experts if the judge requests their help in making a fair decision. No spectators are allowed. There is no attorney for SSA and therefore no cross-examination of the applicant or representative. The hearing usually lasts about an hour and a written notice of the decision will be sent to the applicant and representative within eight weeks. The hearing is informal, but it is recorded.

SSA may pay for travel costs if the distance to the hearing is more than 75 miles one way. Notify the ALJ as soon as possible **before** the hearing if funds are needed.

Hearing Case Study

- Marci was denied SSI benefits. At the first level of appeal (reconsideration), her parents didn't know they could add more information to Marci's file.
- Marci was denied again because her file didn't contain information on all supports she receives in order to work.
- Appealed again. With an attorney's help the family provided SSA with detailed information about Marci's work limitations and supports.

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Hearing Case Study

If the reconsideration is denied the next step is a hearing before an Administrative Law Judge (ALJ).

Marci was 22 years old and had a cognitive disability. She was socially outgoing, enthusiastic, and loved helping people. Marci worked in a small office for 15 hours a week at a wage of \$6 per hour and received no benefits. She wanted to increase her work hours so she could earn more money and receive vacation and health benefits. Marci's employer was willing to train Marci for more duties if she could improve her hygiene and impulsive behaviors. Marci was proud of her office job and believed she could soon work full-time and support herself.

Marci lived with her parents but was determined to be independent, work full time, and live on her own. Her parents were also working toward this goal but realized that it might take Marci some time to be able to manage her own place and a full-time job. Her parents feared that if she lost her job she might not easily find another one.

Marci's parents and her job coach provided many work supports, but information about these supports was not included in her initial SSI application. Her job coach regularly supported Marci and her employer, and would likely be required for long-term support. When the family went through the first step of the appeals process, they did not know that they should describe these supports or add more information to Marci's file. They assumed many of the supports provided to Marci were understood by the DDS, given her type of disability. Since the DDS did not have all the information, Marci received a denial at the first level of the appeals process.

The family then prepared for the next step of the appeals process (a hearing) by choosing an experienced attorney who understood SSI disability issues. He was realistic with Marci and talked to her

about her difficulties due to her disability as well as her strengths. He realized that Marci was very talkative about all the things that she could do, and that her parents and service providers had never been successful in getting her to discuss work problems or her disability. The attorney questioned Marci's parents on the supports provided to her so that she could work. He went over the SSI file and requested additional information on job supports from both employer and job coach. He learned that grooming issues, appropriate communication, and transportation were still issues for Marci, and that she receives ongoing support in these areas.

The attorney also discovered that Marci got angry and left work early if her supervisor attempted to correct her work and speak to her directly about her work behaviors. To address this behavior, Marci and her job coach worked on anger management strategies. He documented that Marci's behaviors and limited work skills prevented her from increasing her work hours. The attorney presented all this new information to the ALJ.

Marci's job coach agreed to attend the hearing so she could provide additional explanations on some of the strategies she provided Marci and the employer.

At the hearing, the ALJ reviewed the paperwork he had on file. He asked Marci's attorney many questions regarding the new information and then spoke with Marci. He listened to her describe her job duties, hours, and work goals. He then listened to the job coach describe specifically how he worked with Marci.

The judge complimented Marci on her good work attitude and goals. He closed the hearing by stating that Marci would have a written decision in a couple of weeks. In three weeks Marci and her attorney received a letter stating she qualified for SSI benefits.

- **Appeals Council** – Reviews transcript and can uphold decision or remand to ALJ.
- **Federal District Court** – Final step

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Appeal Levels 3 & 4

3. Appeals Council

If the applicant is denied benefits, an appeal may be requested by writing to SSA and requesting an Appeals Council review, or by completing a Form HA-520 (Request for Review of Hearing Decision/Order) within 60 days after receiving the hearing decision.

The role of the Appeals Council is to review the ALJ's decision. No one besides council members are present at this level. The council reviews the documentation and the judge's decision, and then either makes a decision or sends the appeal back to the ALJ for a second hearing. This can mean that a different judge hears the appeal. A written statement will be sent regarding how the appeal will be handled.

New evidence may be submitted. The Appeals Council will send a copy of the action it takes and explain the reasons for this action.

4. Federal Court

If the Appeals Council issues a decision, or denies the request for review of an ALJ's decision, and the applicant disagree with the action of the Appeals Council, a civil action may be filed with the U.S. District Court. The U.S. District Court will review the evidence and the final Agency decision and make a decision without any future hearings.

It is important to have the help of an attorney or legal aid group at this level.

An appeal file to the U.S. District Court must be made within 60 days after receipt of the notice of Appeals Council action.

It is also possible to bring an appeal to the Supreme Court. This level of appeal is very costly and rarely done.

Role of a Representative

- Representatives can be used at all levels of appeal and may include:
 - Parent, attorney, advocate, community liaison
- Representative's role:
 - Review the file
 - Identify, obtain missing information
 - Request an appeal
 - Help with witnesses, preparing for a hearing

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Role of a Representative

Representation can be provided at all levels of appeal. The representative may be an advocate, parent, attorney, or other individual who is familiar with SSI and the individual's specific situation. SSA representatives will work with this person just as they would with the applicant.

The representative can come to any interview, conference, or hearing. They may help get information from the applicant's SSI file such as medical records or statements from teachers or other support specialists. The representative cannot charge or collect a fee from the applicant without first receiving written approval from SSA. The SSA must be informed in writing as soon as possible. This can be done on Form SSA-1696-U4, Appointment of Representative, from any Social Security office.

The representative will receive a copy of any decision made on the individual's disability claim and assist in determining whether an appeal would be to the applicant's advantage.

The representative can:

- Review what is in the file.
- Identify and obtain missing information about the disability.
- Request a reconsideration, hearing, or Appeals Council review.
- Help with any witnesses preparation for an appeals hearing.

Need More Resources?

The resources that follow fall into two categories:

1. Resources available to residents of Minnesota
2. National resources available to residents of any state

Note to Facilitators: Replace the Minnesota examples with comparable resources in your state.



Need More Resources?

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ABLE Act

Achieving a Better Life Experience Act (ABLE)

- Creates a specific savings account for people with disabilities.
- Account allows money to be put aside for expenses not covered by government programs
 - e.g., education, housing, job coach, transportation.
- Funds may be used over a person's lifetime.



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What does the ABLE Act do?

The Achieving a Better Life Experience Act (ABLE) amends Section 529 of the tax code to create a specific account for people with disabilities. In order to be eligible for many government services including SSI, individuals have only been allowed to save \$2,000 in assets and earn \$700 a month. That's far below the poverty line. These asset limits date to 1974 (established as a way to qualify for Medicaid eligibility) and have not been adjusted since.

From the day a child receives a disability diagnosis, parents are usually told not to put assets in that individual's name because it could make them ineligible for benefits. This is obviously a disincentive to employment and work. ABLE accounts allow savings for long-term expenses that Medicaid and Supplemental Security Income don't cover, such as education, housing, a job coach, or transportation. The types of expenses covered are enumerated in the legislation. The money is meant to be used over the course of the person's lifetime, not just for education. Up to \$14,000 can be deposited annually into an ABLE account to a total of \$100,000.

The ABLE Act has been passed by the U.S. Congress but will be administered by each state. Regulations have yet to be established, and the state programs are likely to be implemented in 2016.

For information on the progress of ABLE Act implementation, either nationally or in your state, visit the websites of the following organizations:

- PACER Center
PACER.org
- The Center for Parent Information and Resources has information on the federally funded parent center in your state
parentcenterhub.org/find-your-center/
- National Down Syndrome Society
ndss.org/Advocacy/Legislative-Agenda/Creating-an-Economic-Future-for-Individuals-with-Down-Syndrome/ABLE-State-Bills/
- National Disability Institute
www.realeconomicimpact.org/

Work Incentives Planning and Assistance (WIPA) Projects

- Provides information on impact of work on benefits including:
 - SSI, SSDI, Medicare, Medical Assistance, food support, subsidized housing
- Assist in advocating with government agencies
- **1-866-968-7842 (Voice) or 1-866-833-2967 (TTY)**



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NATIONAL RESOURCE NETWORK – Work Incentives Planning and Assistance (WIPA) Projects

WIPA projects are community-based organizations that receive grants from SSA to provide all Social Security and Supplemental Security Income (SSI) disability beneficiaries (including transition-to-work aged youth) with free access to work incentives planning and assistance. Each WIPA project has counselors that can explain available employment supports and help families

make informed choices about work. WIPA services are available in every state, the District of Columbia, and the U.S. Territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. Call 1-866-968-7842 (Voice) or 1-866-833-2967 (TTY) for locations of WIPA organizations or see the online SSA service provider directory at socialsecurity.gov/work.

The Work Incentive Connection

- Minnesota WIPA
- Provides information on impact of work on benefits including:
 - SSI, SSDI, Medicare, Medical Assistance, food support, subsidized housing
- Helps advocate with government agencies
- Hotline: 1-800-976-6728 or 651-632-5113 (MN Relay 711)



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STATE RESOURCE – Minnesota’s Work Incentive Connection Work Incentive Connection – Minnesota WIPA,

The Work Incentives Connection answers questions from Minnesota residents about the impact of work on Social Security Disability Insurance, Supplemental Security Income, Medical Assistance, Medicare, Food Support, subsidized housing and other benefit programs used by people with disabilities. If needed, Connection staff can research complicated issues and assist individuals in advocating directly with government representatives.

Anyone can call the Work Incentives Connection with questions about work and benefits. Assistance is provided to people with all types of disabilities

throughout Minnesota, as well as family members, vocational or other service providers, advocates, and others assisting people with disabilities. To receive in-depth services, participants must be between ages 16 and 64, and receiving either Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI).

- *Hotline: 1-800-976-6728 or 651-632-5113 (MN Relay – 711)*
- *For more information: <http://www.mnworkincentives.com/>*

Protection and Advocacy for Beneficiaries (PABSS)

PABSS services are available in every state, including:

- Investigating complaints and problems under the *Ticket* program.
- Providing information on work incentives
- To locate nearest office: **1 866-968-7842**

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STATE RESOURCE – Protection and Advocacy for Beneficiaries (PABSS) Agencies

In every state, U.S. territory and the Tribal Nations, there is an agency that protects the rights of persons with disabilities. This Protection and Advocacy System administers the SSA-funded PABSS program. Each PABSS agency can:

- Investigate any complaint against an employment network or other service provider that is helping the individual work or return to work
- Provide information and advice about vocational rehabilitation and employment services
- Provide information about SSA's work incentives
- Provide consultation and legal representation to protect individual rights in the effort to secure or regain employment

- Help with problems concerning the Individual Work Plan under the Ticket to Work program

These services are free to individuals receiving SSDI or SSI benefits based on disability or blindness.

To locate a PABSS agency call **1-866-968-7842** (Voice) or **1-866-833-2967** (TTY) or see contact information in the SSA online service provider directory at socialsecurity.gov

For more information see: <http://www.socialsecurity.gov/redbook/eng/resources-supports.htm#a0=5>

NATIONAL RESOURCE – Benefits Planning Query (BPQY)

Benefits Planning Query (BPQY)

- BPQY is an important planning tool
- Provides information on the cash benefit, health insurance, continuing disability reviews, work history, and more.
- Request a BPQY: **1-800-772-1213**



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SSA provides BPQYs on request to beneficiaries, their representative payees, and authorized representatives of record. A BPQY provides information about a beneficiary's disability cash benefits, health insurance, scheduled continuing disability reviews, representative payee, and work history as stored in SSA's electronic records.

The BPQY is an important planning tool for a beneficiary, WIPA counselor, Plan to Achieve Self-Support Specialist, benefits counselor, or other person who may be developing customized services for a disability beneficiary who wants to start working or stay on the job.

Beneficiaries can request a BPQY by contacting their local SSA office or by calling SSA's toll free number, **1-800-772-1213** between 7 a.m. and 7 p.m. EST, Monday through Friday. People who are deaf or hard-of-hearing can call the toll-free TTY/TDD number, **1-800-325-0778**, between 7 a.m. and 7 p.m. EST, Monday through Friday.

If someone other than the beneficiary, representative payee, or appointed representative (a benefits counselor, for example) wishes to receive a BPQY, they must submit two SSA-3288 forms (Consent for Release of Information) that have been signed by the beneficiary. One is to authorize the release of Social Security records and the other to authorize the release of Internal Revenue Service earnings records. Both releases must contain the beneficiary's Social Security number or claim number. Copies of the SSA-3288 are available at <http://www.socialsecurity.gov/online/ssa-3288.pdf>

<http://www.socialsecurity.gov/redbook/eng/resources-supports.htm#a0=2>

BPQY Handbook: **http://www.ssa.gov/disabilityresearch/documents/BPQY_Handbook_Version%205.2_7.19.2012.pdf**

Work Incentive Seminar Events (WISE)

- Provides free webinars on employment and work incentives
- Wide range of topics
- Past webinars available at: chooseworkttw.net

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Work Incentive Seminar Events (WISE)

SSA's WISE programs feature information to help Social Security disability beneficiaries make the decision to re-enter the workforce or to work for the first time. All WISE take place via free online webinars. The webinar format allows beneficiaries and other interested parties to learn about vital employment resources from Social Security representatives without having to travel to another location.

Some of the webinars are designed to address a broad range of disabilities while others target people in specific disability categories or age ranges. They may feature various employment service providers, including Social Security approved Employment Networks, State Vocational Rehabilitation Agencies, Protection and Advocacy Services, and WIPA

organizations. Some WISE events and resources feature former beneficiaries who have used the Ticket to Work (TTW) program to become employed and offer first-hand accounts of their success.

Beneficiaries and other interested parties may register for scheduled WISE activities online at chooseworkttw.net/ or by calling the Ticket to Work Help Line at **1-866-YOURTICKET (1-866-968-7842)** or for TTY call **1-866-833-2967** Monday through Friday from 8 a.m. - 8 p.m. EST. Archived versions of past events are also available.

For more information see: <http://www.socialsecurity.gov/redbook/eng/resources-supports.htm#a0=4>

Disability Benefits 101

- MN Disability Benefits 101: mn.db101.org/
- Online tools, benefit estimators, and information on health coverage, benefits, and employment
 - Learn how work and benefits go together
 - Test scenarios, plan ahead
 - Live chat

Help by phone: **1.866.333.2466** (MN)



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STATE RESOURCE – Disability Benefits 101

Currently available only in **Arizona, California, Michigan, Minnesota, Missouri and New Jersey**, DB101 provides resources and tools for families and professionals on employment, health coverage, and benefits. The information is clear and accurate, and makes it easier to understand how youth can pursue work exploration and goals while continuing to receive benefits. Interactive online “estimators” help users find out how a job can affect their disability

benefits, health coverage, and income, and how staying in school can help.

The link and phone number on this slide are specific to Minnesota's DB101 program.

Disability Benefits 101 (Find Your State) www.db101.org

NEW
The  [DB101.org](http://mn.db101.org) is here!



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STATE RESOURCE – Disability Benefits 101 (MN)

Use the Disability Benefits 101 homepage from your state in place of the one from Minnesota presented here: mn.db101.org

socialsecurity.gov

- *Choose Work*, a government website with information on the Ticket to Work program: chooseworkttw.net
- ssa.gov or socialsecurity.gov have many fact sheets available. Search by topic using the search tool.
- SSA regulations in a user-friendly format are available at socialsecurity.gov/redbook/ and socialsecurity.gov/ssi/text-understanding-ssi.htm
- The Blue Book explains disability and medical criteria socialsecurity.gov/disability/professionals/bluebook/



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Many Online Resources are Available from SSA

- The Choose Work government website has information on the Ticket to Work program and working **chooseworkttw.net**
- The Social Security Administration website **ssa.gov** has many fact sheets available. Enter topic into the search window to find relevant resources.
- The Social Security website provides regulations in a user friendly format. **socialsecurity.gov/redbook/** and **socialsecurity.gov/ssi.text-understanding-ssi.htm**
- The Blue Book provides disability and medical criteria. **socialsecurity.gov/disabilityprofessionals/bluebook/**

Disability Linkage Line

- Help by phone: **1.866.333.2466** or chat line
- Free statewide information and referral
- Trained counselors provide one-to-one assistance
- OK to ask any question



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STATE RESOURCE – Disability Information Helpline

Is there a disability information helpline in your state? The information on the slide and below is for Minnesota's Disability Linkage Line

Disability Linkage Line provides:

- Free statewide information and referral resources
- Single access point for all disability related questions
- Trained options counselors who can provide one-to-one assistance
- Online chat available

Phone 1-866-333-2466

Thank You for Coming!



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Presenters may wish to add their organization's contact information.

Ask the audience if they have any other questions or comments.

Pass out evaluation forms for the participants to complete if not already in their folders.

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