

INTRODUCTION TO SOCIAL SECURITY BENEFITS THAT ARE AVAILABLE TO PERSONS WITH DISABILITIES

If you are disabled and incapable of substantial gainful employment, you may be eligible for either Supplemental Security Income (SSI) or Social Security Disability Income (SSDI). Both of these programs pay money to persons who are disabled and incapable of substantial gainful employment (substantial gainful employment is defined as the ability to earn up to \$800 per month in earned income. If you have a physical or mental impairment which prevents you from doing any work that will enable you to earn at least \$552 per month, you are eligible to apply for either SSI or SSDI if you meet the other requirements of either of the programs.

SSDI Requirements:

In addition to being disabled, an individual applying for SSDI must have worked and paid into social security for a minimum number of work quarters, if she/he is drawing on his or her own social security account (the minimum number of quarters is determined by one's age and the number of years she/he worked prior to becoming disabled). There is no deeming of one's assets (i.e. you will not be asked questions about bank accounts, savings bonds, etc.) in order to determine eligibility for SSDI. All that is required is that the individual is disabled and no longer capable of substantial gainful employment, and has paid into social security for the required number of quarters if s/he is drawing on his or her own account. An individual may also be able to collect SSDI under his or her parent's work record, s/he must have been disabled prior to the age of 22, be single and be incapable of substantial gainful employment. In order to collect on a parent's work record, the parent must have died, retired or become disabled. In other words, a dependant adult child can collect SSDI based on his or her parent's work record if the parent is eligible for social security administration benefits.

SSI Requirements:

SSI requires that in addition to a person being disabled and incapable of gainful employment, s/he must be poor and have very little income and very few resources. The following are a list of resources that an individual is allowed to retain and still be eligible for SSI:

- savings accounts to a maximum of \$2,000 for a single person or \$3,000 for a couple;
- life insurance with a face value of up to \$1,500;
- burial plots for you and your immediate family;
- burial funds up to \$1,500 for you and \$1,500 for your spouse;

- your car, if it has a maximum fair market value of less than \$4,500, or has been adjusted to accommodate a disability, or is needed for...
 - +employment purposes,
 - +medical treatment of a specific problem, or
 - +essential daily activities
- furniture and household goods worth up to \$2,000 fair market value for a single adult or child, or \$3000 for a couple (in Massachusetts there is no limit on the amount of furniture and household goods);
- your house, regardless of its value, if you live there and do not receive any income from it.

In addition, Social Security does **not** count the following income in deciding SSI eligibility:

- the first \$20 per month of most income from any source;
- the first \$65 per month of most **earned** income, and half of any **earned** income over \$65 per month;
- food stamps;
- home energy assistance under certain conditions;
- food, clothing, and shelter from certain private non-profit organizations approved by your local Social Security office.

Once you are found eligible for either SSI or SSDI, your eligibility may be reviewed every year or every 3 years if there is an expectation that your disabling condition may improve over time. Even if you have a long term disability, SSI requires your case be reviewed every 5-7 years to determine that you still meet the eligibility criteria.

The amount of SSDI you receive depends upon the number of years you worked and paid into social security, the rate of pay, and your age when you became disabled. The amount of money you receive under SSI is limited to a maximum of \$552 per month as of January 1, 2003, except in those states that supplement the Federal SSI payment. Illinois is not one of the states that supplements the Federal contribution.

There are other ways you can maximize the amount of money you receive under SSI. These include being knowledgeable about deductions allowed for "IMPAIRMENT RELATED EXPENSES" and about SSI's DEEMING requirements if you are living in the home of another and you are receiving free or "in kind" support. The following is a more detailed explanation of each.

Impairment related work expenses are those costs for services and items that a person needs in order to work. The costs for these items and services must be paid by the disabled individual and not be a cost that is reimbursable by Medicare, Medicaid or private insurance. Examples of impairment related expenses are as follows:

1. Attendant care services
2. Transportation costs

3. Medical devices
4. Prosthesis
5. Work related equipment or services (such as typing aids, page turning devices, telecommunications devices for the deaf, seeing eye dog, medical supplies such as elastic stockings, catheters, incontinence pads)

One-Third Reduction Rule for In-Kind Support:

SSI will decrease the amount you receive by one-third if it is determined that you are receiving "in-kind support" from your parents or a friend or relative. This means if you are living in the home of another and they are not charging you room and board, then SSI assumes that your parents are making a voluntary contribution towards your support. Regardless of the dollar value of this in kind support, SSI regulations "deems" this "in kind support" to be equal to one-third of your SSI payment and reduces your payment in kind.

In order to avoid losing one-third of your SSI check you must be able to show that you are either paying rent or that you are contributing your "fair share" towards the costs of maintaining your household. To determine whether or not you are paying your fair share of your household's expenses, SSI officials will require you to itemize your household's expenses and divide those expenses by the number of people living in the home. Household expenses include total monthly expenditures for food, rent, mortgage, property taxes, heating fuel, gas, electricity, water, sewerage and garbage collection. If the amount of expenses divided by the number of people in the home is less than an amount you are capable of paying from your own income, SSI will allow you to keep your whole SSI check. If the amount is greater than the amount you receive in earnings and SSI benefits (even if only over by a few dollars), SSI will deem this excess amount as a voluntary contribution towards your support, and will reduce the SSI check by one-third.

Appeal Process:

If you are denied eligibility for either SSI or SSDI, you can appeal this decision. Instructions on how to file an appeal are given on the back of your notice of denial from Social Security. You will have a much greater chance of winning an appeal if you consult an attorney, advocate or other professional who is familiar with Social Security regulations and appeal procedures. Some attorneys will accept your case on a contingency fee arrangement. That is, they will get paid only if they win your appeal and will accept 25% of your back payment as full payment for their legal fees. It is important to know that while you have 60 days to appeal, you must appeal within **10** days if you

want your benefits to continue throughout the appeals process . This is critical for persons who are dependent on their check for basic care, shelter and support. It may take over a year to receive a hearing and if you do not appeal within 10 days, your benefits will not resume until after a final decision is reached.

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