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 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
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 Wavier

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 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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