Introduction to Social Security Benefits that are Available to Persons with Disabilities

If you are disabled and incapable of substantial gainful activity, 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 activity (as of 2015 substantial gainful activity is defined as the ability to earn $1,090 or more per month in earned income. For persons who are blind, substantial gainful activity is defined as the ability to earn $1,820 or more per month). If you have a physical or mental impairment which prevents you from doing any work that will enable you to earn at least $1,090 per month you may be eligible to apply for SSI. If your disability prevents you from earning more than $1,090 per month ($1,820 for persons who are blind) and you have paid into Social Security for a sufficient number of quarters, you may be eligible to apply for SSDI.

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 individual with a disability 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 hearing aids, page turning devices, telecommunications devices for the deaf, seeing eye dog, medical supplies such as elastic stockings, catheters, incontinence pads)***

REQUIREMENTS FOR SSDI & SSI

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 is no longer capable of substantial gainful employment, and has paid into social security for the required number of quarters if she/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. If an adult child was disabled prior to the age of 22, is single and is incapable of substantial gainful employment s/he may qualify as a "Disabled Adult Child" (DAC). In order to collect as a DAC 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 only 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, she/he must be poor and have very little income and very few resources. The following is 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, of reasonable value so long as it is used for your or a member of your household's transportation needs;
- furniture and household goods of reasonable value for a single adult (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; more than $65 per month;
- food stamps;
- home energy assistance under certain conditions;
- food, clothing, and shelter from certain 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 $733 per month as of January 1, 2015 ($1,100 per month for a couple), except in those states that supplements the Federal SSI payment.

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. 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 toward your support. Regardless of the dollar value of this, in kind support, SSI regulations deem this "in kind support" to be equal to one-third of your SST payment and reduce 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 contributing your "fair share" toward 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 toward your support, and will reduce the SSI check by one-third.

MEDICAID BUY-IN UNDER THE TICKET TO WORK & WORK INCENTIVES IMPROVEMENT ACT OF 1999

Recipients of SSI or SSDI who are interested in working may now be able to do so without the fear of losing comprehensive health care coverage under Medicaid and Medicare. The Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 allows states to establish additional options for Medicaid eligibility. One important element of this "buy-in" option is to give states the option of providing Medicaid coverage to individuals who would be eligible for SSI based on their disability, but who are working and ineligible because of earned income. TWWIA removes the income ceiling established under the Balanced Budget Act of 1997 and provides states with wide authority to establish both income standards and resource standards for participation. A person who is employed can access continued coverage by Medicaid, even if she/he has a higher income and more assets than Medicaid normally allows, by buying into' the program through cost sharing measures based on income level. Your family size determines the income you can have and still be eligible.

The cost sharing measures are usually in the form of premiums paid to the state's Medicaid program. Under TWWIIA, an employed individual with a disability may apply for Medicaid even if she/he was previously ineligible because of their income level.

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 Regula¬tions 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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FletcherTilton PC
Attorneys at law

WORCESTER - 508.459.8000 | **FRAMINGHAM -** 508.532.3500 | **CENTERVILLE -** 508.815.2500

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