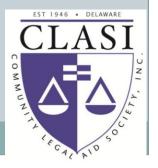
Social Security and SSI



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Everyone who has a disability can get SSI/SSDI benefits.



Everyone who is disabled gets SSI or Social Security



SSA is always right



If SSA does something to my benefits, there is nothing I can do about it



You can keep your benefits going for months after a cutoff if you appeal quickly enough.



Applying for Benefits

- In person
- Online
 - o www.ssa.gov
 - o <u>www.socialsecurity.gov</u>
- Via the Toll Free Telephone Number
 - o 1-800-772-1213



Social Security Administration Programs

- Supplemental Security Income (SSI)
- Child Benefits (Survivors/Dependents)
- Childhood Disability Benefits (CDB)
 a/k/a Disabled Adult Child (DAC) benefits
- Social Security Disability Benefits
- Social Security Retirement Benefits



Applying for Benefits Online

YES

Social Security

Disability

Retirement

Spouse

Medicare Only

NO

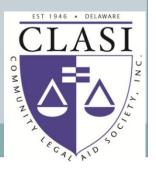
SSI*

Dependents

Survivors

Widow(er)s

* Limited test program

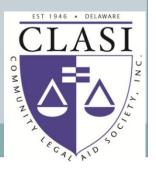


What are Social Security Benefits

Title II of the Social Security Act

Insurance Program for those workers who have paid enough in Social Security taxes to be covered

- Retirement
- Osurvivors/Dependents
- Disability



What is Supplemental Security Income (SSI)?

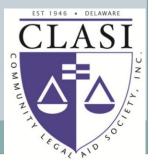
Title XVI of the Social Security Act Federal needs-based program for those: who have insufficient work history to qualify for Social Security disability insurance payments

<u>or</u>

who only receive a small amount of Social Security benefits,

<u>and</u>

who are elderly or disabled



SSI

- Disability / Age
 - 0 65
- Financial Need
 - Income
 - Assets/Resource
- Other
 - Citizenship Issues
 - Criminal Justice Issues



Disability

• What is disability?

Child

A medically determinable physical or mental impairment which results in marked and severe functional limitations

×Adult

Unable to engage in substantial gainful activity because of a medically determinable impairment which is expected to last twelve months or result in death

DISABILITY

- Physical
- Mental
- Combination

But note not ongoing substance abuse DAA (Drug and Alcohol Addiction)



Re-Evaluation

 All children receiving SSI are re-evaluated at age 18 using the ADULT standard for disability

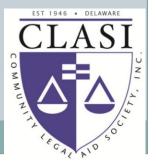
• SSA can re-evaluate adults to decide if they still meet the rules to be considered disabled (Continuing Disability Review (CDR))



SSI Monthly Benefit Amounts

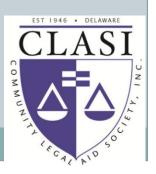
• \$750

Federal benefit amount



CDB/DAC

- Over age 18
- Disabled before age 22
- Collect on parents account (when parent becomes eligible through retirement, disability or death)
- Note: lose eligibility when marry unless spouse also receives Social Security benefits (not SSI)
- Not "needs" based (compare to SSI)



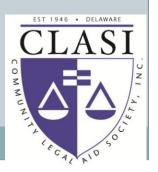
Dependents/Survivors

Minor Child of retired, disabled or deceased wage earner

Up to age 18; or

 If still in high school, continue until graduation or month before turning 19

Continue indefinitely if DAC



Retirement

- Early Retirement Benefits
 - o Age 62
 - No Medicare until 65
- Full Retirement Age (FRA)
 - Traditionally 65
 - Moving towards 67



How Do I Get On SSI/Soc Sec

- Apply
 - Local office
 - Toll Free Number
- What Happens Next Lots of Forms to Fill Out
- Gather medical/educational records



Where Does My Case Go?

Initial Decision/Reconsideration

- Delaware Disability Determination Section
- More Forms
- Hearing
 - OHO (Office of Hearings Operations)

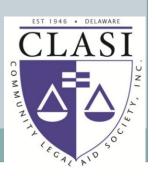


FILLING OUT THE FORMS

THESE FORMS ARE IMPORTANT

Be as detailed as you can

Focus on the negative



Denials

• What do I do if I am turned down?

APPEAL

60 DAYS TO FILE APPEAL (plus five for mailing)

10 DAYS TO KEEP BENEFITS IN CUTTOFF CASES

(plus five for mailing)

Good Cause for Missing Deadlines

Why is this slide blank?



APPEALS

- Where do I go?
 - Back to the local office

• Should I use the Toll Free Number?



What Happens at a Hearing

Should I get a lawyer?

ALJ

Testimony

Records

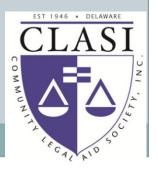


Other SSI Rules

- Income
- Resources
- Living Arrangements



Open all of your mail from SSA



Tell SSA when you move



 Report all changes to income/resources and living arrangements



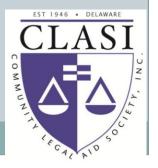
Report work



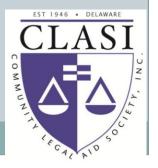
Keep copies; get receipts



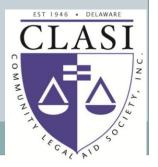
It's not personal



Don't wait to get help



Appeal now, think later!



What is an Overpayment?



Overpayments & Waivers

 SSA withholds funds from benefits to repay itself

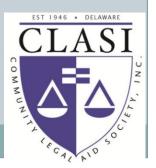
×SSI:

10% of full check (\$75.10 for

2018)

×Title II:

no limit



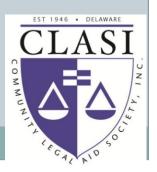
CHOICES

- Appeal the overpayment
- Request a waiver
- Negotiate a lower repayment amount
- o (Do nothing)



Request for Waiver

- Separate from merits of overpayment
- Ask the overpayment be forgiven
- File at any time (no deadline)
- Form SSA-632 (attached)
- Stops SSA taking the money IF REQUESTED (may have to advocate at local office)
- Full appeal rights



Requirements for Wavier

Without fault

<u>AND</u>

Defeat the purpose of the Act (financial hardship)

<u>OR</u>

Against equity and good conscience



Easy Fix #1

Administrative waiver

- ×Overpayments of under \$1,000
- ×Not automatic − must be requested
- Do not need to complete waiver form



Easy Fix #2

\$10/month withholding

- Medicare Low-income Subsidy (LIS)
- Paying more would present financial hardship
- Other extenuating circumstances



If Waiver Denied

- Appeal form SSA-561 (attached)
 - Deadline: 60 days (plus 5 for mailing)

Reconsideration

- Check box requesting "Formal conference"
- Prevents "instant reconsideration"



Medicare Low-income Subsidy

- Cost-sharing help for low-income Medicare recipients
 - Medicare Part D recipients meeting certain
 Income and resource limits
 - All recipients of <u>both</u> Medicare and any Category of Medicaid
- Automatically eligible for \$10/month
 Withholding of overpayments



Tips for Fixing Overpayments

- Persistence pays off
- Put requests in writing and provide support with documentation
- Follow up with a phone call
- Local office personnel have a lot of discretion in deciding "without fault"
- Grovel, beg... and cut a deal.



BENEFITS ADMINISTERED THROUGH DSS/DHSS

CASH ASSISTANCE, MEDICAL ASSISTANCE, Food Stamps (SNAP), Child Care and LIHEAP

Cash from the DHSS Office

• TANF: for families with children living with them and pregnant women

(TANF = Temporary Assistance for Needy Families)

• **General Assistance (GA):** Small payment for single adults with disabilities



Income and Resource Limits

- Income what you have coming in each month
- Resources stuff that you have (\$\$\$\$)

 NOTE: Medical Assistance and SNAP do not have resource limits – just income limits



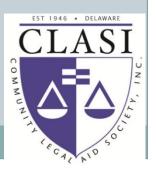
Help for Victims of Domestic Violence

- If you are, or have been, a victim of domestic violence, DHSS can excuse you from its rules.
- You can be excused from:
 - Work rules
 - Child support cooperation
 - Time limit
 - Other rules if necessary



Other TANF Eligibility

- Work requirements
- Criminal Records
- SANCTIONS



SNAP (formerly known as Food Stamps)

- Almost all low-income people are eligible
- Issued to "households" who <u>live together</u> and <u>purchase and prepare food</u> together.
 - Exception: kids under age 22 must be in same household with parents they live with

LIHEAP

• Low Income Home Energy Assistance Program



Medical Assistance

- For most adults the income limit is
- For a family of one in 2018: (there are some things that don't count)

• \$1,346 plus 51 = 1,399

Larger families have larger limits

Children have higher limits L

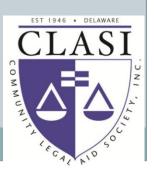
Medical Assistance

• Different Rules for people who have Medicare



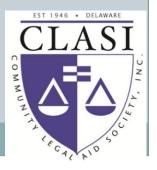
Long Term Care Services

- Various Waiver Programs
- Nursing Home Care



CHILD CARE

 Subsidized care for low income families who need child care in order to work



Where can I get HELP?

Community Legal Aid Society, Inc. "CLASI"

WILMINGTON 110 West 10th Street, Suite 801 Wilmington, DE 19801 302-575-0660

DOVER 840 Walker Road Dover, DE 19904 302-674-8500

GEORGETOWN
Georgetown Profession Park
20151 Office Circle
Georgetown, DE 19947
302-856-0038



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