

Supplemental Security Income (SSI)



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Supplemental Security Income (SSI) Overview

Supplemental Security Income (SSI) is a monthly cash benefit for adults who are age 65 or older, or blind, or have a disability and don't own much or have a lot of income. Monthly benefits can also go to children who have a disability if the family qualifies under SSI family income guidelines. The amount of income a family can earn and still have a child with a disability qualify to receive SSI depends on the size of the family, and other factors.

People who are on SSI are automatically eligible for Medicaid (the program that helps pay doctor and other medical bills) and may be eligible for Food Stamps. They apply for these programs through the local Department of Social and Health Services Community Services Office.

Eligibility for Adults

In deciding whether an adult with a disability qualifies for SSI, the Social Security Administration (the federal agency that administers SSI) first looks at whether the applicant has a "medically determinable impairment." This task is assigned to the state office of Disability Determination Services (DDS). DDS determines:

- Whether the person meets the criteria for having an approved "medically determinable impairment". The Social Security uses a set of "listings" of qualifying conditions to decide what is a qualifying disability. This is a list of approved conditions, diagnoses and descriptions of disabilities such as Down Syndrome, Cerebral Palsy, Autism, and other conditions that have been determined to qualify as disabilities under the rules of the Social Security Administration.
- Whether the person has signs, symptoms or conditions that "equal" the listings. This means that the Social Security Administration may make a determination based on whether someone has a condition that creates barriers or a disability equal to those described in the listings.

In addition to having a "qualifying condition", an adult who has a disability must demonstrate that this disability interferes with their ability to earn a certain level of income in order to qualify for SSI. The Social Security Administration calls this income level "substantial gainful activity" (SGA). The Social Security Administration defines "substantial gainful activity" as being able to earn a certain income (\$780 per month in 2002). If an individual is earning more than the Substantial Gainful Activity amount, the Social Security Administration will

deny the application. However, they may accept the application if the adult with a disability can show that they have documented work-related expenses that, subtracted from the earnings, result in income below the Substantial Gainful Activity amount. A description and proof of these expenses should be provided with the application for SSI.

Income of parents, guardians or other household members is not taken into account when an adult is applying for SSI. However, household income does become a factor if the adult with a disability is married.

Eligibility for Children

In deciding whether or not a child qualifies for SSI, the Disability Determination Service looks at whether a child's condition creates "marked and severe functional limitations." The condition must be expected to last at least 12 months or be expected to result in the child's death, and the child must not be working at a job considered to meet the definition of "substantial gainful activity". To determine whether your child's impairment causes "marked and severe functional limitations," the disability evaluation team obtains evidence from a wide variety of sources who have knowledge of your child's condition and how it affects his or her ability to function on a day-to-day basis and over time.

To make this decision, the disability evaluation specialist first checks to see if the child's disability can be found in a special listing of impairments that is contained in Social Security's regulations. These listings are descriptions of symptoms, signs or laboratory findings of more than 100 physical and mental problems, such as cerebral palsy, mental retardation or muscular dystrophy, that are severe enough to disable a child. The child's condition does not have to be one of the conditions on the list. But, if the symptoms, signs or laboratory findings of the child's condition are the same as, or medically equal in severity to the listing, your child is considered disabled for SSI purposes. If your child's impairment(s) does not meet or medically equal a listing, the DDS then decides whether it "functionally equals" the listings. They assess the effects of the condition or combination of conditions on your child's ability to perform daily activities by comparing your child's functioning to that of children the same age who do not have impairments. To do this, they consider questions such as:

- What activities is your child able or not able to perform?
- Which activities are limited in comparison with those of same-age peers?
- What type and amount of help does your child need to complete age-appropriate activities?

The income of the parents or guardians of the child is considered in determining whether a child will be eligible for SSI. The amount of household income a family can earn and have the child still qualify for SSI depends on the size of the family and other factors.

Applying for SSI

Before applying for SSI, gather as much information as you can and have available, names, addresses, etc., of all professionals and agencies that will substantiate the disability. DDS may request an additional medical evaluation ("consultative exam") for more information. You can also talk to DDS and ask them what information they need.

Children with disabilities can apply at any time. Adults with disabilities can apply beginning the day they turn 18. Applications can be obtained from and presented to your local social security office, or you can call the Social Security Administration at 1-800-772-1213 for an application packet. When you call, ask to establish a "protective filing"--this way, SSA will treat the day you call as the date of your application.

When you apply, be prepared to provide the applicant's:

- Social Security Card
- Birth Certificate
- *For an adult, information on living expenses including room, board, and utilities.
- Information on savings and checking accounts, insurance policies or other financial assets that are in the applicant's name.
- Medical, psychological, and educational records

*If the adult applicant has no money to pay for these, and they expect to get the full SSI amount, the parent or guardian should let SSA know they will be advancing the applicant the money to pay for these expenses. Once the SSI is received, the parent or guardian should be sure to collect what they are owed and keep charging for subsequent months. If the applicant is not charged for rent and/or a share of household expenses, the applicant will not receive the full SSI amount.

Some important things to keep in mind when completing the application:

- Date of onset of disability is your child's birth date if he/she was born with the disability.

- The application asks questions that emphasize what the applicant can do. It is important to give complete answers to these questions that relate to the applicant's disability. For example, it may ask if your child can walk. Saying "yes" is not sufficient information if he/she can only walk only for several minutes at a time, or requires assistance.
- Record all impairments and restrictions and how they impact the applicant's ability to work. Consider mental activities such decision-making, judgment, concentration, and memory; ability to read and write; to sit, move, walk, and manipulate things; to talk, communicate and interact with others; how he/she handles stress; etc.
- List all medications including side effects and impact on work

In gathering information to include with the SSI application, consult with:

- Professionals and others who know your child about ways to describe his/her limitations and impairments
- Other families who have already been through the application process and with advocates who have assisted other families

After Applying for SSI

After completing releases of information for SSA, request a copy of the records for yourself so you know what is being reviewed. Follow-up with agencies and professionals who received releases to ensure they follow through. Periodically check with the Disability Determination Services to determine if all information has been received and if they need additional background.

You may not hear anything about the application for SSI from the Social Security Administration for 6 months or more. If approved, SSA will send an "awards letter" (save it and all correspondence). The first SSI check will be retroactive to the date of application. If the applicant has been working, make sure to send SSA the pay stubs, as this will determine the correct SSI amount. If the applicant is an adult living at home, the parent or guardian should be sure to charge rent and/or a share of the household expenses.

If the Application is Denied

If the application is denied, do not become discouraged. Many people win on appeal. Often you may need to provide more information on the applicant's mental or physical impairment. It is difficult to appeal evidence of too much income or resources, so these are best dealt with before application. Any request for appeal should be made within 60 days of the denial of eligibility. SSA may give you more time to file a request for an appeal if there is a good reason the

applicant was unable to respond, such as illness, or not receiving the notice of denial in a timely manner.

There are four levels of appeal. They are:

- Reconsideration

The application is reviewed again. The applicant can provide additional information to be considered with the application. This can be done by Case Review (without the applicant present) or Informal Conference (a meeting with the worker reviewing the application).

- Hearing

The application is taken before an administrative law judge. The applicant can provide additional information, and have a representative with them at the hearing. The applicant does not have to attend the hearing, but it is to the applicant's advantage to go.

- Review by the Appeals Council

If the applicant disagrees with the outcome of the hearing, they can request review by the Appeals Council. The Appeals Council chooses whether or not to reconsider the decision of the administrative law judge at the hearing. The Appeals Council may elect not to review the applicant's case.

- Federal Court Review

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court.

If the Application is Approved

When the DDS determines that the applicant meets the rules for a disability, they also decide if he/she needs a "representative payee" to receive the check and use it to meet his/her needs. Often they will ask the individual who they would like to be the payee. This is often the parent, guardian, family member or other caregiver of the person with a disability, but it can also be an agency, or other individual or organization acting in a support role.

The Protective Payee's responsibilities include:

- Maintaining SSI funds in a special account separate from their own personal funds

- Using the SSI to pay bills, including room, board, and clothing
- Saving any money left over for future expenses
- Not allowing the total amount of money/resources to exceed \$2000 (resources over \$2000.00 can affect SSI eligibility)
- Reporting to the Social Security Administration all changes in income (each pay stub should be mailed in) address, etc.
- Providing a yearly report itemizing how the funds were used
- Responding to all correspondence with the Social Security Administration (keeping in mind that SSA is often three or more months behind in responding to changes).
- Dealing with under- and overpayment issues, including negotiations, reconsiderations, and waivers
- Keeping all correspondence from SSA and copies of what is sent to them.
- Keeping notes on important conversations, dates, contact names, and outcomes.

Staying Eligible for SSI

Here are some tips for remaining eligible for SSI, once qualified:

- If you are the representative payee, understand your roles and responsibilities (using the person's money for food, shelter and clothing; keeping their SSI separate from your own money, reporting changes in income or assets, etc.).
- Understand what resources and assets are allowable when determining eligibility, and for remaining qualified. The person with a disability should keep less than \$2000.00 total in checking and savings accounts.
- Save all correspondence from the Social Security Administration.
- If the SSI recipient is an adult living at home, make sure they are charged their full share of the household costs and/or rent each month.
- Keep the SSI recipient's checking, savings and other financial accounts separate from other people's (including parents, guardians, etc.).
- Send in wage stubs regularly for those who are working.

Other Information Links

- Understanding Supplemental Security Income (SSI)
<http://www.ssa.gov/notices/supplemental-security-income/text-understanding-ssi.htm>

*Source: Arc of King County
Accessed June 2006*

<http://www.arcofkingcounty.org/guide/financial/about/ssi/index.html>

Tips for Maintaining Supplemental Security Income (SSI)

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1. If you are the representative payee, understand your roles and responsibilities. (Check with Social Security instructions for payees.)
2. Understand what resources/assets are allowable when determining eligibility for and retaining supplemental security income (SSI).
3. Save all correspondence from Social Security Administration (SSA) and the names and telephone numbers of contacts.
4. Use only your adult child's own money for his/her food, shelter, and clothing.
5. Charge your adult child receiving SSI his/her full share of household costs per month or rent with a rental agreement. This is necessary to ensure full SSI payment.
6. Keep adult child's checking/savings accounts separate from parent's.
7. Send in wage stubs for those who are working.
8. Use Social Security work incentives, carefully following the rules.
9. Respond to notices of overpayment and request waivers when necessary.
10. Report changes to SSA promptly (e.g., employment, income changes, and residence).
11. Acquire and maintain Medicaid (Categorically Needy Program - CNP) coverage. See below how to access Medicaid. Save correspondence.
12. SSI and Social Security Disability Insurance (SSDI) are managed by separate department within SSA. For those on both programs, or transferring between programs, understand and manage changes/differences in income and asset rules. Report changes in income separately.

For information on Social Security, visit a local SS Office and request brochures on SSI and SSDI or contact SS, 1-800-772-1213, 7 a.m. - 7 p.m.

For information on Medicaid, contact the local community service office (See the blue pages in the telephone directory, under Washington State Department of

Social and Health Services – Community Services Office – Look for the zip code for where your child lives.)