

BASICS OF SOCIAL SECURITY DISABILITY

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Attachments:

1. Appointment of Representative;
2. Listing of Impairments;
3. Understanding Supplemental Security Income (SSI) Home Page;
4. Functional Questionnaire for Children outlining Domains;
5. SSI Resource Limits;
6. SSI Deeming Chart for Children;
7. SSA Website Information for Disability Onset before age 22.

INTRODUCTION:

The Social Security Disability System is designed to assist adults who, for some medical reason, are unable to work. It is also designed to help children who, for medical reasons, meet certain regulations that are different than those that apply to are adults because children ordinarily do not work. The Social Security path or avenue to pursue disability benefits involves the following, assuming appeals are required:

1. Initial filing;
2. Request for Reconsideration;
3. Request for Hearing before an Administrative Law Judge;
4. Appeals Council;
5. Federal District Court;
6. United States District Court for the 6th Circuit.

The above levels, beyond the initial level, are for appeals if a decision is denied. Generally, there is a sixty (60) day time requirement for appealing any decision that is unfavorable.

An adult case for someone who qualifies for SSD, the worker program, can be filed online, in person at a Social Security office or by telephone with help from the Social Security office. Determining whether a person can file/qualify for SSD requires a look into the person's work background for the ten (10) years previous to the claim onset of the disability. When you work and pay Social Security taxes, you earn up to a maximum of four "credits" for each year. There is a requirement that an adult above the age of thirty-one (31) have at least twenty (20) out of forty (40) credits in the last ten (10) years, each year being worth four (4) credits. The size of the benefit is determined by the claimant's earnings. Younger applicants need less credits:

Before age 24--You may qualify if you have 6 credits earned in the 3-year period ending when your disability starts.

Age 24 to 31--You may qualify if you have credit for working half the time between age 21 and the time you become disabled. For example, if you become disabled at age 27, you would need credit for 3 years of work (12 credits) out of the past 6 years (between ages 21 and 27).

Once an adult stops working, the Social Security Administration establishes a Date Last Insured (DLI), a date before which the disability must be established in order to get the benefits.

A child's case, limited to SSI because they have no work credits, can be filed in person, or by telephone. In considering the application for children, SS looks at assets and resources and "deeming" (chart attached) because of parent's income and help. Not every child who is severely disabled qualifies for benefits because the parent's income or assets or resources may preclude that.

An adult applying for SSI is subject to scrutiny regarding assets and resources which include property, cash, vehicles, and other considerations as defined by the regulations.

There are also rules regarding adults and whether they can work while applying for or receiving disability. Generally, the “trial work” rules and “Extended Period of Eligibility” (EPE) rules define the parameters of work and income for purpose of deciding whether disability benefits can continue.

SOURCES OF INFORMATION:

The Social Security disability arena is complex and the best sources for information are:

1. The government website for Social Security (ssa.gov);
2. The National Organization of Social Security Representatives (nossr.org);
3. Code of Federal Regulations for both SSD (Title II) which is 20 CFR §404 and SSI (Title XVI) which is 20 CFR §416;
4. POMS which can be found at <https://secure.ssa.gov/POMS.nsf/home!readform>;
5. US District Court and Federal Circuit Court opinions regarding particular issues.
6. HALLEX which can be found at www.ssa.gov/OP_Home/hallex/hallex.html

Also see the following 20 CFR code sections:

- §416.920 Evaluation of disability of adults, in general.
- §416.924 How we determine disability for children.
- §416.926a Functional equivalence for children.

BENEFITS FOR ADULTS:

- Step 1: ELIGIBILITY
- Step 2: SEVERE MEDICAL IMPAIRMENTS
- Step 3: "LISTINGS"
- Step 4: PAST RELEVANT WORK
- Step 5: "ANY OCCUPATION"

CFR 416.920 outlines the evaluation of disability for adults, in general. The five (5) steps indicated above are outlined in the code section attached and are followed by the Social Security Administration when considering an adult claim.

An adult Social Security disability case can be won in one of three (3) ways:

1. Meeting or equal the Listings (20 CFR 404 Subpart P Appendix 1);
2. Meeting the Medical-Vocational guidelines which are known as the GRIDS (20 CFR Subpart P Appendix 2);
3. Persuading the Social Security Administration that the claimant cannot work any job in the national economy on a full-time competitive basis.

Meeting the Listings is like have a directed verdict in a civil trial. The medical and vocational guidelines generally apply to claimants who are over fifty (50) years of age and have a certain vocational educational and skilled profile. If neither of these will produce a win, then the skills of the attorney are put to task in trying to get convince Social Security that the claimant has a residual functional capacity that will allow full-time competitive work at any job in the national economy.

BENEFITS FOR CHILDREN:

ELIGIBILITY

SEVERE MEDICAL IMPAIRMENTS

MEETING OR EQUALING THE CHILDREN'S LISTINGS

FUNCTIONAL EQUIVALENCE FOR CHILDREN (THE DOMAINS)

Two (2) ways to win a child's disability case are:

1. Meeting or equaling the child's Listings which are found at 20 CFR 404 Subpart P Appendix ;
2. If the Listings do not apply, then getting a functional equivalent by dealing with the Domains that are considered by the Social Security Administration when considering children's cases.

Attached are two (2) pages taken from the Social Security Administration website that will give you an idea of the complexity of understanding supplemental security income for adults and children and all of the issues that can arise.

Appendix 1 to Subpart P of Part 404— **Listing of Impairments**

The body system listings in parts A and B of the Listing of Impairments will no longer be effective on the following dates unless extended by the Commissioner or revised and promulgated again.

1. Growth Impairment (100.00): January 27, 2017.
2. Musculoskeletal System (1.00 and 101.00): January 27, 2017.
3. Special Senses and Speech (2.00 and 102.00): April 29, 2018.
4. Respiratory System (3.00 and 103.00): January 27, 2017.
5. Cardiovascular System (4.00 and 104.00): January 27, 2017.
6. Digestive System (5.00 and 105.00): January 27, 2017.
7. Genitourinary Disorders (6.00 and 106.00): December 9, 2019.
8. Hematological Disorders (7.00 and 107.00): January 27, 2017.
9. Skin Disorders (8.00 and 108.00): January 27, 2017.
10. Endocrine Disorders (9.00 and 109.00): June 7, 2016.
11. Congenital Disorders That Affect Multiple Body Systems (10.00 and 110.00): April 5, 2018.
12. Neurological (11.00 and 111.00): January 27, 2017.
13. Mental Disorders (12.00 and 112.00): January 27, 2017.
14. Malignant Neoplastic Diseases (13.00 and 113.00): November 5, 2017
15. Immune System Disorders (14.00 and 114.00): June 16, 2016.

Part A

Criteria applicable to individuals age 18 and over and to children under age 18 where criteria are appropriate.

Sec.

1.00 Musculoskeletal System.

2.00 Special Senses and Speech.

3.00 Respiratory System.

4.00 Cardiovascular System.

5.00 Digestive System.

6.00 Genitourinary Disorders.

7.00 Hematological Disorders.

8.00 Skin Disorders.

9.00 Endocrine Disorders.

10.00 Congenital Disorders That Affect Multiple Body Systems

11.00 Neurological.

12.00 Mental Disorders.

13.00 Malignant Neoplastic Diseases.

14.00 Immune System Disorders.

Social Security

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Understanding Supplemental Security Income SSI Home Page -- 2016 Edition

Understanding SSI - Guide (MS Word) (MSWord)
(322 KB docx)

TABLE OF CONTENTS (LINKS):

- ▶ Introduction
- ▶ About Us
- ▶ SSI Overview
- ▶ General Information
- ▶ Eligibility
- ▶ Benefits
- ▶ Resources
- ▶ Income
- ▶ Living Arrangements
- ▶ SSI for Children
- ▶ Application Process and Rights
- ▶ How Someone Can Help You
- ▶ Documents You May Need
- ▶ If You Are Disabled or Blind
- ▶ Continuing Disability Reviews
- ▶ Work Incentives
- ▶ Reporting Responsibilities
- ▶ Social Security Notices and Letters
- ▶ Redeterminations
- ▶ Overpayments
- ▶ Appeals Process
- ▶ Expedited Payments
- ▶ Representative Payees
- ▶ SSI and Other Government Programs
- ▶ Social Security Entitlement
- ▶ Table of Links to SSI Spotlights

INDIVIDUAL SPOTLIGHTS (LINKS):

- Rights and Responsibilities
- Living Arrangements
- Resources
- Financial Institution Accounts
- Burial Funds
- Loans
- Trusts
- Dedicated Accounts for Children
- Deeming Parental Income and Resources
- Reporting Your Earnings to
- Payment for Travel to Medical Exams or Tests
- Getting SSI Benefits While You Try to Sell Excess Resources
- Continued SSI Benefits for Persons Who are Temporarily Institutionalized
- Prerelease Procedure
- Special SSI Rules for Children of Military Personnel Living Overseas
- SSI Benefits for Disabled Youth in Foster

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- SSI Telephone Wage Reporting System and the SSI Mobile Wage Reporting Application
- Impairment-Related Work Expenses
- Special SSI Rule for Blind People Who Work
- Individual Development Accounts
- Plan to Achieve Self-Support
- Property You Need for Self-Support
- Transfers of Resources
- Student Earned Income Exclusion

Care

- SSI Benefits for Aliens
- Continued Medicaid Eligibility for People Who Work: Section 1619(b)
- Interpreter Services
- Income From The Arts
- Homelessness
- Windfall Offset
- The One-Third Reduction Provision



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FUNCTIONAL QUESTIONNAIRE

To: _____

Re: _____ (Name of Patient)

_____ (Social Security No.)

Please answer the following questions concerning your patient's impairments.

1. Frequency and length of contact: _____

2. Diagnosis: _____

3. Identify clinical findings, laboratory and test results that show your patient's medical impairments:

4. Identify all of your patient's *symptoms*:

- | | | |
|---|---|---|
| <input type="checkbox"/> Panic Attacks | <input type="checkbox"/> Anger/Violence | <input type="checkbox"/> Impaired Concentration |
| <input type="checkbox"/> Mood Changes | <input type="checkbox"/> Crying Spells | <input type="checkbox"/> Visual or Hearing Disturbances |
| <input type="checkbox"/> Dizziness | <input type="checkbox"/> Fatigue/Exhaustion | <input type="checkbox"/> Mental Confusion |
| <input type="checkbox"/> Emotionally "Flat" | <input type="checkbox"/> Other: _____ | |

5. Please note the severity of your patient's limitation(s). "**Marked**" is defined as "interferes seriously with your ability to independently initiate, sustain, or complete activities," and "**Extreme**" is defined as "impairment(s) interferes very seriously with your ability to independently initiate, sustain, or complete activities."

a. **Acquiring and Using Information**- How well the child acquires or learns information, and how well he or she uses the learned information.

Extreme Marked Moderate Mild None

If found to have Extreme or Marked limitations, please note support for this finding below:

- Inability to understand word concepts: space (under/above), size (short/tall), or time
- Inability to rhyme words or hear sounds within words
- Inability to remember important things learned in school the day before
- Difficulty with math problems
- Difficulty explaining what you mean
- Only speaking in short, simple sentences
- Other(s): _____

b. **Attending and Completing Tasks**- How well the child is able to focus and maintain attention, and begin, carry through, and finish activities, including the pace at which he or she performs activities and the ease in changing activities.

Extreme Marked Moderate Mild None

If found to have Extreme or Marked limitations, please note support for this finding below:

- Being easily distracted or startled by sounds, sights, movements, or touch
- Failure to complete tasks that interest the child
- Becoming sidetracked frequently and needing extra help to stay on task
- Giving up on tasks easily due to frustration
- Other(s): _____

- c. **Interacting and Relating to Others** - How well the child initiates and sustains emotional connections with others, develops and uses the language of his or her community, cooperates with others, complies with rules, responds to criticism, and respects and takes care of the possessions of others.

Extreme Marked Moderate Mild None

If found to have Extreme or Marked limitations, please note support for this finding below:

Difficulty with speech or otherwise communicating with others
 Not having close friends or friends that are the child's age
 Avoiding people or being afraid of new people or experiences
 Difficulty following game rules
 Other(s): _____

- d. **Moving About and Manipulating Objects** - How the child moves his or her body from one place to another and how he or she manipulates things (also referred to as gross and fine motor skills).

Extreme Marked Moderate Mild None

If found to have Extreme or Marked limitations, please note support for this finding below:

Difficulty using the stairs
 Difficulty coordinating gross motor movements for activities (riding bike, running, etc.)
 Poor hand-eye coordination when using a pencil or scissors
 Difficulty gripping small objects
 Other(s): _____

- e. **Caring for Self**- How well the child maintains a healthy emotional and physical state, including getting physical and emotional wants and needs met in appropriate ways; how he or she copes with stress and changes in the environment; and whether he or she cares for own health, possessions, and living area.

Extreme Marked Moderate Mild None

If found to have Extreme or Marked limitations, please note support for this finding below:

Placing objects in the mouth that are not food
 Using self-harming behaviors or participating in dangerous activities
 Unable to physically care for themselves day to day at the level others their age can
 Having difficulty sleeping
 Other(s): _____

- f. **Health and Physical Well-Being**- The cumulative physical effects of physical or mental impairments and their associated treatments or therapies on the child's functioning not considered in the Moving about and Manipulating Objects domain.

Extreme Marked Moderate Mild None

If found to have Extreme or Marked limitations, please note support for this finding below:

Limitations caused by the need for multiple surgeries
 Weakness, dizziness, or fatigue because of the impairments
 Needing intensive medical care in order to maintain their current level of health
 Other(s): _____

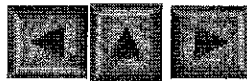
Amounts given are general guidelines only. For more information about living arrangements, see our chapter on LIVING ARRANGEMENTS and the SSI Spotlight on Living Arrangements.

SSI RESOURCE LIMITS

You can get SSI in all States, if we count the things you own, and they are worth less than the following:

Resource Limits	January 2016
Individual/Child	\$2,000
Couple	\$3,000

We do not count all of the things you own as a resource. For more information about resources, see our chapter on RESOURCES and the SSI Spotlight on Resources.



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BEFORE USING THIS CHART, SEE SSI FOR CHILDREN. IF THERE IS ANY DOUBT ABOUT WHETHER A CHILD IS ELIGIBLE, CONTACT US FOR HELP.

Gross monthly income BELOW the dollar amounts shown means a disabled child may be eligible for SSI benefits.				
Amounts given are general guidelines only.				
Number of ineligible children in household	All income is earned		All income is unearned	
	One parent in household	Two parents in household	One parent in household	Two parents in household
0	\$ 3,057	\$ 3,791	\$ 1,506	\$ 1,873
1	\$ 3,424	\$ 4,158	\$ 1,873	\$ 2,240
2	\$ 3,791	\$ 4,525	\$ 2,240	\$ 2,607
3	\$ 4,158	\$ 4,892	\$ 2,607	\$ 2,974
4	\$ 4,425	\$ 5,259	\$ 2,974	\$ 3,341
5	\$ 4,892	\$ 5,626	\$ 3,341	\$ 3,708
6	\$ 5,259	\$ 5,993	\$ 3,708	\$ 4,075

The Deeming Eligibility Chart for Children does not apply when:

- The parent(s) receives both earned income (for example, wages or net earnings from self-employment) and unearned income (for example, Social Security benefits, pensions, unemployment compensation, interest income, and State disability).
- The parent(s) receives a public income maintenance payment such as Temporary Assistance for Needy Families (TANF), or a needs-based pension from the Department of Veterans Affairs. See SSI AND ELIGIBILITY FOR OTHER GOVERNMENT AND STATE

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Disability Planner: Benefits For A Disabled Child

A child under age 18 may be disabled, but we don't need to consider the child's disability when deciding if he or she qualifies for benefits as your dependent. The child's benefits normally stop at age 18 unless he or she is a full-time student in an elementary or high school (benefits can continue until age 19) or is disabled.

For a child with a disability to receive benefits on your record after age 18, the following rules apply:

- The disabling impairment must have started before age 22, and;
- He or she must meet the definition of disability for adults.

Adults Disabled Before Age 22

An adult disabled before age 22 may be eligible for child's benefits if a parent is deceased or starts receiving retirement or disability benefits. We consider this a "child's" benefit because it is paid on a parent's Social Security earnings record.

The "adult child"—including an adopted child, or, in some cases, a stepchild, grandchild, or step grandchild—must be unmarried, age 18 or older, and have a disability that started before age 22.

Example: A worker starts collecting Social Security retirement benefits at age 62. He has a 38-year old son who has had cerebral palsy since birth. The son will start collecting a disabled "child's" benefit on his father's Social Security record.

What if the adult child never worked?

It is not necessary that the adult child ever worked. Benefits are paid based on the parent's earnings record.

What if the adult child is currently working?

An adult child must not have substantial earnings. The amount of earnings we consider "substantial" increases each year. In 2016, this means working and earning more than \$1,130 a month.

Certain expenses the adult child incurs in order to work may be excluded from these earnings. For more information about work and disability, refer to *Working While Disabled-How We Can Help* .

What if the adult child is already receiving SSI benefits?

An adult child already receiving SSI benefits should still check to see if benefits may be payable on a parent's earnings record. Higher benefits might be payable, and entitlement to Medicare may be possible.

What if the adult child is already receiving disability benefits on his or her own record?

An adult child already receiving disability benefits should still check to see if benefits may be payable on a parent's earnings record.

It is possible for an individual disabled since childhood to attain insured status on his or her own record and be entitled to higher benefits on a parent's record.

What if the parent never worked?

No benefits would be payable on the record of a parent who never worked.

Can an application be completed online for disabled adult child's benefits?

At this time you cannot apply for disabled adult child's benefits online. If you wish to file for benefits, contact Social Security immediately at **1-800-772-1213** to request an appointment. (If you are deaf or hard of hearing, call our TTY number **1-800-325-0778**.) If you delay, some potential benefits could be lost.

You can speed up the application process if you complete an Adult Disability Report and have it available at the time of your appointment.

How do we decide if an adult "child" is disabled for SSDI benefits?

If a child is age 18 or older, we will evaluate his or her disability the same way we would

evaluate the disability for any adult. We send the application to the Disability Determination Services in your state that completes the disability decision for us.

For detailed information about how we evaluate disability for adults, see *Disability Benefits* (Publication No. 05-10029).

What happens if the adult child gets married?

If he or she receives benefits as an adult disabled since childhood, the benefits generally end if he or she gets married. However, some marriages (for example, to another adult disabled child) are considered protected.

The rules vary depending on the situation. Contact a Social Security representative at **1-800-772-1213** (If you are deaf or hard of hearing, call TTY number **1-800-325-0778**) to find out if the benefits can continue.

Let's look at the other requirements:

- How Much Work Do You Need?
- What We Mean By "Disability"
- How We Decide If You Are Disabled
- Return to "Special Situations"

Related Information

[Apply For Disability Benefits \(Child Under Age 18\)](#)

[Family Benefits](#)

Publications

[Disability Benefits](#)

[SSI Child Disability Starter Kit \(for children under age 18\)](#)

[Adult Disability Starter Kit \(for children age 18 or older\)](#)

[Benefits For Children With Disabilities](#)

[Other disability publications](#)