



Social Security Changes When Coming of Age: The SSI Age-18 Redetermination

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Presentation Objectives



- ▶ Understand the SSI Age-18 Re-determination and how the decision is made
- ▶ Understand options for continuation of benefits to include extending benefits during appeal and claiming Section 301
- ▶ Understand ways to improve documentation that supports disability under the adult rules
- ▶ Tap available resources to support families

What is the Age 18 Redetermination?



A NEW DECISION BASED ON THE ADULT RULES RATHER THAN ON MEDICAL IMPROVEMENT.

IT OCCURS AROUND AGE 18.

What are the ADULT rules for disability?

- Are you earning “gainful” wages or \$1130/mo. (2016) –
Social Security skips this rule for the Age-18 redetermination decision.
- Do you have a medically determinable condition?
- Is it severe (ie. does it impose limitations to work)?
- Has it or will it last 12 months or result in death?
- Does it meet or equal a listing? OR
- Can you perform past work or any other work in the national economy?

Can you work during the Age 18 Redetermination?

- ▶ Feel free to work
- ▶ Earnings are not considered
- ▶ But, tell Social Security about ALL supports used to make work possible



How Do you Avoid a Denial?

Document, document, document!!

Before age 18, get updated medical and/or psychological evaluations so evidence is current:

- Triennial evaluation for an IEP
- Psycho-educational Evaluations
- Neuropsychological Evaluations
- Make appointments with treating physicians-address all limitations
- TRACK YOUR WORK HISTORY (see dLCV form)

Also, when completing “Function” forms be sure to accurately describe limitations.

What information will Social Security Ask For?

- ▶ All relevant doctors or clinic visits
- ▶ All hospital stays and surgeries
- ▶ All counseling/therapy sessions
- ▶ All medications & side effects
- ▶ Schools, special classes or tutoring
- ▶ All work activity
- ▶ Teachers and counselors who have knowledge of your condition

SSA will collect this information!

What if you receive a denial decision?

- ▶ The SSI benefit will end in 2 months from the date of the decision....

However...



DENIED

You Have Appeal Rights

File an APPEAL with Social Security
within 60 days and

Request to CONTINUE THE BENEFIT
throughout the appeal period
within 10 days

Follow the instructions in the notice.

Keep in mind...

- ▶ If all appeals are denied you may have to repay benefits from the date of the first denial minus 2 months.

Are there other ways to keep the benefit?

If, Social Security decides you don't meet the adult rules...

Section 301 may apply if:

- a student remains in high school past age 18, or
- is receiving vocational rehabilitation, training or education, and is
- actively participating in an approved program

How do you claim Section 301?

Be sure to tell Social Security about these efforts...

- ▶ When you start the Age 18 redetermination
- ▶ And, if denied, when you file the appeal(s)
- ▶ Examples include an IEP with a public or private school, an IPE with DARS, DBVI or an employment network, or a plan with a school under Section 504 of the Rehabilitation Act.

What is Social Security Thinking?

- ▶ Social Security assumes that by actively participating in continued education or vocational rehabilitation that a person is more likely NOT to need SSI down the road.

- ▶ **Keep in mind...**

.....If you STOP or COMPLETE the program the Section 301 provision ends and so does your SSI benefit.



Final Advice

When the Age 18 Redetermination Approaches

- ▶ About 30% of Age 18 redeterminations are denied
- ▶ Plan ahead in case SSI ends and denials are unsuccessful.



Applying for SSI as an adult

- ▶ IF an 18 year old individual did not receive SSI as a child, because of their family's income or resources, they can apply for SSI on their resources as long as they have less than \$2000 in assets (such as cash, life insurance, an inheritance etc.) and earn under the SGA* limit.
- ▶ SGA stands for Substantial Gainful Activity. The 2016 SGA limit on monthly earnings is \$1130 gross. If you earn over this amount Social Security does not consider you disabled.

Applying for the Child Disability Benefit as an Adult

Any time after age 18 an individual can apply for the **Childhood Disability Benefit (CDB)** when:

- ▶ a parent retires and receives a social security retirement benefit, or
- ▶ A parent begins receiving social security disability, or
- ▶ A parent is deceased or dies

This medical determination is the same as any adult applying but they must prove their **disability began before age 22.**

This benefit is often higher than the SSI benefit and you may be able to keep Medicaid.

How to Avoid the One Third-Reduction- Help Pay Your Way!

- ▶ Social Security reduces an SSI benefit by 1/3 if you live with family or friends and don't assist with expenses. There are 2 ways to avoid this:
 - ▶ The Fair Share method
 - ▶ The Flat Rate Rental method

Help & Resources

Social Security: What You Need To Know about Your Supplemental Security Income When you Turn 18 (includes work incentives)

<https://www.ssa.gov/pubs/EN-05-11005.pdf>

Seek help from your school transition team including the DARS transition counselor

Connect early with the:

Work Incentive Planning and Assistance (WIPA)

www.vaaccses.org/wipa/ or 877-822-2777

VCU's Center on Transition Innovation

www.centerontransition.org/transition/SSA

[Benefits/index.html](http://www.centerontransition.org/transition/SSABenefits/index.html)

For more information...

- ▶ disAbility Law Center of Virginia
- ▶ 1512 Willow Lawn Drive, Suite 100
- ▶ Richmond, VA 23230
- ▶ (804)225-2042 (voice/tty)
- ▶ (800)552-3962 (voice/tty)
- ▶ www.dlc.v.org
- ▶ www.dlc.v.org/coa/ Coming of Age Resources for Students and Young Adults with Disabilities
- ▶ info@dlcv.org