

Considering Applying for a Social Security Disability Benefit?

Social Security Administration (SSA) has several programs that provide monthly cash benefits and medical insurance. These programs include:

1) Social Security Disability Insurance (SSDI) –

- a disabled insured worker under age 65 and their children. See note below.
- a disabled adult child on a parent's insured record if their disability began before age 22. The parent must be disabled, retired, or deceased.
- a disabled widow(er) if they are age 50-59 and other requirements to entitlement are met.

NOTE: An insured worker is someone who has paid taxes on their earnings and has 5 years of credits out of the last 10 years. A credit is earned each quarter you pay taxes on a set amount of wages. You can earn up to 4 credits a year¹. If approved for a benefit, this program begins payment 5 months after your onset date of disability and comes with **Medicare** two years later. Your monthly cash benefit is based on your wage history. This program also pays a benefit to the children of the disabled parent. There is no limit on other income or resources you may have.

¹ See <https://www.socialsecurity.gov/oact/cola/QC.html> for current amount that qualifies for a credit.

2) Supplemental Security Income (SSI) – is a needs-based program that provides monthly cash assistance and **Medicaid**. It is designed for Individuals with limited income and resources who are:

- Age 65 or older
- Blind or disabled children or adults

Note: Resources must not exceed \$2000 for an individual or \$3000 for a couple. Some adults who have worked but lack credits may qualify under SSI. It is possible to receive a benefit from both **SSDI** and **SSI** but it would be no more than the SSI maximum when combined. Both programs use the same medical rules to decide if someone meets the benefit criteria for disability.

Once approved, **SSI** is paid from the date of your application forward and comes with **Medicaid**.

The SSI benefit changes each year and can be reduced by other resources². Unlike SSDI, the adult SSI benefit does not pay a benefit to the beneficiary's children.

² See <http://www.ssa.gov/oact/cola/SSI.html> for current SSI payment.

In determining whether you may meet the criteria for disability SSA will ask the following questions in this order:

1. Are you currently earning over the **Substantial Gainful Activity (SGA)** limit? ³ If so, you are not considered to be disabled by SSA. If your earnings are under the SGA limit it must be because your disability causes symptoms and limitations that prevent you from working over the Substantial Gainful Activity limit
2. Has or will your condition last at least 12 month or expected to end in death? Keep in mind, these social security programs are not intended to help people with short term medical problems such as an illness, injury, or surgery from which it takes less than a year to recover.
3. Do you have one or more medical conditions that have been diagnosed and are they conditions that are considered severe enough to have an impact on your ability to work? Keep in mind, having symptoms is not enough
4. Does your disability meet or equal a listing? These are very specific conditions that are known to cause very significant limitations and would more obviously prevent someone from working. Keep in mind, that you must meet these criteria exactly. You can find these conditions (for a child or an adult) in “Disability Evaluation Under Social Security” at the following links:
<http://www.socialsecurity.gov/disability/professionals/bluebook/ChildhoodListings.htm>
<http://www.socialsecurity.gov/disability/professionals/bluebook/AdultListings.htm>
5. Can you perform any of the work you have done in the last 15 years?
6. Can you perform any other work, even simple, unskilled work?

Note: If your condition does not meet a listing and you are under age 50, than you must prove that your medical condition(s) prevent you from working at all. However, once you are over age 50, 55, and then 60 the rules change in your favor by expecting that you will have less ability to adapt to other work.

³ See <https://www.socialsecurity.gov/oact/cola/sga.html> for current SGA limit.

Other Things to Consider When Applying

A disability case is usually based on medical and vocational evidence. Therefore,

Your **medical evidence** should...

1. Consistently document all physical and mental conditions that are part of your disability, and
2. Consistently support the symptoms and limitations you list in your application as disabling, and
3. Support that the condition has or will last 12 months or is expected to end in death

Note: If you lack medical insurance apply immediately for free health care offered by many hospitals and community clinics. It is best to see a doctor who specializes in the treatment of your diagnosis. Attend all appointments and follow your doctor’s advice including taking medications as prescribed.

Your **vocational evidence** should...

1. Provide a complete work history (of your last 15 years of employment) including information about how your disabilities prevent you from working
2. Document any jobs you lost because of your disability
3. Document any special conditions related to your disability that you had to enable you to work

Things You Can Do

1. Be prepared, the process can take a year or more and if you are denied you must appeal within 60 days. Your case may require a hearing.
2. To determine whether you have enough credits to apply for SSDI, as well as the amount of benefit you will receive if your claim is approved, call 800-772-1213 or go to the Social Security Administration's website and set up a secure **MySocialSecurity** account:
<http://www.socialsecurity.gov/myaccount/materials.html>
You will find other information there including a list of all your earnings. You should review this information and make sure it is accurate. If not, you should collect W-2's from missing or incorrect years and bring them into your local Social Security office.
3. If you decide to apply for either SSDI and/or SSI the following disAbility Law Center of Virginia fact sheet may be helpful as you prepare to complete the applications:

TIPS When Applying for or Appealing a Social Security Disability Benefit

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