

# Social Security and SSI



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# True/False Quiz



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

# True/False Quiz



**Everyone who is disabled gets SSI or Social Security**

# True/False Quiz



**SSA is always right**



# True/False Quiz



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

# True/False Quiz



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

# Applying for Benefits



- In person
- Online
  - [www.ssa.gov](http://www.ssa.gov)
  - [www.socialsecurity.gov](http://www.socialsecurity.gov)
- Via the Toll Free Telephone Number
  - 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
- Survivors/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

or

who only receive a small amount of Social Security  
benefits,

and

who are elderly or disabled

# SSI



- **Disability / Age**
  - 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**
  - 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 CUTOFF  
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**

# Tips to get on and stay on



- **Open all of your mail from SSA**

# Tips to get on and stay on



- **Tell SSA when you move**

## Tips to get on and stay on



- **Report all changes to income/resources and living arrangements**

# Tips to get on and stay on



- **Report work**

# Tips to get on and stay on



- **Keep copies; get receipts**



# Tips to get on and stay on



- **It's not personal**

# Tips to get on and stay on



- **Don't wait to get help**

# Tips to get on and stay on



- **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
- (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 Waiver



**Without fault**

**AND**

**Defeat the purpose of the Act  
(financial hardship)**

**OR**

**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 both 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 live together and purchase and prepare food 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**



# 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 10<sup>th</sup> 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**



# Contact Information



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